

Minutes
Town of Kent Planning Board Meeting
April 11, 2019
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
Julie Mangarillo, Engineer Consultant
Bill Walters, Kent Building Inspector

- Mr. Tolmach introduced the newest member of the Planning Board, Mr. Nisim Sachakov.

- **Approve Planning Board Minutes from March 14, 2019**

Mr. Tolmach asked for a motion to approve the minutes from the March 14, 2019 meeting. The motion was made by Dennis Lowes and seconded by Stephen 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.

- **REALBUTO PROPERTY, 49 TIGER TRAIL, KENT, NY; TM: 21.8-1-39**

This matter was a Public Hearing, which was held over from the March meeting. Mr. John Karell represented the applicant. Mr. Karell received an email from the NYS Health Department stating that there is no issue with the mercury in the soil on this property. Mr. Karell asked if the Public Hearing could be closed. Ms. Axelson said that Mr. Barber and Ms. Mangarillo needed to review the material submitted and that the Public Hearing should be adjourned until the May meeting.

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

Mr. Paul Rowan, land surveyor, represented the applicant and Mr. Pidala also attended the meeting. Mr. Rowan explained that the applicant wanted to take three lots and make them into two lots. The lots are presently non-conforming in an R-80 zone and by adjusting the lot line they would be more compliant. Mr. Pidala, owner of two of the lots, wished to sell part of one of his lots to Mr. Kelleher. There is no construction planned, just a realignment of the land. Mr. Rowan received a memo earlier in the day but did not feel the comments were pertinent.

Ms. Axelson's Comments (memo attached dated April 10, 2019)

Ms. Axelson said that she would like responses to most of her comments. A Public Hearing was not required. This is a Type II action and no environmental review is necessary. She asked that notes be added to the map and she asked for a zoning table. A wetland delineation needed to be addressed. Ms. Axelson said that the Town Code requires that existing contours of 5' or less be shown, but a waiver of this requirement could be requested by the applicant. Ms. Axelson said that a table showing how the lots were changing and being enlarged needed to be submitted. Ms. Axelson suggested that this matter be held over until the May meeting when a new submittal would be made in response to comments from the consultants..

Mr. Pidala said that if this was going to be complicated he could rescind his request he needed to check with Mr. Kelleher to see if he wanted to continue this process.

- **RANERI PROPERTY, HILLSIDE PAPER RD., KENT, NY; TM: 44.24-1-3**

Mr. John Karell represented the applicant. Mr. Karell said there is nothing new on this matter. Attornies have been talking. Another email was sent stating that the soil was not an issue. Mr. Karell will send the email to the consultants.

Ms. Axelson's Comments (no memo attached)

Ms. Axelson said that this project was discussed at the workshop and the Planning Board attorney recommended that the issue of deeds and title search be resolved. No action recommended at this time.

- **O'MARA, LHASA COURT, KENT, NY; TM: 31.9-1-6**

Mr. Karell advised the Planning Board that the ZBA had granted a variance to the applicant amd that Ms. Mangarillo recommended this be placed on the administrative track.

Ms. Axelson's Comments (memo attached dated April 10, 2019)

Ms. Axelson said that a Public Hearing should be waived and that the project should be placed on the administrative track.

Ms. Mangarillo's Comments

Ms. Mangarillo advised the Planning Board that a driveway waiver had also been requested and that the Highway Superintendent, Rich Othmer, had sent an email stating that he had no objection to granting the driveway waiver with the condition that the applicant make modifications to the driveway as required by the Highway Superintendent. The Fire Department has not yet responded with their comments, but that would not prevent the project from being handled administratively. Ms. Mangarillo recommended granting the waiver subject to Fire Department approval. Ms. Mangarillo also recommended reaffirming the erosion control bond in the amount of \$28,150.00, the Public Hearing be waived that this project be put on the administrative track..

Mr. Tolmach asked for a motion to waive the Public Hearing, grant the driveway waiver pending Fire Department approval and that this matter be placed on the administrative track. 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. Tolmach asked for a motion to reaffirm the bond amount of \$28,150.00 for this property. The motion was made by Mr. Sisto 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.

• **BAILLARGEON PROPERTY, KENTVIEW DRIVE, KENT, NY; TM: 10.20-1-71**

Mr. John Karell represented the applicants who also attended the meeting. Mr. Karell said that he felt all comments had been addressed. The Highway Superintendent told Mr. Karell he had no objections to the driveway. The applicants accepted the erosion control bond amount of \$13,798.00. Mr. Karell requested that a Public Hearing be waived since the project was similar to the previous project and that this be placed on the administrative track.

Mr. Barber's Comments (memo attached)

Mr. Barber reminded the Planning Board that there was discussion at the last meeting subsequent to a site inspection conducted by Messrs. Barber, Walters and Ms. Mangarillo. It was discovered that some trees had been removed and exceeded the limits of disturbance. During the discussion there was a requirement made that the Planning Board have the erosion controls installed and augmented so the neighboring property would not be impacted while the site was open. To date no revised erosion control plans have been submitted. The property had been inspected earlier in the day and the silt fencing had fallen down and no additional measures had been taken. Mr. Tolmach asked if the bond would cover the trees which were removed. Mr. Barber said that the driveway tracking pad had been partially installed and extended. Mr. Barber advised the Planning Board that a few details regarding the planting plans and the bond need to be submitted. Mr. Barber said that the areas which were denuded outside of the limits of disturbance will need to be reestablished. Mr. Wilhelm asked Mr. Barber if there should be a public hearing held because of changes to the property and Mr. Barber said he felt it would be prudent to hold a Public Hearing. Mr. Barber said that Mr. Karell was advised that a sketch indicating erosion control measures to be installed and it had not been provided. There is a large pile of wood chips from the trees that were cut on the hill and erosion controls and two rows of silt fence were to have been to be installed up the hill perpendicular the grade and it's not been done. Mr. Barber said that the previously approved limits of disturbance had been exceeded and that any vegetation that was outside of the limits of disturbance is no longer on the site. Mr. Barber said that, if the Board feels it is appropriate to re-vegetate areas of disturbance, the bond amount may increase. The existing silt fencing is failing.

Ms. Axelson's Comments (memo attached)

Ms. Axelson was not recommending any action until the issues noted above are resolved. Mr. Karell responded that the trees had been cut under a building permit issued to the previous owner and the property was sparsely wooded. The bond has erosion control blanket, seed and mulch include along with the front yard plantings. Mr. Karell said that the silt fence would be put in within the next week and had not been done due to inclement weather.

Mr. Gattucci asked the applicant if there was a reason why they did not/had not put in the silt fencing. Mr. Brian Baillargeon said the trees were cut prior to their purchasing the property and they are willing to do whatever needs to be done to rectify the situation. The excavators are on the property and they need approvals before the contractor will move the chips. He said that this project has been going on for 2.5 months and he is very frustrated. Mr. Wilhelm stated that no permits or equipment are required to install silt fencing, as had been requested at the March meeting. Mr. Gattucci asked if the Board would grant permission to the applicant to use the machine to move the chips.

Mr. Walters Comments

Mr. Walters confirmed that the inspection conducted that day showed that the two rows of silt fencing still had not been installed. He stated that no equipment was needed to install the silt fencing, but that one would be needed to move the chips. Mr. Walters said the neighbor had been complaining about the water runoff onto his property.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the erosion control plan previously approved had expired. The existing NOI is still in the previous neighbor's name, but that's alright for now. With the machine on the property working on the tracking pad there is now disturbance with no erosion control permit, which is unacceptable.

Mr. Karell said that there is a row of silt fencing, but there is no evidence of infiltration and that the silt fencing would be done right away. Mr. Karell asked that the Public Hearing be scheduled for the May meeting. He suggested that the Public Hearing be opened and if everything was not in order it could be adjourned until the June meeting.

Mr/ Baillargeon said the reason a tracking pad was put in was to allow them to bring in a dump truck to move the chips and install the silt fence and they had planned on doing it the day of the meeting, but it was not done.

Ms. Axelson suggested that the Public Hearing be set for the May meeting with the condition that the sketch be submitted to the consultants immediately and that the erosion control measures be installed within a week.

Mr. Tolmach asked for a motion to schedule the Public Hearing for May if the conditions noted above are done and photographs need to be provided. 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

• **DISANZA PROPERTY, 181 LUDINGTONVILLE ROAD, KENT, NY; TM: 12.-3-63 & 64**

Mr. Karell said that the applicant had spread wood chips on the rear of his property that is in the wetland buffer and has a large pile of firewood in the wetlands. The wetlands were flagged and DEC agreed with the flagging.. A state wetland permit is required for this project Ms. McKeon, the DEC Wetlands agent, is going to meet with Mr. Karell next week.

Ms. Axelson's Comments (memo to be done)

There are two properties involved in this project and both are in wetlands. The smaller one has a house and several outbuildings. The larger one also has some buildings on it, but it doesn't have a principal use. The larger lot doesn't have enough area that is not environmentally sensitive land so it is not a buildable lot. She recommended that the lots be merged in order to make them be compliant. No actions were recommended at the meeting.

