

**Town of Kent**  
**Town Board Meeting**  
**August 17, 2023**

**Public Hearing 9am**

**Soil Removal and Excavation Law/ Introduction of Local Law to extend Mining Moratorium**

**Workshop/Meeting**

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
  - a. LCPD Clerk-window
  - b. Planning- accept bond
  - c. Municipal Repair-hire mechanic
  - d. Assessor- reject bids/advertise
  - e. Planning Board- appoint members
  - f. Easement for Sunberry Properties LLC
  - g. LCPD-hire lifeguards
4. Vouchers
5. Announcement
6. Public Comment

TOWN OF KENT  
County of Putnam, State of New York  
RESOLUTION \_\_\_\_\_

RESOLUTION INTRODUCING  
LOCAL LAW \_\_\_-2023 AND PROVIDING FOR PUBLIC  
NOTICE AND HEARING

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

DATE OF CONSIDERATION/ADOPTION: August 17, 2023

BE IT RESOLVED a local law Extending A Temporary Land Use Moratorium Prohibiting Mining within the Town of Kent is hereby introduced by \_\_\_\_\_, as Introductory Local Law #\_\_\_ of the year 2023 before the Town Board of the Town of Kent in the County of Putnam and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed local law, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed local law at the Town Hall, in the Town of Kent, New York at 7:00 o'clock P.M. on \_\_\_\_\_, and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least ten (10) days prior thereto.

UPON ROLL CALL VOTE:

Supervisor McGlasson \_\_\_\_\_  
Councilwoman Campbell \_\_\_\_\_  
Councilman Tompuri \_\_\_\_\_

Councilman Ruthven \_\_\_\_\_  
Councilman Boyd: \_\_\_\_\_

VOTE: RESOLUTION CARRIED BY A VOTE OF \_\_\_\_\_ TO \_\_\_\_\_ ABSTAIN \_\_\_\_\_  
State of New York )  
County of Putnam ) ss:

I, Yolanda D. Cappelli Town Clerk of the Town of Kent, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Kent at a meeting of said Board on August 17, 2023.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Yolanda D. Cappelli, Town Clerk

TOWN OF KENT  
NOTICE OF HEARING

A LOCAL LAW EXTENDING A TEMPORARY LAND USE  
MORATORIUM PROHIBITING MINING WITHIN THE TOWN OF KENT

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Kent, New York, on August 17, 2023 amendment to Kent Town Code introducing a local law Extending a Temporary Land Use Moratorium Prohibiting Mining within the Town of Kent.

NOW THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Kent, New York will hold a public hearing on the aforesaid Amendment at the Town Offices, 25 Sybil's Crossing, Kent, New York, on \_\_\_\_\_, at 7:00 p.m. in the evening of that day at which time all persons interested therein shall be heard. The Town Board will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: August \_\_\_\_, 2023

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF KENT

YOLANDA D. CAPPELLI, TOWN CLERK

TOWN OF KENT LOCAL LAW NO. \_\_\_\_\_ of 2023  
A LOCAL LAW EXTENDING A TEMPORARY LAND USE MORATORIUM  
PROHIBITING MINING WITHIN THE TOWN OF KENT

BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New

York, as follows:

Section 1. Legislative Intent.

This local law is intended to extend the temporary prohibition on the issuance of permits for the excavation of sand, gravel, topsoil, rock or other natural material within the Town of Kent, for an additional period of up to six (6) months, pending the further development and adoption of local laws and/or ordinances prepared to regulate and govern such excavation.

By resolution dated March 3, 2020 the Town Board adopted Local Law #1 of 2020 temporarily prohibiting the issuance of permits for the excavation of sand, gravel, topsoil and rock or other natural material within the Town of Kent for a period of six (6) months from the effective date of said Local Law #1 of 2020.

