

3 Starr Ridge Road, Suite 203
Brewster, New York 10509
(845) 279-5445
(845) 363-1967 FAX
E Mail: JCHARBESQ@AOL.COM

MEMORANDUM

To: Jeffrey S. Battistoni, Esq.
✓ CC: Town of Kent Planning Board
From: Joseph A. Charbonneau, Esq.
Re: Raneri Planning Board Application
Date: July 24, 2019

The foregoing is submitted in response to your Memo dated March 27, 2019 seeking clarification of the applicant's ownership interest in the subject premises. I have attached three Deeds for your review and consideration which comprise the Raneri property. Among the Deeds is a copy of the conveyance from Putnam County to Mr. Raneri which I do not believe was submitted prior to your Memo.

No consolidation Deed was ever recorded and I believe, based upon a cursory review of the Deeds themselves, the lots would merge by operation of law. If you think a consolidation Deed is necessary or a Report from a licensed Title Company is necessary to address any of your concerns, arrangements can be made for same.

Raneri with Town of Kent Planning Board

before the Board at its next agenda. Should the Planning Board require a more

comprehensive explanation including a Title Report, I will be happy to further address these issues.

RECORD & RETURN TO:
(Name, Address, & Zip)

TYPE OR PRINT IN BLACK INK ONLY

Edward Schaffer, Esq
104 Gleneida Ave
Carmel NY 10512

GRANTOR/MORTGAGOR

Ruth M. Both

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SAT ☐ ASMT ☐ OTHER ☐

OF
PAGES

5

RECORDING FEES

RCD FEE 15.00

STAT CHG 5.00

REC MGMT 5.00

CROSS REF .00

CERT/COPY 00

TOTAL

25.00

RESERVE FOR TIME STAMP

JOSEPH L. PELOSO JR.
PUTNAM COUNTY CLERK
99 OCT - 7 AM 11:57

DEED TRANSFER TAX

CONSIDERATION \$ 50,000.00

RECEIVED
\$ <u>200.00</u>
REAL ESTATE
<u>867</u>
TT#
TRANSFER TAX
PUTNAM COUNTY

TP-584 ()
\$5.00

E&A ()
\$25.00

PUTNAM COUNTY CLERK'S OFFICE

RECORDED ON

Oct. 7, 1999

LIBER

PAGE

AND EXAMINED.

JOSEPH L. PELOSO, JR.
PUTNAM COUNTY CLERK

MORTGAGE TAX

MTX AMOUNT

TOTAL TAX

SERIAL NUMBER

AFFIDAVIT FILED ()

MORTGAGE/DEED TAX DISTRICTS:

TOWN OF CARMEL

TOWN OF KENT

TOWN OF PATTERSON

TOWN OF PHILIPSTOWN

TOWN OF PUTNAM VALLEY

TOWN OF SOUTHEAST

UNAPPORTIONED

MORTGAGE TYPES:

COMMERCIAL/VACANT LAND

RECORDED
OCT 20 1999
PUTNAM COUNTY

as executor of MARINUS BOTH

the last will and testament of
, late of *AB.*

Town of Kent, Putnam County

who died on the 6th day of June

party of the first part, and JERRY RANERI and JEANETTE TOSCANO, *as tenants in common,*
16 Nelson Court 21 Red Oak Lane
Carmel, NY 10512 Ridgefield, CT 06877

party of the second part,

WITNESSETH, that the party of the first part, to whom letters
testamentary were issued by the Surrogate's Court, Putnam County, New York
on September 3, 1996 and by virtue of the power and authority given in and by said last will
and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of

FIFTY THOUSAND AND NO/100----- (\$50,000.00)----- dollars,

paid by the party of the second part, does hereby grant and
release unto the party of the second part, the distributees or successors and assigns of the party of the second
part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the

PARCEL A: ALL that certain plot, piece or parcel of land situate, lying and
being in the Town of Kent, County of Putnam, and State of New York known
and designated as Lots Nos. 15526-15543; 15571- 15574; and 15579-15582
as designed and delineated on the map entitled, "14th Map of Lake Carmel,
Town of Kent, Putnam County, New York" filed in the Putnam County Clerk's
Office on the 18th day of August 1930 as Map No. 130-L.

PARCEL B: ALL that certain plot, piece or parcel of land situate, lying and
being in the Town of Kent, County of Putnam, and State of New York known
and designated as Lots Nos. 15575, 15576, 15577 and 15578 on a certain
map entitled "Fourteenth Map of Lake Carmel, Town of Kent, Putnam County,
New York" filed in the Putnam County Clerk's Office on August 18, 1930 as
Map No. 130L, and an additional parcel to the north thereof when taken
together are bounded and described as follows:

BEGINNING at a point in the northerly side of Hillside Road where the same
is intersected by the division line between Lots 15574 and 15575 on said Map

No. 130L;

RUNNING THENCE along Hillside Road North 79° 52' 20" West 80.00 feet to
Lot 15579 on said map;

RUNNING THENCE along the same North 10° 07' 40" East 99.43 feet and
along the northerly line of said filed map and a stone wall North 79° 52' 20"
West 170.02 feet to lands now or formerly of Hill and Dale Country Club, Inc.,

RUNNING THENCE along the same North 4° 09' 50" East 68.49 feet, North 6° 58' 50" West 30.63 feet, North 4° 53' 40" West 63.88 feet, North 10° 52' 30" East 25.18 feet and North 27° 25' 10" West 3.94 feet to lands now or formerly of Adams;

RUNNING THENCE along the same South 68° 20' 51" East 193.03 feet and South 68° 20' 51" East 193.03 feet and South 68° 37' 25" East 289.66 feet to other lands shown on said filed fourteenth map of Lake Carmel (130L);

RUNNING THENCE along the same South 10° 15' 10" East 333.24 feet, South 42° 40' 50" East 75.96 feet and South 34° 14' 30" West 218.96 feet, South 75° 52' 10" West 265.20 feet and North 79° 52' 20" West 97.71 feet to said first mentioned division line;

RUNNING THENCE along the same South 10° 07' 40" West 99.43 feet to the point of **BEGINNING**.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the distributees or successors and assigns of the party of the second part forever.

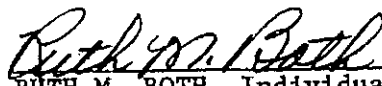
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



RUTH M. BOTH, Individually and Executrix of
the Last Will and Testament of

...acknowledged to me that executed the same in his/her/their capacity(ies), his/her/their signature(s) on the instrument, the individual person upon behalf of which the individual(s) executed the instrument.

...acknowledged to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

Brian E. Carlin

(signature and office of individual taking acknowledgment)

NOTARY PUBLIC

BRIAN E. CARLIN
Notary Public, State of New York
No. 0205003345

Qualified in Putnam County
Commission Expires July 29, 2000

NEW YORK, COUNTY OF

SS:

day of 19, before me came
own, who, being by me duly sworn, did depose and he resides at No.

is the

, the corporation described which executed the foregoing instrument; that he seal of said corporation; that the seal affixed instrument is such corporate seal; that it was so order of the board of directors of said corporation that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Executor's Deed

ELP-2850 CHARLES LUJACK

WILL, INDIVIDUALLY AND EXECUTRIX
LAST WILL AND TESTAMENT OF
WILLIAM

TO

ERIC and JEANETTE TOSCANO

SECTION	33.80	33.18	44.24
BLOCK	1	1	1
LOT	3	28	3, 4 & 5

COUNTY OR TOWN OF KENT, PUTNAM
SUNSET ROAD & HILLSIDE ROAD
CARMEL, NY 10512

Recorded At Request of The Title Guarantee Company

RETURN BY MAIL TO:

EDWARD M. SCHAFFER, ESQ.
104 GLENEIDA AVE.
P.O. BOX 236
CARMEL, NY 10512

Zip No.

FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by



TITLE GUARANTEE-
NEW YORK

ATICOR COMPANY

RECORD & RETURN TO:

TYPE OR PRINT

Edward M. Schaffer
 Attorney At Law
 P.O. Box 296
 Carmel, NY 10512

GRANTOR/MORTGAGOR

JEANETTE TOSCANO
 To
 JERRY RANERI

DO NOT WRITE BELOW THIS LINE

DEED ☒ MTG ☐ SAT ☐ ASMT ☐ CEM ☐ POA ☐ ESMT ☐ OTHER ☐

RECORDING FEES

OF
PAGES 3

RCD FEE 9.00

STAT CHG 5.00

REC MGMT 20.00

CROSS REF

CERT COPY

TOTAL 34.00

RESERVE FOR TIME STAMP

PUTNAM COUNTY
 CLERK
 2002 SEP -3 AM 10:30

DEED TRANSFER TAX

CONSIDERATION \$ 11,000.

RECEIVED
 \$ 44.00
 REAL ESTATE

TT# 0276
 TRANSFER TAX
 PUTNAM CTY

PUTNAM COUNTY CLERK'S OFFICE

RECORDED ON Sept 3, 2002
 LIBER 1598 PAGE 371 AND EXAMINED
 PURSUANT TO §315 REAL PROPERTY LAW

Dennis J. Sant
 DENNIS J. SANT
 PUTNAM COUNTY CLERK

MORTGAGE TAX

MTG AMOUNT

TOTAL TAX

SERIAL NUMBER

AFFIDAVIT FILED ()

RESERVED FOR CERTIFICATION

MORTGAGE/DEED TAX DISTRICTS:

TOWN OF CARMEL
 TOWN OF KENT
 TOWN OF PATTERSON
 TOWN OF PHILIPSTOWN
 TOWN OF PUTNAM VALLEY
 TOWN OF SOUTHEAST
 UNAPPORTIONED

MORTGAGE TYPES:

COMMERCIAL/VACANT LAND
 1-2 FAMILY
 CREDIT UNION/ PERSONAL MTG
 3-6 UNITS
 EXEMPT

INST# 18724

Revised 10/2000

(INDIVIDUAL OR CORPORATION)

STANDARD NYBTU FORM 8007

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 10th day of June, in the year Two thousand and two.

between JEANETTE TOSCANO residing at 21 Red Oak Lane, Ridgefield, CT 06877;

party of the first part,

and JERRY RANERI residing at 16 Nelson Court, Carmel, New York 10512.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of one dollar or other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being as follows:

PARCEL A- ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Kent, County of Putnam and State of New York shown and designated as Lots Nos. 15526-15543; 15571-15574; and 15579-15582 as designed and delineated on the map entitled, "14th Map of Lake Carmel, Town of Kent, Putnam County, New York" filed in the Putnam County Clerk's Office on the 18th day of August 1930 as Map No. 130-L.

PARCEL B- ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Kent, County of Putnam and State of New York known and designated as Lots Nos 15575, 15576, 15577 and 15578 on a certain map entitled "Fourteenth Map of Lake Carmel, Town of Kent, Putnam County, New York" filed in the Putnam County Clerk's Office on August 18, 1930 as Map No. 130-L.

Being and intended to be the same premises described in a deed dated October 4, 1999 and recorded October 7, 1999 in Liber 1487 page 360 in the Putnam County Clerk's Office.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and lands abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

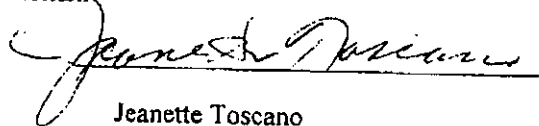
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written


Jeanette Toscano

IN
TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE ~~OUTSIDE~~ NEW YORK STATE

STATE of ~~Connecticut~~ New York

On the 20th day of June, in the year 2002, before me, the undersigned, personally appeared Jeanette Toscano, 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, and that such individual made such appearance before the undersigned in the

Town of Carmel ^{del} in State of NY, County of Putnam
(insert the City or other political subdivision) (and insert the State, County or other place the acknowledgment was taken)


(signature and office of individual taking acknowledgment)

BARGAIN AND SALE DEED

Jeanette Toscano

TO

Jerry Raneri

Record & Return to:
Edward M. Schaffer, Esq.
104 Gleneida Avenue
Carmel, New York 10512

LISA BASS
Notary Public, State Of New York
Reg #01BAS073806
Qualified in Dutchess County
Commission Expires April 22, 2006
Section 33.80 & 33.18 & 44.24
Block 1 1 1
Lot 3 28 3,4 & 5
County Putnam
Town Kent
Property address: Sunset Road & Hillside Road
Carmel, New York 10512

YON

ACS-000000000406880-000000000798400-003

Endorsement Page

Document # 1501314 Drawer # 02 Recorded Date: 05/31/2017
Document Type: DRED COM OR VACANT Book 2045 Page 251 Recorded Time: 2:22:13 PM
Document Page Count: 3 Receipt # 8819

DEED: COUNTY LAW DEPARTMENT JEIDA AVENUE NY 10512	RETURN TO: MR JERRY RANERI 16 NELSON COURT CARMEL, NY 10512
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PARTIES

GRANTOR OF PUTNAM	GRANTEE JERRY RANERI
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FEE DETAILS

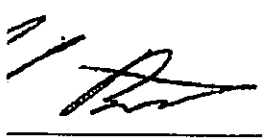
Registration:		\$1,000.00
DEED OR VACANT	3	35.00
	1	5.00
LOCAL EDUCATION		15.00
COMMERCIAL		250.00
MANAGEMENT		5.00
PROPERTY TAX		4.00
INDEXING FEE	1	1.00
FOR THIS DOCUMENT:		315.00
000002134		

RESERVED FOR CERTIFICATION

DOCUMENT WAS EXAMINED PURSUANT TO §315
PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES


J. C. Bartolotti
County Clerk

BEFORE

The COUNTY OF PUTNAM, a municipal corporation of the State of New York, located at 40 Gleneida Avenue, Carmel, New York 10512, party of the first part,

AND

JERRY RANERI, 16 Nelson Court, Carmel, New York 10512, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being at Sunset Road, Town of Kent, County of Putnam, State of New York, bearing Tax Map Number 33.80-1-1.

