

**Minutes
Town of Kent Planning Board Meeting
August 8, 2019
FINAL MINUTES**

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
Charles Sisto
Stephen Wilhelm

Others in Attendance:

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

Absent:

Simon Carey
Giancarlo Gattucci
Nisim Sachakov

• **Approve Planning Board Minutes from July 11, 2019**

Mr. Tolmach asked for a motion to approve the minutes from the July 11, 2019 meeting. The motion was made by Mr. Lowes and seconded by Mr. Sisto. The roll call votes were as follows:

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

The motion carried.

• **Bourgeois Property, 100 Lakeshore Dr., Kent, NY; TM: 33.58-1-9**

Mr. Daniel Ciarcia, the applicant's engineer, and Mr. David Bourgeois attended the meeting.. This was a Public Hearing and a discussion regarding accepting an Erosion Control bond for this property. There was an existing house on this property, which was demolished and a modular house was constructed without an erosion control permit.

Mr. Ciarcia said the lot measurement was 100 x 100, 10,000 square feet /1/4 acre. Disturbance exceeded the threshold for NYC watershed and an erosion control permit was requested.

Ms. Axelson suggested that Mr. Tolmach should open the Public Hearing for this property. Mr. Tolmach asked for a motion to open the Public Hearing. The motion was made by Mr. Sisto and seconded by Mr. Lowes. The roll call votes were as follows:

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

The carried.

Mr. Barber's Comments (memo attached)

Mr. Barber said that Ms. Mangarillo was running late for the meeting, and that her comments were minor and she had transmitted a memo earlier. The fees were also brought up to date. The Highway Superintendent inspected the catch basin on the front of the property and found it to be operating satisfactorily. Ms. Mangarillo requested a memo documenting that. Mr. Barber said that there are no wetlands involved with this project. Mr. Barber asked that the Planning Board accept the Erosion Control Bond in the amount of \$500.00 and inspection fee of \$1,000.00 and forward the recommendation to accept it to the Town Board. Mr. Barber said that he, Ms. Mangarillo and Ms. Axelson asked that this project be moved to an administrative track.

Mr. Tolmach asked the audience if anyone wished to speak and no one did. Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

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

The carried.

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Mr. Tolmach asked for a motion to accept the bond in the amount of \$500.00 and inspection fee of \$1,000.00 and recommend to the Town Board that it they accept it. The motion was made by Mr. Sisto and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The carried.

Mr. Tolmach asked for a motion to move this project to the administrative track, as recommended by the consultants. The motion was made by Mr. Wilhelm and seconded by Mr Lowes. The roll call votes were as follows:

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

The motion carried.

- **Kent Development Timber Harvest, Peckslip Rd., Kent, NY; TM: 12.-1-38 ^ 42**

Mr. Jordan Heller, forester for Green Lumber Company, represented the applicant, Mr. Richard Esposito. Mr. Heller said that this was a continuation of a Public Hearing for this property. The timber harvest will encompass about 50 acres and the boundaries are marked. Mr. Barber and Mr. Heller will re-inspect the property. This application was submitted in May and there are only a few outstanding issues, according to Mr. Heller. Harvesting won't be done in the wetlands. Erosion is a big concern pertaining to this project.

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

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

The carried.

Mr. Tolmach asked if anyone wished to speak regarding this project and there was no one present who wished to do so.

Mr. Barber's Comments (memo attached)

Mr. Barber reminded the Planning Board that this applicant had previously been granted conditional approval for a residential sub-division, but the approvals have since lapsed. The property owner is now planning on logging on the property and is now seeking approval of an erosion control permit for a selective harvest of 47 acres. There is a proposed access road on Peckslip Road and will disturb approximately ¼ acre and an erosion control permit is required. An inspection of the wetlands will be done to confirm that the tree cutting is below the threshold requiring a wetland permit. The borders will also be inspected to ensure there is a buffer between the residential and logging areas. The applicant will not cut trees from November 1st thru March 31st. Mr. Barber said that he is waiting for the Highway Superintendent to send baseline information of the existing road and stormwater infrastructure. Mr. Barber suggested that, if the Board agrees, this project be moved to the administrative track.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the applicant has to provide an Erosion Control bond, which was estimated to be between \$1,200 to \$1,400.00. Ms. Mangrillo said that she recommended the bond be in the amount of \$2,000.00.

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Mr. Wilhelm made a motion to recommend to the Town Board that an Erosion Control Bond in the amount of \$2,000.00 and inspection fee in the amount of \$1,000.00 be accepted; the Public Hearing be closed; and that this project be moved to an administrative track. The motion was seconded by Mr. Lowes. The roll call votes were as follows:

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

The carried.

• **Route 52 Development/Kent Country Square, Rte. 52., Kent, NY; TM: 12.-1-52**

Mr. Caruso, attorney for the applicant, attended the meeting. Mr. Caruso said that there has not been much going since the last meeting. Mr. Caruso said that he has been in . Touch with the Town Attorney, Nancy Tagliafierro, of Hogan and Rossi, regarding the petition for the Zoning Amendment and that he is waiting for that to be handled before submitting any more material.

Ms. Axelson's Comments

Ms. Axelson said the scoping session closed on July 11, 2019 and materials pertaining to this project were circulated to agencies and placed on the website. The materials were filed with NYSDEC environmental notice bulletin as required. Finalized transcript of the meeting Scoping Session held on July 11, 2019 is pending approval by the Planning Board.

Mr. Tolmach asked for a motion to adopt the transcript of the Scoping Session held on July 11, 2019. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

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

The carried.

Ms. Axelson stated that the Planning Board was waiting for the Draft Environmental Impact Statement (DEIS) to be submitted.

Mr. Tolmach advised the audience that, although the Scoping Session was closed and that the meeting was not a Public Hearing, the Planning Board would be happy to listen to any statements as long as they had not been discussed previously.

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Mr. Jerry Greco, of 12 Schuykill Road, asked to be heard. Mr. Greco had a question regarding the final elevation of this project. The elevation of his house was 920 and was concerned about impacts on his well and the aquifers as well as endangered species. Messrs. Tolmach and Wilhelm said their property is near this property and they and the Planning Board are all concerned as well. Mr. Tolmach said that additional material needed to be submitted. Mr. Greco also was concerned about the noise. Mr. Tolmach said that this had also been addressed.

Ms. Eileen Civitello, of Fairview Court, asked to be heard. Ms. Civitello reminded the Planning Board that the town of Kent does have a Master Plan and asked that the Planning Board consider the consequences of changing the zoning. Mr. Tolmach asked where the development should be done I not on Route 52. Ms. Civitello said that she had watched previous meetings where questions had arisen, but she felt the answers had not been forthcoming. She asked if there would be a time when residents could ask questions in the future. Mr. Wilhelm responded that there had been several Public Hearings (3) and more would be held in the future as the discussions regarding this project continued. Ms. Civitello asked if this property would be mined and then abandoned as the Kent iMaterial property owner had done, Mr. Wilhelm mentioned that he applicants did not have to come to the Planning Board and that they already had a mining permit. Ms. Civitello said that many residents were not aware of the plans for this property. Mr. Tolmach and Mr. Wilhelm responded that discussions pertaining to this project had been going on for approximately one and half years. Ms. Axelson said that when a Determination of Significance requiring an Environmental Impact Statement (EIS) the Board requested an intensive detailed review which would "cover all the bases" and a 37 page outline was prepared. It may take a few months for the applicant to respond.

Mr. Gary Rosenthal, who is in the process of purchasing a house on Bowen Road, asked to be heard. Mr. Rosenthal said the reason he wanted to live in the area was because it was very quiet and if he had known a truck stop was proposed he would not have bought the property he was looking at. Mr. Rosenthal felt that allowing this project to go through should not be allowed. His tone and language became very colorful. Mr. Lowes asked Mr. Rosenthal to control himself

Ms. Doherty, former Kent Town Supervisor, asked to be heard. Ms. Doherty asked for clarification on the process the Town Board would have to follow to changing the zoning as noted in the Master Plan in order to allow an increase in the building heights. Mr. Wilhelm responded that the Planning Board would not be involved in that and that it could be handled by the Town Board. Ms. Axelson confirmed that this matter would be handled by the Planning Board. Ms. Axelson said that the revised Scoping Outline addresses a zoning amendment as part of the action and there are generic or general aspects refer to the effect on the entire IOC district as well as this site. A clause was kept in the Positive Declaration prepared previously in the event the proposed zoning amendment the Planning Board has 30 days after the petition for a zoning change has been submitted to amend the Positive Declaration and/or the Scoping Outline. When the DEIS is submitted the Planning Board is the Lead Agency will review the entire project and will retain Lead Agency status and will review the EIS. A Findings Statement will be done (in approximately one year) and they will also consider whether or not to recommend the Zoning Amendment and whether or not mitigation is sufficient to allow the project to move forward towards approvals.

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Ms. Maureen Perrotti, of 430 Nimham Road, asked to be heard. Ms. Perrotti asked why the July minutes had not been posted and felt that was not acceptable. Mr. Tolmach and Mr. Wilhelm advised her that the minutes were just approved earlier in the August meeting. Mr. Wilhelm advised Ms. Perrotti that the videos were on the homepage a few days after the meeting, but minutes were not posted until they were approved at the next meeting.

Mr. Jerry Greco asked about the mining permit mentioned earlier in the meeting. Mr. Michael Caruso, attorney for the applicant, said that a mining permit has not been issued by the DEC. Mr. Caruso said that, as previously discussed, the applicant could apply for a mining permit at any time but had chosen not to do so in order to ensure that everything worked "in tandem". Mr. Caruso also confirmed that an EIS had not been yet but that it is being worked on. Mr. Caruso said that the applicant had been working diligently with the Planning Board to ensure that the property was developed in a positive way. Retail components have also met with the Planning Board to show that the applicant has every intention of developing this property as planned.

Ms. Joyce Toth, of 108 Seven Hills Drive, asked to be heard. Ms. Toth asked if it is the Town Board or Planning Board's responsibility to look at the additional charges would be entailed by the Police Department and additional road maintenance charges. Mr. Tolmach said that the Planning Board was looking at these issues. Mr. Wilhelm said that the NYSDOT were also looking at the road issues.

Mr. Tolmach advised the audience that, if they had any questions regarding this project, they could contact the Planning Board secretary.

• **Gierer (Cargain) Property, 43 Marie Road, Kent, NY; TM: 22.-1-42**

Ms. Mangarillo said a Public Hearing was opened and closed in July and the project was moved to the administrative track. A bond amount had been submitted, but Ms. Mangarillo felt it was too high and suggested the bond amount be \$6,000.00.

