

**Minutes
Town of Kent Planning Board Meeting
September 12, 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
Dennis Lowes, Vice Chairman
Simon Carey
Giancarlo Gattucci
Nisim Sachakov
Stephen Wilhelm

Others in Attendance:

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

Absent:

Charles Sisto

• **Approve Planning Board Minutes from August 8, 2019**

Mr. Tolmach asked for a motion to approve the minutes from the August 8, 2019 meeting. The motion was made by Mr. Lowes and seconded by Mr. Wilhelm. Messrs. Carey, Gattucci and Sachakov were not at the August meeting and abstained from voting. The roll call votes were as follows:

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

The motion carried.

• **Kent Self Storage, Route 311, Kent, NY; TM: 22.-2-17**

Mr. Joseph Rina, of Site Design, represented the applicant, Mr. Richard Vriebrock, who also attended the meeting. The last round of comments from the consultants were addressed. Architectural plans were submitted and renderings were presented to the Planning Board at the meeting, as they were received that day. New memos were sent to Mr. Rina and Mr. Vriebrock earlier in the day and Mr. Rina said they had no issues with the contents of the memos.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said that her memo had some outstanding items, but she felt that this project was in good shape and that she had prepared a Resolution (attached) for SEQRA classification, Lead Agency Intent Circulation and Referrals and that a Public Hearing could be scheduled for the October meeting. Ms. Axelson read the Resolution to the Planning Board. Ms. Axelson directed the Planning Board Secretary to circulate plans and pertinent material to Putnam County Planning Department. Ms. Axelson stated the the Kent Planning Board declared its intent to become Lead Agency and directed the Planning Board Secretary to circulate plans and pertinent material to other involved agencies and the Putnam County Planning Department pursuant to 239L, M and N of the General Municipal Law.

Mr. Barber's Comments (memo attached)

Mr. Barber said his comments were minor and agreed that the project was in good shape.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that most of her comments had also been addressed and that Stormwater Maintenance and Access Easement Agreements needed to be drawn up by the Planning Board Attorney and the applicant's attorney, but they could be done during or after the Public Hearing process. Ms. Mangarillo agreed that it would be appropriate to schedule a Public Hearing for the October Planning Board meeting. Ms. Mangarillo said that she needed to review the bond estimate.

Mr. Tolmach asked for a motion to adopt the Resolution prepared by Ms. Axelson. The motion was made by Mr. Sachakov 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>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

**Town of Kent Planning Board Minutes
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Mr. Tolmach asked for a motion to schedule a Public Hearing for October. The motion was made by Mr. Carey 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>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **NYCDEP Horsepound Ridge Forest Management Project, Horsepound Rd., Kent, NY; TM: 33.-1-44, 45 & 33.6-1-71**

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo advised the Board that a Letter of Assurance in lieu of an erosion control bond had been submitted and reviewed by the Planning Board Attorney. Ms. Mangarillo recommended that this letter be accepted and forwarded to the Town Board for their approval.

Mr. Tolmach asked for a motion to approve the Letter of Assurance from NYCDEP and forward it to the Town Board. The motion was made by Mr. Gattucci and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The motion carried.

- **Rodriguez Property, 104 Smalley Rd., Kent, NY; TM: 21.-1-10**

Ms. Axelson advised the Planning Board that this applicant sent a letter asking that this matter be held over until the October meeting.

• Chen/Shin Property, Gipsy Trail Rd., Kent, NY; TM: 32.06-1-1

Mr. Kawabata represented the applicants on behalf of Mr. John Karell. A new house with driveway improvements are proposed for this property.

Ms. Axelson's Comments)

Ms. Axelson said that she and the other consultants had reviewed plans for this project and agreed that they need more information before the Planning Board schedules a Public Hearing or takes any further action.

Mr. Barber's Comments

Mr. Barber said that a new house will be constructed to replace a residence destroyed by fire. The applicant plans to rebuild in the same footprint as the previous one 3 bedrooms/2600 square feet. The existing septic system will be used, but the applicant plan on connecting to the Gipsy Trail water supply. There are wetlands on two sides of the property delineated on 6/9/19 and Mr. Barber will inspect the site. The wetlands may also be jurisdictional to the DEC and Mr. Barber suggested the applicant contact them as well. A tree plan waiver was requested and after the property is inspected by Mr. Barber he will advise the Board as to whether or not the waiver should be granted. The property is located in the bat recovery zone and there are restrictions. Mr. Barber said that he agreed that additional information is needed.

Ms. Mangarillo' Comments

A SWPPP was provided, but there are other information requested. According to the application and on-line information the property is owned by someone else so the "Agent of Owner" affidavit needs to be submitted as well as a copy of the deed for this property. Ms. Mangarillo had concerns about erosion control measures where the existing driveway crosses Indian Brook so trucks don't knock sediment into the brook. The proposed driveway has a slope of 14% which is over the 10% slope and a waiver would be required. A bond estimate was submitted, but topsoil stockpile and additional erosion control measures needed to be included in the estimate. Infiltrator wetland mitigation needed to be discussed with Mr. Barber.

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

- | | | |
|----------------------------|-----------------------|---------------|
| • Zucker Property | Erosion Control Plan/ | Status Report |
| 12 Woodchuck Ct., Kent, NY | Wetland Permit | |
| TM: 21.19-1-5 | | |

There are a few remaining conditions which were provided and this project is ready for Chairman's signature to the plans.

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|-------------------------------|-----------------------|---------------|
| • Raneri Property | Erosion Control Plan/ | Status Report |
| Hillside Paper Rd., Kent., NY | | |
| TM: 44.24-1-3 | | |

There are some outstanding items and a new submittal is needed.

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- Kent Development Commercial Lot Site Plan/Erosion Control Plan/ Discussion
N. Horsepound Rd., Kent, NY Wetlands Permit & Lot Line Adjustment
TM: 12.-1-38

The applicant attended the workshop and is considering options and may withdraw this application., an email was sent to the Planning Board by the applicant, but a formal letter needs to be submitted. This project as well as the Hilltop Estates and the Kent Development Timber Harvest are pending Mr. Esposito's decision.

- Hilltop Estates Subdivision Preliminary Subdivision, Wetland Permit / Discussion
Peckslip Rd. & NYS Rt 52 Erosion Control Plan
TM: 12.-1-42
- Kent Development /Hilltop Estates Erosion Control Discussion
Timber Harvest
Peckslip Rd., Kent, NY
TM: 12.-1-38 & 42
- Route 52 Development/ SEQRA Status Report
Peder Scott Project
Route 52, Kent, NY
TM: 12.-1-52

Mr. Caruso, Attorney for the applicant, attended the meeting and advised the Planning Board that the petition for the zoning code amendment has not been placed on the Town Board agenda to date. The applicant is working on other reports, such as a noise study and wetland delineations, as well as a Mounding Analysis with the DEC.

Mr. Tolmach said people are asking what the height of the buildings would look like and suggested using drones. Mr. Caruso said it was a good idea and that he would be open to that.

Mr. Cleary is working on the DEIS and would deliver it as soon as possible.

- Bourgeois Property Erosion Control Plan Status Report
100 Lakeshore Dr., Kent, NY
TM: 33.58-1-9

Ms. Mangarillo said that this project is ready to have the plans signed and the bond was sent to the Town Board for their approval.

- Gierer (Cargain) Property Erosion Control Plan/ Status Report
43 Marie Road, Kent, NY 10512 Bond Recommendation
TM: 22.-1-42

A re-submittal is due.

- Putnam Nursing & Erosion Control/Site Plan/ Status Report
Rehabilitation Center Addition Wetland Permit
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41

A re-submittal for the October meeting is expected.

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| • Dogward Bound
461 Richardsville Road, Kent, NY
TM: 30.12-1-1 | Erosion Control Plan/
Site Plan/Accept Bond | Status Report |
|--|--|---------------|

The bond was submitted and forwarded to the Town Board for approval. The plans are ready to be signed by the Chairman.

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|--|---------------------------------------|------------------------------|
| • Kelleher/Pidala Property
5 Westwood Dr., Kent, NY
TM: 19.12-1-21, 22, 23 | Lot Line Adjustment
Waiver Request | Status Report
(Withdrawn) |
|--|---------------------------------------|------------------------------|

A letter from the applicant withdrawing his application has been requested.

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

This matter is still pending.

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| • Fregosi Property
Kentview Dr., Kent, NY
TM: 10.20-1-69 | Erosion Control Plan | Status Report |
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The plans for this project are ready for Chairman's signature.

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| • Fregosi/Marinelli Property
Miller Hill Road, Kent, NY
TM: 10.-1-17 | Erosion Control Plan | Status Report |
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A re-submittal is due.

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|---|---------------------------|---------------|
| • Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 | Erosion Control Plan/Bond | Status Report |
|---|---------------------------|---------------|

A bond estimate is due for this project..

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|---|----------------------|---------------|
| • O'Mara
Lhasa Ct., Kent, NY
TM: 31.9-1-6 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

A re-submittal is due for this project.

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|---|---|---------------|
| • DiSanza Property
381 Ludingtonville Rd., Holmes, NY
TM: 12.-3-63 & 64 | Erosion Control Plan/
Wetland Permit | Status Report |
|---|---|---------------|

Mr. Barber advised the Planning Board that the owner of this property has a violation for placing wood chips in the wetlands and has been working with the DEC and the DEC provided a wetland remediation plan to remove the wood chips. Presently the Town is working with the applicant to bring the materials necessary to for the Town's portion of the violation to be corrected. A letter was received from the applicant's attorney. This matter is before the Kent Court to be heard in October.

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

A re-submittal is due.

Mr. Tolmach asked if anyone in the audience wanted to be heard and there was no response.

Mr. Tolmach asked for a motion to close the meeting at 7:45 PM. 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>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

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• 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/ Bond Recommendation	Status Report
• Putnam Nursing & Rehabilitation Center Addition 404 Ludingtonville Road, Holmes, NY TM: 12.-3-40 & 41	Erosion Control/Site Plan/ Wetland Permit	Status Report
• Dogward Bound 461 Richardsville Road, Kent, NY TM: 30.12-1-1	Erosion Control Plan/ Site Plan/Accept Bond	Status Report
• Kelleher/Pidala Property 5 Westwood Dr., Kent, NY TM: 19.12-1-21, 22, 23	Lot Line Adjustment Waiver Request	Status Report (Withdrawn)
• Kent Materials NYS Rte. 52, Kent, NY TM: 12.-1-44	Request to Release Bond	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
• Realbuto 49 Tiger Trail, Kent, NY TM: 21.8-1-39	Erosion Control Plan/Bond	Status Report
• O'Mara Lhasa Ct., Kent, NY TM: 31.9-1-6	Erosion Control Plan	Status Report
• DiSanza Property 381 Ludingtonville Rd., Holmes, NY TM: 12.-3-63 & 64	Erosion Control Plan/ Wetland Permit	Status Report
• Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35	Erosion Control Plan	Status Report



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: September 12, 2019

Project: Chen and Shin, Gipsy Trail
TM # 32.6-1-1

The following materials were reviewed:

- Combined Application Form, signed July 16, 2019, including:
 - Owner's affidavit, Agent of owner's affidavit (without notary public seal), Certification of Professional Engineer (without notary public seal), Disclosure of Business Interest (without notary public seal), Agricultural Data Statement and Site Plan Checklist.
- Letter from Town of Kent ZBA, dated 1/29/2019
- Letter prepared by Ted Kozlowski, dated 6/10/2019
- Putnam County Department of Health Design Data Sheet – Subsurface Sewage Treatment System, Soil Percolation Test Data, dated 7/19- 7/20/2019
- Erosion Control Cost Estimate, prepared by John Karell, Jr., P.E., dated July 19, 2019
- Department of Health Town Legal Bedroom Count & Proposed Addition Status, signed 6/19/2019
- Architectural drawings, prepared by Architects' Guild, reduced size.
- Stormwater Pollution Prevention Plan, prepared by John Karell, Jr., P.E., dated July 17, 2019
- Short Environmental Assessment Form (EAF), signed 7/17/2019
- Notice of Intent (NOI) signed 7/17/2019
- Drawings prepared by John Karell, Jr., P.E., dated July 15, 2019, including:
 - S-1 Site Plan
 - D-1 Details
 - E-1 Existing Conditions Plan
 - EC-1 Erosion Control & Steep Slope Details/Notes, dated 7/16/2019

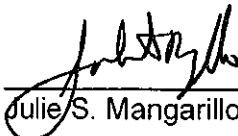
The project proposes demolition of an existing house that was damaged by fire and construction of new house in its place. New house will use existing septic system and existing connection to Gipsy Trail public water supply. Improvements to the existing driveway are also proposed.