Being the same premises conveyed to the grantor herein by deed dated January 8, 2008 and recorded on January 18, 2008 in Liber 1795 of deeds at page 26 in the Putnam County Clerk's Office, Division of Land Records.

The parcel transferred herein shall merge with Town of Kent Tax Map Number 33.18-1-28, the combined parcel thereafter being known as Town of Kent Tax Map Number 33.18-1-28.

AS PER RESOLUTION NO.: 100 of 2017.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

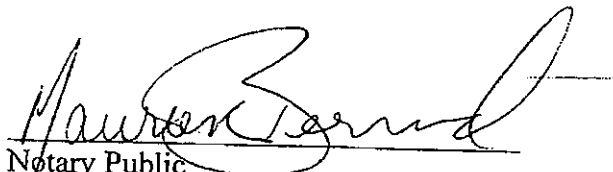
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Maryellen O'Neil

MARYELLEN O'NEIL, Notary Public for the State of New York

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.


Notary Public

MAUREEN BERNARD
Notary Public, State of New York
No. 01BE6109598
Qualified in Putnam County
Commission Expires May 10, 2020

QUITCLAIM DEED

THE COUNTY OF PUTNAM

to

JERRY RANERI

SECTION: 33.80
BLOCK: 1
LOT: 1
TOWN OF KENT
COUNTY OF PUTNAM

RECORD & RETURN TO:

Mr. Jerry Raneri
16 Nelson Court
Carmel, New York 10512

VAN DeWATER AND VAN DeWATER, LLP

COUNSELORS AT LAW

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

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

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

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

Rebecca S. Mensch

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

WEBSITE ADDRESS:
www.vandewaterlaw.com

GENERAL E-MAIL ADDRESS:
info@vandewaterlaw.com

MEMORANDUM

TO: Town of Kent Planning Board (via email and hand delivery)

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

FROM: Jeffrey S. Battistoni, Esq.

DATE: August 1, 2019

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

I sent an email to several people, including the applicant's representatives, dated July 30, 2019 and I am now incorporating my comments into this formal Memo. My comments are as follows.


First, the deed from Jeanette Toscano to Jerry Raneri conveyed her interest in the subject property to Jerry Raneri (Liber 1598 at page 371) contains a "typo" in one of the Lot Numbers. In addition, the description fails to include a large parcel to the north of Lots Numbers 15571-15582. We need a standard title report from a title insurance company (just like

a purchaser would obtain in a typical real estate purchase) to show what the title company would require in order to insure title to the parcels. I suspect that a Correction Deed will be needed.

Second, for the Quitclaim Deed from Putnam County to Jerry Raneri (Book 2045, page 251), we need verification that the Lots Nos. 15548 and 15549 are the same as Tax Map No. 33.80-1-1. They may well be the same, but nothing in the Resolution from Putnam County or the Quitclaim Deed verify that fact. Also, although the Quitclaim Deed provides that the Tax Map Parcel being conveyed, Number 33.80-1-1, "shall merge with Town of Kent Tax Map Number 33.18-1-28", I still question whether a Consolidation Deed is required. Thus, a standard title insurance report should be obtained to show whether a title insurance company will insure these two parcels as being effectively merged or whether a Consolidation Deed is required.

Third, a title report should also be obtained to show the ownership of the unimproved, "paper" street known as Sunset Road. As I understand it, the applicant proposes to construct a 20 foot wide section of road on this "paper" street for a distance of approximately 90 feet, so ownership of that street (and access rights) must be demonstrated.

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


Jeffrey S. Battistoni

Reply all

Delete

Junk

ring,

Zoning & Code Comments

Reply all |

Today, 1:41 PM

Pla... Buil... jE+15 more

Inbox

Download

PUTNAM COUNTY NOTICE

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

Hello Vera and Everyone – Thanks for forwarding Mr. Charbonneau’s memorandum, which I hope answers some questions.

Attached are my 2/14/19 comments on the Raneri application, many of which remain to be addressed by a full submittal; and which note the following:

1. The apparent intent to do a merger of lots;
2. Numerous lot and ownership and zoning and code issues; and
3. The need for the ZBA approval of an open development area, which has recently been obtained with several conditions.

I look forward to conferring with Jeff Battistoni and the Planning Board about this application and whether the Charbonneau memorandum addresses all points in Jeff’s March 27, 2019 memorandum.

Also, Vera, thank you for making copies for everyone of the letter and attached materials.

Take care,
Liz



Elizabeth (Liz) T. Axelson, AICP

Office: 845.454.3411 x21

ARCHITECTURE. ENGINEERING. PLANNING.

CPLteam.com

From: Planning Kent <planningkent@townofkentny.gov> **Sent:** Monday, July 29, 2019 9:49 AM **To:** Building Inspector <buildinginspector@townofkentny.gov>; JEFFREY BATTISTONI <JBattistoni@VanDeWaterLaw.com>; Jennifer Osterhoudt <JOsterhoudt@VanDeWaterLaw.com>; Charles Sisto <Csisto4004@comcast.net>; Dennis Lowes <dmls@verizon.net>; Giancarlo Gattucci <Gattucci76@gmail.com>; Nisim Sachakov <n3sachakov@gmail.com>; Phil Tolmach <bestscapes@hotmail.com>; Simon Carey <Spmcarey@gmail.com>; Stephen Wilhelm

<enwilhelm@gmail.com>; Planning Kent <planningkent@townofkentny.gov>; Bruce Barber

Reply all

Delete

Junk

Jarillo

<cruthven@townofkentny.gov>; John Karell <jack4911@yahoo.com>; JCharbEsq@aol.com; Gordon Moccio (gordon.moccio@gmail.com) <gordon.moccio@gmail.com>; Joseph A Greico Jr. (greico@verizon.net) <greico@verizon.net>; Brett Harrison <harrisonbw313@gmail.com>; Ronald J. Hansen Sr. (Ronald.hansensr@gmail.com) Ronald.hansensr@gmail.com **Subject:** Re: Raneri

Please find attached a document regarding deeds for the Raneri property dropped off last week for the August meeting.

Vera Patterson

Planning Board Secretary

25 Sybil's Crossing

Kent, NY 10512

845-225-7802 (P)

845-306-5283 (F)

planningkent@townofkentny.gov

From: John Karell <jack4911@yahoo.com> **Sent:** Wednesday, July 24, 2019 2:55:29 PM **To:** jcharbesq@aol.com; Planning Kent **Subject:** Re: Raneri

PUTNAM COUNTY NOTICE

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

here it is

planningkent@townofkentny.gov

On Wednesday, July 24, 2019, 02:49:16 PM EDT, <jcharbesq@aol.com> wrote:

Dear All:

I have prepared a brief Memo for the Planning Board. Does anyone have their e mail address so that I can forward it to them directly or would someone like to hand deliver this to the PB?

D

Reply all

Delete

Junk

Joe

Joseph A. Charbonneau

Joseph A. Charbonneau, Esq.
3 Starr Ridge Road, Suite 203
Brewster, New York 10509
(845) 279-5445
JCharbEsq@aol.com

From: john karell <jack4911@yahoo.com> **Sent:** Tuesday, July 16, 2019 6:49 AM **To:** joann prisciantelli <joaj1001@hotmail.com>; kentpd100@yahoo.com; Joseph A. Charbonneau, Esq. <JCharbEsq@aol.com>
Subject: Re: Raneri

The Kent ZBA last night approved the 280A variance with a condition that we comply with the attached memo from the Planning Board attorney dated March 27, 2019. The memo contains four comments, three relating to ownership, the fourth suggesting obtaining the 280 A variance. By memo May 10, 2019 Gerry forwarded a copy of two deeds to me and Joe. What if anything was done with these deeds. I did not do anything with them.

In any case, a written response to the attorney should be prepared. Joe, you or Joann would probably be best to respond.

On Saturday, July 13, 2019, 12:59:49 PM EDT, Joseph A. Charbonneau, Esq. <JCharbEsq@aol.com> wrote:

Hi Guys:

I have a criminal court calendar in the Town of Carmel on Monday night that begins at 6PM. It may run until 8PM. Since I do not know how long the ZBA Agenda is, I do not know if I will be able to make it to the meeting on time. Jerry, please call me Monday to discuss whether I am needed.

This is what needs to happen - in this Order!:

1. A member of the ZBA needs to make a motion to rehear the Reneri application;
2. The attending members of the ZBA must **UNANIMOUSLY** vote to rehear the application;
3. The ZBA is then free to reverse or modify its previous decision following the same protocol for a hearing on any matter before the ZBA.

Town Law 267-A sets out the procedure and should be stated on the Record to avoid any confusion as to what the ZBA is doing:

12. Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order,

decision or determination of the board not previously reheard may be made by any member of the
Reply all Delete Junk *aring to*
such
rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

Following our last meeting, it is clear that the ZBA agrees with the new proposed driveway access and Jack should point out that we met, we modified our application from its original plan, that the Town Highway Superintendent agrees with it and that we are offering this new plan, as modified, for the ZBA's consideration.

They should then vote. We need a simple majority which would be 3 Yes votes from the 4 member Board. If anything deviates from the above, the ZBA is simply creating a further record upon which they will be sued.

If anyone has any questions, please do not hesitate to contact me. I apologize for the conflict but, like Jerry did in the old days, I have to fight crime first!

Have a nice weekend.

Joe

Joseph A. Charbonneau, Esq.
Sent from my iPad

On Jul 8, 2019, at 4:55 PM, joann prisciantelli <joaj1001@hotmail.com> wrote:

Hi Jack and Joe

Jerry would like to know if you can forward a copy of your letter to Vera at the Kent Zoning Board so they can review it.


Thank you
JoAnn

Sent from my iPhone



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP 
DATE: February 14, 2019
RE: Raneri Erosion Control Permit & SWPPP; & Single-Family Lot Development Zoning Requirements, Hillside Paper Road, Tax Parcel No. 44-24-1-3; 33.18-1-28; & 33.80-1-1 / CPL# 60094.00

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

Summary

1. The proposal involves construction of a single-family dwelling on an 9.2-acre site consisting of 3 lots (see tax parcels listed above) in the R-10 (One Family Residence) zoning district. The proposed improvements for a single-family lot include a driveway to an "Unimproved Road".
2. The lack of frontage for the lot on which the home is proposed; and the lack of an improved road for access thereto pose problems for the lot development. Please refer to the zoning comments below, which detail zoning compliance issues; and recommended potential remedies.

SEQRA

3. The proposed action appears to be a SEQRA Type 2 action as per Part 617, section 617.5 (c)(11); (16); and (17) as it is the construction of a residential structure and related improvements.

Single-family Lot Development Zoning Requirements

4. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit & SWPPP; and soil testing results and related measures.
5. The Planning Board should consult with the Planning Board's Consulting Attorney about access and frontage concerns noted in the code-related comments below.
6. The site consists of 3 tax parcels, which are apparently proposed to be merged to make up a 9.2-acre site, yet the Site and Erosion Control Plan must be revised to properly list the correct parcels, as shown on the Topographic Survey of Property sheet, as follows:
 - a. The large central lot of 7.842 acres is tax parcel 33.18-1-28. It was apparently merged with former tax parcel 33.80-1-1, a 40-foot by 106-foot (40'X106') strip of land connecting the large parcel to Unimproved Sunset Road. Label the parcel as tax parcel 33.18-1-28. Revise the design data notes to delete reference to former tax parcel 33.80-1-1.
 - b. Tax parcel 33.80-1-3, which is an 0.813-acre lot running along Unimproved Sunset Road adjacent to the large lot. This area is listed in the submitted deed. Label the parcel as tax

- parcel 33.80-1-3. The entirety of the lot should be shown on the plans as it is part of the subject site.
- c. Tax parcel 44.24-1-3, which is an 0.55-acre lot running along Unimproved Hillside Road. Label the parcel as tax parcel 44.24-1-3.
 - d. Label all of the lines between existing tax parcels 33.18-1-28; 33.80-1-3; and 44.24-1-3 as lot lines to be removed.
7. More information was provided about the subject parcel, including of the "filed maps relative to this property". However, in order to better understand the extent of the subject property and the proposed lot merger, address the following:
- a. The response letter indicated that a copy of the "official Town Map" has been provided. Clarify why the submitted map, entitled Lake Carmel, only shows a portion of the Town. *If directed by the Planning Board, I can inquire with the Highway Superintendent and/or Town Clerk's office about whether any official map of the entire Town is on file.*
 - b. The response letter and submitted deeds clarify an apparent typographical error in the previously submitted Premier Abstract letter. Since other pertinent information has been provided, is suggested that the Planning Board need not rely on information stated in this letter.
8. Label the surface of the proposed driveway and add reference to the pertinent detail on plan sheet D-2.
9. Create a plan set by adding notation to one of the plan sheets which will serve as a cover sheet listing all of the sheets included in the plan set. The Topographic Survey of Property sheet should be added to the plan set and referenced in the plans.
10. A zoning table of lot and bulk requirements was added to the plan set corresponding to the R-10 district as set forth in zoning section 77-16, A. through H. It is suggested that a note be added to the erosion control plan, sheet S-1 referring to the zoning table on detail sheet D-3. Revise the Zoning Schedule on sheet D-3 to demonstrate compliance with all of the requirements and proposed conditions as follows:
- a. Since the access is proposed from Sunset Road, revise the plan to show that the eastern boundary of the site should be considered the front yard; with the northern and southern boundaries as side yards; and the western boundary would be the rear yard (as now shown). Revise the zoning table accordingly.
 - b. Label all yard setbacks in the plan view for clarity. All labeled setbacks should include the total proposed lot area, which would result from the proposed lot mergers.
 - c. Label the lot width in the plan view for clarity.
 - d. Provide a proposed building height value that complies with the 30' maximum requirement.
 - e. Given the definitions of "highway frontage" and "street", it appears the large lot on which the home is proposed to be built would not have frontage. See 77-16, C. Even if the 3 subject lots are merged, the resulting large lot may still not comply with the frontage requirement. Please refer to the comment below about access.
 - f. The proposal does not appear to comply with the requirement for a "buildable lot" as referenced in section 77-16, H.; and the supplementary lot requirement in Article IX, section 22-34.3. Accordingly, a development plan for the improvement of the unimproved street may be required.
11. Zoning section 77-51, Land use and building permits, subsection B.(1) states that no building permit shall be issued for "The construction or alteration of any building upon a lot without access to a street or highway except upon application to and approval by the Board of Appeals, as set forth in section 280-a of the Town Law." Accordingly, an application to the Town of Kent Zoning Board of Appeals will be required.