On March 7, 2020, Governor Andrew Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York due to the COVID-19 pandemic. The COVID-19 Pandemic is an outbreak declared a “public health emergency” for the entire United States by the United State Health and Human Services Secretary on or about January 31, 2020. Further, by Executive Order effective as of March 22, 2020, Governor Cuomo instituted “NY PAUSE” which closed all non-essential businesses and prohibited non-essential gatherings of individuals of any size for any reason, with such operations being reopened in phases. Although Town government was deemed an essential business, the pandemic itself and NY PAUSE presented numerous other, more pressing, challenges for the Town Board.

Due to the mandatory restrictions instituted by NY PAUSE and for the health and safety of residents, guests, and employees of the Town, the Town Board deemed it necessary to enact four six (6) month extensions on the moratorium by Resolution dated September 1, 2020, March 2, 2021, August 3, 2021 and February 15, 2022, August 17, 2022 and February 7, 2023. Said extension expires on August 18, 2023. The Town has diligently worked to draft suitable legislation for proper and authorized regulation of mining, however, due to the ongoing limitations and restrictions caused by the COVID-19 pandemic, it is deemed necessary to enact this additional six (6) month extension of the moratorium in order to permit the Town Board adequate time in which to draft suitable legislation to address mining within the Town of Kent. During the term of the extended moratorium, the Town of Kent shall work to prepare and eventually adopt additional land use provisions and regulatory processes to provide for the benefit, health and general welfare of the residents of the Town of Kent.

The objective of this moratorium is to allow the Town of Kent to assess and address its

Code to promote community planning values by properly regulating such excavation. During the pendency of the moratorium, the Town Board will consider how best to permit excavation in certain areas so as to harmoniously integrate such with the existing community and landscape. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that an extension of the temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the KentTown Code, thus protecting and furthering the public interest, health and safety.

Section 2. Scope of Moratorium.

There is hereby adopted in the Town of Kent a moratorium on the consideration, receipt or grant of temporary permits, pursuant to Chapter 63 of the Town of Kent Town Code entitled "Soil Removal", for the excavation of sand, gravel, topsoil, rock or other natural materials for an additional six (6) month period commencing on the effective date hereof.

During the term of the moratorium, the Town Board intends to develop, consider and adopt changes to its land use local laws so as to regulate Soil Removal and ensure that any mining conducted within the Town is consistent with the terms and goals of the Town's Comprehensive Plan.

While the moratorium is in effect, no applications pursuant to Chapter 63 shall be accepted and no temporary permits issued or approvals given by the Town Board except as authorized pursuant to Section 3, below.

Section 3. Exemptions, Variances and Appeals.

This moratorium does not apply to residential activities requiring permits on residential properties.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer variance applications exclusively to the zoning board of appeals.

Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Kent.

E. The written opinion of the Town of Kent Planning Board and the Town of Kent Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as a result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the existing Town of Kent Zoning Ordinance and the recommendations of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by a fee as set forth by resolution of the Town Board, together with the applicant's written undertaking, in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town for services provided by the Attorney for the Town.

#### Section 4. Penalties.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than

Two Thousand Dollars (\$2,000) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including but not limited to attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

#### Section 5. Application.

The provisions of this local law shall apply to all real property within the Town of Kent, and all applications for the excavation of sand, gravel, topsoil, rock or other natural materials pursuant to Chapter 63 of the Town Code.

#### Section 6. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Town Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Town Law and such local ordinances, laws or regulations, pursuant to the Town's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in (a) Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes; and (b) Town Law § 267 and § 267-a through c, pertaining to the variance authority of the board of zoning and appeals.

#### Section 7. Validity and Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Kent hereby declares that it would have passed this local law or the remainder thereof had such

invalid application or invalid provision been apparent.

Section 8. SEQRA Review.

The adoption of a moratorium constitutes a Type II action under 6 NYCRR Part 617, and Therefore requires no further review under the State Environmental Quality Review Act (SEQRA).

Section 8. Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and shall remain in force for a consecutive period of six (6) months from its effective date, unless extended by local law adopted after public hearing upon no less than five (5) days public notice.