Mr. Tolmach asked for a motion to accept the bond amount of \$6,000.00 and that the recommendation to accept it be forwarded to the Town Board. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

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

The carried.

- **Raneri Property, Hillside Paper Rd., Kent, NY; TM: 44.24-1-3**

Mr. Jack Karell represented the applicant, who also attended the meeting. Mr. Karell said that he had received memos from Mr Barber and Ms. Mangarillo. He said that he had addressed drainage and stone wall issues had been addressed in March. He asked that a Public Hearing be waived because the Zoning Board had held a Public Hearing, a waiver of the tree plan and that this project be moved to the administrative track.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said that she had done a thorough review and that progress had been made on the maps as well as zoning issues. The ZBA did a decision granting a 280 A variance with conditions. Additional information is still needed regarding the paper streets. Mr. Battistoni, Planning Board Attorney, had received material submitted by Mr. Charbonneau, attorney for the applicant. Mr. Battistoni still had concerns and sent a memo (attached) and Ms. Axelson suggested that Mr. Battistoni may want to talk to Mr. Charbonneau directly and asked the Planning Board to authorize that if they wished to do so. Ms. Axelson said that it was not time to hold a Public Hearing, but that she felt one needed to be held regarding this property. There are questions regarding ownership of the paper street. Mr. Karell said that Mr. Raneri has a title report granting him access to the street. He also suggested that the Planning Board authorize Mr. Battistoni to talk to Mr. Charbonneau. Mr. Karell said that he and the Kent Highway Superintendent believed that the Town of Kent owns the street.

Mr. Barber's Comments (memo attached)

Mr. Barber said reviews were delayed from March pending the decision from the Zoning Board of Appeals. There are questions regarding the soils because there were some elevated concentrations of semi-volatile organic compounds. There have been communications between the DEC, NYCDEP, Putnam County Board of Health and Mr. Barber recommended that the plans be sent to these organizations so that everyone is seeing the same thing. Mr. Barber said that Mr. Karell said the fill material may be overlaid with the driveway and asphalt and it will serve as a cap and remediation for the semi-volatile organic compounds. Mr. Barber said that the soil is larger than the path of the driveway and the material is throughout the soil profile itself, which makes a big difference as to determining whether or not the soil can remain in place or will need to be removed. The soil is in part a wetland area and Mr. Barber said he would need to see what the wetland buffer looked like prior to the soil being placed on the property and determining if the soil can remain in this area or a mitigation plan would need to be done to offset the fill. Mr. Barber said that the Board may wish to waive the tree survey, but there has not been a survey submitted of the trees provided. There is no information pertaining to soil testing for any infiltration structures, rock blasting or chipping. When the soil testing was done the Planning Board had adopted an accepted protocol of where the test holes would be and the testing deviated from that protocol and a map had been requested from Mr. Karell which had not yet been submitted.

Ms. Mangarillo's Comments (memo attached)

Some of comments regarding the driveway and the stonewalls had been addressed, according to Ms. Mangarillo. Ms. Mangarillo, like Mr. Barber, also had concerns regarding the fill and if it would be suitable to put the driveway on top of it. Ms. Mangarillo asked for additional review by the DEC as to their recommendations. She also requested an updated erosion control bond estimate.

Mr. Karell said that the traveled way is 85' from the wetlands and he felt the protocols had been met. The DEC said that the impacted soil can be used beneath the pavement or sub-surface. He had been trying to get in touch with them to clarify their statement but was unable to contact them. Mr. Barber said that he was not sure whether or not the DEC left anything out regarding their statements. Mr. Barber spoke to Mr. Lee Rife at DEC. Mr. Rife indicated the only opportunity to keep contaminated fill in place was if it was located under a cap of pavement. Mr. Barber wanted to ensure that the DEC was getting all of the information of what is on the site.

Ms. Mangarillo said that she was under the impression that the memo was from the Health Department, who had conferred with the DEC. Ms. Mangarillo said that the DEC has to weigh in a more formal manner. Mr. Karell said he'd get it clarified.

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

There was no one present representing the applicant for this project.

Mr. Barber's Comments (memo attached)

This project involves approximately 24 acres and many downed trees were caused by the recent tornado. There are plans to harvest another 56 acres. An erosion control permit is required because more than 5,000 square feet will be disturbed. Mr. Barber said he had walked the site to verify wetlands and to study the soils and steep slopes Mr. Barber said the only remaining comment he had pertained to a discussion with the Highway Superintendent about establishing the baseline of the existing roads and storm-water infrastructures to ensure that if the roads are damaged during the logging operations there would be an opportunity to repair them.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo discussed the letter in lieu of bond from NYCDEP. A letter of assurance was submitted previously when there was work done on the Seven Hill Lakes Dam. NYCDEP wanted to do the same thing with this project.

At this point Ms. Mangarillo listed all the important items which would need to be included in the memo from NYCDEP. Ms. Mangarillo suggested waiting until NYCDEP responded to Ms. Mangarillo's memo and hold it over until the September meeting. Also, a wetland permit fee in the amount of \$500.00 was submitted, however a wetland permit is not required for this project. The applicant asked that the \$500.00 be transferred to the review account.

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Mr. Tolmach asked for a motion to transfer the wetland permit fee to the review account. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

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

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The carried.

- **Powers Property, 67 N. Knapp Ct., Kent, NY; TM: 9-1-44**

The owner of this property had \$956.00 remaining in an escrow account from and sent a letter asking that it be returned to her. Ms. Mangarillo recommended refunding this money to Ms. Powers.

Mr. Tolmach asked for a motion to refund this money to Ms. Powers. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. . The roll call votes were as follows:

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

The carried.

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

- Kent Manor Discussion/w J. Battistoni (at the August workshop)

Ms. Axelson's Comments

A letter from Van DeWater & Van DeWater with attachments were submitted previously. Ms. Axelson suggested that the Board refer to Page 3 and Ms. Axelson summarized it.

Mr. Tolmach asked for a motion to accept a Resolution (attached) authorizing the Chairman to execute amended site plan and site plan approvals reducing lots pursuant to court ordered stipulations. Mr. Wilhelm objected to approving this Resolution.

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

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

The vote was 3 to 1 and the motion did not carry.

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

Ms. Mangarillo's Comments

Ms. Mangarillo said the representatives for the nursing home attended a workshop, which was very helpful. Changes were made to the proposed parking and emergency vehicle access to address comments from the Fire Inspector. A full re-submittal should be delivered shortly.

The Town Board adopted the Zoning change and a letter had been sent to the Planning Board from an adjoining property owner, which was forwarded to the architects for this project. Comments from Russ Fleming was also forwarded to the applicant representatives regarding fire and safety. The applicants have begun redesigning the plans and another submittal should be submitted.

Mr. Barber's Comments

There was some discussion regarding installation of a dry hydrant in the pond. The applicant is consulting DEP and DEC, but they feel it will be difficult. The Fire Inspector said this would be desirable, but not required if they were not able to install a hydrant.

- Kent Self Storage Site Plan/Erosion Control Status Report
Rte. 311, Kent, NY
TM: 22.-2-17

Ms. Axelson's Comments

Another submittal is due and there was discussion about a sidewalk and the suggestion by Mr. Barber to allow an easement in the front so a sidewalk could be built in the future if necessary was accepted.

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

We are waiting on the bond and a final submittal for this project.

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| <ul style="list-style-type: none"> Dogward Bound
461 Richardsville Road, Kent, NY
TM: 30.12-1-1 | Erosion Control Plan/
Site Plan/Accept Bond | Status Report+- |
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The erosion control bond was submitted and is being forwarded to the Town Board to be approved. A completeness review was done by Ms. Mangarillo and the drawings may be signed.

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| <ul style="list-style-type: none"> Kelleher/Pidala Property
5 Westwood Dr., Kent, NY
TM: 19.12-1-21, 22, 23 | Lot Line Adjustment
Waiver Request | Status Report
(Withdrawn) |
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The applicant stated they are withdrawing the request for a Lot Line Adjustment and we are waiting for a letter verifying this.

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| <ul style="list-style-type: none"> Kent Materials
NYS Rte. 52, Kent, NY
TM: 12.-1-44 | Request to Release Bond | Status Report |
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Waiting for more information regarding this project.

- Fregosi Property Erosion Control Plan Status Report
Kentview Dr., Kent, NY
TM: 10.20-1-69

Ms. Mangarillo did a completeness review and said she is waiting on Board of Health approvals and the bond needed to be submitted. It is close to being ready to have the Chairman sign the drawings.

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| <ul style="list-style-type: none"> Fregosi/Marinelli Property
Miller Hill Road, Kent, NY
TM: 10.-1-17 | Erosion Control Plan | Status Report |
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Nothing has been submitted recently.

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| <ul style="list-style-type: none"> Baillargeon Property
Kentview Dr., Kent, NY
TM: 10.20-1-71 | Erosion Control Plan/
Wetland Permit | Status Report |
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This project has been approved by the Planning Board.

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| <ul style="list-style-type: none"> Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 | Erosion Control Plan/Bond | Status Report |
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A bond estimate needed to be submitted.

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

A bond estimate needed to be submitted.

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

Mr. Walters said a letter was sent advising the applicant he needed to go to court on 8/21/19.

- Rodriguez Olson Sub-Division Status Report
104 Smalley Corners Rd., Kent, NY
TM: 21.-1-10

A submittal is due in September.

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

Nothing new on this project.

- Von Rosenvinge Property Erosion Control Plan Status Report
451 Pudding St., Kent, NY for In-Ground Swimming Pool
TM: 31.17-1-7

Ms. Mangarillo was notified that the property has been inspected and found to be stabilized. The three year waiting period for the mitigation bond begins now. This may be removed from the agenda.