12. Information about the “paper” streets’ ownership, status and disposition is needed to determine how a development plan for the improvement of the unimproved street, if required, would be handled. Officially filed plats for the project area may include such information. According to Code Chapter 57, Roads and Driveways, the preparation and review of a road plan may be needed. It is suggested that such a road plan would be limited to portions of Unimproved Sunset Road and Unimproved Hillside Road to where existing roadway improvements are located. This may involve review by the Planning Board and Town Board.
13. Clarify the meaning of the note “This section to be improved with existing road improvements”.
14. I will confer with the Planning Board Attorney about the above recommended procedural steps.

Recommendation

15. In order to determine the ownership, status and disposition of the existing “paper” streets, I recommend the following steps:
 - a. Review of any available Town Official Map; and
 - b. Review of any other plats or maps pertaining to the site and environs.
16. It is recommended that the Planing Board’s Attorney be consulted about the comments herein. Also, the Attorney should review the application, particularly the attached document entitled “Bargain and Sale Deed with Covenant Against Grantor’s Acts”. This deed appears to refer to parcels A and B only. The copy of the application I received did not include any other copy of a deed.

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

Materials Reviewed

- Response letter from John Karell, PE, dated January 17, 2019;
- Response letter to Bruce Barber from Evan J. Fogle, P.L.S., dated January 21, 2019;
- Response letter from John Karell, P.E., dated January 7, 2019;
- Description of parcel letter from Evan J. Fogle, P.L.S, dated January 7, 2019
- Resolution #100 of 2017 Putnam County Legislature;
- Liber 1487 Page 0360-0364, Putnam County Recording and Eridorsement Page, dated October 7, 1999;
- Filed Map number 108a, “Hill & Dale Country Club Inc”, dated July 14, 1931;
- Filed Map number 130D, “Fifth Map of Lake Carmel”, dated June 2, 1930;
- Filed Map number 130L, “Fourteenth Map of Lake Carmel”, dated August 18, 1930;
- Filed Map “Final Subdivlsion Plat of Gateway Estates”, dated March 3, 1974;
- Topographic survey of property, parcels A and B, prepared by Evan J. Fogle, P.L.S., revised January 5, 2019;
- Plans entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, revised January 4, 2019, except as noted below, including the following:
 - o Site & Erosion Control Plan,
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details;
 - o Erosion Control Details; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018, revised January 4, 2019.

Materials Previously Reviewed

- Response letter from John Karell, PE, dated August 30, 2018;
- Letter from Ted Kozlowski, Certified wetland Delineator, dated July 20, 2018;
- Design Data sheet dated May 4, 2018;
- Short EAF Part 1, signed August 30, 2018;
- Letter from the NYSDEC dated August 9, 2018;
- Memorandum from Richard Othmer, Town of Kent Highway Superintendent, dated June 5, 2018;

- Letter from Georgianne Berte, Premier Abstract, LTD, dated August 30, 2018; and
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
 - o Site & Erosion Control Plan, revised August 9, 2018;
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details, revised August 9, 2018;
 - o Erosion Control Details, revised August 9, 2018; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018.
- Application for Steep Slope & Erosion, signed 2/13/18 with attached affidavits; certifications; agricultural data statement; and Request for Wetland Delineation Confirmation;
- Stormwater Pollution Prevention Plan, prepared by John Karell, Jr. PE, dated March 2, 2018 with attached NOI;
- Short EAF, unsigned, dated March 5, 2018;
- Copy of document entitled "Bargain and Sale Deed with Covenant Against Grantor's Acts" apparently executed on or about June 20, 2002;
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
 - o Site & Erosion Control Plan;
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details;
 - o Erosion Control Details; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018.



Cornerstone Associates

Environmental 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: Raneri Application
Hillside Avenue
Section 32.18 Block 1 Lot 28
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

- Comment response memo executed by John J. Karell, Jr., P.E. dated March 24, 2019.
- Plans entitled; "Jerry Raneri-Hillside Road: prepared by John J. Karell, Jr., P.E. dated March 19, 2019, 5 sheets.

Comments:

A: Soils:

In the comment response memo dated 03/24/19 the applicant provides a copy of part of an email sent on 3/19/19 from Andy Tse of the NYSDOH. The applicant included language from the last paragraph of the email (see below) only. The applicant however did not provide the entire email which is as follows:

----- Forwarded Message -----

From: Tse, Andy (HEALTH) <andy.tse@health.ny.gov>

To: john karell <jack4911@yahoo.com>

Cc: Westerman, Christine A (HEALTH) <christine.westerman@health.ny.gov>; Joseph Paravati <Joseph.Paravati@putnamcountyny.gov>; Budzinski, Michael <michael.budzinski@putnamcountyny.gov>

Sent: Tuesday, April 2, 2019, 10:55:00 AM EDT

Subject: RE: Soils Sampling, Raneri and Realbuto, Town of Kent, Putnam County

Hi John,

There is no issue with the impacted soil, with the mercury detection, at the Realbuto lot.

For the Raneri lot, the impacted soil, with the semi-volatile organic detections, can be used beneath the pavement or subsurface. The NYSDEC recommends that if there is any remaining impacted soil not being placed below pavement, that it should be properly disposed of offsite.

In addition to the above comments, the Putnam Co. DOH has no issues unless the impacted soils are in the approved on-site wastewater treatment system area. If this is the case, then the permit may be revoked. Joseph Paravati, of the PCDOH, will provide a follow-up to this.

Please let me know if you have any questions.

Please note the paragraph regarding the Raneri lot which indicates that "The NYSDEC recommends that if there is any remaining impacted soil not being placed below pavement, that it should be properly disposed of off- site" (see comment memo prepared by this office dated 01/08/19 regarding conversation with Lee Reiff of NYSDEC).

The applicant has not provided a map showing the limits of the fill in question on the site and an overlay of the proposed driveway on the fill, as well as the location of the test holes on the site when compared to the Planning Board approved testing plan (see prior memos prepared by this office dated 12/10/18 and 01/07/19). Absent this information, it is not possible to determine if the contaminated fill may remain in place. It is recommended that once received, these documents be sent to NYSDEC for review and comment.

B: Wetlands:

The memo dated 10/09/19 prepared by this office indicated that there is proposed disturbance within the wetland buffer as indicated on the plans which were current as of that time. It is unclear if any of the fill in question had been deposited in the wetlands. The applicant has not provided responses and as a result, it is unclear if a wetland permit is required for the proposed work

C: Other

Applicant has not provided a survey of all trees greater than 8' dbh (see 04/12/18 memo) or indicated trees that are to be cut. A plan note should be provided which indicates that there shall not be any tree cutting between 04/01 and 10/01 of each year as per US Fish and Wildlife Bat recovery zone requirements.

Soil testing results for proposed infiltration structures has not been provided (see 04/12/18 memo).

Applicant has not indicated if blasting or rock chipping is required (see 04/12/18 memo).

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

Sincerely,

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

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



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 8, 2019

Project: Raneri – Hillside Road
TM # 33.18-1-28, 33.80-1-1,
44.24-1-3

The following materials were reviewed:

- Response letters prepared by John Karell, Jr., P.E., dated 1/7/2019, 1/17/2019, 3/24/2019
- Drawings prepared by John Karell, Jr., P.E., including:
 - S-1 Site & Erosion Control Plan, revised 7/4/2019

The following materials previously submitted were reviewed:

- Drawings prepared by John Karell, Jr., P.E., including:
 - S-1 Site & Erosion Control Plan, revised 3/19/2019
 - S-2 Steep Slope Plan, dated 3/19/2019
 - D-1 Health Department Details, revised 3/19/2019
 - D-2 Erosion Control Details, revised 3/19/2019
 - D-3 Erosion Control & Steep Slope Notes, revised 3/19/2019
- Topographic survey of property prepared for Jerry Raneri, prepared by Geologic Land Surveying, PLLC, last revised 1/5/2019
- Combined Application Form, Page 1
- Stormwater Pollution Prevention Plan (SWPPP) prepared by John Karell, Jr., P.E., dated March 2, 2018
- Notice of Intent (NOI), signed 3/3/2018
- MS4 SWPPP Acceptance Form with Sections I and II completed
- Erosion Control Cost Estimate, prepared by John Karell, Jr., P.E., dated September 14, 2018
- Email from Andy Tse, State Health Department, dated 4/2/2019

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 septic, but copy has not been provided.

The project received a conditional 280A variance from the ZBA for open development plan on 7/15/2019.

Revised 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 10/5/2018:

2. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
7. Refer to the Drawings:
 - e. Due to the steepness of the driveway (8-9%) a stabilized swale, series of stabilized discharge points or other method to reduce erosion of the slope from driveway runoff should be provided.
 - i. **1/7/2019 response letter indicates "driveway drainage is under design".**
 - h. Provide top and bottom wall elevations.
 - i. **1/7/2019 response letter indicates "wall designs are in process..."**
 - m. Drawing D-2 Erosion Control Details
 - ii. For the retaining wall detail - Additional drainage through the walls (weep holes) may be needed. As the walls are for the driveway, they will have to be designed to carry emergency vehicles. Provide additional calculations. Guiderails should also be provided along portion of driveway.
 1. **1/7/2019 response letter indicates "design of drainage for the driveway including guiderails are in process."**
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.**
13. We defer to the Planning Board's environmental consultant regarding wetland issues.
14. We defer to the Planning Board's planning consultant regarding planning and zoning issues.

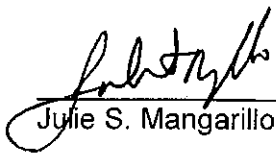
New Comments:

1. We defer review of deed and ownership issues to the Planning Board attorney.
2. Regarding the miscellaneous, contaminated fill that the driveway will be constructed across, provide details regarding how the exposed contaminated soil will be handled and disposed of. Provide details on how driveway is to be constructed on stable ground, without unsuitable fill and organics beneath it.
3. The email from Andy Tse of State Health Department states:

"For the Raneri lot, the impacted soil, with the semi-volatile organic detections, can be used beneath the pavement or subsurface. The NYSDEC recommends that if there is any remaining impacted soil not be placed below pavement, that it should be properly disposed of offsite."

There is more area of that fill section with "impacted soils" than just what will be capped beneath the asphalt driveway. How will the rest of the "impacted soils" be handled? Provide a letter from NYSDEC regarding how the rest of the "impacted soils" are to be handled.

4. Refer to Notes "Soil Erosion and Sediment Control Notes" on Drawing D-1 and D-2
 - a. #2 & #3 – remove inclusion of out of date timeframe of "21 days".
5. Provide a revised Erosion Control Bond Estimate once design of driveway drainage has been completed. Be sure to include the infiltration practices.
6. SWPPP – Provide a revision date.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
18-261-999-157

Bruce Barber via email
Liz Axelson via email

Owner BANIERI Address HILLSIDE ROADProperty Location: _____ Sec. 44.24 Block 1 Lot 3(Indicate nearest cross street)
Municipality KENT (T)Watershed _____ NYCEP: Joint Review ☐ Delegated ☐