Dated: \_\_\_\_\_, 2023

BY THE ORDER OF THE TOWN BOARD  
OF THE TOWN OF KENT



## Jaime McGlasson

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**From:** Lake Carmel Parks Clerk  
**Sent:** Wednesday, August 2, 2023 10:06 AM  
**To:** Jaime McGlasson  
**Cc:** Claudia Dworaczyk  
**Subject:** Agenda Item - Lake Carmel Parks Office Window  
**Attachments:** DOC080223-08022023093510.pdf

**Importance:** High

Attached please find two (2) quotes to install a window in the Lake Carmel Park District office. Quotes were received from Jim Liebler in the amount of \$4,800.00 and Honey Do Men in the amount of \$8,500.00. A request for a quote from A-Class Builders was not received.

I request to hire Jim Liebler to install the window at a rate of \$4,800.00.

Thank you,

**Heidi Link**

**Town of Kent**

**Lake Carmel Park District Clerk**

25 Sybil's Crossing

Kent Lakes, NY 10512

Email: [lcpdclerk@townofkentny.gov](mailto:lcpdclerk@townofkentny.gov)

Office: 845-306-5602

Fax: 845-225-5130



# Honey Do Men

HOME REMODELING & REPAIR

www.HoneyDoMen.com

(914) 837-0411

1995 Route 6  
Carmel, NY 10512  
(914) 837-0411  
service@honeydomen.com

## Estimate

ESTIMATE#	1023619358
DATE	07/14/2023
PO#	

CUSTOMER
Town of Kent 25 Sybils Crossing Kent Lakes NY 10512 (845) 306-5602

SERVICE LOCATION
Town of Kent 25 Sybils Crossing Kent Lakes NY 10512 (845) 306-5602

DESCRIPTION
New Window Install

### Window

Description	Rate	Total
New Window Where Non-Exists Cut open the wall: - Cut out the brick wall - cut out the wall wall board (sheetrock) - cut out the walls studs - install new headers and new bottom sill plate - install new jack studs and wall stud to frame out new opening  - Remove the insulation board, vapor barrier, and plywood or anything in the way  New Construction Window: - purchase and deliver new construction window to match as close as the other window on the same wall outside - install new window into the new opening and secure with manufactured nailing flange - spray foam insulate and tape the exterior frame		8,500.00
Exterior Rebuild:  Interior Rebuild: - install extension jams (if needed) - install new traditional window casement moldings - wood putty nail holes and caulk the moldings - cut and install new sheetrock to fill in where missing - tape and compound, 3 coats, dry time and sanding between applications - prime and paint the repair areas, 2 coats, paint supplied by owner, feather into surrounding areas - Purchase and install granite slab to match as close as the others in the office .		

#### CUSTOMER MESSAGE

Terms & Conditions

The Agreement:

Estimate Total:

**\$8,500.00**

JIM LIEBLER INC.  
235 NIMHAM ROAD  
CARMEL, NEW YORK 10512

July 25, 2023

Town of Kent Town Hall  
25 Sybil's Crossing  
Kent Lakes, New York 10512

Re: Window Install

1. Install windows to match as close as possible to existing windows.
2. Cut brick outside and pourage sides to try and match existing brick return.
3. Position window outside to fall under granite stone, to act as a header. No lintel needed.
4. If wires or plumbing in wall need to be re-routed, this would be extra.

All materials and labor \$4,800.00

Jim Liebler Inc. is fully licensed, insured and bonded

Town of Kent Planning Board  
25 Sybil's Crossing  
Tel: 845-306-5712

email: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)  
Kent, NY 10512  
Fax: 845-306-5283

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# Memorandum

**DATE:** August 2, 2023  
**TO:** Finance Department  
**CC:** L. Cappelli  
C. Dworaczyk  
**FROM:** V. Patterson  
**RE:** Dorman EC Bond  
TM: 33.41-1-14

Please find attached the following checks for the above mentioned property.

Merrill Bank Check 2025	-	\$1,000.00 for Final Inspection Fee
Merrill Bank Check 2027	-	\$3,900.00 for an Erosion Control Bond

Thanks very much.