Mr. Barber's Comments (memo attached)

Mr. Barber confirmed that in February there was a site inspection. An erosion control Plan needs to be submitted. There is a protected trout stream along the property and a state wetland permit is required. A Town of Kent wetland permit is also necessary. The NRSCS survey shows that there area flood plain soils in this area. The site is in a flood hazard area. The wetlands need to be delineated. The applicant submitted a mitigation plan and needs to be adjust3ed. There is a need to check out the fill on the property. There are also buildings in the wetland buffer and there is a need to check to see if CO's were issued. The application is incomplete at this time.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo stated that an erosion control permit was required and coverage under the DEC general permit is necessary. It is also in a flood way as well as a flood plain. The wood chips need to be removed and any buildings need to be anchored. Additional survey information is required.

• **PUTNAM NURSING & REHABILITATION CENTER, 404 LUDINGTONVILLE ROAD.,
HOLMES, NY; TM: 12.-3-40 & 41**

Mr. David Schlosser and Mr. David Getz represented the applicants for this project. The nursing home has 160 beds and 159 thousand square feet with 63 parking spaces. There are two parcels – one where the building is situated (7 acres) and the second is undeveloped (3,5 acres). In the R-80 zone. The DEP sent a letter which has been submitted to the Planning Board that they are not taking jurisdiction. DEC has visited the site – wetlands and the buffer has been flagged. The two-story expansion is going to be in the parking area so the wetland buffer will not be disturbed. A new entrance, canopy and a new drop-off area will be constructed. The expansion will include an additional 30 rooms, more services, activity and facility space, and will reduce the number of double occupancy rooms. The capacity and use of the facility is not changing.. This expansion of the nursing home is being done in response to new Board of Health regulations. New revised plans were submitted which addressed previous comments from the consultants. The property to the south has changed. The property may not be merged due to financial complications. The alternative was to cre4ate an access easement, as suggested by Ms. Axelson. The parking has expanded to 83 parking spaces. The access route around the facility was expanded to allow emergency vehicles access. A new EAF was submitted and most of the comments have been addressed. New lighting, landscaping and site signage is yet to be submitted. Mr. Schlosser hopes to move this project forward.

Ms. Axelson's Comments (memo to be done)

Ms. Axelson asked for clarification about the capacity and Mr. Schlosser said the number of beds will not be increased – there will just be more single rooms. Private and semi-private rooms which share a bathroom is the only change. Ms. Axelson reviewed the plans and marked up a memo and wants to hold off on taking any action until the Town Board makes their decision regarding Zoning. She suggested that the applicants meet with the Town Board. She reiterated that this type of use does belong in the R-80 zone. There was some concern about the dumpster and Ms. Axelson said that it needs to be moved to the lot where the building is.

Mr. Schlosser said that he would attend the next Town Board meeting, but would like to ask the Planning Board to allow this project to move forward and continue with their review of the plans. Ms. Axelson asked for a letter from the applicant authorizing her to continue her review of the plans.

Mr. Walters said that the changes to the driveway were really good and asked if Mr. Fleming has reviewed the plans. The applicant needs to contact the Fire Department and Mr. Fleming to get their advice.

- **ROUTE 52, DEVELOPMENT/PEDER SCOTT PROJECT, RTE. 52, KENT, NY;**
TM: 12.-1-52

Mr. Michael Caruso and Mr. Peder Scott represented the applicant. Mr. Scott said that they would like to initiate SEQRA actions. Mr. Caruso said that he would like to discuss some issues the Board raised about alternative uses – such as a car wash. Mr. Caruso said he had addressed the concerns about equipment on the site and would identify the machines, put fencing around it and explain why it was there. The erosion control permit needed to be closed out. The property would be seeded and mulched right away. The trees which fell due to the tornado would be left alone at this time. A charging area was proposed for the main plaza. A car wash facility was discussed with the owner and he proposed to amend the area where the truck stop was to include an area for gas service for vehicles as well as a car wash and a truck fueling area. There was some discussion about storage tanks for heating and other components on the property and a propane tank would be installed for each building and the applicant is open to solar energy.

Ms. Mangarillo's Comments

The permit was never issued, so the new owner needs to apply for one. The bond was never posted. The unauthorized work done on the property needed to be stabilized.

Ms. Axelson's Comments

Ms. Axelson said that she would like to discuss these matters when the scoping document was completed. A draft Resolution was prepared for the meeting but the recommendation was made to do a SEQRA Positive Declaration requiring an Environmental Impact Statement (EIS) based on Parts 2 and 3 submitted several months ago and to circulate the draft scoping outline to outside agencies by April 16, 2019. The Scoping Outline would be discussed at the May 2, 2019 workshop, and at the May 9, 2019 meeting. A special meeting would be held for the public on Thursday, May 23, 2019 at 7:30 and a notice would be published in the local newspaper and on the website.

Mr. Tolmach asked for a motion to adopt the Resolution prepared by Ms. Axelson. 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

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

- | | | |
|-----------------------|------------------------|---------------|
| • Kent Materials | Request to Reduce Bond | Status Report |
| NYS Rte. 52, Kent, NY | | |
| TM: 12.-1-44 | | |

The owner of this property requested a stabilization inspection when they closed their mining operation in December, but due to the weather, the inspection was not done. An inspection was recently done and there were some concerns about material escaping into the DEC wetlands area and a violation was issued by Mr. Walters. One of the banks of the sediment basin is also failing. The infiltration basin is holding water too long

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|--------------------------|---|---------------|
| • P & G Farm Corp. | Request to Release Erosion Control Bond | Status Report |
| 29 Schrade Rd., Kent, NY | | |
| TM: 11.-2-44.2 | | |

We are waiting for the applicant to complete their project.

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|----------------------|-------------------|---------------|
| • Patterson Crossing | Blasting Pamphlet | Status Report |
| Route 311, Kent, NY | | |
| TM: 22.-2-48 | | |

The applicant and the consultants are still working through conditions of approval. Agreements were prepared in 2015, but were never signed by the Town Supervisor because the bond was not submitted. The phases and dates are now not relevant so the agreements need to be reviewed by our attorney to be updated.

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| <ul style="list-style-type: none"> • Dogward Bound
461 Richardsville Road, Kent, NY
TM: 30.12-1-1 | Erosion Control Plan/
Public Hearing/
Site Plan/Accept Bond | Status Report |
|--|---|---------------|

Waiting for a re-submittal.

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| <ul style="list-style-type: none"> • Zucker Property
12 Woodchuck Ct., Kent, NY
TM: 21.19-1-5 | Erosion Control Plan/
Wetland Permit | Status Report |
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Waiting for a re-submittal.

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|---|---------------------------|---------------|
| <ul style="list-style-type: none"> • Kent Self Storage
Rte. 311, Kent, NY
TM: 22.-2-17 | Site Plan/Erosion Control | Status Report |
|---|---------------------------|---------------|

Waiting for a re-submittal.

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| <ul style="list-style-type: none"> • Wagner Millworks
Long Mountain Rd., Kent, NY
TM: 8.1-2 | Logging Operation | Status Report |
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The logging operation should be completed soon. Mr. Walters asked the Planning Board asked for further direction regarding renewing their permit for next year if they want to continue with the operation.

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| <ul style="list-style-type: none"> • Fregosi Property
Kentview Dr., Kent, NY
TM: 10.20-1-69 | Erosion Control Plan | Status Report |
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Waiting for a re-submittal.

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| <ul style="list-style-type: none"> • Fregosi/Marinelli Property
Miller Hill Road, Kent, NY
TM: 10.-1-17 | Erosion Control Plan | Status Report |
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Waiting for a re-submittal.

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| <ul style="list-style-type: none"> • Bourgeois Property
100 Lakeshore Dr., Kent, NY
TM: 33.58-1-9 | Erosion Control Plan | Status Report |
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Awaiting a re-submittal.

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| <ul style="list-style-type: none"> • Gierer (Cargain) Property
43 Marie Rd., Kent, NY
TM: 22.-1-42 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Awaiting a re-submittal.

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| • Cabrera Property
126 Hortontown Rd., Kent, NY
TM: 19.-1-35 | Erosion Control Plan | Status Report |
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Nothing new has been submitted.

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| • Boccia Property
Beach Court, Kent, NY
TM: 21.-1-16 | Erosion Control Plan/
Wetland Permit | Status Report |
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The applicant notified the Planning Board that they no longer wish to continue with this project and will send a letter to that effect.

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| • Rodriguez/Olson
104 Smalley Corner Road, Kent, NY
TM: 21.-1-10 | Subdivision | Status Report |
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A submittal will be delivered for the May meeting.

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| • Von Rosenvinge Property
451 Pudding St., Kent, NY
TM: 31.17-1-7 | Erosion Control Plan
for an In-Ground Swimming Pool | Status Report |
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Nothing new had been submitted.