Mr. Tolmach asked for a motion to close the meeting at 9:15 PM. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

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

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

AUGUST 2019

KENT PLANNING BOARD AGENDA

Workshop: August 01, 2019 (Thursday, 7:30 PM)

Meeting: August 08, 2019 (Thursday, 7:30 PM)

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| <ul style="list-style-type: none"> • Approve Planning Board Minutes from July 2019 | | |
| <ul style="list-style-type: none"> • Bourgeois Property
100 Lakeshore Dr., Kent, NY
TM: 33.58-1-9 | <ul style="list-style-type: none"> Erosion Control Plan
Public Hearing/Accept Bond) | <ul style="list-style-type: none"> Review |
| <ul style="list-style-type: none"> • Kent Development Timber Harvest
Peckslip Rd., Kent, NY
TM: 12.-1-38 & 42 | <ul style="list-style-type: none"> Erosion Control
Public Hearing (Continued) | <ul style="list-style-type: none"> Review |
| <ul style="list-style-type: none"> • Route 52 Development/
Peder Scott Project
Route 52, Kent, NY
TM: 12.-1- | <ul style="list-style-type: none"> SEQRA | <ul style="list-style-type: none"> Review |
| <ul style="list-style-type: none"> • Gierer (Cargain) Property
43 Marie Road, Kent, NY 10512
TM: 22.-1-42 | <ul style="list-style-type: none"> Erosion Control Plan/
Bond Recommendation | <ul style="list-style-type: none"> Review |
| <ul style="list-style-type: none"> • Raneri Property
Hillside Paper Rd., Kent., NY
TM: 44.24-1-3 | <ul style="list-style-type: none"> Erosion Control Plan/ | <ul style="list-style-type: none"> Review |
| <ul style="list-style-type: none"> • NYCDEP Horsepound Ridge Forest
Management Project
Horsepound Rd., Kent, NY
TM: 33.-1-44, 45 & 33.6-1-71 | <ul style="list-style-type: none"> Erosion Control/Timber Harvest/
Return Wetland Permit Fee/
Accept Letter of Assurance for erosion control bond | <ul style="list-style-type: none"> Review |
| <ul style="list-style-type: none"> • Powers Property
67 N. Knapp Ct.,
Hopewell Junction, NY 12533
TM: 9.-1-44 | <ul style="list-style-type: none"> Request for refund of
funds remaining in Review Account | <ul style="list-style-type: none"> Review |

Applicants attendance not required/Workshop Discussion:

- | | | |
|---|--|---------------|
| <ul style="list-style-type: none"> Putnam Nursing & Rehabilitation Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan/
Wetland Permit | Status Report |
| <ul style="list-style-type: none"> Kent Manor Discussion/w J. Battistoni | | Discussion |
| <ul style="list-style-type: none"> Kent Self Storage
Rte. 311, Kent, NY
TM: 22.-2-17 | Site Plan/Erosion Control | Status Report |

**Town of Kent Planning Board Minutes
August 8, 2019**

• Zucker Property 12 Woodchuck Ct., Kent, NY TM: 21.19-1-5	Erosion Control 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+-
• Boccia Property Beach Court, Kent, NY TM: 21.-1-16	Erosion Control Plan/ Wetland Permit Requesting Review Fees Refund	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
• Baillargeon Property Kentview Dr., Kent, NY TM: 10.20-1-71	Erosion Control Plan/ Wetland Permit	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
• Rodriguez_Olson 104 Smalley Corners Rd., Kent, NY TM: 21.-1-10	Sub-Division	Status Report
• Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35	Erosion Control Plan	Status Report
• Von Rosenvinge Property 451 Pudding St., Kent, NY TM: 31.17-1-7	Erosion Control Plan for In-Ground Swimming Pool	Status Report

Town of Kent Planning Board Minutes
August 8, 2019

August/Rev. 1 July 29, 2019



July 31, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Boccia Application**
Beach Court
Section 21 Block1 Lot 16

I have reviewed the email from Joe and Sabina Boccia dated April 17, 2019 which requests return of their funds held in escrow of which the balance is \$3,296.56. The Board will recall that the site plan was developed with the applicant in part to correct an existing violation of tree cutting and other disturbance in the wetland and wetland buffer on the site.

The applicant indicated that native trees and plants would be installed and a deed restriction would be placed on the wetland buffer areas contiguous with the lake and watercourse on the site to serve as mitigation in order to resolve the violation.

I have not received information indicating the plants have been installed or the deed restriction has been placed on the subject property. As a result, it is recommended that the Board not release the funds held in escrow until the violation is resolved.

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

Sincerely,

Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant



Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 7, 2019

Project: Bourgeois ECP 100 Lakeshore Dr E
TM # 33.58-1-9

The following materials were reviewed:

- Transmittal letter prepared by Ciarcia Engineering, P.C., dated July 18, 2019
- Stormwater Pollution Prevention Plan (SWPPP) prepared by Ciarcia Engineering, P.C., dated May 20, 2019, revised July 15, 2019
 - With Notice of Intent signed 7/15/2019 and MS4 SWPPP Acceptance Form
- Drawings prepared by Ciarcia Engineering, P.C., including
 - Erosion Control Plan, revised 7/16/2019
 - Septic Replacement Plan, revised 6/7/2019
 - Septic Details, revised 1/28/2019

The project proposes construction of a single family home to replace a previous single family home. The project also includes repair/reconstruction of the septic system. Information provided indicates the lot has Putnam County Health Department approval for well and septic. The parcel is 10,000 SF (0.23 Acres) with R-10 zoning.

Construction/reconstruction of the house and septic system disturbed more than 5,000 SF of land without an erosion control permit. The lot is located across the street from Lake Carmel. Drawings show disturbance is more than 100 feet from Lake Carmel.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated January 9, 2019:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002. – **Acknowledged.**
12. 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. – **Acknowledged.**

Memorandum
Bourgeois ECP – 100 Lakeshore Drive East
TM # 33.58-1-9
August 7, 2019
Page 2 of 2

13. We defer to the Planning Board's environmental consultant regarding wetland and Lake issues.

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

1. Provide permission from Highway Superintendent for connection of footing drain to catch basin upon receipt.

New Comments:

1. We recommend the bond estimate of \$500.00, included on page 5 of the SWPPP, last revised July 15, 2019, prepared by Ciarcia Engineering, P.C. be accepted for the bond amount and recommended for approval by the Town Board.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
18-261-999-163

Bruce Barber via email
Liz Axelson via email



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

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

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

To: Planning Board Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: August 7, 2019

Attn: Philip Tolmach, Chairman
Subject: Erosion Control Bond Amount
Project: Bourgeois ECP 100 Lake Shore Drive East
Tax Map: 33.58-1-9

The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Seed and mulch	10,000	SF	\$ 0.04	\$ 400.00
Silt Fence	20	LF	\$ 4.00	\$ 80.00
			TOTAL:	\$ 480.00

Per SWPPP, prepared by Ciarcia Engineering, P.C., revised 7/15/2019, Page 5, bond estimate:

\$ 500.00

Town of Kent Planning Board
25 Sybil's Crossing
Tel: 845-225-7802

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

RESOLUTION # 9

Year 2019

Date: August 8, 2019
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att
Bill Huestis, Deputy Supervisor
Paul Denbaum
Jaimie McGlasson
Chris Ruthven
CC: W. Walters, Building Inspector - w/Att T. Harrison - w/Att.
L. Cappelli, Town Clerk - w/Att Finance Department - w/Att.
Re: **Accepting Bourgeois Erosion Control**
3093 Ferncrest Drive
Yorktown Heights, NY 10598
For Property located at:
100 Lakeshore Drive, Kent, NY
TM: 33.58-1-9

Resolved: On August 8, 2019 Kent Planning Board reviewed material pertaining to the recommendation noted above and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. Tolmach asked for a motion to forward this recommendation to the Kent Town Board to take the above action. The motion was made by Stephen Wilhelm and seconded by Dennis Lowes. The roll call vote was as follows:


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

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they accept this erosion control bond in the amount of \$500.00 and final inspection fee of \$1,000.00.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on August 8, 2019.

Dated: August 8, 2019



Vera Patterson
Planning Board Secretary



**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: Phillip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 7, 2019

Project: Bourgeois ECP 100 Lakeshore Dr E
TM # 33.58-1-9

The following materials were reviewed:

- Transmittal letter prepared by Ciarcia Engineering, P.C., dated July 18, 2019
- Stormwater Pollution Prevention Plan (SWPPP) prepared by Ciarcia Engineering, P.C., dated May 20, 2019, revised July 15, 2019
 - With Notice of Intent signed 7/15/2019 and MS4 SWPPP Acceptance Form
- Drawings prepared by Ciarcia Engineering, P.C., including
 - Erosion Control Plan, revised 7/16/2019
 - Septic Replacement Plan, revised 6/7/2019
 - Septic Details, revised 1/28/2019

The project proposes construction of a single family home to replace a previous single family home. The project also includes repair/reconstruction of the septic system. Information provided indicates the lot has Putnam County Health Department approval for well and septic. The parcel is 10,000 SF (0.23 Acres) with R-10 zoning.

Construction/reconstruction of the house and septic system disturbed more than 5,000 SF of land without an erosion control permit. The lot is located across the street from Lake Carmel. Drawings show disturbance is more than 100 feet from Lake Carmel.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated January 9, 2019:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002. – **Acknowledged.**
12. 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. – **Acknowledged.**

Memorandum
Bourgeois ECP – 100 Lakeshore Drive East
TM # 33.58-1-9
August 7, 2019
Page 2 of 2

13. We defer to the Planning Board's environmental consultant regarding wetland and Lake issues.

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

1. Provide permission from Highway Superintendent for connection of footing drain to catch basin upon receipt.

New Comments:

1. We recommend the bond estimate of \$500.00, included on page 5 of the SWPPP, last revised July 15, 2019, prepared by Ciarcia Engineering, P.C. be accepted for the bond amount and recommended for approval by the Town Board.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
18-261-999-163

Bruce Barber via email
Liz Axelson via email



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

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

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

To: Planning Board Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: August 7, 2019

Attn: Philip Tolmach, Chairman
Subject: Erosion Control Bond Amount
Project: Bourgeois ECP 100 Lake Shore Drive East
Tax Map: 33.58-1-9

The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Seed and mulch	10,000	SF	\$ 0.04	\$ 400.00
Silt Fence	20	LF	\$ 4.00	\$ 80.00
			TOTAL:	\$ 480.00

Per SWPPP, prepared by Ciarcia Engineering, P.C., revised 7/15/2019, Page 5, bond estimate:

\$ 500.00

RECEIPT

TOWN OF KENT-PLANNING BOARD
 25 SYBILS CROSSING
 KENT LAKES, NY 10512
 (845) 225-7802

DATE July 22, 2019 3246

RECEIVED FROM D. Bourgeois
Five Hundred and 00/100 \$ 500.00
 FOR Excess Control Board TM: 33,58-1-9 DOLLARS

AMOUNT OF ACCOUNT			<input type="checkbox"/> CASH
THIS PAYMENT			<input type="checkbox"/> CHECK
BALANCE DUE			<input type="checkbox"/> M.O.