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

1. Application documents state tax map # is 32.06-1-1. Putnam County online resources show the tax map # is 32.6-1-1. The tax map # in application documents is to be confirmed.
2. Refer to the Combined Application Form:
 - a. Select "Steep Slope & Erosion Control" in addition to Freshwater Wetland.
 - b. Double check tax map number.
 - c. Page 3, #14 - Provide copy of the deed.
 - d. Page 5, Part D, select "yes" for disturbance over 5,000 SF. The drawing shows estimated area of disturbance at 9,700 SF.
 - e. The 1st page and information from Putnam County online indicates the property is owned by Christine Lovett. Provide an Owner's affidavit indicating Roger Chen and Eileen Shin are designated as agents of owner.
3. 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 Wetland Permit is also required.
4. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §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."
 - i. Soils information is referenced in the SWPPP, but soils map nor steep slopes map could be located.
5. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
6. Refer to the NOI – Page 3, # 4, double check value for "existing impervious area to be disturbed."
7. Refer to the SWPPP – Page 1, Section A.4 refers to proposed garage. A proposed garage could not be located on the drawing plans.
8. Refer to the proposed driveway improvements:
 - a. 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. The Planning Board may grant a waiver for a driveway slope of up to 15% upon a showing by the applicant of practical difficulty in meeting these standards. The Board shall seek the input of the Town Highway Superintendent and Fire Department in such cases."
 - i. The proposed driveway improvements show a slope of 14.3%. The slope for the existing driveway is not provided. Provide existing driveway slopes for comparison to proposed slope. A waiver will be required from the

Planning Board. Label the length of the 3% pad at the entrance to the garage. It appears to be less than 30 feet. If it is less than 30 feet, a waiver should be requested.

- b. Per Town Code Chapter 57, §57-26.A(4)(b), "The minimum driveway width shall not be less than 16 feet with a travel-way width of not less than 12 feet and a shoulder width of not less than two feet on each side....
 - i. Show the 2' shoulders on the driveway detail on drawing D-1.
 - c. Per Town Code Chapter 57, §57-26.A(4), the minimum subbase thickness is 8 inches clean, run-of-bank gravel. Item 4 is also acceptable. The minimum top course is 4 inches Item 4 or processed gravel or 3 inches compacted asphalt.
 - i. Revise driveway detail on drawing D-1 to comply.
9. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.
10. Refer to the Drawings:
 - a. Provide additional erosion control measures at the crossing of Indian Brook to reduce the likelihood that sediment flows or is tracked into the brook.
 - b. Add a note that any sediment tracked beyond the property limits will be swept at the end of each day.
 - c. Extend silt fence along the length of the disturbed area closest to Indian Brook. Currently the silt fence stops before the reputed SSTs.
11. Provide information, details, and/or notes regarding concrete truck wash-out in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
12. Provide additional information and/or documentation that the existing septic system and connection to the Gypsy Trail public water supply are sufficient.
13. A bond estimate of \$2,860 was included with the submission. We recommend this bond estimate be revised to include topsoil stockpile and additional erosion control measures at the stream crossing. Proposed wetland mitigation will have to be reviewed by the Planning Board's environmental consultant.
14. 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.
15. We defer to the Planning Board's environmental consultant regarding wetland issues.


Julie S. Mangarillo, P.E., CPESC


cc: Planning Board via email
Bill Walters via email
19-261-999-167

Bruce Barber via email
Liz Axelson via email



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP 
DATE: March 13, 2019
RE: Chen and Shin Erosion Control Plan and Wetland Permit, 31 Friend Lane, Tax Parcel No. 32.6-1-1 / CPL# 14973.00-0014

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 a wetland permit and an erosion control plan for reconstruction of a single-family dwelling, and other improvements to be made to a 48,338 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

3. I have no comments on the Short EAF. The proposal appears to be a Type 2 action under SEQRA.

Zoning Requirements

4. Correct the tax parcel ID number on all forms and plans to be 32.6-1-1.
5. In order to determine the site's frontage, address the following:
 - a. Show and label any existing driveway; shared driveway; or private road;
 - b. Show and label any corresponding access easement or right-of-way; and
 - c. Add an area map, at a clearer scale than the vicinity map showing the pathway of Friend Lane from nearby roads to the property.
6. Revise the zoning table of lot and bulk requirements on the site plan sheet corresponding to the R-80 district as follows:
 - a. Add another column to the table to provide existing values for each zoning requirement.
 - b. Label the proposed lot width measurement of 200 feet (200'). It appears to measure as 232'. Please check and revise as needed.
 - c. Provide notation explaining the 0' value for Proposed Road Frontage.
 - d. Provide an actual proposed building height that is equal to or less than the maximum height requirement in feet and stories. The architectural plans show a 2-story house with a basement.
7. Add a note to the plans to state that utilities shall, unless unfeasible, be placed underground.
8. Label the existing and proposed tree line, with notation that wooded areas will be retained.

9. If access is via a private road or shared driveway, add notation about any easement; or right-of-way; and a maintenance agreement or homeowners association that manages the access.

Recommendation

10. The Planning Board should direct the applicant to:
- address the comments above; and
 - provide additional information for a more complete application.
11. 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 wetland and erosion control permit; and request for Wetland Delineation Confirmation, with site plan checklist signed July 16, 2019, with attached affidavits; certifications;
- Stormwater Pollution Prevention Plan, prepared by John Karell, PE, dated July 17, 2019 with attached NYSDEC SWPPP form;
- Short EAF signed July 17, 2019;
- Erosion Control Cost Estimate, prepared by John Karell, PE, dated July 19, 2019; and
- Plans prepared by John Karell, Jr., P.E., entitled Eileen Shin and dated as listed below:
 - o S-1 Site Plan, dated July 15, 2019;
 - o D-1 Details, dated July 15, 2019;
 - o E-1 Existing Conditions Plan, dated July 15, 2019;
 - o EC-1 Erosion Control & Steep Slope Details/Notes, dated July 16, 2019.



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

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

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

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: September 12, 2019

Project: Chen and Shin, Gipsy Trail
TM # 32.6-1-1

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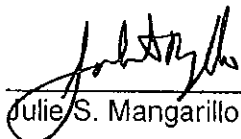
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 - d. Page 5, Part D, select "yes" for disturbance over 5,000 SF. The drawing shows estimated area of disturbance at 9,700 SF.
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3. The proposed project is within the NYCDEP East of Hudson watershed 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 Wetland Permit is also required.
4. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §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."
 - i. Soils information is referenced in the SWPPP, but soils map nor steep slopes map could be located.
5. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
6. Refer to the NOI – Page 3, # 4, double check value for "existing impervious area to be disturbed."
7. Refer to the SWPPP – Page 1, Section A.4 refers to proposed garage. A proposed garage could not be located on the drawing plans.
8. Refer to the proposed driveway improvements:
 - a. 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. The Planning Board may grant a waiver for a driveway slope of up to 15% upon a showing by the applicant of practical difficulty in meeting these standards. The Board shall seek the input of the Town Highway Superintendent and Fire Department in such cases."
 - i. The proposed driveway improvements show a slope of 14.3%. The slope for the existing driveway is not provided. Provide existing driveway slopes for comparison to proposed slope. A waiver will be required from the

Planning Board. Label the length of the 3% pad at the entrance to the garage. It appears to be less than 30 feet. If it is less than 30 feet, a waiver should be requested.

- b. Per Town Code Chapter 57, §57-26.A(4)(b), "The minimum driveway width shall not be less than 16 feet with a travel-way width of not less than 12 feet and a shoulder width of not less than two feet on each side....
 - i. Show the 2' shoulders on the driveway detail on drawing D-1.
 - c. Per Town Code Chapter 57, §57-26.A(4), the minimum subbase thickness is 8 inches clean, run-of-bank gravel. Item 4 is also acceptable. The minimum top course is 4 inches Item 4 or processed gravel or 3 inches compacted asphalt.
 - i. Revise driveway detail on drawing D-1 to comply.
9. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.
10. Refer to the Drawings:
 - a. Provide additional erosion control measures at the crossing of Indian Brook to reduce the likelihood that sediment flows or is tracked into the brook.
 - b. Add a note that any sediment tracked beyond the property limits will be swept at the end of each day.
 - c. Extend silt fence along the length of the disturbed area closest to Indian Brook. Currently the silt fence stops before the reputed SSTS.
11. Provide information, details, and/or notes regarding concrete truck wash-out in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
12. Provide additional information and/or documentation that the existing septic system and connection to the Gypsy Trail public water supply are sufficient.
13. A bond estimate of \$2,860 was included with the submission. We recommend this bond estimate be revised to include topsoil stockpile and additional erosion control measures at the stream crossing. Proposed wetland mitigation will have to be reviewed by the Planning Board's environmental consultant.
14. 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.
15. We defer to the Planning Board's environmental consultant regarding wetland issues.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
19-261-999-167

Bruce Barber via email
Liz Axelson via email



Cornerstone Associates

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

September 12, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Chen/Shin Application
31 Friend Lane
Section 32.06 Block 1 Lot 1
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

- Town of Kent Planning Board Combined Application executed by Roger Chen dated July 16, 2016.
- Short-form EAF (Part I) executed by Roger Chen dated July 17, 2019.
- Architectural plans prepared by Architect's Guild.
- Stormwater Pollution Prevention Plan prepared by John Karell, Jr., dated July 17, 2019.
- Letter from Ted Kozlowski dated June 10, 2019, 1 page.
- Plans entitled; "Eileen Shin" prepared by John Karell, Jr., dated July 15, 2019, 3 sheets: S-1, E-1, , D-1.
- Plans entitled; "Roger Chen and Eileen Shin:" prepared by John Karell, Jr., dated July 16, 2019, 1 sheet: EC-1.

1: Project Summary:

Application is to construct a two story, three bedroom, 2,600+/- square foot single-family residence on a 1.109+/- acre parcel in an R-80 zoning district on the western side of Friend Lane. The proposed action is to replace a home which was damaged by fire on a modified footprint and will be served by the existing septic system and connected to the Gipsy Trail Club public water supply.

2: Environmental Resources:

A: Wetlands: the applicant has provided a wetland delineation conducted on June 9, 2019. This office will conduct a site inspection to confirm the delineation comports with requirements of Chapter 39A of the town code.

As presently, the home, improvements and the majority of the proposed site disturbance is located within the wetland buffer. The applicant has applied for a town wetland permit.

The parcel appears to be located within a NYSDEC wetland/wetland buffer area and/or checkzone. The applicant is requested to contact the NYSDEC for further information and potential permitting requirements.

B: Flood Plain: FEMA flood plain line should be shown on the site plan as applicable.

C: Grading/Soils: A total of 0.2 acres is proposed to be disturbed. It is unclear if road or access improvements will be required.

D: Stormwater: The applicant is proposing an infiltration structure adjacent to the driveway in the wetland buffer. Further information is required.

E: Trees: The applicant is requesting a waiver of tree plan requirements.

F: Well/Septic System: The applicant has indicated that the property will be connected to the Gipsy Trail Club water supply and utilize the existing septic system. A septic system design data sheet dated July 20, 2019 has been provided. Please clarify.

G: Threatened/Endangered Species: the subject property is located in a US Fish and Wildlife Bat Recovery zone. Tree cutting is restricted to between November 1 and March 31 of the following year unless specific exemptions are obtained. .

3: Review:

A; EAF:

Page 1: Name: Please correct to "Chen and Shin".

Page 1: Location: Application indicates "31 Friends Road". Please clarify.

Page 1: Question 2: Please verify that NYSDEC wetland/stream disturbance is not required.

Page 2, Question 12: Please indicate how this was verified.