DEAN E DORMAN  
MARY ELIZABETH DORMAN  
26 GREY OAKS CT  
GARMEL NY 10512-6946

Cash Management Account 2025  
8/1/2023  
Date 8/1/2023

Pay to the Order of Town of Kent \$1,000.  
One Thousand Dollars

MERRILL LYNCH  
A BANK OF AMERICA COMPANY  
For EC Member Mary S Dorman

⑆084301767⑆ 041108124133⑆ 2025

DEAN E DORMAN  
MARY ELIZABETH DORMAN  
26 GREY OAKS CT  
GARMEL NY 10512-6946

Cash Management Account 2027  
8/1/2023  
Date 8/1/2023

Pay to the Order of Town of Kent \$3,900.  
Three Thousand Nine Hundred Dollars

MERRILL LYNCH  
A BANK OF AMERICA COMPANY  
For EC Bud Mary S Dorman

⑆084301767⑆ 041108124133⑆ 2027

**RECEIPT** DATE Aug 2, 2023 No. 533376

RECEIVED FROM Dean & Mary Elizabeth Dorman \$3,900.00  
Three Thousand Nine Hundred <sup>00</sup>/<sub>100</sub> DOLLARS

FOR RENT  
 FOR Exposion Control w/ Bond T.M. 33.41-1-14

ACCOUNT		<input type="radio"/> CASH	2027
PAYMENT		<input checked="" type="radio"/> CHECK	FROM <u>V. Patterson</u> TO <u>D. Dorman</u>
BAL. DUE		<input type="radio"/> MONEY ORDER	BY
		<input type="radio"/> CREDIT CARD	

3-11

**RECEIPT** DATE Aug 2, 2023 No. 533377

RECEIVED FROM Dean & Mary Elizabeth Dorman \$1,000.00  
One Thousand <sup>00</sup>/<sub>100</sub> DOLLARS

FOR RENT  
 FOR Final Inspection Fee

ACCOUNT		<input type="radio"/> CASH	2027
PAYMENT		<input checked="" type="radio"/> CHECK	FROM <u>V. Patterson</u> TO <u>D. Dorman</u>
BAL. DUE		<input type="radio"/> MONEY ORDER	BY
		<input type="radio"/> CREDIT CARD	

3-11

Town of Kent Planning Board  
25 Sybil's Crossing  
Tel: 845-306-5712

email: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)  
Kent, NY 10512  
Fax: 845-306-5283

Resolution # 8  
Year 2023

Date: August 2, 2023  
From: The Kent Planning Board  
To: The Kent Town Board:  
Jaime McGlasson, Supervisor - w/Att  
Shaun Boyd  
Anne Campbell  
Jorme Tompuri  
CC: W. Walters, Building Inspector - w/Att Claudia Dworazak  
L. Cappelli, Town Clerk - w/Att Finance Department - w/Att.  
Re: **Recommendation to move this project to the Administrative Track,  
And Forward Erosion Control Bond Agreement to the Town Board For:  
Dean and Mary Elizabeth Dorman  
26 Grey Oaks Court  
Kent, NY 10512  
TM: 33.41-1-14**

Resolved: On July 20, 2023 Kent Planning Board reviewed material pertaining to the recommendation noted above (attached) and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. German asked for a motion to move this project to an administrative track, to accept the bond in the amount of \$8,500.00 and to forward it to the Kent Town Board to accept the attached Erosion Control Bond:

Erosion Control Bond in the amount of \$ 3,900.00  
Final Inspection Fee in the amount of \$ 1,000.00

The motion was made by Mr. German and seconded by Ms. Beshar and seconded by German. The roll call votes were as follows:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Richard Morini	<u>Aye</u>

The motion carried.

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they approve these recommendations.

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 20, 2023.

