

**TOWN OF KENT  
TOWN BOARD MEETING  
Tuesday, November 16, 2021**

**Executive Session:** 6:00 p.m.

Discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and discuss current, pending or proposed litigation.

**Workshop/Meeting:** 7:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Discuss and/or vote on the following:
  - a. Mining presentation – Planning Board Consultants
  - b. Highway Department – Authorize advertising for bids for materials and services, set bid opening and award dates
  - c. Solarize Kent – Accept \$5,000 grant from NYSERDA for the Community Solar Campaign, accept \$5600 from Ampion generated through the Community Solar Campaign, authorize Town to utilize Ampion for electricity for Town-owned buildings
  - d. Reappoint Assessor
  - e. December Town Board Meeting dates
  - f. Approval of Vouchers and Claims
4. Announcements
5. Public Comment



**MEMORANDUM**

**Via email only**

**TO:** Maureen Fleming, Supervisor, Town of Kent  
**FROM:** John V. Andrews, Jr., P.E.  
**PROJECT:** **Town of Kent Soil Mining**  
**SUBJECT:** Transmittal  
**OB NO.:** 21-261-01-SM  
**DATE:** November 2, 2021

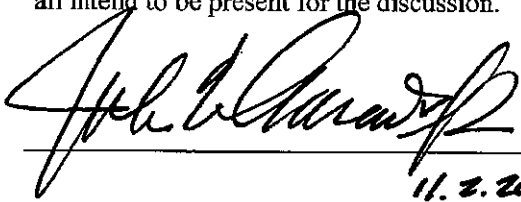
We attach hereto for your consideration the following.

- Discussion Outline – September 28, 2021
- Draft Outline – October 15, 2021
- Conceptual Town Code Amendment – Soil Removal/Soil Mining November 1, 2021

The purpose of providing these items is to demonstrate our thinking in the evolution of this matter. The discussion outline was originally intended to focus and clarify issues but more importantly the form and content of the final work product. The draft outline was prepared based on the outcome of the joint meeting. It was intended to compile the key points of that discussion; indicate how they might be assembled into a local law and to highlight the importance of addressing the items contained in the originally submitted discussion outline. The last item, the conceptual Code amendment, fleshes out the previous two items, presenting a potential code modification which addresses our key understandings from the previous discussions. It is a conceptual work product. It is a work in progress. It needs to be fine-tuned, adjusted, or modified to suit the requirements of the Town of Kent. It is intended to spur discussion and to assist in directing our discussions with the Board.

The conceptual code amendment has been formatted as an addition to the Zoning Code. The current Chapter 63 would be removed with this section added to the Zoning Chapter. The manner of presentation and the format is such that it provides flexibility as to its final form and how it should be incorporated into the overall Town of Kent Code. We cannot stress enough that this is conceptual. It is intended to identify key matters and at least one way of addressing those items. We fully expect the Board to have comments or questions. We fully expect modifications. The final product will need to be formatted and checked against the code to catch any inconsistencies and overlap.

We look forward to discussing this matter with the Town Board. Thank you for the opportunity. Please consider this as our formal acceptance of your offer to appear at your meeting on November 9, 2021. We all intend to be present for the discussion.



11. 2. 2021

John V. Andrews, Jr., P.E.

**Attachments**

cc: Bruce Barber, Town Environmental Consultant.  
Elizabeth Axelson, AICP, Town Planner

**Town of Kent**  
**Town Code Amendments – Soil Removal/Soil Mining**

Discussion Outline  
September 28, 2021

The purpose of this meeting and discussion with the Town Board is to discuss and clarify the intent of the Town Board in addressing the matter of soil mining in the Town of Kent. We are looking for specific guidance from the Board as to what their intent/objectives are in crafting the appropriate Code section to address this issue.