BY D. Bourgeois

THANK YOU

RECEIPT

TOWN OF KENT-PLANNING BOARD
 25 SYBILS CROSSING
 KENT LAKES, NY 10512
 (845) 225-7802

DATE July 22, 2019 3247

RECEIVED FROM D. Bourgeois
One Thousand and 00/100 \$ 1,000.00
 FOR Rev. Fees TM: 33,58-1-9 DOLLARS

AMOUNT OF ACCOUNT			<input type="checkbox"/> CASH
THIS PAYMENT			<input type="checkbox"/> CHECK
BALANCE DUE			<input type="checkbox"/> M.O.

BY D. Bourgeois

THANK YOU

BOURGEOIS CARPENTRY
 3093 FERNCREST DR
 YORKTOWN HGTS, NY 10598-2435

DATE 7/22/19 1870

PAY TO THE ORDER OF Town of Kent \$ 500.00
Five Hundred and 00/100 DOLLARS

FOR D. Bourgeois

⑈001870⑈ ⑆222370440⑆000543201295⑈

BOURGEOIS CARPENTRY
 3093 FERNCREST DR
 YORKTOWN HGTS, NY 10598-2435

DATE 7/22/19 1871

PAY TO THE ORDER OF Town of Kent \$ 1,000.00
One Thousand and 00/100 DOLLARS

FOR D. Bourgeois

⑈001870⑈ ⑆222370440⑆000543201295⑈

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

David Bourgeois
3093 Ferncrest Drive
Yorktown Heights, NY 10598
For Property located at:
100 Lakeshore Drive
Kent, NY 10512
TM: 33.58-1-9

Bond given by David Bourgeois, 3098 Ferncrest Drive, Yorktown Heights, NY 10598 for property located at 100 Lakeshore Drive, Kent, New York 10512/Tax Map 33.58-1-9 ("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 July 22, 2019.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$500.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained the approvals from the Obligee for land disturbance 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 erosion and sedimentation controls ("Controls") are required and the Erosion and Sediment Control Plan documents shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit Applications, the Obligor has submitted to the Obligee, plans and specifications for the construction of a single family residence known as the Bourgeois Property ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Ciarcia Engineering, 360 Underhill Avenue, Yorktown Heights, New York 10598. All these plans were reviewed and approved on July 11, 2019 by the Obligee. A Resolution of Approval of land development activity in the nature of a Steep Slope and Erosion Control Permit of plans to construct a single family residence in an R-10 zoning district. 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.

WHEREAS, as condition to the issuance and approval of an Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligee with a cash escrow, an irrevocable letter of credit or a certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the Erosion and Sediment Control Plan, which security shall remain in full force and effect until the Obligor is released from liability by the Town.

WHEREAS, the Planning Board of the Town of Kent has granted the Erosion Control Permit subject to the posting of two checks made out to the Town of Kent, one in the amount of \$500.00 as a performance guarantee to be deposited into an escrow account pending the completion of the project for which the erosion control measures are necessary; and a second check in the amount of \$1,000.00 as the final inspection fee to be held in escrow and delivered to:

The Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

No funds may be withdrawn from the said escrow account until a resolution has been duly made by the **Town Board of The Town of Kent**, authorizing such surrender or cashing.

Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the **Planning Board of The Town of Kent**, the said escrow monies shall be returned to David Bourgeois, 3093 Ferncrest Drive, Yorktown Heights, NY 10598.

In the event the erosion control work allowed shall not have been duly completed by **DAVID BOURGEOIS**, as per the conditions and specifications of the **Planning Board of The Town of Kent**, the **Town Board** shall have the right to withdraw the aforesaid escrow monies and complete the required work for **DAVID BOURGEOIS**; with full use of said sums as the Town requires;

When the work shall have been fully completed as required by the conditions and specifications of the **Planning Board** either by **DAVID BOURGEOIS**, or by the **Town of Kent**, the aforesaid escrow monies (\$500.00 performance bond and remaining money left in the final inspection fee of \$1,000.00) after the work has been completed shall be returned or refunded to **DAVID BOURGEOIS** ;

This bond may not be assigned or transferred without the prior written approval of the **Planning Board and Town Board of The Town of Kent**.

The applicant hereby expressly authorizes the Town of Kent, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the Town of Kent provides at least 24 hours notice to DAVID BOURGEOIS,.

Dated: July 22, 2019

DAVID BOURGEOIS

By: David A. Bourgeois

(signature)

By: _____

(signature)

DAVID BOURGEOIS

DAVID BOURGEOIS
(print/type signatory's name)

David Bourgeois

OWNER

Owner/Obligee, David Bourgeois
(print/type signatory's title)

STATE OF New York)

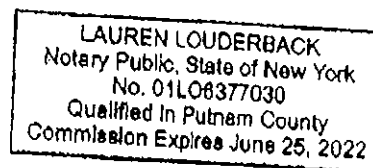
) ss.:

COUNTY OF Putnam)

9

On the 22 day of July, 2019, before me, the undersigned, a notary public in and for said state, personally appeared David Bourgeois, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Lauren Louderback
NOTARY PUBLIC



Town of Kent Planning Board
25 Sybil's Crossing
Tel: 845-225-7802

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

RESOLUTION # 10
Year 2019

Date: August 8, 2019
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att
Bill Huestis, Deputy Supervisor
Paul Denbaum
Jaimie McGlasson
Chris Ruthven
CC: W. Walters, Building Inspector - w/Att T. Harrison - w/Att.
L. Cappelli, Town Clerk - w/Att Finance Department - w/Att.
Re: **Accepting Dogward Bound Erosion Control**
461 Richardsville Road, Kent, NY
TM: 30.12-1-1

Resolved: On June 13, 2019 Kent Planning Board reviewed material pertaining to the recommendation noted above and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. Tolmach asked for a motion to forward this recommendation to the Kent Town Board to take the above action. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. The roll call vote was as follows:

Phil 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>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they accept this erosion control bond in the amount of \$1,500.00 and final inspection fee of \$1,000.00.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on June 13, 2019.

Dated: August 8, 2019



Vera Patterson
Planning Board Secretary

RECEIPT

TOWN OF KENT-PLANNING BOARD
 25 SYBILS CROSSING
 KENT LAKES, NY 10512
 (845) 225-7802

3252
 DATE July 30, 2018

RECEIVED FROM Dogward Bound \$ 1,500.00
Fifteen Hundred and 00/100
 FOR Excess Cost of Bond T.H. 30.12-1-1 DOLLARS

324

AMOUNT OF ACCOUNT		<input type="checkbox"/> CASH
THIS PAYMENT		<input checked="" type="checkbox"/> CHECK
BALANCE DUE		<input type="checkbox"/> M.O.

BY V. Scullo

THANK YOU

RECEIPT

TOWN OF KENT-PLANNING BOARD
 25 SYBILS CROSSING
 KENT LAKES, NY 10512
 (845) 225-7802

3253
 DATE July 30, 2018

RECEIVED FROM Dogward Bound \$ 1,000.00
One Thousand and 00/100
 FOR _____ DOLLARS

300

AMOUNT OF ACCOUNT		<input type="checkbox"/> CASH
THIS PAYMENT		<input checked="" type="checkbox"/> CHECK
BALANCE DUE		<input type="checkbox"/> M.O.

BY V. Scullo

THANK YOU

DOGWARD BOUND
 461 RICHARDSVILLE ROAD
 CARMEL, NY 10512

330
 50-7936/2219 08

7/30/19 DATE

PAY TO THE ORDER OF Town of Kent \$ 1,000.00
One thousand and 00/100 DOLLARS

Hudson Valley
 FEDERAL CREDIT UNION

MEMO _____

V. Scullo

⑆ 221979363⑆ 000000 28367 23901⑆ 0330

DOGWARD BOUND
 461 RICHARDSVILLE ROAD
 CARMEL, NY 10512

329
 50-7936/2219 08

7/30/19 DATE

PAY TO THE ORDER OF Town of Kent \$ 1,500.00
One thousand five hundred and 00/100 DOLLARS

Hudson Valley
 FEDERAL CREDIT UNION

MEMO _____

V. Scullo

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

Vincent Sciallo
Dogward Bound
461 Richardsville Road
Carmel, NY
TM: 30.12-1-1

Bond given by Vincent Sciallo, 461 Richardsville Road, Kent, New York 10512/Tax Map 30.12-1-1 ("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 02/30/2019.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$1,500.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained the approvals from the Obligee for land disturbance 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 erosion and sedimentation controls ("Controls") are required' and the Erosion and Sediment Control Plan documents shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit Applications, the Obligor has submitted to the Obligee, plans and specifications for the land development activity known as known as the Dogward Bound Property ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Charles P. May & Associates P. C., 1073 Main Street, Suite 203, Fishkill, New York 12524. All these plans were reviewed and approved on March 13, 2019 by the Obligee. A Resolution of Approval of land development activity in the nature of a Steep Slope and Erosion Control Permit of plans to construct a pole barn to be utilized as a garage for an automobile and an RV as well as having a room for dog training. 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.

WHEREAS, as condition to the issuance and approval of an Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligee with a cash escrow, an irrevocable letter of credit or a certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the Erosion and Sediment Control Plan, which security shall remain in full force and effect until the Obligor is released from liability by the Town.

WHEREAS, the Planning Board of the Town of Kent has granted the Erosion Control Permit subject to the posting of two checks made out to the Town of Kent, one in the amount of \$1,500.00 as a performance guarantee to be deposited into an escrow account pending the completion of the project for which the erosion control measures are necessary; and a second in the amount of \$1,000.00 as the initial inspection fee, and delivered to:

The Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

No funds may be withdrawn from the said escrow account until a resolution has been duly made by the Town Board of The Town of Kent, authorizing such surrender or cashing.

Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the Planning Board of The Town of Kent, the said escrow monies shall be returned to Vincent Sciallo, 461 Richardsville Road, Carmel, New York 10512.

In the event the erosion control work allowed shall not have been duly completed by VINCENT SCIULLO, as per the conditions and specifications of the Planning Board of The Town of Kent, the Town Board shall have the right to withdraw the aforesaid escrow monies and complete the required work for VINCENT SCIULLO; with full use of said sums as the Town requires;

When the work shall have been fully completed as required by the conditions and specifications of the Planning Board either by VINCENT SCIULLO, or by the Town of Kent, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to VINCENT SCIULLO;

This bond may not be assigned or transferred without the prior written approval of the Planning Board and Town Board of The Town of Kent.

The applicant hereby expressly authorizes the Town of Kent, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the Town of Kent provides at least 24 hours notice to VINCENT SCIULLO;.