  
\_\_\_\_\_  
Vera Patterson

Dated: August 2, 2023

Planning Board Secretary

**PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL**

**Dean Dorman  
26 Grey Oaks Court  
Kent, NY 10512  
TM: 33.41-1-14**

Bond given by Dean Dorman, 26 Grey Oaks Court, Kent, New York 10512/Tax Map 33.41-1-14 ("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 .

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$3,900.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained the approvals from the Obligee for land disturbance activity, as that term is defined in Town of Kent Town Code Chapter 66 (the "Code"), on certain real property located in the Town of Kent, in connection with which erosion and sedimentation controls ("Controls") are required' and the Erosion and Sediment Control Plan documents shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit Applications, the Obligor has submitted to the Obligee, plans and specifications for the construction of a single family residence known as the Dorman Property ("Project Plans") and the Erosion and Sediment Control Plan, prepared by John Karell, 121 Cushman Road, Patterson, NY 12563. All these plans were reviewed and approved on July 13, 2023 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 an addition consisting of a recreation room and walkway overlooking the lake in an R-10 zoning district. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.

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

WHEREAS, the Planning Board of the Town of Kent has granted the Erosion Control Permit subject to the posting of two checks made out to the Town of Kent, one in the amount of \$3,900.00 as a performance guarantee to be deposited into an escrow account pending the completion of the project for which the erosion control measures are necessary; and a second check in the amount of \$1,000.00 as the final inspection fee to be held in escrow and delivered to:

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

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

Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the **Planning Board of The Town of Kent**, the said escrow monies shall be returned to **Dean Dorman, 26 Grey Oaks Court, Kent, NY 19512**.

In the event the erosion control work allowed shall not have been duly completed by **DEAN DORMAN**, 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 **DEAN DORMAN**; 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 **DEAN DORMAN**, or by the **Town of Kent**, the aforesaid escrow monies (\$3,900.00 performance bond and remaining money left in the final inspection fee of \$1,000.00) after the work has been completed shall be returned or refunded to **DEAN DORMAN** ;


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 **DEAN DORMAN**;

Dated: AUG 1, 2023

DEAN DORMAN

By:   
(signature)

(print/type signatory's name)

Dean Dorman

Owner/Obligee, Dean Dorman

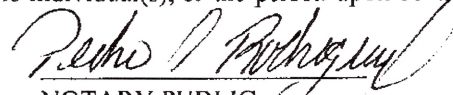
(print/type signatory's title)

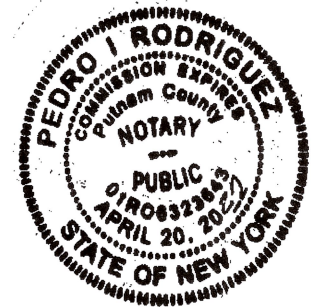
STATE OF New York )

) ss.:

COUNTY OF PUTNAM )

On the 1 day of AUG, 2023, before me, the undersigned, a notary public in and for said state, personally appeared DEAN DORMAN, 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





# Memorandum

To: Planning Board  
Town of Kent

Attn: Hugo German  
Chairman

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

Subject: Erosion Control Plan – Revised  
Submittal

Date: July 17, 2023

Project: Dorman  
TM # 33.41-1-14

The following materials were reviewed:

- Memo to Town of Kent Planning Board-Dorman Recreation Room and Breezeway-from John Karell, Jr., P.E. dated June 22, 2023.
- Erosion Control Cost Estimate-Dorman prepared by John Karell, Jr., P.E. dated March 10, 2023, last revised June 22, 2023.
- Stormwater Pollution Prevention Plan Erosion and Sediment Control-Dorman, Gazebo and Breezeway Construction, prepared by John Karell, Jr., P.E. dated March 15, 2023, last revised June 20, 2023.
- Drawing sheet S-1- Site Plan-Dorman, prepared by John Karell, Jr., P.E. dated March 10, 2023, last revised June 7, 2020, scale 1" =30'.
- Sheet A.4 – Schematic – Option 4 - Additions for Dorman Residence, TM Designs, Thomas V. Milano, R.A., undated, not to scale.