Mr. Tolmach asked for a motion to close the meeting at 8:45 PM. The motion was made by Mr Lowes and seconded by Mr. Sachakov. The roll call votes were as follows:

Phillip Tolmach, Chairman	Aye _____
Simon Carey	Aye _____
Giancarlo Gattucci	Aye _____
Dennis Lowes	Aye _____
Nissim Sachakov	Aye _____
Charles Sisto	Aye _____
Stephen Wilhelm	Aye _____

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

APRIL 2019

KENT PLANNING BOARD AGENDA

Workshop: April 04, 2019 (Thursday, 7:30 PM)

Meeting: April 11, 2019 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from March 2019
- Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 Erosion Control Plan/Bond
Public Hearing Continued Review
- Kelleher/Pidala Property
5 Westwood Dr., Kent, NY
TM: 19.12-1-21, 22, 23 Lot Line Adjustment Review
- Raneri Property
Hillside Paper Rd., Kent, NY
TM: 44.24-1-3 Erosion Control Plan/
Soil Test Review
- O'Mara
Lhasa Ct., Kent, NY
TM: 31.9-1-6 Erosion Control Plan Review
- Baillargeon Property
Kentview Dr., Kent, NY
TM: 10.20-1-71 Erosion Control Plan/
Wetland Permit Review
- DiSanza Property
381 Ludingtonville Rd., Holmes, NY
TM: 12.-3-63 & 64 Erosion Control Plan/ Review
- Putnam Nursing &
Rehabilitation Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41 Erosion Control/Site Plan/
Wetland Permit Review
- Route 52 Development/
Peder Scott Project
Route 52, Kent, NY
TM: 12.-1-52 SEQRA Review

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

- Kent Materials Request to Reduce Bond Status Report
NYS Rte. 52, Kent, NY
TM: 12.-1-44

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• P & G Farm Corp. 29 Schrade Rd., Kent, NY TM: 11.-2-44.2	Request to Release Erosion Control Bond	Status Report
• Patterson Crossing Route 311, Kent, NY TM: 22.-2-48	Blasting Pamphlet	Status Report
• Dogward Bound 461 Richardsville Road, Kent, NY TM: 30.12-1-1	Erosion Control Plan/ Public Hearing/ Site Plan/Accept Bond	Status Report
• Zucker Property 12 Woodchuck Ct., Kent, NY TM: 21.19-1-5	Erosion Control Plan/ Wetland Permit	Status Report
• Kent Self Storage Rte. 311, Kent, NY TM: 22.-2-17	Site Plan/Erosion Control	Status Report
• Wagner Millworks Longmountain Rd., Kent, NY TM: 8.1-2	Logging Operation	Status Report
• Fregosi Property Kentview Dr., Kent, NY TM: 10.20-1-69	Erosion Control Plan	Status Report
• Fregosi/Marinelli Property Miller Hill Road, Kent, NY TM: 10.-1-17	Erosion Control Plan	Status Report
• Bourgeois Property 100 Lakeshore Dr., Kent, NY TM: 33.58-1-9	Erosion Control Plan	Status Report
• Gierer (Cargain) Property 43 Marie Road, Kent, NY 10512 TM: 22.-1-42	Erosion Control Plan	Status Report
• Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35	Erosion Control Plan	Status Report
• Boccia Property Beach Court, Kent, NY TM: 21.-1-16	Erosion Control Plan/ Wetland Permit	Status Report
• Rodriguez/Olson 104 Smalley Corner Road, Kent, NY TM: 21.-1-10	Subdivision (Submittal rec'd for May)	Status Report
• Von Rosenvinge Property 451 Pudding St., Kent, NY TM: 31.17-1-7	Erosion Control Plan for In-Ground Swimming Pool	Status Report



Cornerstone Associates

Environmental Planning Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

April 11, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: DiSanza Application
381 Ludingtonville Road
Section 12 Block 3 Lots 63, 64

Please be advised I have reviewed the following documents submitted relative to the above referenced application:

- Town of Kent Planning Board Combined Application dated March 1, 2019 (unsigned).
- Short-form EAF (Part I) dated March 3, 2019 (unsigned).
- Letter executed by Ted Kozlowski dated February 27, 2019
- Plan entitled; "Robert A. DiSanza" prepared by John Karell, Jr., PE dated March 21, 2019.

Summary:

Application is to "mitigate wetland violation for placing wood chips and firewood within the wetland and wetland setbacks".

The subject site is indicated as 4.52 acres in size. The total area of disturbance is 0.5 acres.

Review:

General: Please provide complete application materials and execute all documents where indicated.
Please indicate on the application that an erosion and sediment control permit is required and provide all required documents and information.

Site Inspection: A site inspection was conducted on February 5, 2019 with the applicant, the Town Building Inspector, Town Engineer and the undersigned present. Inspection revealed wood chips had been installed as fill and firewood/stumps had been stockpiled in wetland and wetland buffer areas. The Building Inspector issued an order to remedy.

Wetlands:

Review of available materials indicates the following:

Stump Pond Stream is located on the western property border. This is a NYSDEC Class C(T) stream which is a protected stream. This stream along with the 100' buffer from the stream is also regulated by the Town of Kent.

The on-site wetland is listed as NYSDEC wetland LC-6 which is a Class 2 wetlands of approximately 204 acres in size. This wetland and the associated 100' buffer from the edge of the wetlands is also regulated by the Town of Kent.

The Army Corps of Engineers may regulate both the stream as well as the wetland areas.

Additional areas of wetlands, watercourses and waterbodies may be regulated by the Town of Kent. Based on the NRCS Putnam and Westchester County Soil Survey, the visible fill is located in areas of Fredon and Fluvaquent soil types which are listed as wetland soils in Chapter 39A of the town code.

Flood Plain:

A Special Flood Hazard Area is located on the site which includes a floodway as well as a flood plain (AE) area. Chapter 39 of the Town of Kent Town Code regulates activities within flood hazard areas.

Wetland Delineation: The applicant has provided wetland delineation which at this time is incomplete. It does not appear that this delineation was conducted in accordance with the requirements (Atypical Situations, Section F-71a) of the Army Corps of Engineers Wetland Delineation Manual (Wetlands Research Program Technical Manual Y-87-1, 1987) and the Regional North Central and Northeast Supplement (Version 2.0, January 2012). These requirements provide an acceptable methodology that can be used to determine the location of wetlands on disturbed (filled) sites. Upon completion, this office will verify the onsite wetlands, watercourses and waterbodies jurisdictional to the Town of Kent.

The NYSDEC Region 3 office (New Paltz, NY) should be contacted so that a wetland biologist can inspect the site, determine jurisdictional boundaries and make recommendations regarding permitting requirements.

Mitigation: The applicant is recommending removing the firewood/log piles, keeping the wood chips in place and planting the area with seedlings.

Chapter 39 of the Town of Kent Town Code prohibits fill within designated floodway areas.

Mitigation cannot be recommended until a functional analysis of the impacted wetland and wetland buffers has been analyzed. Once the functional values are determined, the mitigation should be designed to restore or replicate those functions.

There is concern regarding the impacts of this organic material on stream water quality parameters and impacts on the trout habitat.

It is unclear if the proposed seedlings would survive and grow if planted in the completely organic material (wood chips).

Additional: The site is identified within an area of potential rare plants and rare animals. Further information is required from the NYSDEC Natural Heritage Program.

Further testing or examination of the area(s) of fill may be required as it has not been field verified that solely wood chips were installed.

Confirm all buildings on site obtained appropriate approvals/certificates of occupancy as required. All improvements are shown, at least in part, in wetland/wetland buffer areas.

Recommendations: The application is incomplete. The following is recommended:

- Applicant is to contact NYSDEC schedule a site inspection with a wetland biologist.
- Present a plan to conduct the delineation in accordance with all regulatory parties.
- Confirm the type of fill installed on the site.
- Complete the delineation and survey locate the wetland and wetland boundaries for all jurisdictional agencies.
- Survey locate existing elevations of fill material as well as floodway and floodplain areas and elevations.
- Provide original elevations/topography prior to filling.
- Prepare a plan and narrative which depicts and quantifies all wetland and wetland buffer impacts.
- Prepare a complete wetland functional analysis based on an accepted methodology (e.g. Hollands-Magee).
- Develop detailed mitigation plan based on functional analysis and all regulatory requirements.

Upon obtaining all required permits, complete approved mitigation plan.

Please note that the above recommendations may require revision or modification based on information received.

This office defers to the Planning Board Engineer regarding flood plain and erosion and sediment control review.

This office defers to the Town Consulting Planner regarding zoning review.

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

Sincerely,

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

Bruce Barber, PWS, Registered Soil Scientist
Town of Kent Environmental Consultant



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

April 11, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Baillargeon Application
Kentview Drive
Section 10.20 Block 1 Lot 71

Please be advised I have reviewed the following documents submitted relative to the above referenced application:

- Comment response letter executed by John Karell, Jr., PE dated March 21, 2019.
- Plans entitled; "Brian and Jennifer Baillargeon Residence" prepared by John Karell, Jr, PE dated March 16, 2019 (rev.), 5 sheets: S-1, S-2, S-3, D-1., EC-1
- Revised short-form EAF (Part I) executed by Jennifer Baillargeon dated March 15, 2019.