Page 3: Questions 15 and 16: Please indicate how this was verified.

EAF Mapper Summary Report: Please include second page.

B: Plans:

General: Please clearly indicate all changes to existing site plan.

Sheet S-1: Provide details on need for driveway changes and infiltration structures in the wetland buffer. There appears to be substantial grade change and fill introduction based on driveway profile. Provide soil logs in areas of proposed infiltration. What is connected to the infiltration structures. Provide mitigation plan for proposed wetland/wetland buffer disturbance. Indicate if "Friends Lane" stream and wetland crossing requires improvement. What is the crossing and the condition of the crossing?

There does not appear to be erosion controls at the driveway area to prevent construction runoff from entering the stream. There is no anti-tracking pad.

What is the condition of the two indicated septic systems?

Please explain the 40' wide "reserve strip"/

Please indicate trees to be cut.

Sheet E-1:

Indicate 100 year flood plain line as applicable.

Indicate potential 100% septic system expansion area outside of wetland buffer.


Please indicate water line location and connections

Please provide details of hot tub and discharge location.

This office defers to the Town Planning Consultant regarding planning review and the Town Engineer regarding site plan and stormwater review.

Additional review shall be conducted upon receipt to above comments as well as following the site inspection. 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, Cert. Ecologist
Town of Kent Environmental Consultant

Fw: Hilltop Estates Subdivision & Commercial lot PB Submittals

Planning Kent

Thu 9/5/2019 12:07 PM

To: Kent Planning Board 2019 <kentplanningboard2019@townofkentny.gov>; Kent Planning Board Consultants 2019 <kentplanningboardconsultants2019@townofkentny.gov>; Building Inspector <buildinginspector@townofkentny.gov>

 1 attachments (392 KB)

DOC090419-019.pdf;

Vera Patterson
Town of Kent
Planning Board Secretary
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov
845-225-7802 (T)
845-306-5283 (F)

From: Jeffrey Battistoni <JBattistoni@VanDeWaterLaw.com>
Sent: Thursday, September 5, 2019 11:59 AM
To: eaxelson@cplteam.com <eaxelson@cplteam.com>; josterhoudt@vandewaterlaw.com <josterhoudt@vandewaterlaw.com>
Cc: barberbruce@yahoo.com <barberbruce@yahoo.com>; jmangarillo@rsaengrs.com <jmangarillo@rsaengrs.com>; Planning Kent <planningkent@townofkentny.gov>
Subject: RE: Hilltop Estates Subdivision & Commercial lot PB Submittals

Hi to all. I hope it is not too late to respond to this email.

I agree that segmentation would occur if the applications were reviewed independently. Such segmentation must be avoided.

I am attaching copies of pages from the SEQRA Handbook (draft of Fourth Edition) which address segmentation. Factors are listed which must be considered to determine whether segmentation is taking place. One factor is a common geographic location. These three applications involve a common geographic location. Another factor is whether the different segments are under the same or common ownership. Here, there is a common owner of real property for the subdivision application and the logging application. The lot line revision also includes this same owner as a party. Another factor is whether the independent phases can be considered functionally dependent on each other. I would say they are. The logging benefits

the owner of the subdivision. The lot line revision would affect the subdivision approval. Other factors are listed as well, but the bottom line is that segmentation would occur if each application had a separate environmental review.

I hope this is helpful.

Jeffrey S. Battistoni, Esq.
 Van DeWater & Van DeWater, LLP
 85 Civic Center Plaza, Suite 101
 P.O. Box 112
 Poughkeepsie, New York 12601
 (845) 452-5900 - Office
 (845) 452-5848 - Facsimile
jbattistoni@vandewaterlaw.com

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From: Elizabeth Axelson <EAxelson@CPLteam.com>
Sent: Thursday, August 22, 2019 3:26 PM
To: Jeffrey Battistoni <JBattistoni@VanDeWaterLaw.com>; Jennifer Osterhoudt <JOsterhoudt@VanDeWaterLaw.com>
Cc: Bruce Barber (barberbruce@yahoo.com) <barberbruce@yahoo.com>; Julie Mangarillo (jmangarillo@rsaengrs.com) <jmangarillo@rsaengrs.com>; Planning Kent <planningkent@townofkentny.gov>
Subject: RE: Hilltop Estates Subdivision & Commercial lot PB Submittals

Hello Jeff and Jennifer – Julie; Bruce and I have concerns about SEQRA segmentation related to the convergence of 3 projects, which include:

- Hilltop estates subdivision, approved many years ago, then extended, reapproved, extended and reapproved and expired as of November 2018, latest resolution is attached for reference. A newly proposed subdivision application has been submitted for review;
- Kent Development commercial lot development, on an adjacent lot and dependent on a lot line revision with the Hilltop Subdivision site, which commercial site plan application has been inactive for 11+ months, except for a September 2018 submittal to the Zoning Board of Appeals, latest of my review memorandums attached. The Applicant's Engineer has recently made a new submittal to reactivate the commercial lot development review; and
- A logging application, which has been under review for several months; and which logging operation is proposed to occur on the previously expired subdivision site, proposing clearing substantially more extensive than what was proposed for the approved, extended Hilltop subdivision. The logging operation probably involves more

clearing than is needed for either the new application for subdivision or the reactivated commercial lot development. Prior to the submittal of the new subdivision and reactivated commercial lot proposals, Bruce and Julie had been reviewing the logging application for very specific aspects subject to Kent erosion control regulations.

Julie and Bruce please chime in here and also attach your recent review memorandums of the Hilltop site logging.

In any case, we feel all 3 applications must be reviewed concurrently under SEQRA, noting the logging application was reviewed for very specific aspects subject to Kent erosion control regulations. Please advise or confirm. The Workshop will be on September 5, 2019. These applications may or may not be on pending fees and escrow, see below.

Please note that I'll be away next week, Monday August 26, 2019 through Friday August 30, 2019. So if you have questions for me please call no later than tomorrow, Friday August 23, 2019. Thank you!

Take care,
Liz



Elizabeth (Liz) T. Axelson, AICP

Office: 845.454.3411 x21

ARCHITECTURE. ENGINEERING. PLANNING.

CPLteam.com

From: Elizabeth Axelson **Sent:** Thursday, August 22, 2019 2:46 PM **To:** Jamie LoGiudice <jlogiudice@insite-eng.com>; Planning Kent planningkent@townofkentny.gov **Cc:** Bruce Barber (barberbruce@yahoo.com) <barberbruce@yahoo.com>; Julie Mangarillo (jmangarillo@rsaengrs.com) <jmangarillo@rsaengrs.com>; Jeffrey S. Battistoni, Esq. (JBattistoni@VanDeWaterLaw.com) JBattistoni@VanDeWaterLaw.com **Subject:** RE: Hilltop Estates Subdivision & Commercial lot PB Submittals

Hello Jamie and Vera – As per discussion with Vera just now, the subdivision escrow had a negative balance of \$609.09, in other words it's in arrears; and must be paid off. Then as you know we need new fees and escrow for the new subdivision application.

Regarding the commercial application, it is acknowledged that the fees were paid, however, we need another deposit to the escrow in the amount of \$1000.

We need these fees and escrow, as described above, in order to do any review before the workshop on September 5, 2019 in order for this to be on the agenda. So I suggest these fee and escrow matters be resolved no later than Thursday August 29, 2019. Thank you! Take care, Liz



Elizabeth (Liz) T. Axelson, AICP

Office: 845.454.3411 x21

ARCHITECTURE. ENGINEERING. PLANNING.

CPLteam.com

From: Jamie LoGiudice <jlogiudice@insite-eng.com> **Sent:** Thursday, August 22, 2019 10:32 AM
To: Planning Kent planningkent@townofkentny.gov **Cc:** Bruce Barber
 (barberbruce@yahoo.com) <barberbruce@yahoo.com>; Elizabeth Axelson
 <EAxelson@CPLteam.com>; Julie Mangarillo (jmangarillo@rsaengrs.com)
jmangarillo@rsaengrs.com **Subject:** Re: Hilltop Estates Subdivision - PB Submission

Vera, I understand the fees listed for the Subdivision; however, as discussed previously, Kent Development Commercial Lot is not a new application and does not therefore require any fees. The application was submitted to the Planning Board and then referred to the Zoning Board which we went to. We now are returning to the Planning Board for review. There is already an escrow account set up with that project as well. Please confirm.

Thank you,
 Jamie

Get Outlook for Android

From: Planning Kent <planningkent@townofkentny.gov> **Sent:** Thursday, August 22, 2019 10:27:20 AM **To:** Jamie LoGiudice <jlogiudice@insite-eng.com> **Cc:** Bruce Barber
 (barberbruce@yahoo.com) <barberbruce@yahoo.com>; Liz Axelson - Morris Associates
 (eaxelson@cplteam.com) <eaxelson@cplteam.com>; Julie Mangarillo
 (jmangarillo@rsaengrs.com) <jmangarillo@rsaengrs.com> **Subject:** Re: Hilltop Estates Subdivision - PB Submission

During our review meeting on Tuesday I gave the consultants the material submitted for:

Kent Development Commercial Lot; and
 Hilltop Estates Subdivision

We need the following fees before the workshop on September 5th in order for this to be on the agenda:

Kent Development Commercial Lot	- Erosion Control Permit - \$	500.00
	Wetland Permit	500.00
	Lot Line Adjustment	250.00
	Review Fee/Escrow	1,000.00
Hilltop Estates Subdivision	- Erosion Control Permit - \$	500.00
	Wetland Permit	500.00
	Sub Division Permit	750.00
	Plus \$500 per new lot	
	Review Fee/Escrow	1,000.00

Please let me know how to proceed.

Thanks very much.

Vera Patterson
Town of Kent
Planning Board Secretary
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov
845-225-7802 (T)
845-306-5283 (F)

From: Jamie LoGiudice <jlogiudice@insite-eng.com> **Sent:** Thursday, August 15, 2019 1:37 PM
To: Planning Kent <planningkent@townofkentny.gov> **Cc:** Planning Kent
<planningkent@townofkentny.gov>; John Watson <JWatson@insite-eng.com>; 'Richard
Esposito' <dick@espositobuilders.com> **Subject:** Hilltop Estates Subdivision - PB Submission

Vera,

Please see the attached pdf's pertaining to the Planning Board submission delivered to you today. Let me know if you have any questions or concerns.

Thank you,
Jamie



Jamie L. LoGiudice, RLA

Project Landscape Architect

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
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Carmel, New York 10512
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13. How can a reviewer determine whether a particular action may impact the environmental characteristics for which a CEA was designated?

Once you know that a proposed action is in, or substantially contiguous to, a CEA, it is a good idea to reach out to the agency that made the CEA designation to understand why the CEA was designated and its characteristics. Once you know why an area became a CEA, it is much easier to determine if your proposed action will have a significant adverse environmental impact.

A link to a listing of all the designated CEAs in the state, by county, is available on the SEQR pages of the DEC website at <http://www.dec.ny.gov/permits/6184.html>. Where available, a link to a map of the designated CEA has also been provided. The Division of Environmental Permits, DEC, 625 Broadway, Albany, NY 12233-1750, also maintains a listing of all designated CEAs.

Additionally, information on CEAs is also available in the offices of each DEC region. For CEAs filed after June 1, 1987, the DEC regions may have copies of general maps of these CEAs. These maps may be viewed in DEC offices, however, they often are not reproducible. Note that several CEAs have no maps associated with them, but do have boundary descriptions. Detailed information about any CEA, and additional copies of maps, should be obtained from the agency which designated the CEA.

14. Can reviews of actions involving CEAs be managed to avoid creating undue hardships?

The designation as a CEA should not overly burden the review and consideration of actions in or contiguous to it. The existence or creation of a CEA does not alter the classification of an action in terms of SEQR type. However, all actions of any state and local agency that affect a designated CEA area do require careful reasoned documentation and explanations regarding the impact on an area of important environmental concern. Coordinated review during a SEQR review, while not absolutely required, may be a good course of action to assess all potential negative impacts.

A community or agency can help reduce hardships that may be associated with the existence of a CEA if they critically evaluate the size and boundaries of the CEA when it is being drafted.