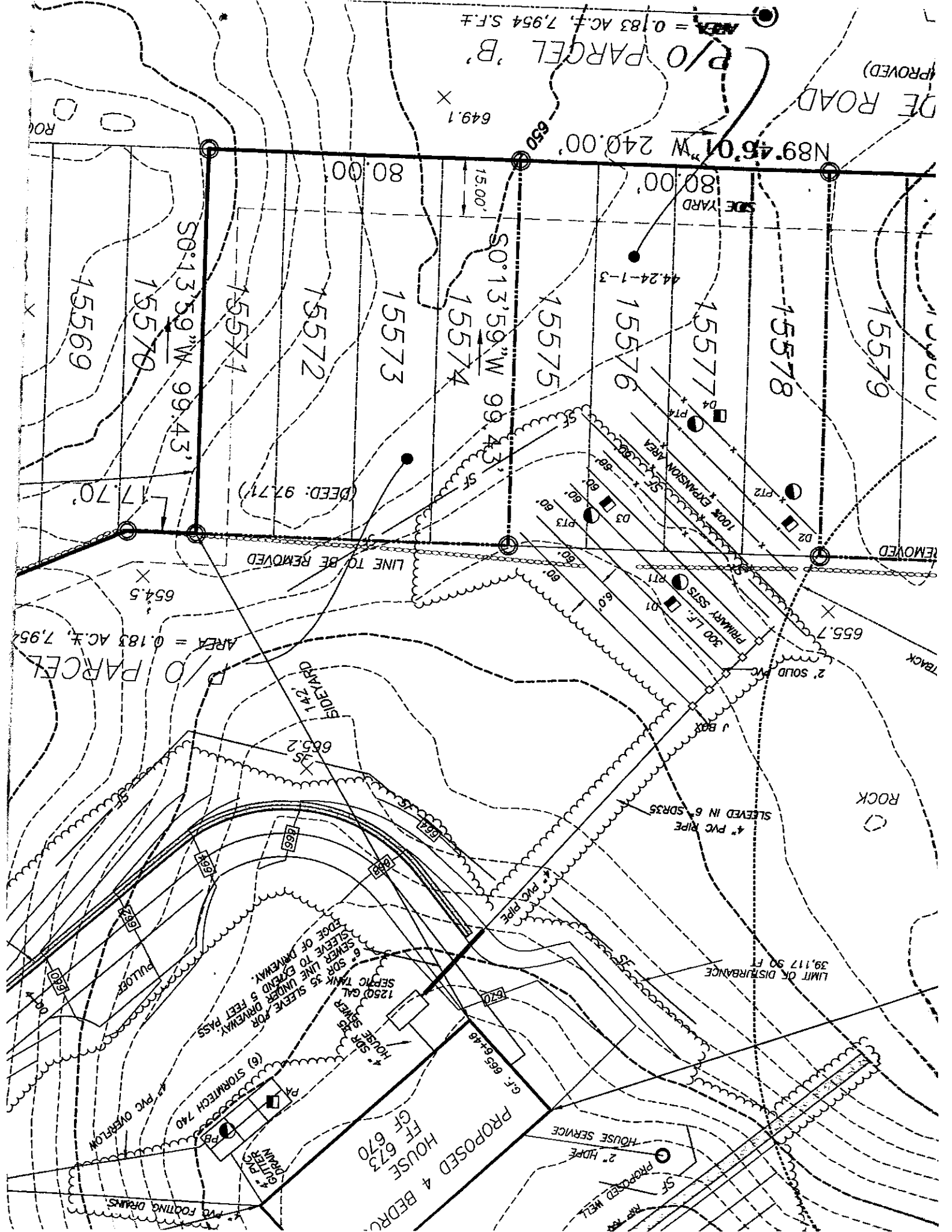
SOIL PERCOLATION TEST DATA REQUIRED TO BE SUBMITTED WITH PPLICATION

Presoak Date: 5/3/18Run Date: 5/4/18

Hole #		CLOCK TIME			PERCOLATION			
Hole Number	Run No.	Start	Stop	Elapse Time Min.	Depth to Water From Ground Surface		Water Level Drop In Inches	Soil Rate Min/in Drop
					Start Inches	Stop Inches		
PA	1	11 ⁰⁰	11 ¹⁵	15	24	27	3	5
	2	11 ¹⁶	12 ⁰¹	15	24	27	3	5
	3	12 ⁰¹	12 ¹⁶	15	24	27	3	5
	4							
	5							

DESCRIPTION OF SOILS ENCOUNTERED IN TEST HOLES

DEPTH G.L.	HOLE NO. <u>DA</u>	HOLE NO. _____	HOLE NO. _____	HOLE NO. _____
6"	<u>6" TOP SOIL</u>			
12"				
18"				
24"				
30"				
36"				
42"	<u>RED BROWN</u>			
48"	<u>SANDY</u>			
54"	<u>LOAM</u>			
60"				
66"				
72"				
78"				
84"				



HILLSIDE ROAD
(UNIMPROVED)

Hand-drawn sketch of a pipe layout. A horizontal line is labeled "PIPE 2" and "BURIED". A vertical line is labeled "WLF B6". A diagonal line is labeled "WLF B6". A dashed line is labeled "PROPERTY LINE CORNER". A note at the bottom right says "IRON PIN FOUND ON ANGLE". A note at the bottom left says "55.9.35.43 W 0.37' FROM".

$l = 40 \text{ ft}$

SIGN

HILLSIDE ROAD
-672-

STN. MAS.
RET. WALL

MAP NO. 3381-17-130-1
O.K.E.E.
15506

PINE ROW

085

Elizabeth Axelson

From: Jeffrey Battistoni <JBattistoni@VanDeWaterLaw.com>
Sent: Tuesday, July 30, 2019 3:25 PM
To: Planning Kent; Building Inspector; Jennifer Osterhoudt; Charles Sisto; Dennis Lowes; Giancarlo Gattucci; Nisim Sachakov; Phil Tolmach; Simon Carey; Stephen Wilhelm; Bruce Barber; Julie Mangarillo; Elizabeth Axelson
Cc: Chris Ruthven; John Karell; JCharbEsq@aol.com; Gordon Moccio (gordon.moccio@gmail.com); Joseph A Greico Jr. (greico@verizon.net); Brett Harrison; Ronald J. Hansen Sr. (Ronald.hansensr@gmail.com)
Subject: RE: Raneri
Categories: Yellow category

Hi to all.

I reviewed the Memo dated July 24th from Joe Charbonneau and the attachments included with it. Unfortunately, I still have the same comments as I did in my Memo dated March 27th.

First, the deed from Jeanette Toscano to Jerry Raneri (Liber 1598, page 371) contains a "typo" in one of the Lot Numbers. In addition, the description fails to include a large parcel to the north of Lots Numbers 15571-15582. We need a standard title report from a title insurance company (just like a purchaser would obtain in a typical real estate purchase) to show what the title company would require in order to insure title to the parcels. I suspect that a Correction Deed will be needed.

Second, for the Quitclaim Deed from Putnam County to Jerry Raneri (Book 2045, page 251), we need verification the Lots Numbers 15548 and 15549 are the same as Tax Map No. 33-80-1-1. They may well be the same, but nothing in the Resolution from Putnam County or the Quitclaim Deed verify that fact. Also, although the Quitclaim Deed provides that the Tax Map Parcel being conveyed, Number 33.80-1-1, "shall merge with Town of Kent Tax Map Number 33.18-1-28", I still question whether a Consolidated Deed is required. Thus, a standard title report should be obtained to show whether a title insurance company will insure the two parcels as being effectively merged or whether a Consolidation Deed is required.

Third, a title report should also be obtained to show the ownership on the unimproved, "paper" street known as Sunset Road. As I understand it, the applicant proposes to construct a 20 foot wide section of road on the "paper" street for a distance of approximately 90 feet, so ownership of that street (and access rights) must be demonstrated.

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

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VAN DeWATER AND VAN DeWATER, LLP

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Rebecca S. Mensch

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

WEBSITE ADDRESS:
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info@vandewaterlaw.com

MEMORANDUM

TO: Town of Kent Planning Board (via email and hand delivery)

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

FROM: Jeffrey S. Battistoni, Esq.

DATE: August 1, 2019

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

I sent an email to several people, including the applicant's representatives, dated July 30, 2019 and I am now incorporating my comments into this formal Memo. My comments are as follows.

First, the deed from Jeanette Toscano to Jerry Raneri conveyed her interest in the subject property to Jerry Raneri (Liber 1598 at page 371) contains a "typo" in one of the Lot Numbers. In addition, the description fails to include a large parcel to the north of Lots Numbers 15571-15582. We need a standard title report from a title insurance company (just like

a purchaser would obtain in a typical real estate purchase) to show what the title company would require in order to insure title to the parcels. I suspect that a Correction Deed will be needed.

Second, for the Quitclaim Deed from Putnam County to Jerry Raneri (Book 2045, page 251), we need verification that the Lots Nos. 15548 and 15549 are the same as Tax Map No. 33.80-1-1. They may well be the same, but nothing in the Resolution from Putnam County or the Quitclaim Deed verify that fact. Also, although the Quitclaim Deed provides that the Tax Map Parcel being conveyed, Number 33.80-1-1, "shall merge with Town of Kent Tax Map Number 33.18-1-28", I still question whether a Consolidation Deed is required. Thus, a standard title insurance report should be obtained to show whether a title insurance company will insure these two parcels as being effectively merged or whether a Consolidation Deed is required.

Third, a title report should also be obtained to show the ownership of the unimproved, "paper" street known as Sunset Road. As I understand it, the applicant proposes to construct a 20 foot wide section of road on this "paper" street for a distance of approximately 90 feet, so ownership of that street (and access rights) must be demonstrated.

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


Jeffrey S. Battistoni



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: August 8, 2019
RE: Raneri Erosion Control Permit & SWPPP; & Single-Family Lot Development Zoning Requirements, Hillside Paper Road, Tax Parcel No. 44-24-1-3; 33.18-1-28; & 33.80-1-1 / CPL# 60094.00

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

Summary

1. The proposal involves construction of a single-family dwelling on an 9.2-acre site consisting of 3 lots (see tax parcels listed above) in the R-10 (One Family Residence) zoning district. The proposed improvements for a single-family lot include a driveway to an "Unimproved Road".
2. The lack of frontage for the lot on which the home is proposed; and the lack of an improved road for access thereto pose problems for the lot development, which are partially addressed. Please refer to the zoning comments below, which detail zoning compliance issues; and recommended potential remedies.

SEQRA

3. The proposed action appears to be a SEQRA Type 2 action as per Part 617, section 617.5 (c)(11); (16); and (17) as it is the construction of a residential structure and related improvements.
4. Depending on the outcome of legal review of access and "paper street" concerns, a remedy may result in the action being an Unlisted action.

Single-family Lot Development Zoning Requirements

5. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit & SWPPP; and soil testing results and related measures.
6. The Planning Board should continue to consult with the Planning Board's Consulting Attorney about access and frontage concerns noted in the code-related comments below. Please refer to the July 30, 2019 email attached to this memorandum, which is a reply to a July 24, 2019 memorandum submitted by the Applicant's Attorney, Joseph Charbonneau. Further information must be submitted to address the points raised in the Board's Attorney's March 27, 2019 memorandum.
7. The site consists of 3 tax parcels, which are apparently proposed to be merged to make up a 9.2-acre site, yet the Site and Erosion Control Plan must be revised to properly list the correct parcels, as shown on the Topographic Survey of Property sheet, as follows:

- a. Tax parcel 33.80-1-3 is an 0.813-acre lot running along Unimproved Sunset Road adjacent to the large lot. This area is listed in the submitted deed. The entirety of the tax parcel 33.80-1-3 should be shown on the plans as it is part of the subject site. The response letter notes the entire parcel is shown on sheet S-3, however, sheet S-3 was not included in the submitted plan set.
 - b. Tax parcel 44-24-1-3, which is an 0.55-acre lot running along Unimproved Hillside Road, is now labeled as requested. Provide clearer labels for Parcel A and Parcel B therein.
 - c. Label all of the lines between existing tax parcels 33.18-1-28; 33.80-1-3; and 44-24-1-3 as lot lines to be removed.
8. More information was provided about the subject parcel, including of the "filed maps relative to this property". However, in order to better understand the extent of the subject property and the proposed lot merger, address the following:
 - a. The response letter indicated that a copy of the "official Town Map" has been provided. Clarify why the submitted map, entitled Lake Carmel, only shows a portion of the Town. ***If directed by the Planning Board, I can inquire with the Highway Superintendent and/or Town Clerk's office about whether any official map of the entire Town is on file.***
 - b. The response letter and submitted deeds clarify an apparent typographical error in the previously submitted Premier Abstract letter. Since other pertinent information has been provided, is suggested that the Planning Board need not rely on information stated in this letter.
9. In response to prior comments, the the surface of the proposed driveway is now labelled indicating a proposed asphalt surface with the requested reference to the pertinent detail on plan sheet D-2. However, the driveway detail on D-2 shows a gravel top course. Please clarify.
10. Sheet S-1 now includes a list of the plan sheets in the set. The Topographic Survey of Property sheet should be added to the plan set and referenced in the plans. Include sheet S-3 in the plan set.
11. A zoning table of lot and bulk requirements was added to the plan set corresponding to the R-10 district as set forth in zoning section 77-16, A. through H. Revise sheet S-1 and the Zoning Schedule on sheet D-3 to demonstrate compliance with all of the requirements and proposed conditions as follows:
 - a. All labeled yard setbacks should include the total proposed lot area, which would result from the proposed lot mergers.
 - b. Label the lot width in the plan view for clarity.
 - c. Prior comments noted that the definitions of "highway frontage" and "street" meant that the large lot on which the home is proposed to be built would not have frontage. See 77-16, C; and that even if the 3 subject lots are merged, the resulting large lot would still not comply with the frontage requirement. However, a "280A variance" was obtained, which must be properly referenced in the notation under the zoning schedule. Please refer to the comment below about access.
 - d. The proposal does not appear to comply with the requirement for a "buildable lot" as referenced in section 77-16, H.; and the supplementary lot requirement in Article IX, section 22-34.3. Accordingly, a development plan for the improvement of the unimproved street may be required. Continued consultation with the Planning Board Attorney is recommended regarding the ownership of the unimproved street and jurisdiction over review of any proposed development plan. Please refer to the comment below about access.
12. My prior comments noted Zoning section 77-51, Land use and building permits, subsection B.(1) stating no building permit shall be issued for "The construction or alteration of any building upon a lot without access to a street or highway except upon application to and approval by the Board of Appeals, as set forth in section 280-a of the Town Law." The Applicant and representatives



applied to the Town of Kent Zoning Board of Appeals; and obtained approval on July 15, 2019 of a "280A variance". The decision with conditions is stated in a letter from Chairman Moccio as follows:

"... The Zoning Board of Appeals approves the 280A variance (with access revisions) contingent upon the following:

The applicant(s) Mr. Raneri et al. comply with revisions requested by, and subsequently submitted to the Town of Kent Zoning Board of appeals on July 15th 2019 regarding access to property;

The applicant(s) Mr. Raneri et al. Satisfy all questions, outstanding issues, and matters of concern brought forth in the letter from planning board attorney Jefferey S. Battistoni Esq., dated March 27th 2019;

The applicant(s) Mr. Raneri et al. receive final approval from Town of Kent Planning Board to proceed with the project;

No work extending from the decision of the Town of Kent Zoning Board of Appeals shall commence until the above items have been satisfactorily addressed. ..."