1. Agree upon a definition of what is to be controlled/covered by this local law. What does the Board understand mining to mean – what exactly is the Town seeking to regulate?
2. Options:
  - Prohibition of mining altogether – simply removing mining as a permissible use in any or all zoning districts
  - Restricting mining to certain locations ( areas of the Town) under specific conditions
  - Permitting mining throughout the Town under certain thresholds/ conditions
3. How does the Town want to achieve this end?
  - Amending /reworking Town Code Chapter 63 – Soil Removal
  - Creating a new Town Code Section to replace Chapter 63 entirely – Entitled perhaps “Soil Mining”
  - Amending the existing Zoning Chapter to establish either an overlay district or a floating zone
  - Using the existing framework of existing environmental Town Code Chapters to define and frame the process (Erosion Control, Wetlands, Steep slopes) In essence, creating a series of hoops for the action to move through allowing it to occur once it has been defined by obtaining various permits
4. Assuming mining is to be permitted - are there specific goals for the community to derive benefit from for example commercial development, recreational opportunities. Are there likewise certain preferred mitigations preferred to offset impacts – tree replacement, ground water recharge – wetland creation that should be specifically identified to off set impacts.
5. What specifically is the Board expecting to see as a work product – What are the time frames the Board would like /expect as the process moves forward.

Our goal in having this discussion is to start off on the right foot, understanding exactly what you want and how you envision getting there. There was a lot of work that has already been applied to this matter. There are however a lot of competing interests voices and outcomes embodied in that work. We would like to leave with a clear focus and a clear direction defining where the Board wants the Town to be at the end of this process.

cc: Bruce Barber  
Elizabeth Axelson, AICP, CPL

# TOWN OF KENT TOWN BOARD OUTLINE SUPPLEMENTARY USE REGULATIONS FOR MINING

Draft October 15, 2021

This outline is based on a new Town Board special use permit use, Mining with Land Development, being listed under the special uses sections in the C (Commercial) and IOC (Industrial-Office-Commercial) zoning sections

## 77-44.8 Mining with Site Development

#A. Purpose and Intent. The purpose and intent of these supplementary use requirements and standards is as follows:

#(1) ... to allow controlled removal of sand, soil, gravel or rock to occur concurrently with a phased plan for site development.

#(2) To prohibit mining in the Town of Kent without an approved plan for development of a site for uses that are principal permitted uses or permitted special uses. To allow limited phasing of removal of earth materials balanced by phases of land development to create new uses.

#B. Town Board special use permit application procedures

#(1) Town Board conceptual review and referral

#(2) Planning Board review

#(3) Town Board special permit approval

#C. Regulatory compliance.

#(1)... with state soil mining regulations

#(2) ... with DEP regulations

#D. Special use supplementary application requirements. The following shall be submitted in addition to all other applicable special use and site plan requirements specified in this chapter:

#(1) ... A mining and site development sequencing plan shall include plans for temporary and permanent site reclamation and development for each portion of a site that has been mined. Specifically, a phase or phases of land development of the site's use, buildings and improvements shall be completed for each phase of mining and prior to initiation of any subsequent mining phases.

#(3) Detailed cut and fill calculations for the total site and for each phase to establish a threshold for removal of materials from the site.

#E. Special supplementary design standards.

#F. Performance bond or surety; inspection fee; and insurance

#G. Performance of work. See Code Chapter 63, section 63-5 for a list of possible additional standards and conditions

#H. Enforcement of Special Use Permit Conditions

#I. Completion of mining

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**Town of Kent**  
**Town Code Amendments – Soil Removal/Soil Mining**

Individual Standards and Requirements for Special Use Permit  
Mining  
November 1, 2021 (Rev. 5)

**A. Purpose and Intent.**

The purpose and intent of these supplementary use requirements and standards is as follows:

1. to allow soil removal and soil mining in specific defined areas of the Town in conjunction with an approved phased plan for site development.
2. to establish clear standards and requirements for the planned phasing of areas of soil removal and mining with site development to avoid the creation of a disturbed, barren area of land that is not consistent with the Town's natural environment and rural, residential character.
3. to protect residential and local business areas and other land uses, and property values from the potential adverse impacts of a disturbed, barren site.
4. to prevent the adverse effects of disturbed land, such as stormwater, erosion and sedimentation, from affecting the community's watershed, watercourses, waterbodies and wetlands.