D. Segmentation

In this section you will learn:

- What is meant by segmentation,
- How to deal with phases, and
- How to deal with different funding sources for the same overall project.

1. What is Segmentation?

In Part 617.2(a), segmentation is defined as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR.

There are two types of situations where segmentation typically occurs. One is where a project sponsor attempts to avoid a thorough environmental review (often an EIS) of a

whole action by splitting a project into two or more smaller projects. The second is where activities that may be occurring at different times or places are excluded from the scope of the environmental review. By excluding subsequent phases or associated project components from the environmental review, the project may appear more acceptable to the reviewing agencies and the public.

2. What is meant by reviewing a "whole action"?

Agencies are often faced with the problem of how to address a complex action involving a number of related components that may not be presented or applied for at the same time. Typically, this may involve a series of **applications** for the same project (zone change, extension of sewer service, subdivision approval) or **phases** (residential or mixed use development to be constructed over a number of years). It also may involve separate project sites (for example, a resource recovery facility with bypass disposal at another location). Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action should be evaluated as one whole action.

Reviewing the "whole action" is an important principal in SEQR; interrelated or phased decisions should not be made without consideration of their consequences for the whole action, even if several agencies are involved in such decisions. Each agency should consider the environmental impacts of the entire action before approving, funding or undertaking any specific element of the action (see subdivision 6-17.3(g) regarding "Actions").

3. What is the basic test for segmentation?

When trying to determine if segmentation is occurring, agencies should consider the following factors. If the answer to one or more of these questions is yes, an agency should be concerned that segmentation is taking place.

- **Purpose:** Is there a common purpose or goal for each segment?
- **Time:** Is there a common reason for each segment being completed at or about the same time?
- **Location:** Is there a common geographic location involved?
- **Impacts:** Do any of the activities being considered for segmentation share a common impact that may, if the activities are reviewed as one project, result in a potentially significant adverse impact, even if the impacts of single activities are not necessarily significant by themselves.
- **Ownership:** Are the different segments under the same or common ownership or control?
- **Common Plan:** Is a given segment a component of an identifiable overall plan? Will the initial phase direct the development of subsequent phases or will it preclude or limit the consideration of alternatives in subsequent phases?
- **Utility:** Can any of the interrelated phases of various projects be considered functionally dependent on each other?
- **Inducement:** Does the approval of one phase or segment commit the agency to approve other phases?

4. Is segmented review ever acceptable under SEQR?

There are some limited circumstances where a segmented review may be justified. For example, the following circumstances, **when considered together**, may warrant segmentation when a project has several phases:

- Information on future project phase(s) is too speculative,
- Future phase(s) may not occur;
- Future phase(s) are functionally independent of current phase(s).

If circumstances suggest that a segmented review is appropriate, such justification must be clearly noted in the determination of significance and in any subsequent EIS by providing supporting reasons and demonstrating that such review will be no less protective of the environment. For example, functionally independent projects might be capable of segmented review.

5. Who is responsible for making the decision on proceeding with a segmented review?

The lead agency is responsible for making this decision. The project sponsor and other involved agencies may supply information to assist the lead agency, but ultimately it is the responsibility of the lead agency to make an independent assessment of the actual extent or scope of the project and document the decision to undertake a segmented review. Documentation is important because segmented reviews are susceptible to challenge.

6. Is an agency required to segment a review if the project sponsor shows that segmentation would be possible?

No. Segmentation is contrary to the intent of SEQR. The decision to segment a review is at the discretion of the lead agency. The decision to segment a review must be supported by documentation that justifies the decision and must demonstrate that such a review will be no less protective of the environment (see #5 of this section for additional details). However, the "separate" actions that a project sponsor may cite as being independent, unrelated activities needing individual determinations of significance more often than not are linked either through application or proximity and therefore may be subject to legal challenge if a segmented review were to proceed.

7. How might an agency address uncertainty about later phases?

All known or reasonable anticipated phases of a project should be considered in the determination of significance. If later phases are uncertain as to design or timing, their likely environmental significance can still be examined as part of the whole action by considering the potential impacts of total build-out (for example, based on sketch plans or existing zoning). If, after completion of the review, it can be determined that the subsequent phases will cause no significant adverse impacts or that the impacts can be mitigated, initial phases can be approved and no further analysis under SEQR will be necessary.

If substantial changes to the project are proposed later, such changes should be evaluated and a new determination of significance made. If an EIS was produced for earlier phases, either a supplemental impact statement or revised SEQR findings statement may be needed.

8. If projects are linked but will have separate sources of funding, can they be reviewed separately?

No. It is common in many projects to have a mix of funding sources (for example, local highway construction, affordable housing or economic development). If the various funding sources support the same project, or a group of projects that are part of the same overall action, then they should be examined in a single environmental review.

9. How does an agency determine if the proposed project is part of a larger plan?

Sometimes the project sponsor has a definite plan for future development, and other times the future projects are merely wishful thinking. It is up to the lead agency to determine if the project is the "whole action" or merely a part or segment of the action that should be reviewed. If there is evidence of a plan, then there is a strong presumption that the larger project is the "whole action" and should therefore be the subject of the environmental review. Some examples where the larger project is the "whole action" are: a proposed industrial park of which the instant project is just the initial tenant, a commercial strip mall development that allows for future expansion, a residential subdivision that provides for internal road connections to additional lands under the control of the project sponsor, or a mining project that will prepare the site for a subsequent development proposal.

10. Why is the claim of segmentation frequently raised?

In promoting a project, sponsors frequently provide information and make claims regarding subsequent phases or related development that may follow the initial project. The sponsor's goal may be to convince the reviewing agency that their project will serve as an engine for further economic development in an area or municipality, or that it will be only the first of several proposed developments that the sponsor will be constructing in the same area.

When it comes time for the project to be formally submitted to the reviewing agencies for approval, however, the project may not reflect the scope and scale of the initial public disclosures. The general public, especially project opponents, quickly pick up on this issue if the lead agency chooses to review the reduced proposal. The public may also want to know about plans for the expansion of the initial proposal, even though plans for expansion have never been discussed. An example of when this might happen would be when a proposal depicts the development of a 60-acre site and it is discovered that the applicant actually owns the adjoining 300 acres. In such cases, it is not unreasonable to question the plans for the adjoining acreage.

11. How have courts treated segmentation claims?

Court decisions on this topic are very dependent on the specific facts in each case, resulting in a mixed bag of outcomes. Numerous decisions have required, or at least allowed, lead agencies to consider related projects in one environmental review process. However, there are also several court cases that have upheld agency decisions to perform separate reviews of related projects. For some key cases, see the Segmentation section in Chapter 9: Notable Court Decisions.



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Site Plan

Date: September 12, 2019

Project: Kent Self Storage of Putnam, Inc
TM # 22.-2-17, Rt 311
(Formerly Route 311 Plaza)

The following materials were reviewed:

- Letter to Town of Kent Planning Board from Site Designs Consultants-Kent Self-Storage, dated August 14, 2019.
- Combined Application Form, signed 8/15/2019, including Disclosure of Business Interest
- Stormwater Management Plan-Kent Self Storage, prepared by Site Design Consultants, dated May 2019, revised August 2019.
- Letter from NYCDEP dated January 31, 2011
- Engineer's Site Work Estimates, Prepared by Site Design Consultants, dated August 14, 2019
- Cantilevered Retaining Wall calculations, prepared by Site Design Consultants, dated July 26, 2019
- Drawing Page 1-Elevations-Kent Self Storage, prepared by Rayex Design, Planning, Construction, scale 1/8"=1'-0".
- Drawing Page 2-First Floor Plan-Kent Self Storage, prepared by Rayex Design, Planning, Construction, scale 1/8"=1'-0".
- Drawing Page 3-First Floor Plan-Kent Self Storage, prepared by Rayex Design, Planning, Construction, scale 1/8"=1'-0".
- Drawing T-1 Title Sheet-Kent Self Storage, prepared by Site Design Consultants, dated January 2019, last revised August 2019.
- Drawing V-1- Vicinity Plan & Topographic Map-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019 scale 1"=40'.
- Drawing C-101- Site Plan-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale 1"=20'.
- Drawing C-102- Existing Conditions Plan & Slope Map-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale 1"=20'.
- Drawing C-103- Grading & Utility Plan-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale 1"=20'.
- Drawing C-104- Septic Plan, Profile & Notes-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale 1"=20'.

- Drawing C-105- Erosion & Sediment Control Plan & Notes-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale 1"=20'.
- Drawing C-106- Landscape Plan-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised July 29, 2019, scale 1"=20'.
- Drawing C-107- Site Lighting Plan, Photometrics & Specifications-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale 1"=30'.
- Drawing C-301- Intersection Site Distance Plan & Road Profiles-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale As Noted.
- Drawing C-302- Storm Sewer Profiles-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale As Noted.
- Drawing C-303- Development Area Profiles-Kent Self Storage, prepared by Site Design Consultants, dated May 6, 2019, last revised August 14, 2019, scale As Noted.
- **Drawing C-303-Wall Profiles-Kent Self Storage, prepared by Site Design Consultants, dated May 6, 2019, last revised August 14, 2019, scale As Noted.**
- Drawing C-501-Site Improvement Details- Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale N.T.S.
- Drawing C-502-Stormwater Management Details-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale N.T.S.
- Drawing C-503- Septic Details-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale N.T.S.
- Drawing C-504- Erosion & Sediment Control Details-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised August 14, 2019, scale N.T.S.

The project proposes construction of two self storage buildings along with parking areas, water, wastewater and stormwater treatment. Development of this lot was previously approved as Route 311 Plaza.

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 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. Provide an updated Combined Application Form, including a copy of the deed and Disclosure of Business Interest Form.
 - a. 9/12/2019 – Combined application form and disclosure of business interest form provided. **Response letter indicates deed will be provided under separate cover.**

8. We defer to the Planning Board's environmental consultant regarding wetland issues.
9. We defer to the Planning Board's planning consultant regarding planning and zoning issues.

The following comments are provided for the Planning Board's consideration from a memo dated July 3, 2019

4. Refer to the Stormwater Management Plan:
 - e. Include requirements for project close-out and Notice of Termination in an MS4 community. Stabilization inspection will be conducted by Town representatives prior to MS4 sign-off of Notice of Termination.
 - i. **9/12/2019 – Section 12.3 “Termination of Permit Coverage” has been added on page 22 of the SWPPP. Specify either in the SWPPP or as a note on a drawing that Town representative(s) will conduct a stabilization inspection prior to MS4 sign-off of the Notice of Termination.**

New Comments:

1. Drawing C-303 “Wall Elevations” – The elevation for Wall B has some continuity issues between station 2+00 and 2+50. This should be given another look. Also, C-303 is already given to “Development Area Profiles”. Consider giving drawing “Wall Elevations” a different number.
2. Stormwater maintenance and access agreements with the Town will have to be prepared and approved by the Planning Board's attorney.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
19-261-250

Bruce Barber via email
Liz Axelson via email

Adopted September 12, 2019

**Town of Kent Planning Board
Resolution of SEQRA Classification; Lead Agency Intent; Circulation; and
Referrals for:
Site Plan Approval; and Steep Slope; and Erosion Control Permit for
Kent Self Storage, Site and Erosion Control Plan, Route 311, Tax Parcels No. 22.-2-17**

Whereas, the Town of Kent Planning Board has received an application from Richard Viebrock for approval of a Site plan for development of a 2.7-acre parcel to create a self-storage facility and truck rental service in the IOC (Industrial Office Commercial) zoning district located at 164 Route 311, Carmel, in the Town of Kent, Putnam County, New York (tax parcel identification number 22.-2-17); and

Whereas, the proposed action involves the development of two self-storage buildings with office (management) and retail spaces, as well as parking areas, drive, utilities, and electric and stormwater management systems which is a principal permitted use in the IOC zoning district; and

Whereas, the project is depicted on site and erosion and sediment control plans, prepared by Site Design Consultants, Civil Engineers & Land Planners, dated May 14, 2019, last revised August 14, 2019; and a Full EAF, dated January 22, 2019 was submitted; and

Whereas, the proposal will also involve Steep Slopes and Erosion Control Permit approvals;

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board is required to determine the classification of the proposed action; and

Whereas, pursuant to 6 NYCRR § 617.4 and 617.5, the proposed action is neither a Type I or a Type II action under SEQRA; and

Whereas, the Project is located within 500 feet of NYS Route 311, a New York State Highway; and

Whereas, pursuant to Section 239-l, m and n of the General Municipal Law, projects located within 500 feet of a state or county highway must be referred to the Putnam County Department of Planning, Development and Public Transportation for a report and recommendation thereon;

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5; and

Be It Further Resolved, that the Planning Board hereby declares its intent to serve as Lead Agency in a coordinated review of the Project and directs its secretary to circulate notice of its intent to all other involved and interested agencies; and

Be It Further Resolved, that the Planning Board hereby directs its secretary to refer the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m and n of the General Municipal Law.