Summary:

Application is to construct a single-family residence with well, septic and driveway on a 0.9+/- acre parcel in an R-80 zoning district. The site was previously approved for construction of a single family home under the name of the former owner (Arell). Since that approval was granted it has been reported that trees were cut on the site. The applicant has indicated that erosion and sediment controls will be installed on the site in compliance with requirements indicated by their engineer. A site inspection will be conducted to confirm that the erosion controls have been installed and that the trees which were cut were all located within the approved limits of disturbance.

The current applicant is requesting approval with modification to the original location of the driveway and some drainage and planting modifications.

Review:

Plans: Sheet S-1: Please provide executed PCDOH approval blocks.
Provide planting key which indicates the species of plant, container type (e.g. ball and burlap, bare root, etc.), size of plant and spacing.

Erosion Control: The planting bond estimate of \$1,000 is low. This should also be a separate bond and be held for a three year period following granting of the certificate of occupancy.

This office defers to the Planning Board Engineer regarding site and drainage design.

Sincerely,

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Bruce Barber, PWS, Cert. Ecologist
Town of Kent Environmental Consultant



Cornerstone Associates

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Yorktown Heights, NY 10598
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April 11, 2019

To: Planning Board

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Re: Baillargeon Application
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- Revised short-form EAF (Part I) executed by Jennifer Baillargeon dated March 15, 2019.

Summary:

Application is to construct a single-family residence with well, septic and driveway on a 0.9+/- acre parcel in an R-80 zoning district. The site was previously approved for construction of a single family home under the name of the former owner (Arell). Since that approval was granted it has been reported that trees were cut on the site. The applicant has indicated that erosion and sediment controls will be installed on the site in compliance with requirements indicated by their engineer. A site inspection will be conducted to confirm that the erosion controls have been installed and that the trees which were cut were all located within the approved limits of disturbance.

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Bruce Barber, PWS, Cert. Ecologist
Town of Kent Environmental Consultant



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: April 10, 2019
RE: Kelleher & Pidala Lot Line Revision, 5 Westwood Drive, Tax Parcel No. 19.12-1-21; 22; & 23
/ CPL# 14973.00-00011

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 66A Subdivision of Land; and 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal involves the revision of lot lines between 3 undersized lots to create 2 resulting lots, such that each of the 2 lots will have an existing single-family dwelling and other existing improvements. The 3 existing lots are approximately 0.79; 0.79; and 0.68 acres respectively (see tax parcels listed above), which are noncomplying in required area per lot as they are located in the R-80 (Residential) zoning district. While the resulting 2 lots, ~1.46 and ~1.01 acres, respectively, will still be noncomplying, both lots will be more in compliance with the minimum lot requirement in the R-80 zone.
2. My review is limited to the Subdivision of Land; and Zoning requirements comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.
3. I note that a request for Wetland Delineation was submitted.

SEQRA/EAF

4. My copy of the submittal did not include a Short EAF, which is required per 66A-17. C..
5. However, the proposal appears to be a Type 2 action under the SEQRA and requires no further review under SEQRA.

Revised Lot Line; and Zoning Requirements

6. Provide a table listing:
 - a. the existing lots and their corresponding areas in square feet (SF) and acres;
 - b. the areas to be conveyed; and
 - c. the resulting lot areas.
7. Clarify the proposed and resulting lot lines. Bolder lines are suggested.
8. Delete the outer boundary of adjacent lot 19.12-1-20, as this lot is not part of the proposed lot line revision.
9. Show existing septic systems on the resulting lots.
10. Show existing contours with intervals of five feet (5') or less.
11. Add a site data table with any school, fire or special districts.

12. Since the proposed lots will be corner and/or through lots, label the front lot lines and other lines as follows:
 - a. Proposed lot 21 (southern lot) will have 3 front yards with 1 on Old Forge Drive; and 2 on the two Westwood Drive frontages. The other proposed lot 21 lot lines along adjacent lot 20; and the northern line next to proposed lot 22 would be side yards with no rear yard.
 - b. Proposed lot 22 has 3 front yards with: 1 on Old Forge Drive; 1 on Route 301; and 1 on Westwood Drive. The other lot line next to proposed lot 21 would be a side yard with no rear yard.
 - c. Refer to definitions in Zoning; and confer with the Building Department as needed.
13. Revise the lot line realignment plan to add a zoning table of lot and bulk requirements to the plat corresponding to the R-80 district as per zoning section 77-8, A. through G. The zoning table should also address the following:
 - d. Show existing and proposed conditions for each of the 3 existing and 2 proposed lots.
 - e. Add notation to the zoning table to describe existing and resulting noncomplying conditions; and to note any variances required.
14. Regarding the R-80 Design Standards, add a note to the plans to state that utilities shall, unless unfeasible, be placed underground.
15. Show all existing driveways to the existing residences for each lot; label their surfaces and widths.
16. Label the surface of what appears to be an extra, undeveloped access on existing lot 23. Aerial photography shows that it may cross the northwestern corner of adjacent lot 20. Clarify the following:
 - f. What is the current use of this access?
 - g. Label the surface, which appears to be dirt or gravel.
 - h. Show any proposed changes to remedy where the access may be an encroachment onto adjacent lot 23.
17. Submit proposed deeds of conveyance for review by the Planning Board attorney as per the subdivision regulations section 66A-10 F. and 66A-17. Please refer to 66A-17, D. (5) and (6) regarding the proposed deeds.
18. A copy of the Planning Board action on this application must be filed by the Planning Board with the Town Clerk as per section 66A-10 G.
19. The survey map and deeds must be filed in the office of the Putnam County Clerk within 62 days from the date of the Planning Board Chairman's signature as per section 66A-10. H.

Recommendation

20. The Planning Board should direct the applicant to:
 - a. address the comments above; and
 - b. provide additional information for a more complete application.
21. 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.

Materials Reviewed

- Application for lot line change, with site plan checklist signed 3/21/19; request for wetland delineation; and attached deed information; and
- Plan prepared by Paul Rowan LS, entitled Survey for Lot Line Realignment 1 & 5 Westwood Drive, dated February 13, 2019.



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan
Wetland Permit

Date: April 10, 2019

Project: DiSanza - 381 Ludingtonville Rd
TM # 12.-3-63 & 64

The following materials were reviewed:

- Combined application form dated 3/1/2019, unsigned, including:
 - Agricultural Data Statement, Site Plan Checklist, Agent of owner's affidavit, Certification of Professional Engineer,
 - Owner's affidavit, incomplete, and Disclosure of Business Interest, incomplete.
- Wetland Delineation & Report prepared by Ted Kozlowski, dated February 27, 2019
- Short Environmental Assessment Form (EAF), Dated 3/4/2019, unsigned
- Drawing "Site Plan" prepared by John Karell, Jr., P.E., dated March 21, 2019
- Portion of older survey, with no discernible reference to preparation.

The project is to address an order to remedy for wetland violation and violation of erosion control for filling wetland & buffer with woodchips. Applicant will need to obtain permits for wetland disturbance and erosion control in order to correct the situation.

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

1. A wetland disturbance permit is required, therefore an erosion control permit is required. Additionally, more than 100 cubic yards of fill (woodchips) have been brought in, which also requires an erosion control permit.
2. The proposed project is within the NYCDEP East of Hudson watershed. Based upon the drawings provided, it is difficult to determine the extent of disturbance. It is likely greater than 5,000 SF. A Town of Kent Erosion & Sediment Control Permit is required. Coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is anticipated.
3. This property is located along Stump Pond Stream. Based on FEMA flood mapping, the woodchips are in both the Special Flood Hazard Area Zone AE (100 year flood plain) and the Regulatory Floodway. The FEMA flood maps are based on aerial photo mapping. Provide additional survey and elevations consistent with FEMA elevation references to determine the boundary of the flood way and special flood hazard area relative to the wood chips.