**B. Definition**

"Mining" means the extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes at the mine location; the removal of such materials through sale or exchange or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. "Mining" shall not include the excavation, removal, and disposition of minerals from construction projects as exempted herein, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

**C. Applicability**

The conduct of mining shall be prohibited in all areas of the Town except for Commercial (C) Zoning District and the Industrial/Office/Commercial Zoning District and only then when the following conditions have been satisfied:

1. A special use permit has been issued by the Town Board.
2. The approved plan shall be for the phased development of the site for uses which are principal permitted uses or permitted special uses in the underlying zoning district.
3. The approval specifically includes a phased implementation plan which balances mining and land development so as to avoid mining of the entire site prior to establishment of the approved use. The phasing plan shall be backed by a performance bond.
4. A permit for such activity has been issued by the New York State Department of Environmental Conservation pursuant to the Mined Land Reclamation Law (MLRL) (ECL Article 23 Title 27) if applicable.

A Mined Land Reclamation Permit issued by the New York State Department of Environmental Conservation under the MLRL is required for mining activities which remove 1,000 tons or 750 cubic yards whichever is less during twelve (12) successive calendar months or 100 cubic yards or more are removed in or adjacent to any body of water.

**D. Exemptions**

Excavation or removal in the following cases is not subject to the limitations of this section, and no special use permit approval from the Town Board is required in such cases:

1. Landscaping operations in which topsoil is removed from one part of the property and deposited on another part of the same property, provided that it is replaced with a cover of earth in which the vegetable matter may take root and grow and is seeded with grass, permanent pasture mixture or other fast-growing vegetation, repeatedly as necessary until the growth is established.
2. The excavation of topsoil and other natural resources from within the limits of the right-of-way or slope rights of any Town, county, or state highway or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Planning Board of the Town of Kent are on file in the County Clerk's office in Putnam County, New York.
3. The improvement of a single lot or parcel of land in connection with construction of a dwelling, multiple dwelling, building or any other structure or structures for which a building permit has been issued, or in connection with agricultural land improvements such as farm ponds and soil conservation measures, provided that such improvement conforms to the following standards and conditions:
  - a. Final slopes shall be finished at a grade no greater than the natural angle of repose, except where supported by a retaining wall or foundation.
  - b. Any lakes or ponds that are created shall have a sufficient depth and inflow of water to prevent eutrophication and to prevent their becoming stagnant in dry periods.
  - c. Topsoil may be disturbed and relocated in connection with any permitted excavation but shall be replaced with earth in which vegetable matter may take root and grow and shall be seeded with grass, permanent pasture mixture or other fast-growing vegetation, repeatedly as necessary until the growth is established.
  - d. Topsoil or other natural resources that are excavated to permit the improvement of property may be removed from the property, provided that the amount to be removed is only that in excess of that needed to be reused on the site of the improvement and provided that this amount is specified in the building permit for such improvement.
  - e. There shall be no processing of excavated materials by a rock crusher or similar equipment on the premises.
  - f. Any regrading, removal or excavation that is permitted under these provisions of exception, subject to the issuance of a building permit, shall be completed within one year of the date of issuance of said permit.
  - g. In the event that the construction of improvements for which preparatory excavation is performed does not commence within six months of the commencement of such excavation, the permittee shall be required to immediately begin reclamation operations to restore the land to a condition that will minimize erosion and any unsightly conditions.
4. The above provisions notwithstanding, excavation and removal shall be limited to not more than 100 cubic yards of material from each 40,000 square feet of lot area, in any calendar year, and not more than 600 cubic yards of material may be removed on any parcel in any calendar year.

**E. Conformance Required**

A special use permit shall conform to the following individual standards and regulations where applicable in addition to all other regulations for the zoning district in which the special permit use is located.