*Town of Kent Planning Board Resolution of
SEQRA Classification; Lead Agency Intent; Circulation; and
Referrals for Site Plan; Steep Slope; and Erosion Control
for Kent Self Storage Site Plan
September 12, 2019*

Motion: Giancarlo Gattucci

Second: Dennis Lowes

Phil Tolmach, Chairman Aye

Dennis Lowes, Vice Chairman Aye

Simon Carey Aye

Giancarlo Gattucci Aye

Nisim Sachakov Aye

Charles Sisto Absent

Stephen Wilhelm Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on September 12, 2019.



Vera Patterson, Clerk
Town of Kent Planning Board

~~*~*

Involved and Interested Agencies

New York State Department of Environmental Conservation

New York State Department of Transportation

Putnam County Department of Planning, Development and Public Transportation

Putnam County Department of Health

Putnam County Department of Highways and Facilities

New York City Department of Environmental Protection

Town of Kent Building Department

Town of Patterson Town Clerk's office



Cornerstone Associates

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

September 12, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Kent Self Storage of Putnam Inc. Application**
Route 311
Section 22 Block 2 Lot 17

Please be advised that I have conducted a review of the following pertinent documents relative to the above referenced project:

- Comment response memo executed by Joseph Riina, PE of Site Design Consultants dated August 14, 2019 4 pages.
- Town of Kent Planning Board Combined Application executed by Richard Viebrock dated August 15, 2019.
- Letter executed by Jean Marc H Roche of NYCDEP dated January 31, 2019, 1 page.
- Erosion and Sediment Control Work Estimate prepared by Site Design Consultants dated August 14, 2019, 1 page.
- Plans entitled; "Proposed Improvement Plan-Kent Self Storage of Putnam Inc." prepared by Site Design Consultants dated August 2019 (rev.), 16 total sheets: Cover, V-1, C-101, C-102, C-103, C-104, C-105, C-106, C-107, C-301, C-302, C-303, C-501, C-502, C-503, C-504.
- Architectural Plans prepared by Rayex dated July 28, 2019 (not sealed/signed) 3 sheets.

Summary of Application:

The applicant proposes to construct 32,308 two-story self-storage buildings which shall include a 2,500 square foot management office and dry retail space and a separate 2,400 storage building on a 2.705 acre parcel in an IOC (industrial-office-commercial) zoning district on the northwest corner of Route 311 and Ludington Court. Associated site improvements consist of an on-site sewage disposal system, well, required parking (23 spaces), utilities, retaining walls and stormwater structures.

Review Summary:

The applicant has provided satisfactory responses to the majority of the previous comments in the June 11, 2019 memo prepared by this office. The following items are pending:

Business plan which describes materials to be stored on site, hours of operation, retail operations.

NYSDOT approval.

PCDOH approval.

Putnam County referral (239-m).

This office will conduct additional review upon receipt of responses to the above review. Please do not hesitate to contact me should you have any questions.

Sincerely,

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

Bruce Barber, PWS Certified Ecologist
Town of Kent Environmental Consultant



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: September 12, 2019

Project: NYCDEP Horsepound Ridge Forest
Management
TM # 33.-1-44, 33.-1-45, 33.6-1-7.1

The following materials were reviewed:

- NYCDEP Horsepound Ridge Forest Management Project Performance Bond, dated August 12, 2019, submitted via email August 19, 2019

The project proposes "...a salvage of a 24 acre area damaged by a microburst in May 2018, as well as a moderate-intensity silvicultural crown thinning of approximately 56 acres..." per NYCDEP Horsepound Ridge Forest Management Project #5098 Project Plan and Environmental Assessment." Total contiguous area controlled by NYCDEP is 143 acres +/-.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration dated June 12, 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 for the access road and landing area. However coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is not required as NYSDEC considers all silvicultural work exempt from the requirements GP-0-15-002.

The following comments are provided for the Planning Board's consideration dated July 11, 2019:

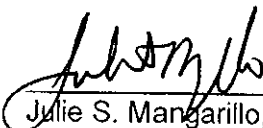
1. Submit hard copies of revised Erosion Control Plan to the Planning Office in preparation for Planning Board Chairman's signature.

New Comments:

1. An erosion control bond is required. For other projects by NYCDEP in Kent, the Town of Kent has accepted a letter of assurance from NYCDEP in lieu of a cash bond. This was done for the Seven Hills Lake Dam Repair.

A letter dated August 12, 2019 was provided in response to our August 7, 2019 review memo. This letter has addressed our comments. Our recommendation is for the Planning Board to accept this letter in lieu of the erosion control bond and to recommend to the Town Board to accept this letter in lieu of the erosion control bond.

- a. Provide a fully executed, signed copy of the letter prior to submittal to the Town Board.
2. If not already done so, prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
19-261-248

Bruce Barber via email
Liz Axelson via email



**Environmental
Protection**

*Vincent Sapienza, P.E.,
Commissioner*

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

71 Smith Avenue
Kingston, NY 12401
T: (845) 340-7800
F: (845) 334-7175

August 12, 2019

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

Re: Horsepound Ridge Forest Management Project Performance Bond

The New York City Department of Environmental Protection (City) appreciates the Town of Kent Planning Board's willingness to consider this letter in lieu of an erosion control bond, to assure the completion of all improvements for the Horsepound Ridge Forest Management Project.

Please accept this letter in lieu of the aforementioned bond as the City's guarantee that all of the conditions of the Erosion Control permit will be strictly adhered to and satisfied. When the contractor was awarded the project, the City required that they provide a performance deposit in the amount of four thousand dollars (\$4,000.00) or 10% of the bid price, whichever is greater, as a guarantee to the City that all work will be completed including all best management practices associated with the project. This requirement can be found in *The City of New York Department of Environmental Protection Bid Package for the Sale of Timber and Firewood at the Horsepound Ridge Forest Management Project (Project #5098)*, Section 2, paragraph I. In the event there is a dispute between the City and the Town of Kent, and it is resolved in the Town of Kent's favor, the City will reimburse the Town's attorney fees. The City recognizes that despite the waiver of the Erosion Control Bond, the City remains responsible for the inspection fee, which covers the costs for representatives of the Town to perform site inspections.

Additionally, the City has committed to paying the cost of the stone aggregate necessary to make the improvements specified in the Horsepound Ridge Erosion Control Plan, as made evident in the attached purchase order with Thalle Materials Inc.

The City of New York hereby warrants, represents and guarantees that it will perform and satisfy all conditions of the Town of Kent Planning Board, which reviewed the Horsepound Ridge Forest Management Project. This guarantee is made in lieu of placing a bond with the Town of Kent, as required in Section 66-7 of the Town Code. It is the intent of this document that the City of New York shall be fully responsible for satisfying the aforementioned conditions. This guarantee shall not expire without the written consent of the Town of Kent.

Site improvements the City is performing include, but are not limited to: access road and landing improvements, the implementation of best management practices for these areas, final stabilization and restoration of disturbed areas, and the removal of temporary erosion and sediment control measures. All site improvements and

erosion control measures have been developed in accordance with the *2018 New York State Forestry Voluntary Best Management Practices for Water Quality Field Guide*.

The City has extremely stringent policies and requirements when it comes to selecting contractors to perform work on its behalf. This project will be completed with the upmost professionalism and skill. Please contact Dan Lawrence at 917-763-7109 should you have any questions or concerns regarding this project.

Thank you for your consideration in this matter.

Sincerely,

c: Dan Lawrence, Amanda Locke, Charles Laing

3. Final payment comprising the remaining balance, FIFTY PERCENT (50%) of the lump sum bid amount, is to be paid upon completion of one-half of project work as determined by DEP FORESTER or by March 1, 2019, whichever is sooner.
- G. All payments will be in the form of a cashier's check, certified check, or money order (NO CASH) and made payable to The City of New York, Department of Environmental Protection, and hand-delivered to the DEP FORESTER.
- H. The SUCCESSFUL BIDDER will cut all of the trees and remove wood products as specified in ATTACHMENT D - HARVEST CONDITIONS, and as directed by the DEP FORESTER.
- I. Following receipt of a written Notice of Award, the SUCCESSFUL BIDDER will provide a Performance Deposit to the CITY, a penal sum that is equal to TEN percent (10%) of the total bid amount or four thousand dollars (\$4000.00), whichever is higher, to guarantee the faithful performance of the terms and conditions, herein described. The aforementioned sum shall be deposited in an account selected by DEP, at a financial institution selected by DEP, to be held in DEP's name. This Performance Deposit will not be used as credit for wood products cut and removed, but shall instead be held as security for the full and faithful performance by the SUCCESSFUL BIDDER of the terms and conditions hereof. Upon the occurrence of any Event of Default (as hereinafter defined), the CITY may, as provided in Section 9.0 of the Harvest Conditions, retain the Performance Deposit, in whole or in part, and apply the same towards the cost of curing any breach or default by the SUCCESSFUL BIDDER hereunder. Upon a determination by the DEP FORESTER that all work hereunder has been completed and the terms and conditions fulfilled, the balance of the amount in such account, less any amounts applied by the CITY pursuant to Sections 5.1 and 9.0 and any other penalties deducted pursuant to the Harvest Conditions (ATTACHMENT D) shall be returned to the SUCCESSFUL BIDDER.
- J. The Harvest Conditions attached hereto as ATTACHMENT D, contain specific conditions that apply to the Turkey Mountain Forest Management Project. Please read these conditions thoroughly because compliance with them will undoubtedly impact the amount of your bid. A signature on the Bid Proposal Sheet (Attachment A) constitutes acknowledgment and acceptance of the Harvest Conditions and other terms and conditions as described herein.

SECTION 3 - WOOD VOLUME

ATTACHMENT G is the Timber Volume Report listing: tree species; size class; estimated timber volume in board feet; total number of trees marked; and total number of cull trees. It is the responsibility of each prospective bidder to determine the amount of timber, firewood, pulpwood, or other wood products that are included in this sale. The CITY does not guarantee the timber volumes. Time will be given to prospective bidders at the public showings and at approved examinations thereafter to cruise the site and to make a determination of volume and value.

SECTION 4 - WORK PROJECTS & SPECIAL CONDITIONS

The SUCCESSFUL BIDDER will be required at the time of harvest, and as determined by the DEP Forester, to complete the following work projects and Best Management Practices (BMPs), locations of which are shown on the Project Map (ATTACHMENT F). BMPs must be properly installed prior to beginning work in respective work areas and maintained to be fully functional and effective according to specifications provided by DEP Forester for the duration and upon completion of this contract.

1. Entrance: Do not damage the pavement on Underhill Avenue at the entrance to the project site. Any damage to the pavement will be repaired at completion of the harvest **BY AND AT THE EXPENSE OF** the SUCCESSFUL BIDDER. The SUCCESSFUL BIDDER's Performance Deposit will be retained until any necessary road repairs are complete.
2. Access Road: Cover 120 feet of the access road entrance with at least 6 inches of NY #3 (1.25 in - 1.5 in) screened stone (no fines). This section of the access road is estimated to require between 46 and 50 Tons of stone. Stone will be provided to the SUCCESSFUL BIDDER by DEP. If conditions dictate, straw wattles will be installed on either side of the road where it crosses over the perennial stream.