13. As per prior comments, information about the "paper" streets' ownership, status and disposition is needed to determine how a development plan for the improvement of the unimproved street, if required, would be handled. Officially filed plats for the project area may include such information. According to Code Chapter 57, Roads and Driveways, the preparation and review of a road plan may be needed. It is suggested that such a road plan would be limited to portions of Unimproved Sunset Road and Unimproved Hillside Road to where existing roadway improvements are located. This may involve review by the Planning Board and Town Board.
14. A clearer note was added to plan sheet S-1 where the proposed asphalt driveway enters onto unimproved Hillside Road. I defer to the Planning Board's Engineering Consultant about the proposed specifications; and the Planning Board's Attorney about jurisdiction over any improvements to the unimproved road.
15. We note that the plan set submitted on March 25, 2019 does not include the previously submitted "Existing Conditions" sheet, which should be included in the next submittal.
16. The 11"X17" plan sheets were difficult to read; and the corresponding scan documents were illegible when zooming in on notes and details. Please provide full-scale plans sets and better quality pdf documents.
17. I will confer with the Planning Board Attorney about the above recommended procedural steps.

Recommendation

18. In order to determine the ownership, status and disposition of the existing "paper" streets, I recommend the following steps:
 - a. Direct the Applicant and their representatives to respond to the Planning Board's Attorney's March 27, 2019 memorandum; and
 - b. Review of any other plats or maps pertaining to the site and environs.
19. It is recommended that the Planning Board's Attorney continue to be consulted about the comments herein.

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

Enclosure

Materials Reviewed

- Email from Planning Board Attorney, dated July 30, 2019, responding to Charbonneau memorandum of July 24, 2019;
- Memorandum from Joseph Charbonneau, Attorney regarding deeds, dated July 24, 2019, with attachments;
- Copy of Zoning Board of Appeals Decision letter of July 15, 2019;
- Submittal letter to Zoning Board of Appeals for 280-a Variance from John Karell, PE, dated July 4, 2019;
- Plan sheet entitled Jerry Raneri, Hillside Road, Site & Erosion Control Plan, prepared by John Karell, Jr., PE, dated December 28, 2017, last revised July 4, 2019 (no other plan sheets were submitted);
- Response letter from John Karell, PE, dated March 24, 2019;
- Plans entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, revised March 19, 2019, except as noted below, including the following:
 - o Site & Erosion Control Plan,
 - o Steep Slope Plan;
 - o Health Department Details;
 - o Erosion Control Details; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018, revised January 4, 2019.

Materials Previously Reviewed for February 14, 2019 Memorandum

- Response letter from John Karell, PE, dated January 17, 2019;
- Response letter to Bruce Barber from Evan J. Fogle, P.L.S., dated January 21, 2019;
- Response letter from John Karell, P.E., dated January 7, 2019;
- Description of parcel letter from Evan J. Fogle, P.L.S., dated January 7, 2019
- Resolution #100 of 2017 Putnam County Legislature;
- Liber 1487 Page 0360-0364, Putnam County Recording and Endorsement Page, dated October 7, 1999;
- Filed Map number 108a, "Hill & Dale Country Club Inc", dated July 14, 1931;
- Filed Map number 130D, "Fifth Map of Lake Carmel", dated June 2, 1930;
- Filed Map number 130L, "Fourteenth Map of Lake Carmel", dated August 18, 1930;
- Filed Map "Final Subdivision Plat of Gateway Estates", dated March 3, 1974;
- Topographic survey of property, parcels A and B, prepared by Evan J. Fogle, P.L.S., revised January 5, 2019;
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, revised January 4, 2019, except as noted below, including the following:
 - o Site & Erosion Control Plan,
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details;
 - o Erosion Control Details; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018, revised January 4, 2019.

Materials Previously Reviewed

- Response letter from John Karell, PE, dated August 30, 2018;
- Letter from Ted Kozlowski, Certified wetland Delineator, dated July 20, 2018;
- Design Data sheet dated May 4, 2018;
- Short EAF Part 1, signed August 30, 2018;
- Letter from the NYSDEC dated August 9, 2018;
- Memorandum from Richard Othmer, Town of Kent Highway Superintendent, dated June 5, 2018;
- Letter from Georgianne Berte, Premier Abstract, LTD, dated August 30, 2018; and
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
 - o Site & Erosion Control Plan, revised August 9, 2018;
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details, revised August 9, 2018;
 - o Erosion Control Details, revised August 9, 2018; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018.
- Application for Steep Slope & Erosion, signed 2/13/18 with attached affidavits; certifications; agricultural data statement; and Request for Wetland Delineation Confirmation;
- Stormwater Pollution Prevention Plan, prepared by John Karell, Jr. PE, dated March 2, 2018 with attached NOI;
- Short EAF, unsigned, dated March 5, 2018;



- Copy of document entitled "Bargain and Sale Deed with Covenant Against Grantor's Acts" apparently executed on or about June 20, 2002;
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
 - o Site & Erosion Control Plan;
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details;
 - o Erosion Control Details; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018.



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 8, 2019

Project: Raneri – Hillside Road
TM # 33.18-1-28, 33.80-1-1,
44.24-1-3

The following materials were reviewed:

- Response letters prepared by John Karell, Jr., P.E., dated 1/7/2019, 1/17/2019, 3/24/2019
- Drawings prepared by John Karell, Jr., P.E., including:
 - S-1 Site & Erosion Control Plan, revised 7/4/2019

The following materials previously submitted were reviewed:

- Drawings prepared by John Karell, Jr., P.E., including:
 - S-1 Site & Erosion Control Plan, revised 3/19/2019
 - S-2 Steep Slope Plan, dated 3/19/2019
 - D-1 Health Department Details, revised 3/19/2019
 - D-2 Erosion Control Details, revised 3/19/2019
 - D-3 Erosion Control & Steep Slope Notes, revised 3/19/2019
- Topographic survey of property prepared for Jerry Raneri, prepared by Geologic Land Surveying, PLLC, last revised 1/5/2019
- Combined Application Form, Page 1
- Stormwater Pollution Prevention Plan (SWPPP) prepared by John Karell, Jr., P.E., dated March 2, 2018
- Notice of Intent (NOI), signed 3/3/2018
- MS4 SWPPP Acceptance Form with Sections I and II completed
- Erosion Control Cost Estimate, prepared by John Karell, Jr., P.E., dated September 14, 2018
- Email from Andy Tse, State Health Department, dated 4/2/2019

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 septic, but copy has not been provided.

The project received a conditional 280A variance from the ZBA for open development plan on 7/15/2019.

Revised 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 10/5/2018:

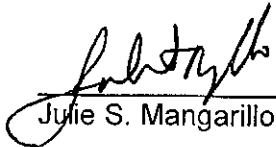
2. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
7. Refer to the Drawings:
 - e. Due to the steepness of the driveway (8-9%) a stabilized swale, series of stabilized discharge points or other method to reduce erosion of the slope from driveway runoff should be provided.
 - i. **1/7/2019 response letter indicates "driveway drainage is under design".**
 - h. Provide top and bottom wall elevations.
 - i. **1/7/2019 response letter indicates "wall designs are in process..."**
 - m. Drawing D-2 Erosion Control Details
 - ii. For the retaining wall detail - Additional drainage through the walls (weep holes) may be needed. As the walls are for the driveway, they will have to be designed to carry emergency vehicles. Provide additional calculations. Guiderails should also be provided along portion of driveway.
 1. **1/7/2019 response letter indicates "design of drainage for the driveway including guiderails are in process."**
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.**
13. We defer to the Planning Board's environmental consultant regarding wetland issues.
14. We defer to the Planning Board's planning consultant regarding planning and zoning issues.

New Comments:

1. We defer review of deed and ownership issues to the Planning Board attorney.
2. Regarding the miscellaneous, contaminated fill that the driveway will be constructed across, provide details regarding how the exposed contaminated soil will be handled and disposed of. Provide details on how driveway is to be constructed on stable ground, without unsuitable fill and organics beneath it.
3. The email from Andy Tse of State Health Department states:
"For the Raneri lot, the impacted soil, with the semi-volatile organic detections, can be used beneath the pavement or subsurface. The NYSDEC recommends that if there is any remaining impacted soil not be placed below pavement, that it should be properly disposed of offsite."

There is more area of that fill section with "impacted soils" than just what will be capped beneath the asphalt driveway. How will the rest of the "impacted soils" be handled? Provide a letter from NYSDEC regarding how the rest of the "impacted soils" are to be handled.

4. Refer to Notes "Soil Erosion and Sediment Control Notes" on Drawing D-1 and D-2
 - a. #2 & #3 – remove inclusion of out of date timeframe of "21 days".
5. Provide a revised Erosion Control Bond Estimate once design of driveway drainage has been completed. Be sure to include the infiltration practices.
6. SWPPP – Provide a revision date.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
18-261-999-157

Bruce Barber via email
Liz Axelson via email



Cornerstone Associates

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

July 31, 2019

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: VonRosenvinge Application
451 Pudding Street
Section 31.17 Block 1 Lot 7

Please be advised that a site inspection was conducted at the above referenced property on July 23, 2019. The purpose of the site inspection was to verify that the planting plan approved by the Planning Board had been implemented.

Site inspection revealed the plantings have been installed substantially in accordance with the approved plan the site to be stable with vegetative growth.

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

Sincerely,

Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant



Cornerstone Associates

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

July 31, 2019

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

Sincerely,

Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant

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 # 13
Year 2019

Date: August 27, 2019
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att Paul Denbaum
Bill Huestis, Deputy Supervisor 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 Zucker Erosion Control & Planting Plan**
12 Woodchuck Court, Carmel, NY
TM: 30.12-f-1

Resolved: On July 11, 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 accept an Erosion Control Bond in the amount of \$1,580.00; a Mitigation Plan Bond in the amount of \$1,000.00 and a Final Inspection Fee in the amount of \$1,000.00.

The motion to accept the Erosion Control Bond in the amount of \$1,580.00 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>Absent</u>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

The motion to accept the Wetland Mitigation Bond in the amount of \$1,000.00 was made by Mr. Gattucci and seconded by Mr. Wilhelm. The roll call vote was as follows:

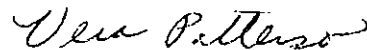
Phil Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Absent</u>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they accept the bonds as noted above.

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 July 11, 2019.

Dated: August 27, 2019



Vera Patterson
Planning Board Secretary

1068

TAKATINA LLC
3 FAR REACH TRL
PUTNAM VALLEY, NY 105791413

DATE

8/26/19

10-4-220

PAY

TO THE
ORDER OF

TOWN OF KENT

\$ 2520.00

TWO-THOUSAND FIVE-HUNDRED TWENTY AND 00/100 — DOLLARS

M&T Bank

FOR

BOND (T.M. # 21.19-1-5)
EC Bond

⑈001068⑈ ⑆022000046⑆

9861328046⑈



1069

TAKATINA LLC
3 FAR REACH TRL
PUTNAM VALLEY, NY 105791413

DATE

8/27/19

10-4-220

PAY

TO THE
ORDER OF

TOWN OF KENT

\$ 60.00

SIXTY AND 00/100

DOLLARS

M&T Bank

FOR

BOND T.M. # 21.19-1-5
EC Bond

⑈001069⑈ ⑆022000046⑆

9861328046⑈



1067

TAKATINA LLC
3 FAR REACH TRL
PUTNAM VALLEY, NY 105791413

DATE

8/26/19

10-4-220

PAY

TO THE
ORDER OF

TOWN OF KENT

\$ 1000.00

ONE-THOUSAND AND 00/100

DOLLARS

M&T Bank

FOR

REVIEW FEE (T.M. # 21.19-1-5)

⑈001067⑈ ⑆022000046⑆

9861328046⑈



RECEIPT

TOWN OF KENT-PLANNING BOARD

25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3263

DATE Aug. 26, 2019

RECEIVED FROM C. Kawabata

Two Thousand Five Hundred Twenty and 00/100 \$ 2,520.00
FOR E/C Bond Zucker TM: 21.19-1-5 1068

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

☐ CASH
☒ CHECK
☐ M.O.

BY C. Kawabata

THANK YOU

RECEIPT

TOWN OF KENT-PLANNING BOARD

25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3264

DATE Sept 5, 2019

RECEIVED FROM C. Kawabata

Sixty and 00/100 \$ 60.00
FOR E/C Bond TM 21.19-1-5 1069

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

☐ CASH
☒ CHECK
☐ M.O.

BY C. Kawabata / Takahiro LLC

THANK YOU

RECEIPT

TOWN OF KENT-PLANNING BOARD

25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3262

DATE Aug. 26, 2019

RECEIVED FROM Christina Kawabata

One thousand and 00/100 \$ 1,000.00
FOR Zucker E/C Rev. Fee + Inspection 1067 TM: 21.19-1-5

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

☐ CASH
☒ CHECK
☐ M.O.

BY C. Kawabata

THANK YOU

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

**Takatina LLC
3 Far Reach Trail
Putnam Valley, NY 10579-1413 for
Jonathan Zucker
12 Woodchuck Court
Carmel, NY 10512
TM: 21.19-1-5**

Bond given by Christina Kawabata of Takatina LLC, 3 Far Reach Drive, Putnam Valley, NY 10579-1413 for Jonathan Zucker, 12 Woodchuck Drive, Carmel, New York, 10512, /Tax Map: 21.19-1-5 ("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 Aug. 26, 2019.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$2,580.00, 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. \$1,580.00 is for an Erosion Control Bond to be held for two years and \$1,000.00 for a Wetland Mitigation Plan to be held for three years. A request for the Erosion Control Bond may be made after a year has passed. The property will be inspected at that time, and if deemed stable, the Planning Board may recommend that the \$1,580.00 Erosion Control Bond be returned

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 the Zucker Property ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Takatina LLC, 3 Far Reach Trail, Putnam Valley, NY 10579-1413. All these plans were reviewed and approved on June 12, 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 2,625 square foot single family house, with driveway, septic system and a well on a vacant lot in zoning district R-80 on 12 Woodchuck Drive, Kent, NY 10512. 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 \$2,580.00 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 final 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 Takatina LLC, 3 Far Reach Trail, Putnam Valley, NY 10579-1413.