**F. Application Procedure.**

The application procedure for approval of a special use permit for mining shall involve a three-stage process:

1. The Applicant shall submit an application for approval of a special permit and development plan to the Town Board. The Town Board shall evaluate the application on the appropriateness of the proposal in the context of the Town Development Plan and this and this chapter. The Town Board as part of its evaluation of that application shall work with the Applicant to develop a conceptual special permit and mining plan.



2. The Town Board shall refer the application together with the concept plan to the Planning Board for a detailed review and report. The Planning Board as part of this referral shall be authorized to serve as Lead Agency and conduct the necessary SEQRA review unless otherwise superseded by the NYSDEC. The Planning Board shall as part of the SEQRA review conduct a public hearing on the matter. Upon the conclusion of the SEQRA review, the Planning shall further issue any required environmental permits for the project. The Planning Board shall refer the entire package back to the Town Board.
3. The Town Board shall conduct a public hearing. Upon the close of the public hearing and receipt of a Negative Declaration under SEQRA or issuance of a SEQRA findings statement together with all appropriate environmental permits, the Town Board shall issue a decision on the special use permit and site development plan.

**G. Town Board Action.**

1. Within 30 days of the date of the public hearing, the Town Board shall, by resolution, act either to approve, approve with modifications or disapprove the special permit use and development plan for a mining. Approval or approval with modifications is required for, and shall be deemed to authorize, the approved site development plans which shall be in accordance with the approved general land use and development plan.
2. The Town Board shall not act to approve any application for a special use permit and development plan for mining unless it determines:
  - a. That such development will serve to implement the intent and purposes as set forth in Chapter 77, Zoning.
  - b. That the location proposed for the special use permit and site development plan for mining is suitable and appropriate for such a development.
  - c. That such development is otherwise in the public interest.
3. With respect to the actual mining phase, the Town Board must further make the determinations :
  - a. That the location, character and scope of the mining activity, and the access and any buildings, structures, facilities, or processing equipment, will reasonably safeguard the character of the neighborhood and surrounding property values, will not hinder, or discourage the appropriate development and use of adjacent property and, when completed, will conform to the appropriate and orderly development of the Town and neighborhood.
  - b. That the tract on which the mining activity is to be conducted is of sufficient size and adequate dimension to permit conduct of the operation in a manner that will not be detrimental to the neighborhood or adjacent property.
  - c. That reasonable provision will be made for screening the mining activity from view from adjacent streets and property, and that buffer transition areas will be provided to protect adjacent properties.
  - d. That the streets serving the proposed mining activity are adequate to carry prospective traffic, that provision will be made for entering and leaving the tract in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities will be provided for conduct of the operation.
  - e. That the mining activity when completed, will not result in creation of soil erosion, sedimentation or fertility problems or drainage, sewerage or groundwater problems which would impair the reasonable reuse and development of the tract in accordance with this chapter and that the operation is consistent with the Town of Kent Comprehensive Plan.
  - f. That the proposed mining activity, any buildings, structures, facilities or processing equipment and hours of operation will make provision for control of dust and lighting and

otherwise will not be detrimental to the public health, safety and general welfare of the neighborhood and the community.

4. Such conditions and safeguards shall be attached to the special permit as the Town Board deems necessary and appropriate to assure continual conformance to all applicable standards and requirements

#### **H. Regulatory Compliance**

1. All applicable provisions of the Code of the Town of Kent, including but not limited to regulations for flood damage prevention, freshwater wetlands, steep slope protection and stormwater management, subdivision of land, watercourses, and any other pertinent zoning provisions.
2. NYSDEC – Environmental Conservation Law Article 23 Title 27 – Mined Land Reclamation Law
3. NYCDEP Regulations

#### **I. Application Requirements**

Each application for a special use permit shall be accompanied by the following:

A. A proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives and parking areas, and all streets within 200 feet of the lot. The site plan shall use as a base map an accurate boundary and topographic survey of the property depicting all existing improvements and grades prepared by a New York State licensed land surveyor. The plan shall depict all proposed improvements and shall be prepared by a professional engineer, a landscape architect, or an architect licensed by the State of New York and shall include the following information:

1. A location map, at a convenient scale, showing the applicant's entire property and all boundaries, easements, and streets within 500 feet thereof.
2. The location and limits of the area on the tract to be subject to the mining activity and any lines delimiting areas not to be disturbed.
3. Existing contour lines that are on the tract within and within 200 feet of the area to be subject to the soil extraction operation, and proposed contour lines resulting from the intended soil extraction operation, drawn to a scale of not less than 100 feet equals one inch and with a contour interval not to exceed two feet.
4. Existing and proposed drainage on the tract within and within 200 feet of the area to be subject to the soil extraction operation, the principal measures proposed for soil erosion and sediment control and water pollution control and elements of a reclamation plan for the area of the tract to be subject to the mining activity.
5. Existing wetlands and watercourses on the tract within and within 200 feet of the area to be subject to the soil extraction operation and within 200 feet of the tract.
6. Proposed truck access to the tract, including roadway and access improvements proposed.
7. The location of wooded areas, existing buildings and structures and the location of any proposed buildings and structures on the tract within and within 200 feet of the area to be subject to the soil extraction operation.
8. Any proposed temporary or permanent screening of the soil extraction operation, such as by berms, fences, and landscaping.
9. The location, size, use and architectural design of all existing buildings and structures.
10. The location of all property lines and structures within 200 feet of the property boundary, with topography extended 50 feet outward from the site property boundary and 200 feet outward along existing roads.

11. Any proposed division of buildings into units of separate occupancy.
12. Existing topography and proposed grade elevations at a contour interval of not more than two feet, unless waived by the Town Board, soil types, wetlands, and watercourses, one-hundred-year floodplains, bedrock outcrops, slopes in excess of 10%, and the location of trees with a diameter of eight inches dbh and greater.
13. The location and capacity or number of all existing and proposed roads, driveways, parking and loading areas, including access and egress drives.
14. The location of outdoor storage areas.
15. The location of fire access roads and fire protection features.
16. The location, description, and design of all existing and proposed site improvements, including pavement, walkways, curbing, drains, culverts, retaining walls, fences, parks, open spaces, and recreation areas.
17. The location, design and description of water supply and sewage disposal facilities
18. The location, design, and description of stormwater management facilities, including proposed grading plan.
19. The location, height, size, and design of all signs.
20. The location, height, and species of landscape plantings on a landscape plan.
21. The location and design of lighting and communication facilities.
22. The location, type and design of all waste and refuse storage and handling facilities.
23. The character and location of all power distribution and transmission lines.
24. The location and description of all subsurface site improvements and facilities.
25. The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles of typical development areas, parking lots, driveways, and roads.
26. Adequate provisions for the handling of stormwater runoff, including retention/detention, piping or channeling to existing or proposed drainage systems during and after construction.
27. Phasing of development, if any.
28. A signature block for Town Board endorsement of approval.
29. The name and address of the owner of the property proposed for development, along with the signature of said owner.
30. The name and address of the applicant, if different, along with the signature of said applicant.
31. At the request of the Town or Planning Board, any other pertinent information as may be deemed necessary to determine and provide for the proper enforcement of this chapter.

B. A completed Full Environmental Assessment Form (FEAF) together with any supporting documents or other material intended to expand or clarify information contained in the FEAF intended to assist the Town in the review of this project.

C. A complete copy of all application materials submitted to the NYSDEC pursuant to Article 23, Title 27 of the Environmental Conservation Law, if applicable.

D. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Town of Kent Town Code Chapter 66, Articles IV, and V. The SWPPP shall meet the performance and design criteria and standards in Chapter 66, Article IV. The approved special use permit shall be consistent with the provisions of Chapter 66.

E. A narrative addressing the following and such additional information deemed appropriate by the Town Board:

1. An evaluation of the proposed mining activity relative to surrounding land uses, including an evaluation of potential environmental impacts, including but not limited to noise, dust, and visual impacts on surrounding land uses.