4

VAN DeWATER AND VAN DeWATER, LLP

COUNSELORS AT LAW

John B. Van DeWater (1892-1968)
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Ronald C. Blass, Jr. (1951-2018)
John K. Gifford
Jeffrey S. Battistoni
Janis M. Gomez Anderson
Counsel

August 5, 2019

Fred Koelsch, Esq., AICP
Director of Realty Investments
Camarda Realty Investments LLC
1699 Route 6, Suite 1
Carmel, New York 10512

Re: Town of Kent (Patterson Crossing)
Our File No. 11011-023

Dear Mr. Koelsch:

Please accept this set of instruments for purposes of execution by the Developer, and return to the Town of Kent:

1. Original Performance Bond for Erosion and Sedimentation Control; Developer should execute before a notary public, and return to the **Town of Kent** with cash collateral of \$24,703.
2. Original Performance Bond for Stormwater Management Facilities; Developer should execute before a notary public, and return to the **Town of Kent** with cash collateral of \$83,543.
3. Three (3) original copies of a Stormwater Management Facilities Inspection and Maintenance Agreement together with recording instrumentation. Regarding the TP-584, please designate the type of entity where flagged on page one, and insert the Federal EIN, before signing where indicated. Regarding the Agreement, Developer should sign all three (3) original copies before a notary, and return to **our office**.
4. Three (3) original copies of a Stormwater Management Facilities Maintenance Agreement among the Town of Patterson, the Town of Kent, and the Project, together with recording instrumentation. Regarding the

TP-584, please designate the type of entity where flagged on page one, and insert the Federal EIN, before signing where indicated. Regarding the Agreement, Developer should sign all three (3) original copies before a notary, and return to **our office**. We then will obtain the signature of the Town of Patterson on the Agreements and the TP-584.

5. Three (3) original copies of a Stormwater Management Facilities Inspection and Maintenance Easement together with recording instrumentation. Regarding the TP-584, please designate the type of entity where flagged on page one, and insert the Federal EIN, before signing where indicated. Regarding the Agreement, Developer should sign all three (3) original copies before a notary, and return to **our office**.

Please call with any questions.

Very truly yours,

VAN DEWATER & VAN DEWATER, LLP

By: 
JEFFREY S. BATTISTONI

JSB/jbo
Enclosures

cc: Maureen Fleming, Supervisor, Town of Kent (*w/o enclosures*)
Phil Tolmach, Planning Board Chairman (*w/o enclosures*)
Vera Patterson, Planning Board Secretary (*w/o enclosures*)
Richard Williams, Sr., Supervisor, Town of Patterson (*w/o enclosures*)

PERFORMANCE BOND FOR EROSION AND SEDIMENTATION CONTROL

Bond given by Patterson Crossing Realty Company, LLC, a New York limited liability company, its principal place of business located at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated _____, 2019.

KNOW ALL PEOPLE BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the initial sum of \$24,703.00 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained one or more approvals from the Obligee for a land development activity, as that term is defined in Town of Kent Town Code Chapter 66 (the "Code"), on certain real property located in the Town of Kent, in connection with which sedimentation and erosion controls (the "Controls") are required; and

WHEREAS, on October 9, 2014, and subsequently on November 9, 2017 the Kent Planning Board adopted resolutions of conditional approval of land development activity for development of a \pm 16.4 acre site located at NYS Route 311 in the Town of Kent, County of Putnam and State of New York, for use as a retail center covering tax parcels 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C of the Project Plans, *infra*); and

WHEREAS, in conjunction with such approvals, the Obligor submitted plans and specifications ("Project Plans") for the land development activity, and in furtherance of the approvals of the Planning Board, as follows:

The facility shall be constructed in accordance with the plans and specifications prepared by Insite Engineering, Surveying & Landscape Architectures, P. C. ("Insite"), dated and bearing a latest revision date as follows:

- 1) VM- 1K, Vicinity Map, dated January 21, 2016, last revised December 15, 2016;
- 2) EX-I K, Existing Conditions Plan, dated January 21, 2016, last revised December 15, 2016;
- 3) SS-IK, Soils and Slopes Map, dated January 21, 2016, last revised December 15, 2016;

PERFORMANCE BOND FOR STORMWATER MANAGEMENT FACILITIES

Bond given by Patterson Crossing Realty Company, LLC, a New York limited liability company, with its principal place of business located at 1699 Route 6 , Suite 1, Carmel, New York 10512 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated _____, 2019.

KNOW ALL PEOPLE BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the initial sum of \$83,543.00 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained one or more approvals from the Obligee for a land development activity, as that term is defined in Town of Kent Town Code Chapter 66 (the "Code"), on certain real property located in the Town of Kent, in connection with which stormwater management facilities (the "Facilities") are required; and

WHEREAS, on October 9, 2014 and subsequently on November 9, 2017, the Kent Planning Board adopted resolutions of conditional approval of land development activity for development of a \pm 16.4 acre site located at NYS Route 311 in the Town of Kent, County of Putnam and State of New York, for use as a retail center covering tax parcels 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C of the Project Plans, *infra*); and

WHEREAS, in conjunction with such approvals, the Obligor submitted plans and specifications ("Project Plans") for the land development activity, and in furtherance of the approvals of the Planning Board, as follows:

The facility shall be constructed in accordance with the plans and specifications prepared by Insite Engineering, Surveying & Landscape Architectures, P. C. ("Insite"), dated and bearing a latest revision date as follows:

- 1) VM-IK, Vicinity Map, dated January 21, 2016, last revised December 15, 2016;
- 2) EX-IK, Existing Conditions Plan, dated January 21, 2016, last revised December 15, 2016;
- 3) SS-I K, Soils and Slopes Map, dated January 21, 2016, last revised December 15, 2016;

STORMWATER MANAGEMENT FACILITIES
INSPECTION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and between PATTERSON CROSSING REALTY COMPANY, LLC, a New York limited liability corporation having an office at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Owner"), and the TOWN OF KENT, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Town").

WITNESSETH:

WHEREAS, Owner is the current fee owner of certain premises located in the Town of Kent, County of Putnam and State of New York having tax grid numbers 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C) and described by metes and bounds on Schedule A annexed hereto (the "Premises"); and

WHEREAS, Owner has obtained one or more approvals from the Town for land development activity at the Premises, commonly known as "Patterson Crossing," in connection with which stormwater management facilities (the "Facilities") shall be required in accordance with the Town's Code in effect as of the date of this Agreement (the "Code"); and

WHEREAS, as a condition to the issuance of such approval(s) the Code further requires Owner to execute this Agreement and record the same in the Office of the Putnam County Clerk.

NOW THEREFORE, for valuable consideration received, the Owner and the Town hereby agree as follows:

1. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall at all times properly operate and maintain all Facilities and all related systems of stormwater treatment and control in accordance with the provisions of Chapter 66 of the Code of the Town of Kent and applicable New York State Department of Environmental Conservation, New York City

STORMWATER MANAGEMENT FACILITIES
INSPECTION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and between PATTERSON CROSSING REALTY COMPANY, LLC, a New York limited liability corporation having an office at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Owner"), and the TOWN OF KENT, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Town").

WITNESSETH:

WHEREAS, Owner is the current fee owner of certain premises located in the Town of Kent, County of Putnam and State of New York having tax grid numbers 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C) and described by metes and bounds on Schedule A annexed hereto (the "Premises"); and

WHEREAS, Owner has obtained one or more approvals from the Town for land development activity at the Premises, commonly known as "Patterson Crossing," in connection with which stormwater management facilities (the "Facilities") shall be required in accordance with the Town's Code in effect as of the date of this Agreement (the "Code"); and

WHEREAS, as a condition to the issuance of such approval(s) the Code further requires Owner to execute this Agreement and record the same in the Office of the Putnam County Clerk.

NOW THEREFORE, for valuable consideration received, the Owner and the Town hereby agree as follows:

1. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall at all times properly operate and maintain all Facilities and all related systems of stormwater treatment and control in accordance with the provisions of Chapter 66 of the Code of the Town of Kent and applicable New York State Department of Environmental Conservation, New York City

STORMWATER MANAGEMENT FACILITIES
INSPECTION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and between PATTERSON CROSSING REALTY COMPANY, LLC, a New York limited liability corporation having an office at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Owner"), and the TOWN OF KENT, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Town").

WITNESSETH:

WHEREAS, Owner is the current fee owner of certain premises located in the Town of Kent, County of Putnam and State of New York having tax grid numbers 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C) and described by metes and bounds on Schedule A annexed hereto (the "Premises"); and

WHEREAS, Owner has obtained one or more approvals from the Town for land development activity at the Premises, commonly known as "Patterson Crossing," in connection with which stormwater management facilities (the "Facilities") shall be required in accordance with the Town's Code in effect as of the date of this Agreement (the "Code"); and

WHEREAS, as a condition to the issuance of such approval(s) the Code further requires Owner to execute this Agreement and record the same in the Office of the Putnam County Clerk.

NOW THEREFORE, for valuable consideration received, the Owner and the Town hereby agree as follows:

1. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall at all times properly operate and maintain all Facilities and all related systems of stormwater treatment and control in accordance with the provisions of Chapter 66 of the Code of the Town of Kent and applicable New York State Department of Environmental Conservation, New York City



**Combined Real Estate
Transfer Tax Return,
Credit Line Mortgage Certificate, and
Certification of Exemption from the
Payment of Estimated Personal Income Tax**

Recording office time stamp

Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Part A – Information relating to conveyance

Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantor)	Social Security number
	Patterson Crossing Realty Company, LLC	
	Mailing address	Social Security number
	1699 Route 6, Suite 1	
	City State ZIP code	EIN
Carmel NY 10512		
Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN	
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantee)	Social Security number
	Town of Kent	
	Mailing address	Social Security number
	25 Sybil's Crossing	
	City State ZIP code	EIN
Carmel NY 10512	14-6002263	
Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN	

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
22.-2-48 and 22.-2-50	372200	NYS Route 311	Kent	Putnam

Type of property conveyed (mark an X in applicable box)

1 <input type="checkbox"/> One- to three-family house	5 <input type="checkbox"/> Commercial/Industrial	Date of conveyance 08 / 2019 month day year	Percentage of real property conveyed which is residential real property 0 % (see instructions)
2 <input type="checkbox"/> Residential cooperative	6 <input type="checkbox"/> Apartment building		
3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building		
4 <input type="checkbox"/> Vacant land	8 <input checked="" type="checkbox"/> Other Stormwater Management Facilities Inspection and Maintenance Agreement		

Condition of conveyance (mark all that apply)

- | | | |
|---|--|--|
| a. <input type="checkbox"/> Conveyance of fee interest | f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F) | l. <input type="checkbox"/> Option assignment or surrender |
| b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %) | g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G) | m. <input type="checkbox"/> Leasehold assignment or surrender |
| c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %) | h. <input type="checkbox"/> Conveyance of cooperative apartment(s) | n. <input type="checkbox"/> Leasehold grant |
| d. <input type="checkbox"/> Conveyance to cooperative housing corporation | i. <input type="checkbox"/> Syndication | o. <input type="checkbox"/> Conveyance of an easement |
| e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | j. <input type="checkbox"/> Conveyance of air rights or development rights | p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3) |
| | k. <input type="checkbox"/> Contract assignment | q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state |
| | | r. <input type="checkbox"/> Conveyance pursuant to divorce or separation |
| | | s. <input checked="" type="checkbox"/> Other (describe) Agreement |

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$		
	Schedule B, Part 2 \$		

STORMWATER MANAGEMENT FACILITIES
MAINTENANCE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and Between PATTERSON CROSSING REALTY COMPANY, LLC, a New York limited liability company having an office at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Owner"), the TOWN OF KENT, New York, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Kent"), and the TOWN OF PATTERSON, New York, a municipal corporation with an office at Patterson Town Hall, 1142 Route 311, P.O. Box 470, Patterson New York 12563 ("Patterson").