Dated: 07/30/2019, 2019

VINCENT SCIULLO

By: [Signature]
(signature)

By: _____
(signature)

VINCENT SCIULLO

(print/type signatory's name)
Vincent Sciuillo

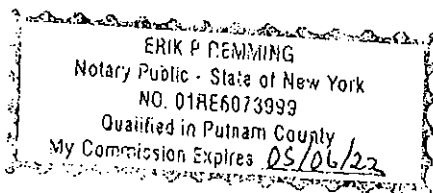
Owner/Obligee, Joseph Fregosi
(print/type signatory's title)

STATE OF NEW YORK)

) ss.:

COUNTY OF PUTNAM)

On the 30th day of JULY, 2019, before me, the undersigned, a notary public in and for said state, personally appeared VINCENT SCIULLO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



[Signature]
NOTARY PUBLIC



**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: Phillip Tolmach
Chairman

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

Subject: Site Plan
Erosion Control Plan

Date: June 13, 2019

Project: Dogward Bound, 461 Richardsville Rd
TM # 30.12-1-1

The following materials were reviewed:

- Response letters prepared by Charles P. May & Associates, P.C., dated 4/18/2019
- Notice of Intent, signed 4/18/2019
- Drawings prepared by Charles P. May & Associates, P.C., dated 12/12/2018, including
 - CS-1 Cover Sheet, rev 4/9/2019
 - BS-1 Boundary and Topographic Information, rev 4/9/2019
 - DP-1 Demolition Plan, rev 4/9/2019
 - SL-1 Site Layout & Materials Plan, rev 4/9/2019
 - SG-1 Site Grading Plan, rev 4/9/2019
 - EC-1 Erosion Control Plan, updated, but no revision date
 - EC-2 Erosion Control Plan
 - SA-1 Site Analysis Plan
 - PE-1 Elevation Plan
 - FP-1 Ground & Second Floor Plan
 - DE-1 Driveway Entrance Plan, 2/12/2019

The project proposes construction of a pole barn for dog training, an office and storage with a garage for auto and RV parking. Additional site work is also proposed. The parcel received variances for use from the ZBA. There is an existing single family home, dog kennels and fenced dog runs on the property. The project received conditional site plan approval in March 2019.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated August 10, 2017:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.- **Acknowledged.**
10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. -- **Acknowledged.**

New Comments:

1. We recommend the bond estimate of \$1500, prepared by Charles P. May & Associates, P.C. be accepted for the bond amount and recommended for approval by the Town Board.
2. Prior to Planning Board Chairman's signature, Bruce Barber and Liz Axelson will have to indicate if their comments have been satisfactorily addressed.
3. Provide revision date on drawing EC-1.
4. After the erosion control bond is submitted, the MS4 SWPPP Acceptance Form will be provided.
5. 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. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
17-261-241

Bruce Barber via email
Liz Axelson via email

Town of Kent Planning Board
Site Plan and Erosion Control Application

Matter of Dogward Bound Site Plan,
461 Richardsville Road, Tax Parcel No. 30.12-1-1

Whereas, the Town of Kent Planning Board has received an application from Vincent Sciuillo (d/b/a Dogward Bound) for Site Plan and Erosion Control Plan approvals to allow the expansion of an existing dog kennel facility with the construction of a two-story barn on a 14.56-acre lot (see tax parcel listed above) in the R-80 (one family residence) zoning district. The new building would be used for automobile and RV storage; and would also contain space for dog training and client drop off; and

Whereas, the proposed action is an expansion of, "...an existing dog kennel that received a use variance in the 1960's for the business operation. The Zoning Board of Appeals approved the expansion of the use at the July 17, 2017 meeting. Pursuant to 77-60(C)(6) of the Town Code, '*Activities for which a use variance has been granted by the Zoning Board of Appeals*' are subject to site plan approval by the Planning Board."; and

Whereas, the action would ordinarily qualify as a Type II Action, for which no further environmental review would be required, however, since the application required the modification of a previous use variance and would be an Unlisted action Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5; and

Whereas, the Planning Board referred the matter to the Putnam County Department of Planning pursuant to GML 239-1 & m; and

Whereas, the Town of Kent Planning Board held a public hearing on the applications described herein, which was opened on March 14, 2019; and

Now Therefore Be It Resolved, that the Planning Board hereby designates themselves as lead agency an uncoordinated SEQRA review of the application;

Be It Further Resolved, that the Town of Kent Planning Board, as lead agency under SEQRA, having reviewed Short EAF Part 2, hereby determines the proposed action described herein will not have any significant adverse environmental impacts and an Environmental Impact Statement will not be required; and

Be It Further Resolved, that the Planning Board relies on the following supporting reasons in this determination of non-significance (negative Declaration):

1. The proposal will involve 0.4 acres of land disturbance on a previously developed 14.56-acre site with a dog kennel facility and a single-family home, outbuildings, a driveway and other improvements. Impervious coverage of existing and proposed improvements on the lot would be less than two percent (2%). Land disturbance and construction activities will be limited to the northeastern corner of the site near existing structures and improvements. Accordingly, development is not proposed on the steeper portions of the site.

2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated February/March __, 2019.
3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated February 4, 2019.
4. Obtain the approval of the Planning Board's Consulting Professional Engineer in regard to the final Steep Slope and Erosion Control Permit plan.
5. Approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; approval of the form of the bond or security by the Planning Board Attorney; and acceptance of the bond or security by the Town Board.
6. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
7. Revision of the site plans, as directed by the Kent Planning Board, to address recommendations of the Putnam County Department of Planning.
8. Payment of all Planning Board costs and fees, including professional consultant review fees incurred during the review and approval of the applications.
9. The facility shall be constructed in accordance with the plans and specifications as approved herein.
10. The Applicant shall obtain a Town Wetland Permit.
11. This site plan approval shall expire 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would be "... void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval."; and unless otherwise extended by the Planning Board upon the express written request of the applicant.

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

Date: (March 14, 2019)

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

Vera Patterson
Vera Patterson, Clerk



**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: Phillip Tolmach
Chairman

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

Subject: Site Plan
Erosion Control Plan

Date: March 13, 2019

Project: Dogward Bound, 461 Richardsville Rd
TM # 30.12-1-1

The following materials were reviewed:

- Drawings prepared by Charles P. May & Associates, P.C., including
 - DE-1 Driveway Entrance Plan, dated 2/12/2019

The project proposes construction of a pole barn for dog training, an office and storage with a garage for auto and RV parking. Additional site work is also proposed. The parcel received variances for use from the ZBA. There is an existing single family home, dog kennels and fenced dog runs on the property.

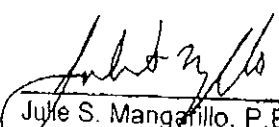
New or supplementary comments are shown in **bold**.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated August 10, 2017:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
9. Per Town Code §66-6.G(6), "Maximum exposed soil slopes will be 33% unless otherwise recommended by the Planning Board Engineer and approved by the Planning Board." Indicate if there will be any exposed soil slopes steeper than 33%. If so, these slopes will require more aggressive stabilization, such as by erosion control matting.
 - a. 12/14/2017 Exposed soil slopes of 33% may be encountered for driveway improvements requested by fire department. If so, erosion control matting will be required.
 - b. 2/13/2019 – A detail for erosion control matting has been provided on drawing EC-1. Add a note on the detail requiring the use of erosion control matting on 3:1 slopes or steeper.
10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. – **Acknowledged.**

The following comments are provided for the Planning Board's consideration from a memo dated February 13, 2019:

1. Refer to the Notice of Intent:
 - a. Page 3, #4 – Double check the areas. The future impervious area within disturbed area (0.2 acres) should not be less than the existing impervious area to be disturbed (0.3 acres). Based on the drawings, the impervious area under proposed conditions should be greater than existing conditions.
 - b. Page 4, #10, Select "No". The "unidentified" "drainage ditch" from question 9 is not classified as a 303(d) segment.
 - c. Page 6, #24 –SWPPP preparer to sign.
2. Refer to drawing BS-1 "Boundary & Topographic Information"
 - a. For the connection to Richardsville Road, include a note or label to describe the distance to Richardsville Road. Include a reference to drawing DE-1 for full driveway length.
 - b. On the property, revise "Putnam County" to "Putnam Valley" as the neighboring municipality.
3. Refer to drawing DE-1 "Driveway Entrance Plan"
 - a. A site visit was conducted on February 5, 2019 along with William Walters, Building Inspector and Bruce Barber, Environmental Consultant. The proposed improvements to the driveway shown on DE-1 did not appear to line up with field conditions.
 - i. **3/13/2019 – DE-1 has been revised. This comment has been addressed.**
 - b. Upon discussion at the February 7, 2019 Planning Board Workshop, drawing DE-1 will be revised to better reflect field conditions. Drawing revisions are to include:
- 3/13/2019 - complete
 - c. Label dumpster/gate. It is our understanding this will be the point to begin driveway improvements. – 3/13/2019 - complete
 - d. Widening on the downhill side of the driveway shall not occur in the section of steep drop-off next to the driveway. **3/13/2019 - complete**
 - e. Submit revised drawings to the Fire Chief for review and approval. The Planning Board must receive approval from the Fire Chief prior to granting any waivers for location of the driveway turn-outs.
4. For the erosion control bond estimate of \$1500.00 provide a break down with length of silt fence, area for seed & mulch, topsoil stockpile and any other erosion control measures.


Julie S. Mangafillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
17-261-241

Bruce Barber via email
Liz Axelson via email

Town of Kent Planning Board
Site Plan and Erosion Control Application

Matter of Dogward Bound Site Plan,
461 Richardsville Road, Tax Parcel No. 30.12-1-1

Whereas, the Town of Kent Planning Board has received an application from Vincent Sciuillo (d/b/a Dogward Bound) for Site Plan and Erosion Control Plan approvals to allow the expansion of an existing dog kennel facility with the construction of a two-story barn on a 14.56-acre lot (see tax parcel listed above) in the R-80 (one family residence) zoning district. The new building would be used for automobile and RV storage; and would also contain space for dog training and client drop off; and

Whereas, the proposed action is an expansion of, "...an existing dog kennel that received a use variance in the 1960's for the business operation. The Zoning Board of Appeals approved the expansion of the use at the July 17, 2017 meeting. Pursuant to 77-60(C)(6) of the Town Code, '*Activities for which a use variance has been granted by the Zoning Board of Appeals*' are subject to site plan approval by the Planning Board."; and

Whereas, the action would ordinarily qualify as a Type II Action, for which no further environmental review would be required, however, since the application required the modification of a previous use variance and would be an Unlisted action Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5; and

Whereas, the Planning Board referred the matter to the Putnam County Department of Planning pursuant to GML 239-l & m; and

Whereas, the Town of Kent Planning Board held a public hearing on the applications described herein, which was opened on March 14, 2019; and

Now Therefore Be It Resolved, that the Planning Board hereby designates themselves as lead agency an uncoordinated SEQRA review of the application;

Be It Further Resolved, that the Town of Kent Planning Board, as lead agency under SEQRA, having reviewed Short EAF Part 2, hereby determines the proposed action described herein will not have any significant adverse environmental impacts and an Environmental Impact Statement will not be required; and

Be It Further Resolved, that the Planning Board relies on the following supporting reasons in this determination of non-significance (negative Declaration):

1. The proposal will involve 0.4 acres of land disturbance on a previously developed 14.56-acre site with a dog kennel facility and a single-family home, outbuildings, a driveway and other improvements. Impervious coverage of existing and proposed improvements on the lot would be less than two percent (2%). Land disturbance and construction activities will be limited to the northeastern corner of the site near existing structures and improvements. Accordingly, development is not proposed on the steeper portions of the site.