2. The duration of the operation through to site restoration, proposed hours and days of operation and the program for staging the site preparation, excavation and restoration in time and geographic sections.
3. The program of measures to be undertaken for control of noise, dust, soil erosion and sedimentation, water pollution, and the mitigation of visual impacts, including outdoor illumination, and elements of a reclamation plan for the area of the tract to be subject to the mining activity.
4. An estimate of the number of vehicles expected to enter and exit the tract on a daily basis and at peak hours, and description of any roadway capacity and safety improvement proposed on the streets giving access to the tract.
5. Description of the nature and capacity of any processing equipment proposed to be established on the tract.

**J. Design Standards (NEEDS MORE COMPLETED)**

The mining activities shall conform to the following standards and conditions:

1. That the mining activity shall conform to the information, report, maps, and plans approved by the Town Board.
2. That the tract will be excavated and graded within the limits shown on the approved plans and in conformity with the proposed contour plan as approved.
3. That measures for noise, visual, soil erosion and sediment control will be installed, maintained, and completed in accordance with NYSDEC best management practices.
4. That slopes will not exceed one foot of rise for two feet of horizontal distance or such lesser slope that the Board may specify as necessary for the public health and safety, soil stability or for the reasonable use of the property after completion of the operation.
5. There will be no excavation or grading or removal within 50 feet of any property or street line, except excavation or removal that would result in finished grades at or above the elevation of the adjoining street or property.
6. That after excavation or grading or removal the lot will be cleared of all debris within the period for which the soil extraction permit is granted.
7. Except in the location of wetlands and watercourses and exposed ledge rock, that the top layer of arable soil for a depth of four inches will be set aside and retained on the lot and will be respread over the excavated or graded area as the work progresses, that a suitable ground cover will be planted and grown to an erosion-resistant condition upon the completion of the excavation or removal in accordance with the approved contour lines and that such work be completed within the period for which the local mining permit is granted.
8. If required by the Town Board, that the area to be excavated or a portion thereof be enclosed within a fence of such type, height, and location as the Board approves.
9. The establishment of a schedule setting forth the following:
  - a. Limitations on the day of the week and the hours of the day during which any work, including blasting, may be performed on the lot.
  - b. The place and manner of disposal on the lot of excavated material.
  - c. Requirements as to the control of dust, noise, and lighting.
10. The submission by the applicant of periodic reports, prepared by and bearing the seal of an engineer, showing the status and progress of the mining activity.

**K. Performance Bond and Insurance**

**A. Performance Bond**

1. Before issuance of any approval for any activity subject to issuance of permit under this section, the Town Board shall require that a performance bond be filed by the applicant with the Town Clerk. This bond shall be secured by a letter of credit or surety bond in favor of the Town in the amount of at least \$2,000 per acre of approved mining area. All bond amounts

shall be calculated by the Town Engineer, who shall report said recommendations to the Town Board.

2. The bond shall be conditioned that any affected land shall be restored in conformity with the approved reclamation plan and the standards set forth by this section.
3. In the event of default in compliance with the reclamation plan or the terms of this section, the letter of credit or surety bond shall be forfeited to the Town.
4. The Town shall return to the operator any bonded amount that is not needed to cover the expenses of restoration, administration and any other expenses reasonably incurred by the Town as a result of the applicant's failure to comply with the terms of the reclamation plan of this section.
5. Said bond shall continue in full force and effect until a certificate of compliance releasing the bond shall have been issued by the Town Zoning Administrator.
6. In the event of a proposed transfer of a reclamation permit, the Town Board shall require the filing of a certificate from the surety company issuing the bond then in effect, continuing the same bond as to the new permit holder or certifying that a new bond has been issued. In the absence of such certificate, no transfer of a permit will be allowed.
7. The required bond amount pursuant to this subsection shall be reviewed on a yearly basis to assure that a fair and reasonable bond is available to the Town should any default in performance of the requirements of the permit or this section occur.
8. At its discretion, the Town may accept cash or certified check, negotiable bonds of the United States government, United States Treasury notes, United States Treasury certificates of indebtedness, United States Treasury bills, bonds or notes of the State of New York, bonds of any political subdivision in the agency, or of other New York State agencies or authorities, or bonds of public corporations of the State of New York, and irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town Clerk for the duration of the bond period. Any cash received pursuant to this section shall be maintained in an interest-bearing account, which interest shall accumulate during the life of the account and shall be refunded to the depositor when the cash is refunded.
9. The Town Board may waive part, or all the performance bond amounts and requirements hereunder to the extent that it determines that any reclamation bond required by the Department of Environmental Conservation will adequately safeguard the Town's interest in proper operation and reclamation of the site.