WITNESSETH:

WHEREAS, Owner is the fee owner of certain premises located in the Town of Kent having tax map numbers 22.-2-48 and 22.-2-50, more particularly described by metes and bounds on Schedule A annexed hereto (the "Kent Property"); and

WHEREAS, Owner is the fee owner of real property contiguous to the Kent Property and located within the Town of Patterson, having tax map numbers 22.3-1, 33.2-23, and 34.-2-3, more particularly described by metes and bounds on Schedule B annexed hereto (the "Patterson Property"); and

WHEREAS, Owner is seeking one or more approvals from the Town of Kent and The Town of Patterson for unified land development activity covering both the Kent Property and the Patterson Property, in connection with which stormwater management facilities (the "Facilities"), in the event of administrative land use approval, shall be required in accordance with the respective Town Codes in effect as of the date of this Agreement (the "Codes"); and

WHEREAS, the Facilities as designed and submitted to the respective Towns by the Owner provide, in part, for the management of stormwater generated from the Patterson Property in the direction of the Kent Property and stormwater generated from the Kent Property; and

WHEREAS, the purpose of this Agreement is to provide, among other remedies which may be found in separate and independent stormwater management agreements between the Owner and the respective Towns, that breach by the Owner of obligations to either Town to maintain, clean, repair, replace, and/or continue the Facilities located in that Town, shall entitle

STORMWATER MANAGEMENT FACILITIES
MAINTENANCE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and Between PATTERSON CROSSING REALTY COMPANY, LLC, a New York limited liability company having an office at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Owner"), the TOWN OF KENT, New York, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Kent"), and the TOWN OF PATTERSON, New York, a municipal corporation with an office at Patterson Town Hall, 1142 Route 311, P.O. Box 470, Patterson New York 12563 ("Patterson").

WITNESSETH:

WHEREAS, Owner is the fee owner of certain premises located in the Town of Kent having tax map numbers 22.-2-48 and 22.-2-50, more particularly described by metes and bounds on Schedule A annexed hereto (the "Kent Property"); and

WHEREAS, Owner is the fee owner of real property contiguous to the Kent Property and located within the Town of Patterson, having tax map numbers 22.3-1, 33.2-23, and 34.-2-3, more particularly described by metes and bounds on Schedule B annexed hereto (the "Patterson Property"); and

WHEREAS, Owner is seeking one or more approvals from the Town of Kent and The Town of Patterson for unified land development activity covering both the Kent Property and the Patterson Property, in connection with which stormwater management facilities (the "Facilities"), in the event of administrative land use approval, shall be required in accordance with the respective Town Codes in effect as of the date of this Agreement (the "Codes"); and

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STORMWATER MANAGEMENT FACILITIES
MAINTENANCE AGREEMENT

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WITNESSETH:

WHEREAS, Owner is the fee owner of certain premises located in the Town of Kent having tax map numbers 22.-2-48 and 22.-2-50, more particularly described by metes and bounds on Schedule A annexed hereto (the "Kent Property"); and

WHEREAS, Owner is the fee owner of real property contiguous to the Kent Property and located within the Town of Patterson, having tax map numbers 22.3-1, 33.2-23, and 34.-2-3, more particularly described by metes and bounds on Schedule B annexed hereto (the "Patterson Property"); and

WHEREAS, Owner is seeking one or more approvals from the Town of Kent and The Town of Patterson for unified land development activity covering both the Kent Property and the Patterson Property, in connection with which stormwater management facilities (the "Facilities"), in the event of administrative land use approval, shall be required in accordance with the respective Town Codes in effect as of the date of this Agreement (the "Codes"); and

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NEW
YORK
STATE

Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Part A - Information relating to conveyance

<input type="checkbox"/> Transferor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantor)	Social Security number
	Patterson Crossing Realty Company, LLC	
	Mailing address	Social Security number
	1699 Route 6, Suite 1	
	City State ZIP code	EIN
Carmel NY 10512		
Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN	
<input type="checkbox"/> Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantee)	Social Security number
	Town of Kent	
	Mailing address	Social Security number
	25 Sybil's Crossing	
	City State ZIP code	EIN
Carmel NY 10512	14-6002263	
Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN	

Location and description of property conveyed

Tax map designation -- Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
See attached		See attached	See attached	Putnam

Type of property conveyed (mark an X in applicable box)

1 <input type="checkbox"/> One- to three-family house	5 <input type="checkbox"/> Commercial/Industrial	Date of conveyance 08 / 2019 month day year	Percentage of real property conveyed which is residential real property 0% (see instructions)
2 <input type="checkbox"/> Residential cooperative	6 <input type="checkbox"/> Apartment building		
3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building		
4 <input type="checkbox"/> Vacant land	8 <input checked="" type="checkbox"/> Other Stormwater Management Facilities Maintenance Agreement		

Condition of conveyance (mark all that apply)

a. <input type="checkbox"/> Conveyance of fee interest	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. <input type="checkbox"/> Option assignment or surrender
b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%)	g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. <input type="checkbox"/> Leasehold assignment or surrender
c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%)	h. <input type="checkbox"/> Conveyance of cooperative apartment(s)	n. <input type="checkbox"/> Leasehold grant
d. <input type="checkbox"/> Conveyance to cooperative housing corporation	i. <input type="checkbox"/> Syndication	o. <input type="checkbox"/> Conveyance of an easement
e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. <input type="checkbox"/> Conveyance of air rights or development rights	p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3)
	k. <input type="checkbox"/> Contract assignment	q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state
		r. <input type="checkbox"/> Conveyance pursuant to divorce or separation
		s. <input checked="" type="checkbox"/> Other (describe) Agreement

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$		
	Schedule B, Part 2 \$		

STORMWATER MANAGEMENT FACILITIES INSPECTION AND
MAINTENANCE EASEMENT

THIS EASEMENT, made this _____ day of _____, 2019, granted by PATTERSON CROSSING REALTY COMPANY, LLC, a New York limited liability corporation having an office at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Grantor") in favor of the TOWN OF KENT, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the current fee owner of certain premises located in the Town of Kent, County of Putnam and State of New York having tax grid numbers 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C) and described by metes and bounds on Schedule A annexed hereto (the "Premises"); and

WHEREAS, Grantor has received approvals from Grantee for land development activity at the Premises, commonly known as "Patterson Crossing," in connection with which stormwater management facilities (the "Facilities"), are required in accordance with the Town of Kent Code in effect as of the date of this Easement (the "Code"); and

WHEREAS, as a condition to the issuance of such approval(s) the Code further requires Grantor to execute this Easement and record the same in the Office of the Putnam County Clerk.

NOW THEREFORE, for valuable consideration received, the Grantor hereby agrees as follows:

1. Grantor does hereby grant unto Grantee, its successors and assigns forever, a perpetual easement and right-of-way (but Grantee shall have no obligation), to enter upon the Premises in order to access the Facilities at reasonable times and in a reasonable manner for periodic inspection by Grantee to ensure that the Facilities are maintained in proper working condition to meet design standards

STORMWATER MANAGEMENT FACILITIES INSPECTION AND
MAINTENANCE EASEMENT

THIS EASEMENT, made this _____ day of _____, 2019, granted by PATTERSON CROSSING REALTY COMPANY, LLC, a New York limited liability corporation having an office at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Grantor") in favor of the TOWN OF KENT, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Grantee").

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WHEREAS, Grantor has received approvals from Grantee for land development activity at the Premises, commonly known as "Patterson Crossing," in connection with which stormwater management facilities (the "Facilities"), are required in accordance with the Town of Kent Code in effect as of the date of this Easement (the "Code"); and

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STORMWATER MANAGEMENT FACILITIES INSPECTION AND
MAINTENANCE EASEMENT

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**Combined Real Estate
Transfer Tax Return,
Credit Line Mortgage Certificate, and
Certification of Exemption from the
Payment of Estimated Personal Income Tax**

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A – Information relating to conveyance

Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantor)	Social Security number
	Patterson Crossing Realty Company, LLC	
	Mailing address	Social Security number
	1699 Route 6, Suite 1	
	City State ZIP code	EIN
Carmel NY 10512		
Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN	
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantee)	Social Security number
	Town of Kent	
	Mailing address	Social Security number
	25 Sybil's Crossing	
	City State ZIP code	EIN
Carmel NY 10512	14-6002263	
Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN	

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
22.-2-48 and 22.-2-50	372200	NYS Route 311	Kent	Putnam

Type of property conveyed (mark an X in applicable box)

1 <input type="checkbox"/> One- to three-family house	5 <input type="checkbox"/> Commercial/Industrial	Date of conveyance 08 / 2019 month day year	Percentage of real property conveyed which is residential real property 0 % (see instructions)
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3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building		
4 <input type="checkbox"/> Vacant land	8 <input checked="" type="checkbox"/> Other Easement		

Management Facilities Inspection and Maintenance Easement

Condition of conveyance (mark all that apply)

a. <input type="checkbox"/> Conveyance of fee interest	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. <input type="checkbox"/> Option assignment or surrender
b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%)	g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. <input type="checkbox"/> Leasehold assignment or surrender
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	k. <input type="checkbox"/> Contract assignment	q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state
		r. <input type="checkbox"/> Conveyance pursuant to divorce or separation
		s. <input checked="" type="checkbox"/> Other (describe) Stormwater Easement

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$		
	Schedule B, Part 2 \$		

Elizabeth Axelson

From: Elizabeth Axelson
Sent: Monday, July 22, 2019 3:08 PM
To: Planning Kent
Cc: Maureen Fleming; Tamara Harrison; Lana Cappelli; Julie Mangarillo; Bruce Barber; Jeffrey S. Battistoni, Esq. (JBattistoni@VanDeWaterLaw.com); Nancy Tagliafierro
Subject: SEQRA Process General Information & Links
Categories: Blue category, Green category, Red category

Hello Vera – You mentioned that a local business owner or resident had questions about the SEQRA process related to the Route 52 project scoping outline and public scoping sessions. Here are a couple links to General NY SEQRA information; and also to the public scoping and DEIS processes. Please feel free to forward this email and the links below as you see fit:

- General information about the New York State Environmental Quality Review Act (NY SEQRA): <https://www.dec.ny.gov/permits/357.html> ;
- A guide through the steps in the SEQRA process: <https://www.dec.ny.gov/permits/6189.html> ;
- A description of scoping, which is the process by which the issues to be addressed in a Draft Environmental Impact Statement (DEIS) are identified: <https://www.dec.ny.gov/permits/6426.html> . This is the process that the Planning Board has just done incorporating comments from the public and agencies in a scoping outline (scope) or list of issues, with technical requirements and details, to be addressed in a Draft Environmental Impact Statement (DEIS); and
- Now the Applicant must have his representatives prepare a Draft Environmental Impact Statement (DEIS) to be submitted to the Planning Board for review. It may be a few months or longer before a DEIS is submitted. When we receive it, we'll review according to the scoping outline and the SEQRA regulations. Here's a link describing what is a DEIS or EIS: <https://www.dec.ny.gov/permits/6424.html>; and also a link about the DEIS review for adequacy or completeness based on the scope and content: <https://www.dec.ny.gov/permits/6422.html>.

It has been my experience that most DEIS documents that are submitted are often found to be inadequate or incomplete in the first round of review. So most DEISs would then need to be revised and resubmitted before they are adequate or complete for public and agency review. Some DEISs go through a few rounds of review before they are found to be adequate or complete.

So, for example, the public and agency comments submitted about the Route 52 project during the public scoping process were considered in creating a fully revised outline that the Planning Board adopted. A DEIS will be submitted at a later date and reviewed to see whether it is adequate or complete for public and agency review; or whether it is inadequate or incomplete. In short, there are many steps ahead in a SEQRA review in which a DEIS is required.

I hope this provides guidance and please feel free to forward if you believe it would help. This is copied to Maureen; Tamara; Lana; Julie; Bruce; Jeff Battistoni; and Nancy Tagliafierro in case they receive inquiries and feel that forwarding this email may help.

Take care,
Liz



Elizabeth (Liz) T. Axelson, AICP
Office: 845.454.3411 x21
ARCHITECTURE. ENGINEERING. PLANNING.
CPLteam.com

Phil Tolmach/Chairman,
Dennis Lowes/Vice Chair,
Simon Carey
GianCarlo Gittucci
Charles Sisto
Steven Wilhelm
Nisim Scahakov
Chris Ruthven/ liason to the Town Board

Received
mo/date/year

SEP 10 2019

Planning Department
Town of Kent

25 Sybil's Crossing
Kent Lakes, NY 10512

Dear Planning Board Members,

I oppose the Route 52 Kent Country Square LLC development. I am alarmed about the impact of the proposed 137.4-acre parcel development. It calls for 54 acres to be excavated and mined for mixed commercial use including but not limited to a truck/rest stop, truck wash, repair and truck service station. I am concerned about the environmental impact relating to the massive rock cutting and impact to our water tables. The proposed property would require a petition for a zoning amendment to change the zoning law allowing construction of a five-story structure and require a ladder truck for the fire department and a place to house the new truck. Our town would also need to have an increase in police presence.