The project proposes construction of a gazebo with a covered breeze connecting the gazebo to the existing house. The gazebo will essentially be a three-season family room overlooking the lake.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration based on our June 7, 2023 memorandum. New or supplementary comments are shown in **bold**.

The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb less than 5,000 SF of land. The project proposes disturbance within 100' of a wetland or watercourse. The project requires a Town of Kent Wetland Permit as well as a Steep Slope and Erosion Control Permit. Coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001 is not required.
2. We defer to the Planning Board's environmental consultant regarding wetland issues.
3. The written SWPPP should be signed and sealed by the licensed professional responsible for its preparation. The information associated with the SWPPP should be

assembled into a complete document with the pages numbered and identified. The piecemeal nature of the submittal makes it difficult to review. **[SWPPP not signed and sealed and/or compiled into a cohesive document. (Please note – the paper copy submitted to the Planning Board that we received at the workshop was compiled, signed, and sealed.) The proposed disturbance is inconsistent. One location states 3800 SF another identifies 4200 SF. A minor item, correct term is coir logs. Please revise and resubmit, complete.]**

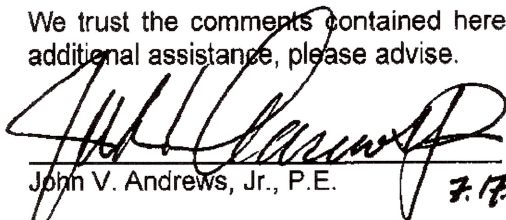
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."**[Resolved]**
5. Refer to the Drawings:
  - a. Extend the limits of disturbance to include the removal of the existing septic tank and its replacement with the alternate system, adjust the disturbance amount as appropriate.**[Resolved]**
  - b. Provide finished floor elevations on the Breezeway and gazebo.**[Noted on Architectural Plan A.4 – Option 4.]**
  - c. Provide a NYSDOT, Type 1, light duty turbidity curtain in the lake downstream of the gazebo work, minimum length 50 feet. **[ Resolved]**
  - d. In lieu of the silt fence, provide and install 12-inch erosion control logs, Siltox by Filtrexx or similar equal. Installation to be per manufacturers recommendations. Adjust installation to site conditions and to avoid rock. Confine length to the minimum necessary based on the projected disturbance. **[Resolved]**
  - e. Add an Owner's Consent Note to the plan set to be signed and dated following the date of last revision. **[ Note added. To be signed and dated following date of last revision.]**
  - f. **There is a stray note regarding the turbidity curtain on the larger scale inset which should be adjusted and repositioned.**
  - g. **There is reference associated with the notation concerning the highwater mark which identifies a Note 7. The note is a survey note and is not provided on the site plan.**
  - h. **Add a note to the plan set indicating that no construction entrance is to be provided. Construction materials shall be loaded from the road. Construction ingress and egress shall be kept to the absolute minimum.**
6. A bond estimate of \$2,640.00 was included with this most recent submittal. We cannot recommend this bond estimate be accepted for the bond amount at this time. The estimate will need to be amended to address the recommendations reflected herein. **[ A revised bond estimate in the amount of \$4400.00 was included with this submittal. The estimate includes a construction entrance which is not to be provided. Removing the construction entrance reduces the bond amount to \$3900.00. Provided there are no substantive comments received at the public hearing that would have the effect of altering the scope of work, upon the close of the public hearing, and in the event the Planning Board sees fit to approve the project as**

Memorandum  
Dorman ECP - Revised Submittal  
TM # 33.41-1-14  
July 17, 2023  
Page 3 of 3

**proposed, we recommend that the Planning Board accept the bond amount and refer the bond to the Town Board with a recommendation for approval.**

7. 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. **[Comment continues]**
8. Provide a written response with future submittals stating how the comments have been addressed.

We trust the comments contained herein are satisfactory for your purposes. If we can be of additional assistance, please advise.