2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated February/March __, 2019.
3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated February 4, 2019.
4. Obtain the approval of the Planning Board's Consulting Professional Engineer in regard to the final Steep Slope and Erosion Control Permit plan.
5. Approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; approval of the form of the bond or security by the Planning Board Attorney; and acceptance of the bond or security by the Town Board.
6. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
7. Revision of the site plans, as directed by the Kent Planning Board, to address recommendations of the Putnam County Department of Planning.
8. Payment of all Planning Board costs and fees, including professional consultant review fees incurred during the review and approval of the applications.
9. The facility shall be constructed in accordance with the plans and specifications as approved herein.
10. The Applicant shall obtain a Town Wetland Permit.
11. This site plan approval shall expire 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would be "... void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval."; and unless otherwise extended by the Planning Board upon the express written request of the applicant.

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

Date: _____ (March 14, 2019)

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

Vera Patterson
Vera Patterson, Clerk



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan –
Completeness Review

Date: August 8, 2019

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

The following materials were reviewed:

- Drawings prepared by Roy Fredriksen, PE
 - Stormwater Pollution Prevention Plan (Erosion & Sediment Control) revised 6/20/2019

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

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

The following comments are provided for the Planning Board's consideration from a memo dated May 10, 2018:

9. Refer to the Drawings:

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

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

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

9. Provide Health Department approvals when available.
 - a. 5/20/2019 – Copies of Health Dept approvals have not been received.
 - b. **8/8/2019 – Copies of Health Department approvals have not been received.**

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

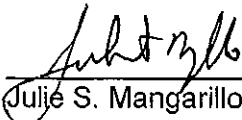
3. Label distance from septic to infiltrators. Confirm the infiltrators are included on drawing submitted to/approved by the Health Department.
 - a. 5/20/2019 – Distance has been labeled. Provide confirmation that infiltrators are included on the drawing approved by the Health Department.
 - b. **8/8/2019 – Confirmation that infiltrators are included on the drawing approved by the Health Department has not been provided.**

The following comments are provided for the Planning Board's consideration from a Completeness Review memo dated May 20, 2019:

5. Provide written response with future submittals stating how the comments have been addressed.

New Comments:

1. 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. Mangarillo, P.E., CPESC

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

Bruce Barber via email
Liz Axelson via email



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan – Timber
Harvest

Date: August 7, 2019

Project: Kent Development – Peckslip Rd
TM # 12.-1-38 & 42

The following materials were reviewed:

- "Response to Cornerstone Associates 5/7/2019 Memo" prepared by Greene, including responses to RSA 5/9/2019 memo and Soil and Slope Map, undated.
- "Kent Development – Timber Harvest. Response to Cornerstone Associates 7/11/2019 memorandum" prepared by Greene Lumber Co, dated 7/22/2019

The project proposes timber harvest of two parcels that had previously received subdivision conditional approval. It is our understanding those approvals have lapsed and the land owner is no longer pursuing the subdivision.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated May 9, 2019:

1. The proposed project requires a Town of Kent Erosion & Sediment Control Permit for the access drive and landing area but is not subject to coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
3. Provide temporary stabilized construction entrance at the entrance from Peckslip Road in accordance with New York Standards and Specifications for Erosion and Sediment Control. The entrance should be graded to slope down and away from the road to reduce runoff from reaching the road. Provide silt fence on the downhill edges of the landing area. Details for the construction entrance and silt fence are to be in accordance with New York Standards and Specifications for Erosion and Sediment Control.
 - a. **Response indicates "These measures will be taken when the tracking pad is installed." Show this on a revised drawing.**
4. Provide provisions for sweeping of the road if sediment is tracked onto the Town Road.
 - a. **Response indicates "If soil is pulled onto the Town Road clumps of soil will be shoveled off and any remaining debris will be swept with a broom." Add this as a note to a revised drawing.**

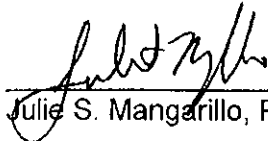
5. We recommend this application be circulated to the Kent Highway Superintendent for review and approval.

a. Provide response from Highway Superintendent.

9. A bond estimate of \$1,200 to \$2,400 was included in the forestry plan.
10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
11. We defer to the Planning Board's environmental consultant regarding wetland issues.

New comments:

1. We recommend the bond estimate of \$2,000, prepared by Greene Lumber Co. be accepted for the bond amount and recommended for approval by the Town Board.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
19-261-209-01

Bruce Barber via email
Liz Axelson via email



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 7, 2019

Project: Gierer/Cargain Marie Rd
TM # 22.-1-42

The following materials were reviewed:

- Transmittal letter prepared by Matthew A. Noviello, PE, LS, dated July 23, 2019
- Short Environmental Assessment Form (EAF), undated
- Estimate prepared by FI Adams, Inc., dated 11/2/2018
- Drawings prepared by Matthew A. Noviello, PE, LS, including:
 - o D 17-9 Gierer Site Plan, revised 7/22/2019

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

The project proposes construction of a single family home with driveway, well and septic. Information provided indicates the lot has Putnam County Health Department approval for well and septic, issued April 20, 2018

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated November 8, 2018:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. Refer to the Combined Application Form and affidavits:
 - b. 1st page – Select "Steep Slope & Erosion Ctrl" instead of "Site Plan."
 - c. 1st page indicates a home occupation. We defer to the Planning Board Planning Consultant regarding permitted uses for home occupation.
 - d. 2nd page, #14 – Provide a copy of the deed.
 - i. **Deed indicates property is owned by Harold and Jamie Cargain. Provide updated applications and affidavits signed by Harold and/or Jamie Cargain.**

- e. 5th page, Part D For Steep Slopes and Erosion Control – Provide required information. For #2 a, "Any disturbance involving one (1) or more acres of land" should read as "Any disturbance involving 5,000 SF or more of land". As more than 5,000 SF of land will be disturbed, provide the required information.
- 3. 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. Provide date of soils info. Provide the date and source of steep slope data, presumably from a property survey.**
 - b. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"
 - iv. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 - 1. This does not have to be specific calendar dates. It can be length of time (# of weeks, # of months) and added to "Construction Phasing Plan" notes.**
- 5. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
 - a. Part III.B.1.c – "A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);"
 - i. HSG could not be located on the drawing.**
 - f. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;"
 - i. Could not be located.**
- 9. Provide additional details and information on the proposed driveway in accordance with Town Code Chapter 57-26. Include a driveway profile with proposed slopes.
 - a. Provide a cross-sectional detail of the driveway in conformance with Town Code Chapter 57-26. – Could not be located.**

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

The following comments are provided for the Planning Board's consideration from a memo dated May 9, 2019:

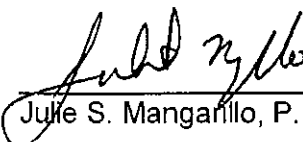
1. Refer to the drawing:
 - a. Provide a detail for the temporary stabilized construction entrance in accordance with New York Standards and Specifications for Erosion and Sediment Control, including maintenance during construction.
 - b. Provide notes for future homeowners regarding inspection and maintenance of drywells.
 - c. Under "Erosion Control/Slope Protection Notes"
 - i. #1 – Recommend adding a reference to "New York Standards and Specifications for Erosion and Sediment Control" as required by GP-0-15-002.
 - ii. #11 – In accordance with New York Standards and Specifications for Erosion and Sediment Control, the entrance to the construction site is to be a 'temporary stabilized construction entrance', not a 'construction entrance rumble strip.'
 - d. Under "Construction Phasing Plan" include installation of temporary erosion control measures (e.g. silt fence, temporary stabilized construction entrance). Include removal of temporary erosion control measures as well as restoration of area where an EC measure was removed. For example, fill in and seed trench where silt fence is removed.
2. The limits of disturbance area is relatively narrow in the center of the lot, between the house and the septic system. If the homeowners would like more lawn area, they could consider expanding the limits of disturbance in this area. We recommend the area of disturbance remain less than 1 acre, to remain below the NYSDEC threshold for post construction stormwater management. The current proposed area of disturbance is 0.6 acres, allowing for some additional lawn area while remaining below the 1.0 acre threshold.
 - a. If the area of disturbance is increased, revise the response in the NOI to be consistent.
3. Provide a note on the drawing stating there will be no tree removal outside the limits of disturbance. – **Completed.**
4. Provide a note on the drawing requiring 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).
5. Per letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019, to the Planning Board regarding final approvals, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway Superintendent."

6. Refer to the Notice of Intent (NOI)
 - a. Page 3, #4 – Provide “future impervious area within disturbed area”
 - b. Page 3, #5 – Provide a response.
 - c. Page 3, #7 – Provide a response.
 - d. Page 4, #11 – Select “yes” for project being located in the East of Hudson watershed.
 - e. Page 5, #15 and 16 – Select “yes” and “Town of Kent”.
 - f. Page 5, #22 – Recommend selecting “No” for required post-construction stormwater management practice. While a drywell is proposed and is beneficial to the project, it is not required based on the thresholds of the NYSDEC GP-0-15-002 Permit as the area of disturbance is less than one acre.
 - g. Page 5 – Skip questions 23 and 27-39.
 - h. Page 14 – Deed indicates the property is owned by Harold and Jamie Cargain. NOI is to be signed by one of the property owners.
7. Provide written response with future submittals stating how the comments have been addressed.
8. We defer to the Planning Board’s Environmental Consultant regarding landscaping.