In the event the erosion control work allowed shall not have been duly completed by **TAKATINA LLC OR JONATHAN ZUCKER**, 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 **TAKATINA LLC/JONATHAN ZUCKER**; with full use of said sums as the Town requires;

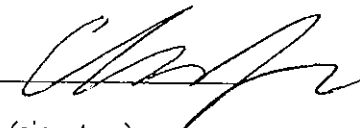
When the work shall have been fully completed as required by the conditions and specifications of the **Planning Board** either by **TAKATINA LLC/JONATHAN ZUCKER**, or by the **Town of Kent**, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned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

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 **TAKATINA LLC/CHRISTINA KAWABATA**;

Dated: 8/26, 2019

TAKATINA LLC/CHRISTINA KAWABATA

By: 
(signature)

By: _____
(signature)

TAKATINA LLC/CHRISTINA KAWABATA

(print/type signatory's name)

Takatina LLC/Christina Kawabata

Owner/Obligee, Takatina LLC/Christina Kawabata

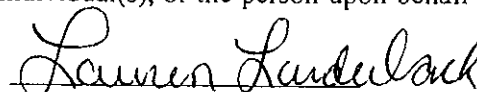
(print/type signatory's title)

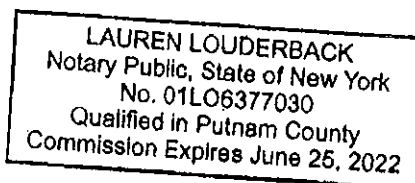
STATE OF New York)

) ss.:

COUNTY OF Putnam)

On the 26 day of August, 2019, before me, the undersigned, a notary public in and for said state, personally appeared Christina Kawabata 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.


NOTARY PUBLIC



AFFIDAVIT TO BE COMPLETED BY OWNER

State of New York }

} ss:

County of Putnam }

Jonathan Zucker

being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for Subdivision / Lot Line Change / Site Plan / Conditional Use Permit / Change in Use / Freshwater Wetland / Steep Slope and Erosion Control approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize TAKATINA LLC, to act as my/our representative in all matters regarding said application(s), and that I/we have the legal right to make or authorize the making of said application.
3. That I/we understand that by submitting this application for Planning Board approval that I/we expressly grant permission to the Planning Board and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Planning Board action.
4. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Town related to this application.
5. That I/we understand that I/we, and our contractors shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with the approved application. I/we acknowledge that approval of the site plan and commencement of any work related to the approved application shall constitute express permission to the Planning Board, the Building Inspector, and their authorized representatives and designees, to enter the property for the purposes of inspection for compliance with the approved application, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that approval of the application and the commencement of work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.
6. That I/we understand that the Town of Kent Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.

Applicant/Owner Applicant/Owner

Notary Public

KATHLEEN L. KENTON WILSON
Notary Public, State of New York
No. 01KE000233
Qualified in Putnam County
Commission Expires 6/26/22

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

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

Memorandum

DATE: February 21, 2019
TO: Finance Department
CC: tk@takatjna.com
FROM: Vera Patterson
RE: Zucker Property – TM: 21.19-1-5

This is a new project where the owner of the property wants to build an addition, garage with deck. An erosion control plan is not required because there will not be more than 5,000 square feet of soil disturbed. A site plan is required and a wetland permit is also required. Attached is supporting documentation and the following checks:

M&T Bank Check 1048 -	\$ 150.00	- Site Plan
M&T Bank Check 1049 -	\$ 500.00	- Wetlands Permit
M&T Bank Check 1050 -	\$1,000.00	- Review Fees

Please open a new account. Thanks very much.

RECEIPT

TOWN OF KENT-PLANNING BOARD

25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3194

DATE Feb. 21, 2019

RECEIVED FROM C. Kawabata / 3 ucker Property \$ 1,000.00
One Thousand and 00/100

DOLLARS

FOR Review Fees - 21.19-1-5

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

☐ CASH

☒ CHECK

☐ M.O.

BY C. Kawabata

THANK YOU

RECEIPT

TOWN OF KENT-PLANNING BOARD

25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3192

DATE Feb. 21, 2019

RECEIVED FROM C. Kawabata / 3 ucker Property \$ 150.00
One Hundred fifty and 00/100

DOLLARS

FOR Site Plan TM: 21.19-1-5

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

☐ CASH

☒ CHECK

☐ M.O.

BY Christina Kawabata

THANK YOU

RECEIPT

TOWN OF KENT-PLANNING BOARD

25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3193

DATE Feb. 21, 2019

RECEIVED FROM C. Kawabata / 3 ucker Prop. \$ 500.00
Five Hundred and 00/100

DOLLARS

FOR Wetlands - TM: 21.19-1-5

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

☐ CASH

☒ CHECK

☐ M.O.

BY C. Kawabata

THANK YOU

TAKATINA LLC
3 FAR REACH TRL
PUTNAM VALLEY, NY 105791413

1048

PAY
TO THE
ORDER OF

TOWN OF KENT

DATE

2/21/19

10-4-220

ONE HUNDRED FIFTY AND 00/100

\$ 150.00

DOLLARS

M&T Bank

Cold Spring Office

FOR

SITE PLAN - TM: 21.19-1.5

[Signature]



⑈001048⑈ ⑆022000046⑆

9861328046⑈

TAKATINA LLC
3 FAR REACH TRL
PUTNAM VALLEY, NY 105791413

1050

PAY
TO THE
ORDER OF

TOWN OF KENT

DATE

2/21/19

10-4-220

ONE THOUSAND AND 00/100

\$ 1000.00

DOLLARS

M&T Bank

Cold Spring Office

FOR

REVIEW FEE

[Signature]



⑈001050⑈ ⑆022000046⑆

9861328046⑈

TAKATINA LLC
3 FAR REACH TRL
PUTNAM VALLEY, NY 105791413

1049

PAY
TO THE
ORDER OF

TOWN OF KENT

DATE

2/21/19

10-4-220

FIVE HUNDRED AND 00/100

\$ 500.00

DOLLARS

M&T Bank

Cold Spring Office

FOR

WETLANDS PERMIT TM: 21.19-1.5

[Signature]



⑈001049⑈ ⑆022000046⑆

9861328046⑈

Town of Kent Planning Board
Combined Application Form

Received
mo/date/year

FEB 21 2019

Planning Department
Town of Kent

APPROVAL REQUESTED FOR: (Check all that apply)

Sketch Plan (subdivision)	_____	Preliminary Subdivision	_____
Final Subdivision	_____	Lot Line Change	_____
Site Plan	<u>X</u>	Conditional Use Permit	_____
Freshwater Wetland	<u>X</u>	Steep Slope & Erosion Ctrl	_____
Change of Use	_____		

Name of Project: ZUCKER RESIDENCE

Description of Proposed Activity: CONSTRUCTION OF ADDITION, GARAGE WITH DECK,
DECK AND SCREENED PORCH WITHIN EXISTING DECK FOOT PRINT, WALKWAY, AND
GRAVEL PARKING AREA AND RENOVATION OF EXISTING 2BR HOUSE

Name of Applicant(s): JONATHAN ZUCKER

Address: 12 WOODCHUCK COURT, CARMEL, NY 10512

Telephone: 917-449-2974

Name and Address of Record Owner(s): JONATHAN ZUCKER
12 WOODCHUCK COURT, CARMEL, NY 10512

Tax Map Number of all parcels: 21.19-1-5

A) For All Applications:

- 1) Total acreage involved in application: 1
- 2) Total contiguous acreage controlled by applicant/owner (1): 1
- 3) Total number of existing structures: 1
- 4) Type of existing structures: 2 BR SINGLE FAMILY HOUSE
- 5) Total square footage of all new construction: 2,626 SF
- 6) Estimated value of new construction or addition: \$ 500,000
- 7) Type of construction or activity proposed: (Check all that apply)

New Construction: Residential	_____	Commercial	_____	Institutional	_____
Expansion: Residential	<u>X</u>	Commercial	_____	Institutional	_____
Home Occupation:	_____	Change in use:	_____	Other:	_____

- 8) Zoning District:
R-80

- 1) Shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability company(ies) or other entities in which the applicant has an interest.

9) Does applicant intend to request any information waivers?

No ☒ Yes ____ If yes, please list all waivers (attach separate pages if necessary):

10) Are there agricultural and/or forestry exemptions affecting the property?

No ☒ Yes ____ If yes, please list in detail (attach separate pages if necessary):

11) Have any area or use variances affecting the property been granted?

No ☒ Yes ____ If yes, please list in detail (attach separate pages if necessary):

12) Have any permits affecting the property been issued by any other governmental agency?

No ☒ Yes ____ If yes, please list in detail (attach separate pages if necessary):

13) Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency?

No ☒ Yes ____ If yes, please list in detail (attach separate pages if necessary):

14) Attach a copy of the current deed and any easements affecting the property.

Name and Address of Professional Engineer: JOHN KARELL, JR. P.E.

121 CUSHMAN ROAD, PATTERSON, NY 12563

Telephone:

845-721-0455

Name and Address of Licensed Land Surveyor: DAVID L. ODELL, P.L.S.

123 CUSHMAN ROAD, PATTERSON, NY 12563

Telephone:

845-225-0106

Name and Address of Attorney:

Telephone:

Name and Address of Wetland Consultant: TED KOZLOWSKI

138 BIG ELM ROAD, BREWSTER, NY 10509

Telephone:

845-278-6169

DEED

TO

GIPSY TRAIL CLUB, INC.

THIS INDENTURE, made the 11 day of August, 2017, between W. Ian Lipkin residing at 45 West 105 Street, New York, New York 10025, hereinafter referred to as "Grantor", and GIPSY TRAIL CLUB, INC., a corporation organized under the Membership Corporations Law of the State of New York having its principal place of business in Carmel, New York, hereinafter referred to as "Grantee",

WITNESSETH, that the Grantor, for good and valuable consideration, the receipt where of is hereby acknowledged, does hereby grant unto the Grantee, its successors and assigns, all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Kent, County of Putnam and State of New York, known and designated as Site No. 104 on the map entitled, "Cabin Site Map No. 1 of the Gypsy Trail Club, Inc., Township of Kent, Putnam County, Carmel, New York, dated April 1, 1935 surveyed by Henry A.C. Hellyer, Civil Engineer," and filed in the Clerk's Office of the County of Putnam, State of New York, as Map No. 165A on May 31, 1935, being the same premises conveyed to the Grantor herein by deed dated September 14, 2006 and recorded in the Putnam County Clerk's Office at Liber 1755 page 410 on September 28, 2006.

The Grantor covenants with the Grantee, its successors and assigns as follows:

1. That the premises hereby conveyed are free from encumbrances created by Grantor.
2. That the Grantor will execute or procure any further necessary assurance of title to the premises.
3. That the Grantor will forever warrant the title to the premises in all instances where any claim adverse thereto arises through the Grantor or anyone claiming under the Grantor.
4. That the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements and that the Grantor will apply the same first to the payment of the cost of the improvements before using any part of the total of the same for any other purpose.

Title # AT17-13114P

SCHEDULE "A"
(DESCRIPTION)

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Kent, County of Putnam, and State of New York, and shown and designated as Lot #104 on a certain map entitled, "Cabin Site Map #1 of Gipsy Trail Club, Inc., Town of Kent, Putnam County, New York," dated April 1, 1935 and surveyed by Henry A. C. Hellyer, C.E." and filed in the Putnam County Clerk's Office as Map #166.

Address: 12 Woodchuck Court, Cabin 104, Gipsy Trail Club, Carmel

Town: Kent

County: Putnam

TAX DESIGNATION: Section 21.19 Block 1 Lot 5

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal as of the day
and year first above written.

W. Ian Lipkin
Aloysius Stedra, as Agent

W. Ian Lipkin

STATE OF NEW YORK)
) SS.:
COUNTY OF PUTNAM)

On this 11 day of August, in the year 2017, before me, the undersigned,
personally appeared W. Ian Lipkin 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/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.
* Aloysius Stedra, As Agent

[Signature]

NOTARY PUBLIC

Tax Map No.: 21.19-1-5

ADELINE NATIELLO
Notary Public, State of New York
No. 4808083
Qualified in Dutchess County
Commission Expires April 13, 2019
noted
2019

DEED

This Indenture made the 11 day of August, 2017, between GIPSY TRAIL CLUB, INC., a Not-for-Profit corporation organized under the Laws of the State of New York, having its principal place of business at Gipsy Trail Road, Carmel, New York, hereinafter termed "Grantor" or "Club" and Jonathan Zucker, residing at 166 Duane Street, Apartment 10C, New York, New York 10013, a resident member in good standing of the Club, hereinafter termed "Grantee";

WHEREAS, (a) Only resident members of the Club are entitled to own real property within the Club boundaries;

(b) So long as a resident member is not in arrears in dues to the Club the resident member shall be entitled to undisturbed possession of such real property and improvements thereon;

(c) If the owner of real property within the boundaries of the club ceases to be a resident member of the Club:

(i) such member shall be obliged immediately to surrender to the Club such member's real property and improvements thereon;

(ii) such member shall be entitled, for a period of two years, although out of possession, to sell or lease and later sell all such real estate and improvements thereon to a resident member of the Club provided at the time no obligation of his to the Club or Trail Properties, Inc., a New York corporation of which each resident member is a shareholder, hereinafter termed "Trail Properties" is more than thirty days past due; but if such member is in default or if that two years period has expired, the Club shall thereupon become entitled to sell or lease and later sell such real property and improvements, accounting to such member;

(iii) upon closing, in the case of a sale, which shall be in accordance with equitable provisions to be included in the deed for the proceeds thereof, after deducting all expenses of the sale and obligations (including resident member dues up to the date of closing) due from such member to the Club, and Trail Properties, and under the terms of such member's deed; and

(iv) annually, in the case of a lease, for any excess rent, after deducting all expenses of leasing and obligations (including resident member dues through the term of the lease) due from such member to the Club and Trail Properties.