There would be a massive increase in traffic at the Route 52 and Ludingtonville exchange, which is already high during commuter times. The truck traffic on the Route 52 corridor between exits 58 (17) and 61 (18) will increase tremendously. Tractor-trailers do not like stopping on hills or icy inclines. The school buses and the 30-ton tractor-trailers would fight for the same road space. Tractor-trailers will also be traveling over the causeway and making the turn from Route 311 to Route 52.

Normally, I would be excited to see new business and development in the community, but environmental and traffic impact to the Route 52 corridor and the neighbors would be substantial. There is also no confirmed commitment from this company to build the hotels, conference center or water park. The property has already changed ownership once.

Please take this letter as my formal opposition to this project.

Thank you,

NAME / DATE

ADDRESS

Anne B. Argentieri
59 Millpond Lane
Holmes, NY
(Kent Lakes)

Received
mo/date/year

SEP 10 2019

Planning Department
Town of Kent

Name MR & MRS LEIGH BARBARO

Street Address 14 WHARTOWN CT

Kent, New York 10512

Date 9-4-19

Maureen Fleming, Town Supervisor
William Huestis, Deputy Supervisor, Councilman
Paul Denbaum, Councilman
Jaime McGlasson, Councilwoman
Christopher Ruthven, Councilman
25 Sybil's Crossing
Kent Lakes, NY 10512

RECEIVED
KENT TOWN
2019 SEP 10 AM 9:50

075

Dear Town Board Members,

I am writing to express my objection to the proposed Rt 52 Kent Countryside Square LLC development - the largest and most drastic change ever proposed to the Town of Kent, and to protest the forthcoming petition for a zoning amendment to change any zoning laws in conjunction with this development.

While not opposed to change, I do not support this project that clearly is inconsistent with the Town's primary planning mission - to preserve its rural character and protect its natural features.

I am alarmed by the environmental assessment and identified potential impacts on Land, Surface Water, Groundwater, Air, Plants, Animals, Aesthetic Resources, Open Space & Recreation, Transportation, Energy, Noise, Odor, Light, Human Health, Inconsistencies with Community Plans and Community Character as detailed in the Scoping Outline for the Rt 52 Kent Country Square Amended SEQRA Positive Declaration. In particular, I am distressed by the damaging effects on the Town of Kent water table and on the wells of residents from the proposed mining (180 feet depth), together with the toxic runoff and truck wash water. The inclusion of the trucking facility will most certainly detract from quality of life in Kent with its negative effects on visual character, environmental quality and traffic.

This letter is to make my voice heard now, but please remember during elections my vote also speaks volumes. As our Town leaders you must establish appropriate responsible development to avoid environmental degradation and preserve the quality of life in our Town of Kent.

Very truly yours,

(Signature) 

Printed Name JANET BARBARO LEIGH BARBARO

Phil Tolmach/Chairman,
Dennis Lowes/Vice Chair,
Simon Carey
GianCarlo Gittucci
Charles Sisto
Steven Wilhelm
Nisim Scahakov
Chris Ruthven/ liason to the Town Board

25 Sybil's Crossing
Kent Lakes , NY 10512

Dear Planning Board Members,

I oppose the Route 52 Kent Country Square LLC development. I am alarmed about the impact of the proposed 137.4-acre parcel development. It calls for 54 acres to be excavated and mined for mixed commercial use including but not limited to a truck/rest stop, truck wash, repair and truck service station. I am concerned about the environmental impact relating to the massive rock cutting and impact to our water tables. The proposed property would require a petition for a zoning amendment to change the zoning law allowing construction of a five-story structure and require a ladder truck for the fire department and a place to house the new truck. Our town would also need to have an increase in police presence.

There would be a massive increase in traffic at the Route 52 and Ludingtonville exchange, which is already high during commuter times. The truck traffic on the Route 52 corridor between exits 58 (17) and 61 (18) will increase tremendously. Tractor-trailers do not like stopping on hills or icy inclines. The school buses and the 30-ton tractor-trailers would fight for the same road space. Tractor-trailers will also be traveling over the causeway and making the turn from Route 311 to Route 52.

Normally, I would be excited to see new business and development in the community, but environmental and traffic impact to the Route 52 corridor and the neighbors would be substantial. There is also no confirmed commitment from this company to build the hotels, conference center or water park. The property has already changed ownership once.

Please take this letter as my formal opposition to this project.

Thank you,

Cary Brown 9/10/2019
NAME / DATE
160 Seven Hills Lk Dr., Kent Lakes, NY
ADDRESS

10512

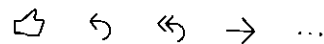
« Reply all ▾ Delete Junk Block ...

FW: Truck stop

LC

Lana Cappelli

Tue 9/10/2019 4:09 PM



Tamara Harrison; Planning Kent; Deputy2; William Huestis; Christopher Ruthven + 3 others

-----Original Message-----

From: Anita Dall [<mailto:adall1@comcast.net>]

Sent: Monday, September 09, 2019 5:45 PM

To: Lana Cappelli

Subject: Truck stop

As fifty year residents of the town of Kent we implore those who hold the power to stop this destructive development to do so. We had moved to Kent to raise a family, "where the country begins ". Do not make a mockery of that statement by having a truck stop and overdevelopment as part of our landscape.

Zoning laws were made to protect Kent citizens and spot zoning changes are not in our best interest.

Though we know we don't live in Bedford Hills, we also don't want to live in the South Bronx.

We understand that taxes are an issue, but so is the quality of life. Real estate values will plunge when prospective buyers realize that their children will be going to an elementary school 1,500 yards from a truck stop. People will rightly speculate on all the unsavory things that that kind of business will bring.

Once again we implore the members of any committees that have power to stop this madness to do so.

Respectfully,

Anita and Raymond Dall

28 Tiger Trail East

Carmel, NY 10512

Sent from my iPhone

Maureen Fleming, Town Supervisor
William Huestis, Deputy Supervisor, Councilman
Paul Denbaum, Councilman
Jaime McGlasson, Councilwoman
Christopher Ruthven, Councilman
25 Sybil's Crossing
Kent Lakes, NY 10512

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Thank you,

Luanne Morse 9/10/2019
NAME / DATE
160 Seven Hills Lk Dr, Kent Lakes, NY
ADDRESS
10512

⏪ Reply all ▾ 🗑 Delete 🗑 Junk Block ...

Fw: My letter to the Planning Board

PT

Phil Tolmach <bestscapes@hotmail.com>

Sun 9/8/2019 1:42 PM

Planning Kent ✕

👍 ⏪ ⏩ ➡ ...

From: Beth Tolmach <beth.tolmach@gmail.com>

Sent: Wednesday, August 21, 2019 8:36 PM

To: Phil Tolmach <bestscapes@hotmail.com>

Subject: My letter to the Planning Board

Received
mo/date/year

SEP 10 2019

Planning Department
Town of Kent

To the Planning Board:

I am the daughter of Phil Tolmach and a lifelong resident in Kent, although I currently am living in Peru. I want to express my concern for the proposed building project on Route 52. While I understand the very real necessity to stimulate the local economy and lower town taxes, I suggest that you— as people who hold a great responsibility in the future evolution of Kent— take a moment to consider things from a larger perspective. Any building project can create temporary jobs and financial incentives, but the impact on nature is something irreversible and significant in its affect on our population's health and happiness. Just the deforestation required for such a project creates a huge environmental impact that we might not take into account when seeing this issue solely from a profit-oriented viewpoint. When we remove trees— which have taken years upon years to grow— we destroy the habitat of wildlife, remove the natural beauty and decrease the air quality. There is also the issue of water and soil contamination.

As Bernie Sanders often says, it is completely absurd to put "short term profits over the health of this planet." This is not to say that we can never invest in new building projects, but it is simply to consider if such projects, with their environmental impact, truly serve the community rather than corporations and those who seek to gain personal wealth. A hotel or truck stop— does this really enrich the lives of the people in the town of Kent? Is it worth the pollution, noise, and ugliness of a construction project? Are you as a board putting the interest of the people and land of Kent above the interest of contractors and developers? I hope you can think about these issues deeply and make decisions that come from wisdom and integrity.

-Beth Tolmach



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Completeness Review:
Erosion Control Plan
Wetland Permit

Date: September 12, 2019

Project: Zucker ECP Woodchuck Ct
TM # 21.19-1-5

The following materials were reviewed:

- Response Letter prepared by John Karell, Jr., P.E., dated August 12, 2019
- Response Letter prepared by John Karell, Jr., P.E., dated September 9, 2019, via email
- Letter from Putnam County Department of Health, dated May 1, 2019
- Letter from Putnam County Department of Health, dated Feb 21, 2019
- Putnam County Department of Health Town Legal Bedroom Count & Proposed Addition Status, dated Jan 28, 2019
- NYSDEC Freshwater Wetlands, Article 24 Permit, issued 8/9/2019
- Drawings prepared by John Karell, Jr., P.E. dated February 20, 2019, including,
 - S-1 Site and Erosion Control Plan, revised 8/12/2019
 - S-2 Slope Plan, revised 6/19/2019
 - EC-1 Erosion Control & Steep Slope Details/Notes, revised 6/19/2019
 - EXG1 Existing Conditions Plan, revised 4/12/2019, with NYSDEC Freshwater Wetland Boundary Validation, signed 4/24/2019
- Drawings prepared by Takatina, including:
 - A001 Proposed Site Plan, last revised 4/1/2019 with Health Dept stamp 5/1/2019
 - A002 Existing and Proposed Plans, last revised 4/1/2019 with Health Dept stamp 5/1/2019

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

The project proposes construction of an addition and new garage for an existing single family home.

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, however the current estimate for area of disturbance is less than the threshold of 5,000 SF. As long as the area of disturbance remains less than 5,000 SF then coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is NOT required.

However, since steep slopes will be disturbed and a wetland buffer is expected to be disturbed, a Town of Kent Erosion & Sediment Control Permit is required.

New Comments:

1. Bond – At the July 11, 2019 Planning Board meeting, the Planning Board recommended to the Town Board to accept the following bonds:
 - a. \$1580 for the erosion control bond, and
 - b. \$1000 for the wetland mitigation bond.
2. All engineering comments have been addressed.
3. If not already done so, prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the erosion control bond, initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.



Julie S. Mangerillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
19-261-999-166

Bruce Barber via email
Liz Axelson via email



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

September 12, 2019

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: Zucker Application

12 Woodchuck Court

Section 21.19 Block 1 Lot 5

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

- Comment response memo prepared by John Karell, Jr., PE dated 08/12/19, 2 pages (unsigned).
- NYSDEC Article 24 wetland permit dated 08/09/19.
- Plans entitled; "Jonathan Zucker" prepared by John Karell, Jr, PE dated 08/12/19 (rev.), 4 sheets: S-1, S-2, EC-1, EXG-1.
- Plans entitled; "Carmel Residence-Cabin 104" prepared by Peter Weed, Architect dated 04/01/19, 2 sheets: A001, A002.

Summary:

Application is to construct an addition, a garage with deck, outdoor tub and shower, and screened porch within an existing deck footprint to renovate an existing two bedroom 2,058 square foot single-family residence on a 1.0+/- acre parcel in an R-80 zoning district.

Total site disturbance is indicated as 4,924 square feet. Additions total 2,138 square feet.

Review:

The applicant has provided satisfactory responses to the prior review memo prepared by this office dated July 11, 2019. The following are remaining comments;

The applicant should certify that there have not been any plan changes in the wetland or wetland buffer area from the plan date cited in the NYSDEC Article 24 wetland permit of May 2019.

The applicant should clarify the ceiling height requirement of the PCDOH indicated in their letter dated 2/21/19.

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

Sincerely,

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

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