New Comments:

1. Above comments have not been addressed. Above comments need to be addressed prior to Planning Board Chairman's signature of the plans and issuance of erosion control permit. Provide written responses with next submittal stating how each comment has been addressed.
2. A bond estimate of \$8,110.00 dated 11/2/2018, prepared by FI Adams, Inc. was provided. Based on unit prices used for other projects in Kent, we prepared a bond estimate of \$6,000.00. Please see attached. We recommend the bond estimate of \$6,000 be accepted for the bond amount and recommended for approval by the Town Board.
 - a. Please note - On the written estimate the construction entrance is described as 12'x15'. The minimum size for a stabilized construction entrance for a single-family house is 12' wide by 30' long. The construction entrance was shown correctly as 30' long on the drawing.

Please let us know if we can be of additional assistance.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
18-261-999-162

Bruce Barber via email
Liz Axelson via email



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

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

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

To: Planning Board Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: August 7, 2019

Attn: Philip Tolmach, Chairman
Subject: Erosion Control Bond Amount
Project: Cargain/Gierer - Marie Drive
Tax Map: 22.-1-42

The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Drywell	2	EA	\$ 750.00	\$ 1,500.00
Soil stockpiles	1	EA	\$ 500.00	\$ 500.00
Seed and mulch	28,500	SF	\$ 0.06	\$ 1,710.00
Stabilized construction entrance	1	EA	\$ 750.00	\$ 750.00
Silt Fence	380	LF	\$ 4.00	\$ 1,520.00
			TOTAL:	\$ 5,980.00

Erosion control estimate prepared by FI Adams, Inc, dated 11/2/2018

\$ 8,110.00

Recommend erosion control bond be set for:

\$ 6,000.00

610 Route 292
Holmes, NY 12531 Fladamsinc@gmail.com
(845)-855-3733 (914)760-8959

FI Adams, Inc.

Estimate

For: Harold Corgain
46 Marie Drive, Carmel N.Y.

Estimate No: 211
Date: 11/02/2018

Description	Quantity	Rate	Amount
Install 380' of standard silt fence for erosion control as per plan for 46 Marie drive, Carmel N.Y.	380	\$12.00	\$4,560.00
Topsoil stock pile	1	\$500.00	\$500.00
12'x15' construction entrance.	1	\$800.00	\$800.00
Hay and seed	37,500	\$0.06	\$2,250.00
		Subtotal	\$8,110.00
		TAX 0%	\$0.00
		Total	\$8,110.00
	Total		\$8,110.00

Please note - minimum stabilized construction entrance size for
a single family house lot is 12' wide x 30' long.

8/7/2019 *ftm*



Cornerstone Associates

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

August 2, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Kent Development-Logging Application
Peckslip Road and North Horsepound Road
Section 12 Block 1 Lots 38 and 42
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised that the following pertinent documents have been reviewed pursuant to the above referenced application:

- Comment response memo prepared by Greene Lumber Co., dated 07/22/19 (unsigned), 3 pages.

Summary of Application:

The subject property consist of a vacant 47.28 +/- acre parcel (lot 42) located on the southerly side of Peckslip Road in an R-40 zoning district and a vacant 3.26 +/- acre parcel (lot 38) located on the southerly side of North Horsepound Road in an IOC zoning district. Lot 42 had obtained conditional subdivision approval from the Planning Board which has expired.

The applicant proposes to conduct a logging operation on both parcels. The total area to be logged is 47 acres (of the total area of 50.5 acres) and construction of the access road (from Peckslip Road) and landing area will disturb approximately 0.25 acres of the site. As a result, the applicant is requesting approval of an erosion and sediment control permit from the Planning Board.

Environmental Review:

Wetlands:

A site inspection will be conducted at the subject property in order to determine if the Town of Kent jurisdictional wetland boundaries as depicted in the applicable forest management plan are accurate.

The applicant has indicated that the tree harvest will be located in wetland buffer areas only. A field inspection will verify if a Town of Kent wetland permit is/is not required.

It is recommended the Planning Board require the applicant to contact NYSDEC to obtain additional information regarding wetland delineation and possible permitting requirements or provide a waiver for the proposed action.

Trees:

The applicant proposes to log 47 of the 50.5 acres.

Threatened and Endangered Species:

The applicant has indicated in the above referenced correspondence that tree cutting will occur between the months of November 1 and the following March 1 as per US Fish and Wildlife guidelines to avoid a potential take of the Indiana Bat

Other:

Baseline information is pending from the Town Highway Superintendent regarding the pre-action condition of the roads, bridges, drainage structures and other town infrastructure that will be used as a result of the proposed action. Information on how any damage and repairs will be addressed prior to the completion of work should be provided by the applicant.

Please indicate if a buffer can be maintained between the subject and adjoining properties that will not be subject to cutting. Generally a 50'-100' buffer has been employed in the past to reduce visual impacts pending public comment and Planning Board review.

This office defers to the Town Engineer regarding review of the erosion and sediment control plan and proposed engineering issues.

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

Sincerely,

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

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



Cornerstone Associates

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

August 2, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: NYCDEP-Horsepound Ridge Forest Management Project
Horsepound Road
Section 33 Block 1 Lots 44 and 45
Section 33.6 Block 1 Lot 71
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised that the following pertinent documents have been reviewed pursuant to the above referenced application:

- Letter executed by Mark Page Jr., of NYCDEP dated 04/12/19, 2 pages (revised)

Summary of Application:

The subject application is a salvage of down trees in a 24 acre area which was damaged due to the action of the micro bursts experienced in the area in 2018 as well as a crown harvest and thinning of approximately 56 acres of the subject site.

The total area of disturbance is greater than 5,000 square feet and as a result, the applicant is requesting approval of an erosion and sediment control permit from the Planning Board.

Environmental Review:

Wetlands:

Complete. No further comments.

Soils and Steep Slopes:

Complete. No further comments.

Other:

The applicant should meet with the Town Highway Superintendent to discuss truck traffic routing as it has been indicated that there are plans to pave Horsepound Road.

Applicant should provide baseline information regarding the pre-action condition of the roads, bridges, drainage structures and other town infrastructure that will be used as a result of the proposed action and indicate how damage and repairs will be addressed prior to the completion of work. Referral to the town Highway Superintendent is recommended.

This office defers to the Town Engineer regarding review of the erosion and sediment control plan and proposed engineering issues.

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

Sincerely,

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

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



Cornerstone Associates

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

August 2, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: NYCDEP-Horsepound Ridge Forest Management Project
Horsepound Road
Section 33 Block 1 Lots 44 and 45
Section 33.6 Block 1 Lot 71
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised that the following pertinent documents have been reviewed pursuant to the above referenced application:

- Letter executed by Mark Page Jr., of NYCDEP dated 04/12/19, 2 pages (revised)

Summary of Application:

The subject application is a salvage of down trees in a 24 acre area which was damaged due to the action of the micro bursts experienced in the area in 2018 as well as a crown harvest and thinning of approximately 56 acres of the subject site.

The total area of disturbance is greater than 5,000 square feet and as a result, the applicant is requesting approval of an erosion and sediment control permit from the Planning Board.

Environmental Review:

Wetlands:

Complete. No further comments.

Soils and Steep Slopes:

Complete. No further comments.

Other:

The applicant should meet with the Town Highway Superintendent to discuss truck traffic routing as it has been indicated that there are plans to pave Horsepound Road.

Applicant should provide baseline information regarding the pre-action condition of the roads, bridges, drainage structures and other town infrastructure that will be used as a result of the proposed action and indicate how damage and repairs will be addressed prior to the completion of work. Referral to the town Highway Superintendent is recommended.

This office defers to the Town Engineer regarding review of the erosion and sediment control plan and proposed engineering issues.

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

Sincerely,

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

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



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 7, 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 Lead Agency Declaration and Notice of Intent to Conduct an Environmental Review, dated April 12, 2019
- NYCDEP Horsepound Ridge Forest Management Project Performance Bond, dated February 22, 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.
6. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.

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.

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 February 22, 2019 was provided at the July 11, 2019 Planning Board meeting. We have compared this letter to the previously approved letter for the Seven Hills Lake Dam Repair. Refer to the letter issued by the Planning Board dated October 14, 2014, attached. We have the following comments:
 1. Attorney's Fee Clause: 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.
 2. Inspection Fee Clause: With the waiver of the erosion control bond, the City is still responsible for the inspection fee, which covers the costs for representatives of the Town to perform site inspections.
 3. In the 5th paragraph regarding 'site improvements' include that the City will also perform final stabilization and restoration of disturbed areas as well as removal of temporary erosion and sediment control measures.
 4. The Town of Kent is the local MS4. However, as silviculture is exempt from the NYS DEC SPDES General Permit GP-0-15-002, a Notice of Intent, MS4 SWPPP Acceptance Form and Notice of Termination are not required for this project.
 5. Provide contact information for a person within the NYCDEP organization that can respond to any comments or concerns from the Town of Kent regarding this project.
2. We recommend the Planning Board review the above comments regarding the DEP letter of assurance. If in agreement, the Planning Board should direct the DEP to provide a revised letter of assurance addressing these comments.


Julie S. Mangarillo, P.E., CPESC

Attachment: Town of Kent Planning Board letter, dated October 14, 2014

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

Bruce Barber via email
Liz Axelson via email



Vincent Saplenza, 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

February 22, 2019

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

Re: Horsepound Ridge Forest Management Project Performance Bond

Dear Mr. Tolmach,

The New York City Department of Environmental Protection (DEP) 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 DEP's guarantee that all of the conditions of the Erosion Control permit will be strictly adhered to and satisfied. When DEP awards the project to a contractor, DEP will require that they provide a performance deposit in the amount of four thousand dollars (\$4,000) or 10% of the bid price, whichever is greater, as a guarantee to DEP that all work, including all best management practices associated with the project, will be completed. 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.

Additionally, DEP 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.

DEP 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 DEP shall be fully responsible for satisfying the aforementioned conditions. This guarantee shall not expire without the written consent of the Town of Kent.

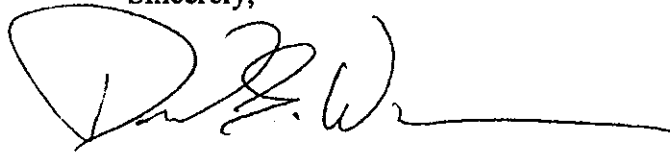
Site improvements DEP is performing include, but are not limited to, access road and landing improvements, and the implementation of best management

practices for these areas. All site improvements have been developed in accordance with the *2018 New York State Forestry Voluntary Best Management Practices for Water Quality Field Guide*.