- a. Per Town Code Chapter 39-15 "Floodways" – "Located within areas of special flood hazard are areas designated as floodways...The floodway is an **extremely hazardous area due to the high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces**. When floodway data is available for a particular site...**all encroachments, including fill**, new construction, substantial improvements and other development **are prohibited within the limits of the floodway** unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge." (emphasis added)
 - b. The woodchips pose a particular hazard as they can be swept away in flooding and contribute to blockages downstream, causing additional flooding.
 - c. Consultation with the Building Inspector will be required for the flood development permit. Our recommendation is at a minimum, any fill/woodchips within the floodway be removed to restore flow volume.
4. Provide revised Application with request for erosion control permit. Provide missing information and signatures on application and affidavits. Provide a copy of the deed per #14 of the application form.
5. For the erosion control permit, provide the following information as required by Town Code Chapter 66-6.B.2:
- a. §66-6.B.2.a – Provide "the location of the proposed area of disturbance and its relationship to property lines, easements, buildings, roads, walls and wetlands, if any, within 50 feet of the boundaries of said area."
 - i. **An area of disturbance is not shown on the drawing. Provide a line representing area of woodchip fill.**
 - b. §66-6.B.2.b – Provide "existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet beyond the limits of the proposed area of disturbance, or greater than 50 feet if determined necessary by the Planning Board Engineer..."
 - c. §66-6.B.2.c – Provide "proposed final contours at a maximum contour interval of two feet, locations of proposed structures, underground improvements, proposed surface materials or treatment, and dimensional details of proposed erosion and sediment facilities, as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversion and other similar structures."
 - d. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map."
 - e. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control

measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"

- i. [1] Describe or depict the temporary and/or permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project, from land clearing to the finished stage.
 - ii. [2] Delineate the area of the site that will be disturbed and shall include a calculation of the acreage or square footage so disturbed.
 - iii. [3] Include a map drawn at a scale of not less than one inch equals 40 feet showing the location of erosion and sediment control measures, swales, grassed waterways, diversions and other similar structures.
 - iv. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions and other similar structures.
 - v. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 - vi. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
 - vii. [7] Provide a maintenance schedule for erosion control measures.
6. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
7. It is anticipated that coverage will be required under GP-0-15-002. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
- a. Part III.B.1.a – "Background information about the scope of the project, including the location, type and size of project;"
 - b. Part III.B.1.b – "A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s), floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the construction activity; existing and final contours; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharge(s);"
 - c. Part III.B.1.c – "A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);"
 - d. Part III.B.1.d – "A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and

grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;"

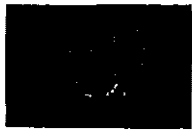
- e. Part III.B.1.e – "A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;"
- f. Part III.B.1.f – "A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;"
- g. Part III.B.1.g – "A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;"
- h. Part III.B.1.h – "The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;"
- i. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;"
- j. 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;"
- k. Part III.B.1.k – "A description and location of any stormwater discharges associated with industrial activity other than construction at the site, including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site; and"
- l. Part III.B.1.l – "Identification of any elements of the design that are not in conformance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards."
- m. The Applicant and Applicant's design professional are expected to be familiar with the provisions of the newly issued NYSDEC GP-0-15-002, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.

- n. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
 - o. Please note – With issuance of 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). Provide a note on the drawing with this requirement.
- 8. Provide a Notice of Intent (NOI) for review.
 - 9. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
 - 10. Refer to the Drawings:
 - a. Provide revised survey with woodchip area, 100 year flood plain and flood way delineated. Provide an area calculation of woodchips within the flood way, 100 year flood plain, wetland and wetland adjacent area.
 - b. The woodchips were spread up to an existing fence. Show the location of that fence on the survey for reference.
 - 11. We defer to the Planning Board's environmental consultant regarding wetland issues.
 - 12. We defer to the Planning Board's planning consultant regarding planning and zoning issues.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
19-261-999-165

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

Date: April 10, 2019

Project: O'Mara Realty Lhasa Ave
TM # 31.9-1-6

The following materials were reviewed:

- Response letter prepared by John Karell, Jr., P.E., dated March 15, 2019
- Short Environmental Assessment Form (EAF), signed March 16, 2019
-
- Erosion control bond estimate prepared by John Karell, Jr., P.E., dated February 24, 2019
- Drawing "Erosion Control Plan" EC-1 and EC-2, prepared by John Karell, Jr., P.E., last revised March 19, 2019
- Letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019

The project proposes construction of a single family house. According to the Combined Application Form, the parcel received variance from the ZBA. Information provided indicates the lot has Putnam County Department of Health approval for well and septic, issued in 2008, which would now be expired.

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

This project has been before the Planning Board at various times since 2004. Most recently, at the December 8, 2016 Planning Board meeting, the Planning Board granted driveway waivers, waived public hearing, approved the bond amount and sent to project to 'administrative track.'

The following comments are provided for the Planning Board's consideration from a comment memo dated June 8, 2016:

3. The Combined Application Form indicates an area variance has been granted. When was the area variance granted? If more than 12 months ago, a new variance will have to be granted by the ZBA.
 - a. 11/10/2016 – It is our understanding this project is currently before the ZBA.
 - b. 4/10/2019 – It is our understanding the project received re-newed approvals from the ZBA. – Item complete.


6. Any extension of or turnaround for Lhasa Avenue will have to meet current NYS Fire Code standards.
 - a. 12/8/2016 - It is our understanding the project drawings have been sent to the fire department.
 - b. 3/13/2019 – The applicant's engineer indicates the Fire Department may have reviewed the project. We do not have a record of the Fire Department signing off. We recommend the project drawings be circulated to the Fire Department for review and comment.
 - c. 4/10/2019 – Waiting to receive comments from the Fire Department.
7. Provide current Department of Health approvals.
 - a. 12/8/2016 - In process.
 - b. 3/13/2019 – Provide current Department of Health approvals.

The following comments are provided for the Planning Board's consideration from a comment memo dated November 10, 2016:

3. Refer to the Drawing "Erosion Control Plan":
 - b. Per Town Code Chapter 57, §57-26.A(2)(a): "Finished grades for all parts of any proposed driveway shall not exceed 10% and shall not be less than 1 ½% nor exceed 5% within 30 feet of the intersection of the driveway with the Town road...The slope shall not exceed 3% within 30 feet of a garage or parking pad."
 - i. The proposed driveway is shown as 15%. A waiver from the Planning Board will be required to exceed 10%, with input from Town Highway Superintendent and Fire Department.
 - ii. The proposed driveway is shown as greater than 5% within 30 feet of the Town road. Adjust the driveway grading or request a waiver from the Planning Board.
 - iii. 12/8/2016 – We have no objection to the granting of the requested driveway waivers.
 - iv. 3/13/2019 – We have no objection to the granting of the requested waivers. The drawings are to be circulated to the Fire Department and Highway Department.
 - v. 4/10/2019 – Drawings were circulated to Highway Department and Fire Department.
5. Assuming the ZBA grants the requested variances, we recommend the public hearing be waived per §66-6.F as this project would be subject to a public hearing during the ZBA approval process.
 - a. 4/10/2019 It is our understanding that the ZBA conducted a public hearing.
6. 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.

New Comments 4/10/2019:

1. Per letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway Superintendent."
2. Based upon the information provided, we recommend the following:
 - a. Re-affirm the driveway waivers, subject to no objection by the Fire Department,
 - b. Re-affirm the erosion control bond amount of \$28,150.00,
 - c. Re-affirm waiver for the public hearing,
 - d. Return the project to Administrative Track.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
04-261-999-81

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

Date: April 10, 2019

Project: Baillargeon ECP – Kentview Drive
TM # 10.20-1-71
Formerly Arell

The following materials were reviewed:

- Response letter prepared by John Karell, Jr., P.E., dated March 21, 2019
- Short Environmental Assessment Form (EAF) signed 3/15/2019
- "Baillargeon Calcs" regarding storm piping
- Erosion Control Cost Estimate, prepared by John Karell, Jr., P.E., dated March 16, 2019
- Drawings prepared by John Karell, Jr., P.E., including
 - o S-1 Site Plan, revised 3/16/2019
 - o S-2 Erosion Control, Steep Slope Plan, Sight Line Plan, revised 3/16/2019
 - o S-3 Sight Line Profiles, revised 3/16/2019
 - o D-1 Details, revised 3/16/2019
 - o EC-1 Erosion Control & Steep Slope Details/Notes, dated 3/16/2019
- Architectural house plans prepared by Home Plans, dated 8/20/2018, with Health Dept stamp, 2/21/2019

The project proposes construction of a single family house, driveway, septic and well. Construction on this lot previously received approval in January 2018, which has since expired. The lot has been purchased by a new owner with different proposed house and driveway layout. Some changes were made to the proposed development, adding screening and landscaping, after a review meeting on February 28, 2019.

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 March 13, 2019:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
 - a. Coverage under GP-0-15-002 was granted by NYS DEC under the previous owner, Arell. An updated Notice of Intent (NOI) has been provided for the new owner, Baillargeon. After the new owner submits the new NOI to NYSDEC, then, the previous owner, Arell, will have to submit a Notice of Termination. Refer to GP-0-15-002 Part II, E.
2. Refer to the drawings:
 - c. Restore the "significant trees" table to drawing S-1.

- i. Tree #2 still shown in the front yard to be saved/protected. It is our understanding this tree has already been removed.
 - e. On S-1 and S-2, refer to the notes above the title block in lower left corner. Add "trench drain" in addition to yard drains and level spreader as items that need to be inspected and cleaned.
 - i. On drawing S-2, "trench drain" has not been added the note.
7. We recommend the revised plans be circulated to the Highway Superintendent for review and approval.
- a. Per the response letter, "The highway superintendent approved this project previously." Since the Highway SuperIntendent's previous review, the proposed location of the driveway, and curb cut, have changed. Input regarding the revised project has been requested from the Highway Superintendent.
 - b. Via email discussion with the Highway SuperIntendent regarding the new driveway layout, provide a note on the drawing that states any water issues with the garage are not the responsibility of the Town of Kent nor the Highway Department.
 - c. Per letter from Richard Othmer, Jr, Highway SuperIntendent, dated April 1, 2019, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway SuperIntendent."
8. 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. – Noted.