(d) The restrictions set forth in this deed, including the prohibition against selling or leasing to anyone except a member of the Club, and other provisions as to possession and rights of selling or leasing as set forth above and in greater detail below, are necessary to carry on the spirit and purpose of the Club.

WHEREAS, the Grantee is a future site purchaser as above-specified; and

WHEREAS, the premises hereby conveyed are designated as Site No.: 103 on the map entitled "Cabin Site Map No. 1 of Gipsy Trail Club, Inc., Town ship of Kent, Putnam County, Carmel, New York, dated April 1, 1935, surveyed by Henry A.C. Hellyer, Civil Engineer," and filed in the Clerk's Office of the County of Putnam, State of New York, as map no. 165; and

WHEREAS, the data given herein relative to the location of points pertaining to the boundaries of the property covered hereby are coordinates of those points measured on the grid system, shown on the Cabin Site Map above-mentioned, from the base monument thereof (the zero zero point of the grid system), which is located at the northwest corner of the present so-called Lower Lodge (the northerly and southerly lines of the grid system above-mentioned being 17 degrees east of magnetic north, and the easterly and westerly lines thereof being at right angles to the northerly and southerly lines; and

WHEREAS, Article III of the By-laws of the Grantor read as follows:

"Article III. Conveyances.

"The officers of the Club are authorized in the name and on behalf of the club to convey resident members portions of its real property for the erection thereupon of cottages

or other dwelling houses with suitable outbuildings. The form of conveyance shall be approved by the Board of Governors."

And

WHEREAS, this form of deed was duly approved on April 17, 1999 by the Board of Governors of the Club.

NOW, THEREFORE, this instrument

WITNESSETH

That the Grantor, in consideration of Five Hundred Sixty Thousand Dollars (\$560,000.00), lawful money of the United States and other good and valuable considerations, paid by the Grantee, does hereby grant and release unto the Grantee, his heirs and assigns, all that piece or parcel of land situate in the Township of Kent, Putnam County, New York, bounded and described as follows:

SEE SCHEDULE ATTACHED

EXCEPTING and reserving all mining and mineral rights and fishing rights, if any, which may be owned by parties other than Grantor or Trail Properties, Inc.

TOGETHER WITH (1) the right to use the private rights-of-way designated as:

Old Orchard Lane
Willow Road
Pioneer Road
Pine Pond Road
Cat Briar Road
Woodchuck Lane
Twin Elm Lane
Whanghollow Road
Summit Road
Pond Lily Lane
Colony Lane
White Birch Lane

Upon the above-mentioned map, for all ordinary purposes of egress and ingress to the premises hereby conveyed and to the lake known as "Pine Pond", also known as "Gipsy Lake;" (2) the right to use the lake known as "Pine Pond", also known as "Gipsy Lake", and the shore thereof; and (3) the right to maintain and keep in repair the existing sewerage disposal systems from, and water lines and other services to, the premises hereby conveyed; SUBJECT, however, to the rights of the Grantor, of Trail Properties, and of all other persons and their successors in title to whom similar rights have been or shall be granted by the Grantor or Trail Properties, in instruments of lease or conveyance of real property then or theretofore owned by either of them; the power and authority to grant such right and, to lay, construct, and maintain water lines and other services along, upon, and under the above-specified private rights-of-way and all other private rights-of-way shown upon the above-mentioned map being hereby expressly reserved to the Grantor and to Trail Properties.

TO HAVE AND TO HOLD the above described premises, upon the Grantee, his heirs and assigns so long as (1) the Grantee shall remain a resident member of the Grantor; and (2) the premises shall not be occupied, except with the consent of the Grantor, by any other than a member of the Grantor, his family or guests, and no longer; and in the event that (i) the Grantee shall not remain a resident member; or (ii) the above described premises shall be occupied by any other than a member of the Grantor, his family or guests without the Grantor's consent as above provided, then and upon the happening of either such event the estate herein granted shall automatically cease and determine and the title of the premises shall revert to the Grantor.

But in the event that the Grantor shall dissolve, surrender or lose its corporate Charter, cease to exist, or cease to be conducted as a bona fide social and country club at its present location, then and in such event the Grantee, his heirs and assigns, shall become possessed of a fee simple absolute, and the covenants, conditions, restrictions and limitations hereinbefore or hereinafter contained shall forthwith become null and void and of no effect.

Title # AT17-13114P

SCHEDULE "A"
(DESCRIPTION)

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Kent, County of Putnam, and State of New York, and shown and designated as Lot #104 on a certain map entitled, "Cabin Site Map #1 of Gipsy Trail Club, Inc., Town of Kent, Putnam County, New York, dated April 1, 1935 and surveyed by Henry A. C. Hellyer, C.E." and filed in the Putnam County Clerk's Office as Map #165.

Address: 12 Woodchuck Court, Cabin 104, Gipsy Trail Club, Carmel

Town: Kent

County: Putnam

TAX DESIGNATION: Section 21.19 Block 1 Lot 5

RESTRICTIVE COVENANTS OF GRANTEE

The Grantee covenants for himself, his heirs and assigns as follows:

- (1) That he will at all times remain a resident member of the Grantor and will timely pay Grantor such amount of resident member dues and assessments as may be approved by not less than sixty percent (60%) of the resident members of the Grantor in accordance with Grantor's By-laws. All such dues and assessments together with interest thereon, shall be a charge on the above described premises and shall be a lien on such premises.
- (2) That he accepts this conveyance as being made pursuant to Article III of the By-Laws of the Grantor.
- (3) That he will not sell, lease, rent, or otherwise alienate the premises except to the Grantor or to a resident member of the Grantor. In no event will he sell, lease, rent or in any way alienate the premises hereby demised otherwise than as a entirety, except that he may sell, lease, or rent a part thereof to a resident member owning a cabin site substantially contiguous to the premises so to be conveyed with the prior written consent of the Grantor.
- (4) That neither he, nor any member of his family, nor any of his guests, will use "Pine Pond" (also known as "Gipsy Lake") or any part thereof, except in accordance with such reasonable rules and regulations as the Grantor may impose from time to time, and that he will not place or keep on that Pond or Lake, or permit to be placed, landed or kept thereon an airplane or any boats or vessels other than a rowboat, small sailboat, or a canoe without motor propulsion.
- (5) That there shall be erected and maintained and at all times kept erected and maintained on the premises a cottage, building, or other dwelling house.
- (6) That, without the prior consent of Grantor, there shall never at any time be erected on the premises any building other than a one-family private cottage or other dwelling house not exceeding one and one-half stories in height.
- (7) That there shall not be erected on the premises any cottage, building, or other dwelling house, unless and until the plans and specifications thereof shall first have been approved by the Grantor.
- (8) That the cottage, building, or other dwelling house erected upon the premises shall be used as a private residence for one family and for no other purpose, and that neither the whole nor any portion of the premises shall be used or occupied for the prosecution, conduct or transaction of any business, trade or gainful occupation.
- (9) That the landscaping of the premises hereby demised shall be maintained in conformity with the general style and plan of the landscaping of the balance of the tract of land owned by Trail Properties, by the Grantor, and by other resident members of the Grantor.
- (10) That he will comply with and observe all rules and regulations of the Grantor which have to do with the use of the premises whether such regulations are now in existence or shall hereafter be adopted by the Grantor, provided however, that all such rules and regulations shall apply uniformly to all the premises used as Club property by the Grantor and/or used and occupied by the members of the Grantor.
- (11) That, without the prior consent of Grantor, there shall not be erected on the premises any boundary line fence, hedge or wall.
- (12) That he will permit the use of existing paths and walks upon the premises by members of the Grantor and their guests subject to such rules, regulations and restrictions as the Grantor may make from time to time. With the consent of the Grantor and Grantee any such paths and walks may be changed or discontinued.
- (13) That he will promptly pay, when due, any and all taxes levied upon the premises and upon any buildings erected thereon. At its election the Grantor may pay any such taxes, if not paid by the Grantee within thirty (30) days after becoming due, and charge the Grantee the amount of such payment, and the Grantee will forthwith reimburse the Grantor therefor.

All the covenants, conditions, restrictions and limitations herein contained shall run with the land.

The Grantor agrees to furnish water to the premises upon application, upon reasonable terms and conditions to be fixed by the Grantor from time to time in its discretion, such terms and conditions to be uniform with respect to all existing building sites.

In the event that the estate of the Grantor shall cease and determine and the premises hereby demised revert to the Grantor, as hereinabove provided, the Grantor covenants and agrees with the Grantee, his heirs and assigns as follows:

That in the event of such reversion the Grantor shall give the Grantee notice thereof, and thereafter, for a period of two years after the giving of such notice, and no more, the Grantor shall permit the Grantee to secure as a tenant of the premises a member of the Grantor for a term not extending beyond the termination of such two year period, and substantially upon the terms and conditions then usually contained in the leases made or approved by the Grantor. The Grantor shall lease the premises to such member at the rental agreed upon between the Grantee and such member, and shall pay over to the Grantee the rentals received under such lease after having first made the deductions hereinafter provided for.

That for the same period of two years, and no more, the Grantee shall have the further right to secure a purchaser of the premises, which purchaser must be resident member the Grantor. The Grantor shall convey the premises to such purchaser by a deed containing the same conditions, covenants, restrictions and limitations as this present indenture at the price and upon the terms agreed upon between the Grantee and such purchaser and thereafter shall pay over to the Grantee the purchase price after first making the deductions hereinafter provided for.

That in the event that the Grantee does not secure a resident member of the Grantor as a purchaser of the premises during said two year period, Grantor shall adopt the following course of conduct:

It shall obtain an appraisal of the value of the premises by the Appraisal Committee of, or by an appraiser selected by, a trust company, bank or savings bank in Putnam or Westchester Counties. Thereafter the Grantor may sell the premises at the appraised value to any resident member of the Grantor, or the Grantor may itself elect to pay to the Grantee the appraised value of the premises. If the Grantor does not itself elect to purchase the premises it shall within ten (10) days from the date of obtaining such appraisal post upon the bulletin board of the Grantor for a period of ninety (90) days the price at which the premises can be purchased under said appraisal. In the event of a purchase by the Grantor or by a resident member thereof, the Grantor shall pay over to the Grantee the amount of such appraised value less the deductions hereinafter provided for.

In the event that at the expiration of ninety (90) days after the posting of the notice upon the bulletin board the Grantor shall not elect to pay to the Grantee the appraised value, less the deductions provided for, and no resident member of the Grantor shall purchase the said premises at such appraised value, the Grantor shall by notice posted on the bulletin board of the Grantor notify all resident members thereof that the premises are for sale and shall ask for sealed bids, which notice shall fix a period of not less than thirty (30) days within which such bids shall be tendered to the Grantor. At the close of the period for receiving bids, Grantor shall open the bids and shall forthwith notify the Grantee of the highest bid received. The Grantee shall thereafter be allowed a period of thirty (30) days within which he may obtain a higher offer for the purchase of the premises from a resident member of the Grantor. If he obtains such an offer the Grantor shall sell the premises to the offerer upon the payment of the price agreed upon and shall convey the property to the offerer by deed containing the same limitations, covenants, conditions and restrictions as are contained in this present indenture. Thereafter the Grantor shall pay over to the Grantee the purchase price received for the premises after having first made the deductions hereinafter provided for. If the Grantee fails to obtain a better offer the highest bid shall be accepted and the Grantor shall convey the premises to such highest bidder by a deed containing the same limitations, conditions, restrictions and covenants as are contained in this present indenture. In the event that two or more offers are for the same sum of money lots shall be drawn to determine which of the offers shall be accepted. Thereafter the Grantor shall pay over to the Grantee the purchase price so received after having first made the deductions hereinafter provided for.

Wherever it is above provided that the Grantor is entitled to make deductions from payments to the Grantee such deductions shall included the following:

(1) All taxes on the premises becoming a lien on the premises and/or falling due prior to the closing of the sale of the premises or the payment by the Grantor to the Grantee of the appraised value which have not been paid by the Grantee, together with any interest and/or penalties thereon.

(2) All expenses incurred by the Grantor in connection with the leasing and/or appraisal or sale of the premises, and any moneys expended in connection with the maintenance or repair to the cottage building or dwelling house.

(3) All obligations due from the Grantee to Trail Properties or to the Grantor, including but not limited to, all unpaid resident member dues up to the date of closing.

Subsequent to the reversion to the Grantor of the premises and until the actual closing of the sale thereof or the payment by the Grantor of the appraised value as herein provided, the risk of loss or damage by fire or otherwise to any improvements on the premises shall be borne by the Grantee.

GENERAL COVENANTS OF GRANTOR

The Grantor covenants with the Grantee, his heirs and assigns as follows:

That the premises herein conveyed are a portion of the property originally conveyed by Holding Corporation of Trail Properties, Inc., to Trail Properties, Inc. and are a portion of the property conveyed by Trail Properties, Inc. to the Grantor.

That the premises hereby demised are free from encumbrances, except as aforesaid.

That the Grantor will execute or procure any further necessary assurance of title to the premises.

That the Grantor will forever warrant the title to the premises in all instances where any claim adverse thereto arises through the Grantor or anyone claiming under the Grantor.

That the Grantor will convey premises and building sites within the Grantor's boundaries only to resident members of the Grantor and only upon substantially the same limitations, conditions, covenants and restrictions as are contained in this indenture.