DEP 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.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. S. Warne', followed by a long horizontal line.

David S. Warne
Assistant Commissioner

c: Ira Stern – DEP
Amanda Locke – DEP
Dan Lawrence – DEP

Turkey Mountain Forest Management Project #3059

October 2018

Page 4 of 28

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.
- 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.

[illegible]



Emily Lloyd
Commissioner

John Rousakis
General Counsel

Bureau of Legal Affairs

Tel: (718) 595-6711
Fax: (718) 595-6543
JRousakis@dep.nyc.gov

October 31, 2014

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

Re: Seven Hills Lake Dam Rehabilitation
Performance Bond

Dear Mr. McDermott:

Thank you for considering the New York City Department of Environmental Protection's ("City") October 1, 2014 letter requesting a waiver from providing an Erosion Control Bond in accordance with the Town of Kent Town Code Chapter 66, Section 66-7.A for the Seven Hills Lake Dam Rehabilitation. The following assurance letter has been revised to incorporate certain of the additions requested in your letter of October 14, 2014.

The City appreciates the Town of Kent Planning Board's willingness to consider this letter in lieu of an Erosion Control Bond in the amount of eleven thousand three hundred thirty four dollars (\$11,334), as calculated by the Town's Consultant, to assure the completion of all improvements for the Seven Hills Lake Dam Rehabilitation 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 and Wetland Disturbance Permit will be strictly adhered to and satisfied. When RPT-VCI, A Joint Venture, LLC, a licensed and bonded company, was awarded the contract for his project, the City required that it provide a performance bond in the amount of two million five hundred thousand dollars (\$2,500,000) as a guarantee to the City that all work will be completed, including site restoration work. This requirement is also included in the scope of work, which is incorporated by reference into the contract. 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.

The City hereby warrants, represents and guarantees that it will perform and satisfy all conditions of the Town of Kent Planning Board, which reviewed the Seven Hills Lake Rehabilitation 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 shall be fully responsible for satisfying the aforementioned conditions. This guarantee shall not expire without the express written consent of the Town of Kent.

Site improvements that the City is performing include, but are not limited to: erosion and sediment control features, clearing and grubbing, access road construction, reconstruction of the west embankment of the dam with compacted fill and rip rap erosion protection, final stabilization, restoration of disturbed areas, and removal of temporary erosion and sediment control features. All site improvements are being developed in accordance with the Town of Kent's regulations.

The City acknowledges that the Town of Kent is the local municipal separate storm sewer system authority ("MS4"). As such, the final erosion and sediment control drawings and the storm water pollution prevention plan ("SWPPP") will be completed to the satisfaction of the Planning Board before a representative of the Town of Kent will complete the MS4 SWPPP Acceptance Form. This form will be submitted with the Notice of Intent (NOI) to NYSDEC in accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001 prior to the start of earth-disturbing activities. After construction is complete, a representative from the Town of Kent will perform a final stabilization inspection. The project site must be satisfactorily stabilized before the Town representative will provide the 'MS4 Acceptance' on the Notice of Termination (NOT) for close-out of the NYSDEC SPDES General Permit GP-0-10-001.

The City has extremely stringent policies and requirements when it comes to selecting contractors to perform work on its behalf. Rest assured that this project will be completed with the upmost professionalism and skill. Please contact James Caggiano at 914-773-4414 should you have any questions or concerns regarding this project.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Rousakis', with a long horizontal flourish extending to the right.

John Rousakis

c: Janis Bolbrock, Town of Kent Planning Board Vice Chair
Vera Patterson, Town of Kent Planning Board Secretary
James Caggiano, DEP
Tom Boland, DEP
Paul Costa, DEP
Lisette Gomez, DEP
May Chin, DEP Legal
Erin Guire, AECOM

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

(845) 225-7802

Fax (845) 306-5283



October 14, 2014

New York City Department of Environmental Protection
Bureau of Legal Affairs
19th Floor, 59-17 Junction Boulevard
Flushing, NY 11373

Attn: Mr. John Rousakis, General Counsel - jrousakis@dep.nyc.gov

Re: Application for Seven Hills Lake Dam Rehabilitation
TM: 20.-1-43.1
Response to NYCDEP letter dated October 1, 2014

Dear Mr. Rousakis:

This letter is in response to your October 1, 2014 letter requesting a waiver from providing the erosion control bond in accordance with the Town of Kent Town Code Chapter 66, §66-7.A, for the Seven Hills Lake Dam Rehabilitation. We have discussed this matter with our attorney and are enclosing a copy of an email, dated October 7, 2014, with some information from him for your information.

We have reviewed your letter and the assurances contained therein, including the \$2,500,000 performance bond provided to the City by the contractor awarded the project.

Before we can waive the required erosion control bond, we request the following additions to the assurance letter:

1. Attorney's Fee Clause: 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.
2. Inspection Fee Clause: With waiver of the erosion control bond, the City is still responsible for the inspection fee, which covers the costs for representatives of the Town to perform site inspections.
3. In the 4th paragraph regarding 'site improvements' include that the City will also perform final stabilization and restoration of disturbed areas as well as removal of temporary erosion and sediment control measures.
4. Include an acknowledgment that the Town of Kent is the local MS4. As such, the final erosion and sediment control drawings and SWPPP must be completed to the satisfaction of the Planning Board before a representative of the Town of Kent will complete the MS4 SWPPP Acceptance Form. This form must be submitted with the Notice of Intent (NOI) to NYSDEC in accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001 prior to the start of earth-disturbing activities. After construction is complete, a representative of the Town of Kent will perform a final stabilization inspection. The project site must be satisfactorily stabilized before the Town representative will provide the 'MS4 Acceptance' on the Notice of Termination (NOT) for close-out of the NYSDEC SPDES General Permit GP-0-10-001.
5. Provide contact information for a person within the NYCDEP organization that can respond to any comments or concerns from the Town of Kent regarding this project.

If these additions are acceptable, please provide a follow-up or revised letter including these provisions.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Michael McDermott
Michael McDermott

Chairman of the Kent Planning Board

From: Ronald Blass [<mailto:RBlass@VanDeWaterLaw.com>]
Sent: Tuesday, October 07, 2014 1:11 PM
To: Vera Patterson
Cc: Michael McDermott; Janis Bolbrock; 'Neil Wilson'; 'Bruce Barber'; JMangarillo@rsaengrs.com
Subject: RE: Seven Hills Lake Dam Rehabilitation - Planning Board Combined Application Form

Chairman, et al:

Below is a copy of Section 66-7 of the Town Code. On its face, by virtue of "may require" language in (A)(1), it gives the Planning Board the discretion to require, or not to require, a performance bond for this type of permit.

This is quite inconsistent with Section 66-6(D)(4) which reads as if the Planning Board shall require a performance bond.

Matters of code interpretation favor the applicant as a matter of law. Pending code correction of this inconsistency with Chapter 66, I would interpret Chapter 66 as giving the Planning Board the authority to waive the \$11,300 bond in this instance for DEP— as a matter of intergovernmental cooperation.

But, on the flip side, the Planning Board does possess the authority to require the bond. I do not believe that the DEP is immune.

As alternatives to unconditionally waiving the \$11,300 bond, the Planning Board might pursue asking the DEP to strengthen its "trust us" letter of October 1, 2014 to include an attorney's fees clause in the event of dispute resolved in favor of the Town.

Thanks.

RCB

A. Performance bond.

(1)

In order to insure the full and faithful completion of all construction activities related to compliance with all conditions set forth by the Town in its issuance of a steep slope and erosion control permit, the Planning Board may require the owner or applicant to provide, prior to construction, a performance bond, supported by sufficient security in the form of a cash escrow account, irrevocable letter of credit or certified check drawn upon an national or state bank or other cash equivalent, which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined by the Planning Board based on submission of final design plans.

(2)

The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work permitted by the steep slope and erosion control permit has been constructed and completed in accordance with the approved permit and all plans and specifications forming the basis of the approved permit.⁽¹⁾

[1]:

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B.

Inspection.

Town of Kent Planning Board
25 Sybil's Crossing
Tel: 845-225-7802

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

RESOLUTION # 11
Year 2019

Date: August 8, 2019
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att
Bill Huestis, Deputy Supervisor
Paul Denbaum
Jaimie McGlasson
Chris Ruthven
CC: W. Walters, Building Inspector - w/Att T. Harrison -- w/Att.
L. Cappelli, Town Clerk - w/Att Finance Department -- w/Att.
Re: Refunding Review funds for Jamie Powers
67 Knapp Court, Kent, NY
TM: 9.-1-44

Resolved: On August 8, 2019 Kent Planning Board reviewed material pertaining to the recommendation noted above and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. Tolmach asked for a motion to forward this recommendation to the Kent Town Board to take the above action. The motion was made by Stephen Wilhelm and seconded by Dennis Lowes. The roll call vote was as follows:

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

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they authorize releasing remaining funds in the amount of \$956.00 to Ms. Powers at the above address.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on August 8, 2019.

Dated: August 8, 2019



Vera Patterson
Planning Board Secretary

67 N Knapp Ct
Hopewell Junction, NY 12533

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

Dear Board Members:

Re: Tax Map 9.-1.-44

Please send me a check for the \$956.00 that has been sitting in my erosion control bond account for the past 14 years.

Sincerely,

Jamie L. Powers

Date		Deposits	Fees	Balance
05/05/03	Rec. #2074 - Ck#150, 4/22/03	175.00		175.00
06/04/03	Rec. #2092 - Ck#168, 5/28/03	175.00		350.00
07/21/03	Ck#12100 Rohde 4/26-5/30/03 V#1		(78.75)	271.25
09/23/03	Ck#12206 Rohde 5/31-6/27/03 V#2		(183.75)	87.50
10/01/03	Rec.#2171 - Ck#106, 7/11/03	613.00		700.50
10/06/03	Returned Check #106	(613.00)		87.50
12/18/03	Rec.#2183 - Ck#188, 10/15/03	613.00		700.50
12/15/04	Rec.#2421 - Ck#13510, 12/13/04	500.00		1,200.50
01/27/05	Ck#12840 Rohde 11/27-12/31/04 V#3		(239.20)	961.30
03/30/05	Rec.#2547 - Ck#344, 3/29/05	175.00		1,136.30
05/17/05	Ck#12959 Rohde 3/26-4/29/05 V#4		(60.00)	1,076.30
07/18/05	Ck#13019 Rohde 4/30-5/27/05 V#5		(120.00)	956.30
				956.30