New Comments:

1. Based on current conditions of additional runoff creating ponding issues for downhill neighbor as well as discussions at the March Planning Board meeting, provide additional temporary ESC measures between area of disturbance and downhill property line on the plans and at the site.
2. Regarding the storm drainage piping calculations, the design storm selected is a 25-year storm, which is standard. The new homeowner should consider using a larger pipe size to convey larger storms and to minimize potential pipe clogging. Additionally, the calculated flow in the pipe between YD #1 and YD#2 is at capacity. Increasing the pipe size will provide a safety factor.
3. A revised bond estimate of \$13,798.00 was prepared by Jack Karell, P.E., dated March 16, 2019. As a reminder, the approved bond amount for Arell, the previous owner, was \$12,890.00. We recommend \$13,798.00 be accepted for the bond amount and recommended for approval by the Town Board.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
05-261-999-95

Bruce Barber via email
Liz Axelson via email



MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: April 8, 2019
RE: Baillargeon Erosion Control Plan, Kentview Drive, Tax Parcel No. 10.20-1-71 / CPL# 14973.00-00007

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

Summary

1. The proposal involves the erosion control plan for the construction of a single-family dwelling and other improvements to be made to a 38,290 square foot (SF; <1-acre) lot (see tax parcel listed above) in the R-80 (Residential) zoning district.
2. My review is limited to the Zoning Requirements comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

SEQRA/EAF

3. The proposal appears to be a Type 2 action under the SEQRA.

Zoning Requirements

4. Revise the zoning table of lot and bulk requirements to the plat corresponding to the R-80 district as follows:
 - a. Add a note indicating existing noncomplying conditions for the following:
 - i. Minimum lot area;
 - ii. Minimum lot width; and
 - iii. Minimum highway frontage.
 - b. Include a value for proposed building height in number of stories.

Recommendation

5. Depending on other consultant comments, the Planning Board may wish to set a public hearing for next month's meeting.

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.

Materials Reviewed

- Response Memorandum prepared by John Karell, Jr., P.E., dated March 21, 2019;
- Short EAF signed March 15, 2019;
- Erosion Control Cost Estimate, prepared by John Karell, PE, dated March 16, 2019; and
- Plans prepared by John Karell, Jr., P.E., entitled Brian and Jennifer Baillargeon Residence dated June 26, 2017, revised March 16, 2019, except as listed below:
 - o Site Plan;
 - o Erosion Control, Steep Slope and Sight Line Plan;
 - o Sight Line Profiles;
 - o Details; and
 - o Erosion Control & Steep Slope Details/Notes, dated February 16, 2019, revised March 16, 2019.



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: April 8, 2019
RE: O'Mara Erosion Control Plan, Lhasa Court, Tax Parcel No. 31.9-1-6 / CPL# 14973.00-00006

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning, and 57, Roads and Driveways. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal involves an erosion control plan for the construction of a single-family dwelling and other improvements to be made to a 78,103 square foot (SF, 1.73-acre) lot (see tax parcel listed above) in the R-80 (Residential) zoning district.
2. My review focuses on the Zoning Requirements comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for other aspects of the project.

SEQRA

3. I have no comments on the submitted Short EAF. This appears to be a Type 2 Action under SEQRA.

Zoning Requirements

4. Revise the zoning table of lot and bulk requirements to the plat corresponding to the R-80 district to provide an actual Maximum Impervious Surface value. The table indicates less than 1%, yet the actual value may be about 12%.
5. Label the proposed treeline with notation about existing wooded areas or trees to remain.

Recommendation

6. The Planning Board may wish to consider a waiver of the public hearing; and also to allow the application to proceed in "administrative track".

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.

Materials Reviewed

- Memorandum from John Karell, Jr., P.E., titled "Response to Comments O'Mara Realty, Lhasa Court", dated March 15, 2019;
- Short EAF signed March 16, 2019
- Plans prepared by John Karell, Jr., P.E., entitled Erosion Control Plan Lhasa Ave., dated July 6, 2004, revised March 19, 2019 as listed below:
 - o Sheet EC-1 Erosion Control Plan; and
 - o Sheet EC-2 Drainage Control Plan.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Platt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



**Department of
Environmental
Conservation**

March 15, 2019

Harold Cargain
hlcargain@outlook.com

**RE: Cargain Proposed Residence
Permit Jurisdiction Determination
Town of Kent, Putnam County
CH#: 8114**

Dear Mr. Cargain:

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the submitted materials regarding the above referenced project. You are proposing to construct a residence on Marie Road (SBL 22.-1-42) in the Town of Kent, Putnam County. The proposed project includes the clearing of less than 1 acre of trees, the installation of a well and septic system, and the construction of a residence and driveway.

Based upon our review of your inquiry dated March 11, 2019, we offer the following comments:

PROTECTION OF WATERS

There are no waterbodies that appear on our regulatory maps at the identified project site. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, a tributary of Middle Branch Croton River, Class C, and a Protection of Waters permit is not required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

FRESHWATER WETLANDS

The indicated project site is not within a New York State protected Freshwater Wetland. However, please contact your town officials and the United States Army Corps of



**Department of
Environmental
Conservation**

-OVER PLEASE -

Engineers in New York City, telephone (917) 790-8511 (Westchester/Rockland Counties), or (917) 790-8411 (other counties), for any permitting they might require.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near known occurrences of the following state-listed species: Bald eagle, *Haliaeetus leucocephalus* (threatened).

Based on the location of the proposed project site, which is greater than 0.5 miles from a documented Bald eagle nest, the Department does not anticipate direct adverse impacts to the Bald eagle. Therefore, no further review is required at this time. However, new nests are established each breeding season (January 1 through September 30) so records should be checked each year for new nesting locations.

The absence of data does not necessarily mean that rare or other state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

WATER QUALITY CERTIFICATION

Please be aware that the ACOE may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certification may be required from the Department. Please contact the ACOE for a determination.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is not located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nyspark.com/shpo/>.

OTHER

Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, State-listed Species, and Freshwater Wetlands. Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are

Date: March 15, 2019

otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Katherine Coffin
Division of Environmental Permits
Region 3, Telephone No. (845) 256-3158

Cc: Wildlife, R3 DEC

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a State Pollutant Discharge Elimination System (SPDES) Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- **result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed** (your project site is located within a NYC DEP East of Hudson Watershed) or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

For construction permits, if this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: March 27, 2019
RE: Kent Self Storage, Site and Erosion Control Plan, Route 311, Tax Parcels No. 22.-2-17 / CPL# 60248.00

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 steep slope permit approvals for the construction of a self-storage facility and other uses. The plan proposes two self-storage buildings with office (management) and retail spaces, as well as parking areas, drive, utilities, and electric and stormwater management systems an approximately 2.7-acre site in the IOC (Industrial Office Commercial) zoning district.
2. My review is limited to the Zoning comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

SEQRA

3. We have no comments on the Full Environmental Assessment Form (Full EAF). I defer to the Environmental Consultant for review of Full EAF section D. and E. pertaining to other aspects of the project. However, plan revisions are needed to address community character.
4. The proposal appears to be an Unlisted Action under the SEQRA.

Zoning & Site Plan

5. Reconfigure the site layout such that the front building is closer to the site frontage with all parking areas behind it. Please refer to zoning section 77-60. I. (4).
6. Relocate the two parking spaces, and the corresponding corner retaining wall, that encroach into the side yard setback on the west side of the property as per the zoning requirement set forth in note 3 on sheet C-101.
7. Clarify all aspects of the proposed business as follows:
 - a. Show the floor areas for office and retail areas; and truck rental.
 - b. Submit a floor plan.
 - c. Label the rental truck spaces.
 - d. Revisit and clarify the parking calculations based on the number of spaces that will be labeled as truck spaces.
8. Regarding the proposed buildings address the following items:

- a. Label the front building as 2-story; and the rear building is 1-story.
 - b. Label all entries to both buildings.
 - c. Submit architectural elevations for each building; and a rendering of the site as viewed from the street.
9. Provide a landscaping plan that addresses the following:
 - a. Retain existing wooded areas in the back of the property.
 - b. Screen parking areas from adjoining properties.
 - c. Add buffering along the sides, particularly to the northeast near the existing residence.
 - d. Include trees along the frontage.
 - e. Provide a schedule with the location, height and species of proposed plantings. Include native species.
10. Label the zoning district line to delineate the R-40 zoning district line on the east side on sheets T-1; C-101; and landscaping and lighting plans. On sheet T-1, label the IOC zoning district.
11. Extend pedestrian pathways as follows:
 - a. Add sidewalks and crosswalks to connect the parking areas with the rear of the main building; and the front of the smaller storage structure.
 - b. Add a sidewalk with a 4-foot (4') tree lawn along Route 311.
 - c. Benches and a picnic table are recommended.
 - d. Refer to; and add corresponding details to the plan set.
12. Extensive lengths of retaining walls are proposed (~310' and 200'+), which will likely be visible from the site's frontage. Revise the plans regarding retaining walls as follows:
 - a. Label top and bottom elevations of all retaining walls, and the corresponding top elevation of the fence on top of the retaining wall at the entrance.
 - b. The detail on sheet C-501 appears to depict a flat faced concrete wall. A more decorative wall must be provided.
 - c. Submit elevations of the walls; and a rendering of the site as viewed from the street.
 - d. Revise the detail accordingly.
13. Confer with the Building Inspector about whether retaining walls and guard rail may be located within the required yard setbacks.
14. Provide locations of all waste receptacles, corresponding to the detail for an enclosure on C-501.
15. Regarding the zoning lot and bulk requirements table presented on plan sheet C-101, address the following:
 - a. The minimum lot width at street line should be inclusive of the 244' length on Route 311 plus 237' on Ludington Court for a total of 481'.
 - b. The rear lot setback should be 159.6' corresponding to the closest structure, which is the small building.
 - c. The current western side yard setback, based on off street parking, is actually 13', which does not comply with the minimum 25' requirement. Please address the comment above about 2 parking spaces to be relocated; and revise the corresponding side yard.
 - d. Provide a value for height of the proposed principal building.
 - e. Add to the table to address yard setbacks for retaining walls and guard rail as needed.
16. Label parking or other yard setbacks in the plan view as follows:
 - a. Add parking setbacks for both side yards.
 - b. Add retaining walls and guard rail setbacks, as needed.
17. Show the calculations for impervious surface area.
18. Provide a lighting plan complying with zoning section 77-44.3. A. through D., and the following items:
 - a. Show all proposed lighting, including illumination of the parking areas.
 - b. Show lighting location (pole- and wall-mounted), type, height, materials, color, whether full cut-off, etc.

- c. Refer to details.
 - d. Provide a photometric plan.
19. Regarding any proposed signs, address the following:
- a. While a free-standing sign is shown, clarify whether any wall sign is proposed.
 - b. Refer to the supplementary sign regulations, Zoning, Article X generally; and specifically, the requirements in section 77-37., Signs in nonresidential districts.
 - c. Revise the plans to include all aspects of proposed signs, their locations, design, dimensions, height, size (area), materials, colors, lighting, etc.
 - d. Provide a tabular summary of permitted and proposed sign areas per section 77-37 A. (2) and (3) requirements. Signage will be reviewed in detail later.
20. Revise the plans to address the required site plan information and standards in sections 77-60. F. and I., as follows:
- a. The Title sheet must include a location map including the subject property's boundaries; and adjoining property lines.
 - b. Make the aerial photography on sheet V-1, the Vicinity Plan and Topographic Map clearer, if possible; and clearly show site and nearby adjoining parcel lines.
 - c. Provide the extent and amount of cut and fill for disturbed areas, including before-and-after profiles of development areas, parking lots and the driveway per 77-60 F. (1)(r).
 - d. Delineate snow storage areas.
 - e. Add property lines and structures within 200' of the property to sheet V-1.
 - f. Depending on the size and type of retail area, it may be necessary to show a loading area.
 - g. Show any outdoor storage areas and enclosures.
 - h. Show the limit of disturbance on the site plan and forthcoming landscaping plan sheets.
 - i. Show and label traffic circulation patterns; and clarify discontinuous truck pathways shown on sheet C-101. Label the type of truck shown.

Recommendation

21. The Planning Board should direct the applicant to:
- a. address the comments above; and
 - b. provide additional information for a more complete application.
22. 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.

Materials Reviewed

- Applications for Site Plan and Steep Slope & Erosion Control signed January 22, 2019, with affidavits and certification; and
- Full Environmental Assessment Form, signed January 22, 2019; and
- Plans prepared by Joseph C. Riina, P.E., entitled Kent Self Storage of Putnam, Inc., dated November 27, 2018, revised January 22, 2019, except as noted below, including the following:
 - o Title Sheet, dated January 2019;
 - o Vicinity Plan and Topographic Map;
 - o Site Plan;
 - o Existing Conditions and Slope Map;
 - o Grading and Utility Plan;
 - o Septic Plan, Profile and Notes;
 - o Erosion and Sediment Control Plan and Notes;
 - o Intersection Site Distance Plan and Road Profiles;
 - o Storm Sewer Profiles;
 - o Water System Plan and Elevation, dated January 16, 2012;
 - o Site Improvement Detail;

- Stormwater Management Details;
 - Septic Details; and
 - Erosion and Sediment Control Details;
- Plans prepared by Bunney Associates, Land Surveyors, entitled Topographic Survey of Property Situate in the Town of Kent, dated July 8, 2008, Amended September 3, 2008; and
- Figure 1-Aerial Photo, prepared by Site Design Consultants, dated April 22, 2010; and
- Figure 1-Vicinity Map, prepared by Site Design Consultants, dated January 9, 2009

VAN DEWATER AND VAN DEWATER, LLP

COUNSELORS AT LAW

John B. Van DeWater (1892-1968)
Robert B. Van DeWater (1921-1990)
James E. Nelson
Gerard J. Comatos, Jr.
Ronald C. Blass, Jr.
Kyle W. Barnett
Daniel F. Thomas, III

85 CIVIC CENTER PLAZA, SUITE 101
P.O. BOX 112
POUGHKEEPSIE, NEW YORK 12601

(845) 452-5900
Fax (845) 452-5848

Noel deCordova, Jr. (1929-2013)
Edward vK Cunningham, Jr. (1935-2018)
John K. Gifford
Jeffrey S. Battistoni
Janis M. Gomez Anderson
Counsel

Rebecca S. Mensch

Danielle E. Strauch
Erin L. O'Dea
Amanda T. Ball

WEBSITE ADDRESS:
www.vandewaterlaw.com

GENERAL E-MAIL ADDRESS:
info@vandewaterlaw.com

MEMORANDUM

TO: Town of Kent Planning Board (via email only)

CC: Bill Walters, Building Inspector
Julie Mangarillo, P.E., CPESC
Liz Axelson, AICP
Bruce Barber, Town of Kent Environmental Consultant

FROM: Jeffrey S. Battistoni, Esq.

DATE: March 27, 2019

RE: Raneri Erosion Control Permit & SWPPP; & Single-Family Lot
Development Zoning Requirements, Hillside Paper Road, Tax
Parcel No. 44-24-1-3; 33.18-1-28; & 33.80-1-1/CPL# 60094.00

I have reviewed copies of deeds, plans and a property description provided by the applicant's consultants and I have the following comments related to ownership issues.

First, the deed dated October 4, 1999 and recorded in Liber 1487 at page 360 conveyed most of the property which Mr. Raneri indicates he owns as part of this application. That deed conveyed property to Jerry Raneri and Jeanette Toscano. Subsequently, Jeanette Toscano conveyed her interest in the subject property to Jerry Raneri by deed dated June 20, 2002 and recorded in Liber 1598 at page 371. There is a "typo" in the

deed description in reference to one of the Lot Numbers. More significantly, the description fails to include a large parcel to the north of Lots Numbers 15571-15582. A title company might require a Correction Deed in order to insure title. We may have to ask the applicant to have a title company submit a report about this issue.

Second, the above referenced deeds do not include parcels identified as Lot Nos. 15548 and 15549. These are the two parcels which give access to the "paper" street known as Sunset Road. A copy of a Resolution from the Putnam County Legislature dated May 2, 2017 was provided. It authorizes the conveyance to Jerry Raneri of real property identified by Town of Kent Tax Map No. 33.80-1-1., which is presumably Lots Nos. 15548 and 15549. However, we need verification of that fact. The Resolution requires a closing and the consolidation of the parcel conveyed with another parcel already owned by Mr. Raneri, identified by Tax Map No. 33.12-1-28.

I have not received a copy of the deed for the conveyance from Putnam County to Mr. Raneri, so a copy of that recorded deed must be provided. I also have not received a copy of the Consolidation Deed which was required by the said Resolution. I wonder whether such a deed was ever recorded with the County Clerk. If so, I need to review a copy. If not, one needs to be prepared and recorded.

The application contemplates 3 tax parcels being consolidated into one. The applicant has submitted a copy of a description from Geologic Land Surveying, PLLC, which describes the consolidated parcel and which matches the plans submitted by the applicant. Once again, I wonder if a Consolidation Deed was ever recorded, using this description. It seems doubtful, since the description is dated January 7, 2019. If that Consolidation

Deed was recorded with the County Clerk, I need to review a copy of it. If it was not, it needs to be.