That upon the death of a resident member owning the demised premises his or her surviving spouse becoming the sole owner of the premises shall be accepted at any time within a period of one (1) year after the date of death of such resident member as a resident member of the Grantor upon application for such membership made by such spouse without payment of initiation fee or cost for transferring to him or to her the one (1) share of common stock of Trail Properties registered in the name of the decedent, but upon payment of regular annual dues applicable to a resident member from and after the date of death of the deceased member, giving credit, however, for dues paid by such deceased member or his estate covering any period subsequent to his death. During such period of one (1) year from the date of death of such member the Grantor covenants that the premises may be occupied by the family of such deceased member, upon payment of regular annual dues applicable to resident members.

DEFINITIONS

Wherever herein used the "Grantee" shall include the Grantee, his heirs and assigns, and all others succeeding in title, whether by devolution by operation of law, or otherwise.

Wherever herein used "premises" shall include the rights-of-way and easements herein demised, and any cottage building, dwelling house or other improvements erected on the land herein demised.

Wherever in this deed notice is required to be given, such notice may be given to the Grantee either in person or by registered mail, forwarded to the Grantee at his last known address as shown on the books of the Grantor. The times specified to run after the giving of such notice shall in all cases commence to run with the date of service of such notice in person or the date of mailing such notice by registered mail.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed by its duly authorized officer and its corporate seal to be hereunto affixed, and the Grantee has hereunto set his hand and seal the day and year first above written.

GIPSY TRAIL CLUB, INC.,

Grantor

By

Michael H. Houn

Grantee

Brother B. B. B.

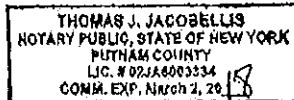
By

[Signature]

OR AGENT

STATE OF NEW YORK)
COUNTY OF Putnam) SS.:

On this 27th day of August, in the year 2017, before me, the undersigned, personally appeared MICHAEL SPAIN 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/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

Tax Map No.: 32-1-28

STATE OF NEW YORK)
COUNTY OF Putnam) SS.:

On this day of August, in the year 2017, before me, the undersigned, personally appeared ~~JONATHAN ZUCKER~~ 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/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.

DAVID WARMFLASH, AS AGENT

[Signature]
NOTARY PUBLIC

Tax Map No.: 32-1-28

ADELINE NATIELLO
Notary Public, State of New York
No. 1888083
Qualified in Putnam County
Commission Expires April 13, 1998
2019

B) For Subdivision and Lot Line Change Applications Only:

- 1) Total number of lots proposed: _____
- 2) What is the size of the smallest lot proposed? _____
- 3) What is the size of the largest lot proposed? _____
- 4) Number of private driveways proposed: _____
- 5) Number of common driveways proposed: _____
- 6) Maximum number of lots serviced by a common driveway: _____
- 7) Number of private roads proposed: _____
- 8) Number of lots serviced by a private road: _____
- 9) Preliminary Plat includes _____ acres and tentatively includes _____ future lots. The amount of area shown on this Preliminary Plat proposed to be dedicated for future public use, (exclusive of roads) is _____ (define measure: acres/square feet).
- 10) Does subdivider intend to submit a single subdivision plat for filing with County Clerk for all property in the Preliminary Plat? Yes ☐ No ☐ If no, state the number of sections to be filed _____

C) For Freshwater Wetland Permit Applications Only:

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) The survey map shall show the location of the all federal, state, and local jurisdictional wetland boundaries as delineated by the applicant's consultant, and the location of proposed disturbance in wetlands and wetland buffers. The survey map shall also show the location of all regulated water bodies on the site and within 200 feet of the boundary of the site.
- 3) What is the date of the boundary and topographic survey used as the base map for the application?
JUNE 15, 2018
- 4) Proposed activity is located in:
 - a) Lake/pond [] Control area of lake/pond [☒]
 - b) Stream/River/Brook [] Control area of stream/river/brook [☒]
 - c) Wetland [] Control area of wetland [☒]
 - d) Not located in wetland/wetland buffer []
- 5) Attach a description of the proposed activity in the controlled area including the following: i.e. maintenance, construction of dwelling, addition, driveway, culverts, including size and location.
- 6) Attach a statement of compliance with §39A-8 of the Town Code.

D) For Steep Slopes and Erosion Control Permit Applications Only:

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) Does the project involve any of the following:
 - a) Any disturbance involving 5,000 square feet or more of land? Yes _____ No ☒
 - b) Any disturbance on ground areas having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two (2) foot contours?
Yes ☒ No _____
- 3) What is the date of the boundary and topographic survey used as the base map for the application?

JUNE 15, 2018

- 4) Refer to Chapter 66 of the Town Code for the application requirements.

By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made; and 3) He/She agrees to comply with the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Town of Kent; and 4) He/She has read this statement and understands its meaning and its terms.

Applicant Signature: _____

Print Name: Jonathan Zucker

Date: 02/20/19

**REQUEST FOR WETLAND DELINEATION CONFIRMATION
PLANNING DEPARTMENT
TOWN OF KENT, NEW YORK**

Date: 2/20/2019

Property Address: 12 WOODCHUCK COURT, CARMEL, NY 10512

Property Tax Identification: 21.19-1-5

Property Size: 1 ACRE

Name of Wetland Consultant: TED KOZLOWSKI

Phone Number of Wetland Consultant : 845-278-6169

Name of Design Professional: JOHN KARELL, JR. P.E.

Phone Number of Design Professional: 845-284-2876

Name of Applicant: JONATHAN ZUCKER

Name of Owner: JONATHAN ZUCKER

(Note: If the applicant is not the owner, written and executed authorization to access the property must be provided to the Planning Board Secretary (845-225-7802 or planning@townofkentny.gov) prior to site inspection).

Request:

I request the Town of Kent confirm the wetland boundary delineation(s) completed by the applicant's wetland consultant at the above referenced site. I understand that the wetland confirmation will be conducted to verify only Town of Kent jurisdictional wetlands, watercourses and waterbodies as defined in Chapter 39A of the Town of Kent Town Code. I also understand that this confirmation does not constitute an application for any activity at the above referenced property. If an activity is proposed, then the appropriate application must be filed with the Town of Kent Planning Board Secretary and reviewed by the Town of Kent Planning Board.

I agree to the fee of \$125.00 per hour which shall include document review, travel time, on-site inspection and verbal/written correspondence.

Signed: _____

Owner/Authorized Representative

Please attach a sketch map depicting the approximate location of the delineated wetlands.

Rev. Sept. 2018

**TOWN OF KENT PLANNING BOARD
SITE PLAN CHECKLIST**

APPLICANT NAME: JONATHAN ZUCKER
ADDRESS: 12 WOODCHUCK COURT, CARMEL, NY 10512

CONTACT TELEPHONE NUMBER: 917-449-2974
TM: 21.19-1-5

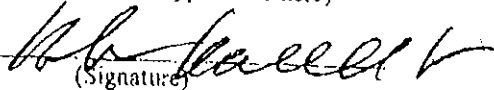
The following preliminary information must be included on the site plan. Please either check box as completed or indicate N/A (not applicable).

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

Check list completed by:

JOHN KARELL, JR.

(Print or type name here)


(Signature)

PROFESSIONAL ENGINEER

(Print or type Title here)

02/20/2019

(Date)

DO NOT WRITE BELOW THIS LINE (OFFICIAL USE)

Plans Date Stamped: _____ Reviewer: _____ Date: _____

Notes: _____

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

STORMWATER POLLUTION PREVENTION PLAN
EROSION AND SEDIMENT CONTROL

JONATHAN ZUCKER
12 WOODCHUCK COURT
TM # 21.19-1-5
KENT (T)

January 23, 2019

A handwritten signature in black ink, appearing to be 'JZ', is located in the lower right quadrant of the page.

I. Background Information

A. Project Description

1. The project site is on 12 Woodchuck Court in the Town of Kent, Putnam County, New York. The site presently contains a single family house, driveway, septic system and connection to the public water supply of the Gypsy Trail Club. It is proposed to construct a new addition, garage with deck, walkway, deck and screened porch within existing deck and to renovate the existing single family house.
2. The site is 1.0 acres in size.
3. It is proposed to construct a new addition, garage with deck, walkway, deck and screened porch within existing deck and to renovate a single family house served by a septic system and connection to the public water supply. The purpose of this report is to address Storm Water Pollution Prevention and Management for the proposed work.
4. The proposed construction will result in an increase in impervious area of square feet and 0.1 acres of total disturbance, less than 5,000 square feet..
5. Construction will begin immediately after receiving approval from the Town of Kent Building Department of a SPPP in accordance with the provisions of the Town of Kent Code estimated to be in the summer of 2019. A SPDES General Permit coverage from the New York State DEC is not required since the area of disturbance is less than 5,000 square feet.

B. Existing (Pre Development) Conditions

1. Topography and existing conditions are shown on the site plan. A portion of the parcel slopes generally from south to north and another portion slopes from west to east, both in the direction of State Wetland LC-11. Soils in the proposed area of development on the property are classified by the United States Department of Agriculture Soil Conservation Service as Charlton - Chatfield Complex (CsD), hydrologic group B and Fluvaquents (Ff) in the Web Soil Survey.

It is noted that part of the existing house, the developed area of the property and the proposed construction are within the 100 foot setback to wetland LC-11.

C. Proposed future (Developed) Conditions

1. The site plan shows all proposed utilities, drainage improvements and grading.
2. The storm water from the roof and driveway drainage will continue to sheet flow onto adjacent lawn, wooded areas as with the stormwater off the proposed garage.
3. Construction sequences are discussed in the appendix to this report and as noted on the plans.

4. The site will continue to be served by a septic system and connection to the public water supply of the Gypsy Trail Club.

II. Stormwater Management, Treatment and Conveyance

- A. Storm water treatment is not required since the area of disturbance is less than one acre. Management of stormwater from this property will be discharging roof and driveway drainage to adjacent lawn and wooded areas via sheet flow.
- B. Stormwater conveyance for this project consists of sheet flow onto adjacent lawn and wooded areas.

III. Stormwater Management

Treatment of stormwater is not required.

IV. Erosion and Sediment Control

A. Temporary Erosion and Sediment Control Measures

1. Temporary erosion and sediment control measures in the design of this project are silt fence. The existing driveway will serve as a stabilized construction entrance. The contractor will be responsible for daily sediment cleanup on the driveway, if any. Silt fence are proposed to be installed along the downslope of all areas of disturbance as shown on the site plan, or as determined to be necessary during construction.
2. Runoff will be controlled within the project area. Bare soil areas, disturbed areas, will be seeded and mulched to control possible erosion and slow the velocity of runoff. Such activities shall be initiated by the end of the next business day and completed within 7 days from the date the current soil disturbance activity ceased.
3. Initial grading shall take place to install the sediment control measures. Soil stockpiles shall be stabilized away from any drainage structures or natural drainage paths. Once final grading has been achieved in any area that area shall be seeded and mulched and not redisturbed again.
4. Soil stockpiles must be protected with seeding and/or mulching as soon as possible but no longer than 7 days after ceasing activity. (see item # 2 above)
5. Measures must be in place prior to disturbance of a particular area in order to prevent sediment from traveling off site. This is accomplished on this site by the proper installation of silt fence.
6. Dust shall be controlled to keep the amount of particles/sediment generation by construction activity to a minimum. This will be accomplished by seeding and mulching of disturbed areas and wetting areas prone to airborne dust.

7. All temporary and permanent sediment and erosion control measures must be checked on a weekly basis for functionality and stability. This includes the silt fencing and the stabilized construction entrance. Any bare spots in areas previously seeded will be reseeded and mulched as soon as necessary. In areas where soil erosion and sedimentation is found to be a problem and measures are not in place, appropriate measures must be installed as required by the supervising engineer.

8. Final grading shall match approximately the cut and fill lines as shown on the plans. This must be accomplished within 7 days of the end of the construction activity unless otherwise specified under the Town or DEC permits. (see item # 2 above)

9. Temporary measures shall not be removed until all disturbed areas protected by such measures are fully and properly stabilized.

10. Permanent non structural measures to remain in place are re-established areas of grass and landscaping within the non impervious areas.

11. Pollution prevention measures that will be utilized to prevent construction debris from becoming a pollutant source include:

...Litter control – refuse containers will be provided on the site for the deposition of any debris. The contractor shall police the site at the end of each day, collect litter and deposit litter in the refuse containers.

...Construction chemicals – all construction chemicals including but not limited to equipment fuels and oils and cleaning solvents shall be stored in appropriate containers and within a locked facility overnight.

Any spills of construction chemicals will be immediately cleaned up in accordance with appropriate procedures.

Any significant spill will be immediately reported to the NYSDEC pursuant to State Regulations, procedures and requirements.

...Construction debris will be collected and placed in roll off containers and disposed off site in at an appropriate disposal facility. (Part III.B.1.j)

B. Permanent Erosion Control Measures

1. Permanent erosion control measures employed in the design of the project include stabilization of all disturbed areas with grass.

V. Maintenance of Stormwater and Erosion Control Measures

The project contractor and/or subcontractors shall be responsible to install, construct, repair, replace, inspect and maintain the temporary erosion and sediment control practices included in the SWPPP. The project contractor/subcontractor shall be responsible for constructing the post

construction storm water management practices included in the SWPPP. Such measures will be maintained by the project contractor/subcontractor during the entire construction period.

Permanent measures will be maintained by the owner of the property.
(Part III.A.6) (Part IV)

Developer/Owner/Applicant

Jonathan Zucker
12 Woodchuck Court
Carmel, New York, 10512

The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*. A copy of this certification statement must be provided to the Town of Kent Building Department and Planning Department before commencement of any work on the property:

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for storm water discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings. "

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the