#### B. Insurance

1. After approval of the application and before issuance of any permit, the applicant shall present to the Town certificates of insurance evidencing liability insurance coverage. The minimum acceptable liability coverage for any permitted operation shall be \$2,000,000. The liability coverage shall be maintained throughout the period of permit activity. The certificates of insurance shall provide for a thirty-day minimum notice period to the Town before cancellation of coverage.

**L. Enforcement; penalties for offenses.**

1. Notice of violation. When the Town determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
  - a. The name and address of the landowner, developer, or applicant.
  - b. The address, when available, or a description of the building, structure, or land upon which the violation is occurring.
  - c. A statement specifying the nature of the violation.
  - d. A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action.
  - e. (5)A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed. A statement that the determination of violation may be appealed to Town Board by filing a written notice of appeal within 15 days of service of notice of violation.
- 2.. Stop-work orders. The Town may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that directly remedy the violations leading to the stop-work order. The stop-work order shall be in effect until the Town confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
3. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
4. Indemnification of Town. If the New York State Department of Environmental Conservation (DEC) shall serve a notice of violation upon the Town, bring an administrative complaint against the Town, and/or commence a civil suit against the Town due to a violation of SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02, and such notice of violation, administrative complaint, or civil suit is a result of, due to, a consequence of, or the outcome of the actions of a person who has violated the provisions of this chapter, then said person shall indemnify the Town for any and all fines, damages or penalties imposed by the DEC upon the Town.
5. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
6. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
7. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**M. Fees for services.**

1. The Town may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town or performed by private engineers, attorneys, or other consultants for the Town.
2. The landowner and applicant/developer, if different, shall be jointly and severally responsible to reimburse the Town for funds expended to compensate for services rendered to the Town under this subsection. In the event of failure to reimburse the Town for such fees, the Town may seek recovery by action, in law or in equity, venued in a court of appropriate jurisdiction.

cc: Bruce Barber  
Elizabeth Axelson, AICP, CPL

CONCEPTUAL

## Maureen Fleming

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**From:** Richard Othmer  
**Sent:** Tuesday, November 9, 2021 1:37 PM  
**To:** Maureen Fleming; Lana Cappelli; Deputy1; ntag@hoganandrossi.com; Jamie Spillane;  
**Subject:** Kent Highway Bids

Maureen;

For the November 16th agenda please add:

- Permission for me to go out to bid for the Highway Department, backup to follow.
- Pick up bid packages the following morning in Town Clerk
- Bids submitted to Newspapers on the 18th
- December 17th open bids
- Award bids December 21st meeting
- bids effective January 1st.

Thanks;