Third, I do not see any documents which show ownership of the unimproved, "paper" street known as Sunset Road. It is incumbent on the applicant to submit documents establishing such ownership. Ordinarily, a title company would do so through a title report, which indicates the ownership which the title company is willing to insure. I think the applicant should be required to obtain and submit such a title report. That title company should also address whether the description in the deed from Jeanette Toscano to Jerry Raneri (above referenced) is insurable or whether it needs to be corrected.

In my view, all of these ownership and consolidation issues must be adequately addressed before the application should proceed any further.

Fourth, I agree with the issues raised in Liz Axelson's Memorandum of February 14, 2019 about access and frontage. Under Town Code Sections 77-16(H) and 77-34.3, a building lot must adjoin an improved street or have access to an unimproved street that will be improved as part of the development plan for the lot. Once ownership of Sunset Road has been established, if the applicant is then able to improve the portion of it on which his property fronts (improve it in a manner which meets the standards set in the Town Code), then that issue is resolved. Alternatively, it appears that Town Code Section 77-51(B) allows the "Board of Appeals" to approve an application pursuant to NYS Town Law Section 280-a. The applicant may choose to pursue such an application.

In summary, the applicant must first satisfy ownership and consolidation issues. Then, a determination can be made about whether improving a portion of Sunset Road will occur or whether an application to the Zoning Board of Appeals should be made.

Please contact me if you need to discuss the contents of
this Memorandum.


Jeffrey S. Battistoni

U:\DOCS\11011\00069\MEMO\24L8519.DOCX

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

March 15, 2019

**RESPONSE TO COMMENTS OMARA REALTY , LHASA COURT
KENT (T); TM # 31.9-1-6**

JULIE MANGARILLO, P.E., DATED MARCH 13, 2019

1. The required variances were re approved on March 18, 2019
2. The Fire Department has been consulted relative to the terminus of Lhasa Road
3. The Health Department approval is in progress
4. We request the Board to regrant waivers relative to driveway slopes.

BRUCE BARBER, DATED MARCH 14, 2019

1. See item # 1 above.
2. Note added relative to tree cutting.
3. The disturbance for this project is less than 1 acre therefore treatment of stormwater is not required. The design of the infiltration practices was based upon the nearby deep and soil percolation test holes which exhibited no rock or water to 7 feet and a perc rate of 8-10 minutes per inch. The stormwater design was based upon a 10 minute perc. Soils mapping indicates similar soils on the entire lot.
4. The SEAF has been updated and attached.

LIZ AXELSON, DATED MARCH 11, 2019

1. SEAF enclosed.
2. Bulk table revised to include highway frontage and impervious surfaces.
3. Note added relative to underground utilities.
4. The limit of disturbance line is the existing and proposed treeline
5. Driveway surface is asphalt and is so noted.
6. The shaded area is the construction entrance and is so labeled.
7. The minimum driveway width is 12 feet.


John Karell, Jr., P.E.

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

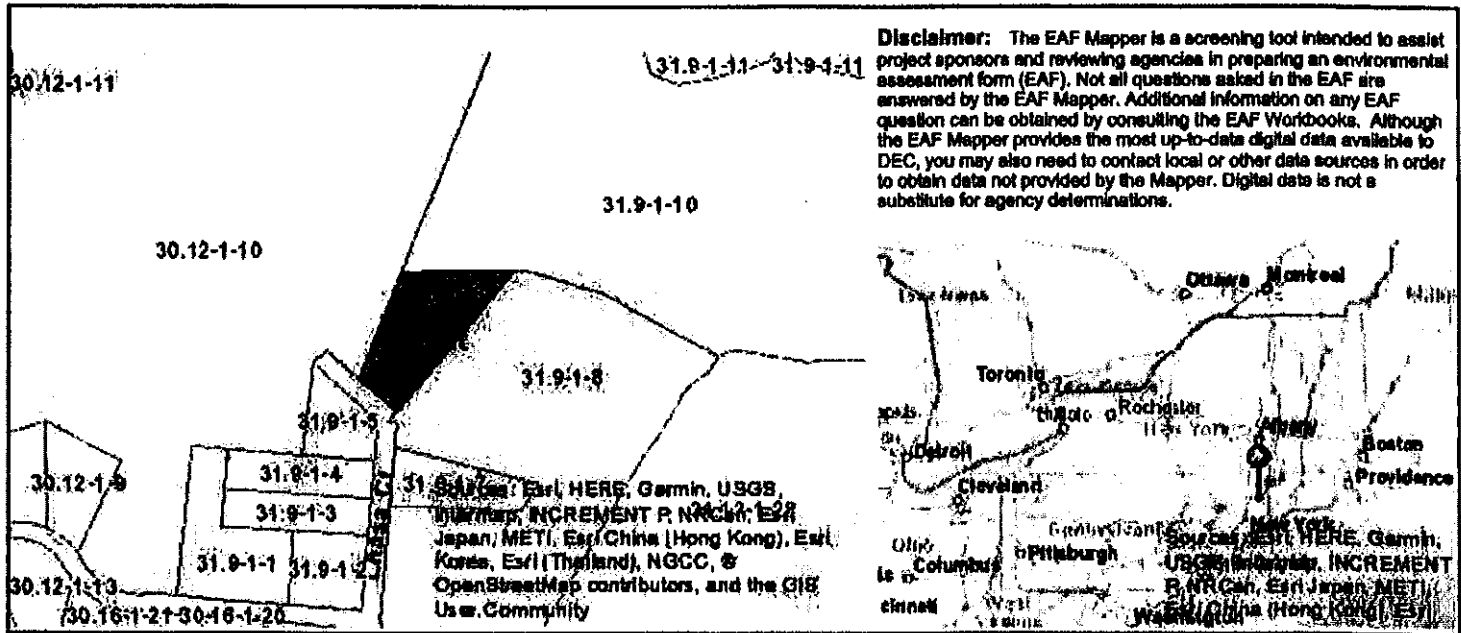
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Omara Lhasa Court House			
Project Location (describe, and attach a location map): Lhasa Court, Town of Kent, end of road			
Brief Description of Proposed Action: Construction of a single family 5 bedroom house on a 1.73 acre parcel of land served by a septic system and well			
Name of Applicant or Sponsor: Patrick Omara, Omara Realty Corp		Telephone: 845 475 7100 E-Mail: omaraassociates@yahoo.com	
Address: 73 Fairfield Drive			
City/PO: Patterson		State: NY	Zip Code: 12563
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: PUTNAM COUNTY HEALTH DEPARTMENT SEPTIC SYSTEM AND WELL			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.73 acres	
b. Total acreage to be physically disturbed?		0.87 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.73 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ INDIVIDUAL DRILLED WELL	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ INDIVIDUAL SEPTIC SYSTEM	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>PATRICK OMARA</u> Date: <u>MARCH 16, 2019</u> Signature: <u></u> Title: <u>OWNER</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

Received
mo/date/year

MAR 25 2019

Planning Department
Town of Kent

March 24, 2019

RESPONSE TO COMMENTS RANERI, HILLSIDE ROAD, KENT (T) TM # 44.24-1-3; 33.18-1-28
Cornerstone Associates, Bruce Barber dated January 7, 2019

1. Pursuant to my memo to Bruce Barber dated January 7, 2019 soils information for this property was forwarded via email to Michael Budzinski, P.E. of the Putnam County Department of Health for his review. He indicated to me that he would forward this information to the NYCDEP and to the New York State Department of Health for their input.
2. In an email dated March 19, 2019, Andy Tse of the NYSDH indicated,

"We don't have any issues with the installation of the OWTS in such soils at both lots, (Raneri & Realbuto) The installations should be acceptable since the Putnam County Department of Health has already approved them. However, we will work with the NYSDEC to see whether any removal of the soils will be necessary under the DEC environmental remediation program".

3. Lee Rieff of the NYSDEC has been contacted relative to the need for removal of the soil on both properties. His response has not been received to date.

Liz Axelson, Morris Associates dated October 24, 2018

6. Zoning Requirements
 - a. Tax parcel 33.18-1-28 has been labeled and the design notes revised to delete 33.80-1-1
 - b. The tax parcel has been labeled. The entire parcel is shown on sheet S-3. The northern portion of the property is not germane to the development plan and does not fit on this sheet.
 - c. Parcel has been labeled.
 - d. Lines to be removed are labeled.
7.
 - a. The "Official Town Map" was provided by the Mr. Othmer, the Highway Superintendent and was represented by Mr. Othmer as the "Official Town Map" of the Lake Carmel area.
 - b. Noted.
8. Driveway surface labeled.
9. A list of the plans in the plan set for this project has been added to sheet S-1.
10. ZONING TABLE – a note has been added to sheet S-1 referring to the Zoning Table of sheet D-3
 - a. The plans have been revised relative to the yards.
 - b. All yard setbacks have been labeled.
 - c. Lot width has been labeled.
 - d. Building height has been included in the table.

e.f. Noted. The applicant's attorney has been in touch with the Planning Board attorney in this regard.

11. See item e.f. above.
12. It is believed that this information is contained in the Title report for this property previously submitted to the Town.
13. The note has been revised for clarity.
14. noted.

John Karell, Jr., P.E.