Richie



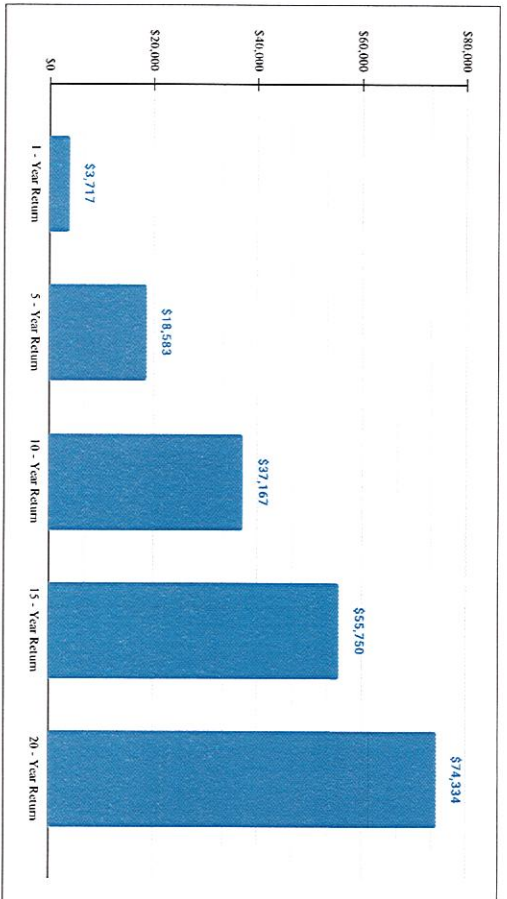
# AMPION

RENEWABLE ENERGY

Community Solar Savings Report for:

<b>Town Of Kent</b>	
Eligible Annual Electric Usage (kWh)	576,386
Estimated Annual Savings	\$3,717
Cost/Investment	\$0
1 - Year Return	\$3,717
5 - Year Return	\$18,583
10 - Year Return	\$37,167
15 - Year Return	\$55,750
20 - Year Return	\$74,334
est. annual CO2 Offset equivalent in oil*	
	46,111 gallons

\* <https://www.epa.gov/energy/ground-level-ozone-calculator>



Account Number	Name	Rate Class	Annual Usage (kWh)	Average Demand (kW)	Estimated Savings	Eligibility	Eligibility Note
10018577113	Town Of Kent	12002	129,376	9	\$	727	Eligible
10010242948	Town Of Kent	12002	124,716	24	\$	702	Eligible
10010242856	Town Of Kent	12002	88,802	24	\$	508	Eligible
10018690478	Town Of Kent	12002	36,738	2	\$	227	Eligible
10018520071	Town Of Kent	12002	28,490	2	\$	183	Eligible
10011622759	Town Of Kent	12002	25,442	5	\$	166	Eligible
10016149790	Town Of Kent	12002	24,410	2	\$	161	Eligible
10018521723	Town Of Kent	12002	22,078	2	\$	148	Eligible
10018469568	Town Of Kent	12002	19,717	3	\$	136	Eligible
10018468511	Town Of Kent	12002	18,428	3	\$	129	Eligible
10040224643	Town Of Kent	12002	15,794	3	\$	114	Eligible
10040224635	Town Of Kent	12002	11,774	2	\$	93	Eligible
10018579499	Town Of Kent	12002	5,315	0	\$	58	Eligible
10010242922	Town Of Kent	12002	4,326	9	\$	53	Eligible
10040224650	Town Of Kent	12002	3,715	1	\$	49	Eligible
10018690486	Town Of Kent	12002	2,800	12	\$	44	Eligible
10018690438	Town Of Kent	12006	6,053	0	\$	86	Eligible
10018650466	Town Of Kent	12006	5,184	0	\$	76	Eligible
10048291560	Town Of Kent	12006	3,228	8	\$	56	Eligible
10018690494	Town Of Kent	12002	16,240	29	\$		Ineligible
10018690460	Town Of Kent	12006	152	0	\$		>25kW demand
10011566501	Town Of Kent	12006	47	0	\$		<1,000kWh usage
10035202547	Town Of Kent	12006	10	0	\$		<1,000kWh usage
10013474969	Town Of Kent	12006	0	0	\$		<1,000kWh usage
10018693126	Town Of Kent	12006	0	0	\$		<1,000kWh usage
10013564892	Town Of Kent	12005	0	0	\$		<1,000kWh usage
<b>Totals</b>			<b>592,835</b>	<b>140</b>	<b>\$</b>	<b>3,717</b>	

\*Estimates based on current rates and not intended to guarantee savings. Solar production varies based on insolation.