John V. Andrews, Jr., P.E. 7.17.2023

cc: Planning Board via email  
Bill Walters via email  
23-261-999-182

Bruce Barber via email

## Jaime McGlasson

---

**From:** Planning Kent  
**Sent:** Wednesday, August 2, 2023 12:35 PM  
**To:** Jaime McGlasson  
**Cc:** Claudia Dworaczyk; Lana Cappelli; Accountant  
**Subject:** Dorman Erosion Control Bond Resolution 8  
**Attachments:** Dorman Erosion Control Bond Resolution 8 Aug 2023.pdf

Please find attached documents pertaining to the Dorman Erosion Control Plan, which the Planning Board approved at their July 20, 2023 meeting. The Planning Board would appreciate it very much if this matter could be placed on the next Town Board agenda.

Thanks very much.

Vera Patterson  
Town of Kent  
Planning Board Secretary  
25 Sybil's Crossing  
Kent, NY 10512  
planningkent@townofkentny.gov  
845-306-5612 (T)  
845-306-5283 (F)

# Resolutions 9 & 10 KPB 2023 appointments to Plg. Bd.



PK

**Planning Kent**

To: Jaime McGlasson

Cc: Lana Cappelli; Claudia Dworaczyk

Tue 8/8/2023 5:53 PM



Doherty appointment as alte...  
Downloaded



Morini appointment as perm...  
Downloaded



2 attachments (53 KB)



Save all to OneDrive - Town of Kent NY



Download all

The Planning Board had an executive session before the July 20, 2023 meeting and discussed appointing Kathy Doherty as an Alternate member to the Planning Board and appointing Richard Morini as a permanent member to the Planning Board. Attached are the Resolutions. The Planning Board would appreciate it very much if the Town Board could put this on their next agenda.

Thanks very much.

Vera Patterson

Town of Kent

Planning Board Secretary

25 Sybil's Crossing

Kent, NY 10512

planningkent@townofkentny.gov

845-306-5612 (T)

845-306-5283 (F)



Town of Kent Planning Board  
25 Sybil's Crossing  
Tel: 845-306-5712

email: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)  
Kent, NY 10512  
Fax: 845-306-5283

Resolution #10  
Year 2023

Date: August 7, 2023  
From: The Kent Planning Board  
To: The Kent Town Board:  
Jaime McGlasson, Supervisor  
Shaun Boyd  
Anne Campbell  
Jorme Tompuri  
CC: L. Cappelli, Town Clerk Claudia Dworazak

Re: **Recommendation to appoint Mr. Richard Morini as a member of the Kent Planning Board.**

Resolved: On July 20, 2023 Kent Planning Board met in an executive session and discussed appointing Mr. Richard Morini to the Planning Board as a permanent member effective in September. Mr. Morini was appointed as an Alternate member a couple of months ago and has been a real asset to the Board. We recently had a vacancy on the Board when Mr. Tolmach was removed from the Board and the Board felt it would be appropriate to have Mr. Morini fill this vacancy.

Mr. German asked for a motion to ask the Town Board to appoint Mr. Morini to the Planning Board as a permanent member. The motion was made by Giancarlo Gattucci and seconded by Simon Carey. The roll call votes were as follows:

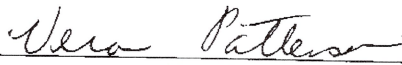
Hugo German, Chairman	Aye
Simon Carey, Vice Chairman	Aye
Jacky Beshar	Aye
Sabrina Cruz	Absent
Thomas Faraone	Aye
Giancarlo Gattucci	Aye
Richard Morini	Abstained

The motion carried.

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they approve these recommendations.

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 20, 2023.



Vera Patterson  
Planning Board Secretary

Dated: August 7, 2023

Town of Kent Planning Board  
25 Sybil's Crossing  
Tel: 845-306-5712

email: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)  
Kent, NY 10512  
Fax: 845-306-5283

Resolution #9  
Year 2023

Date: August 7, 2023  
From: The Kent Planning Board  
To: The Kent Town Board:  
Jaime McGlasson, Supervisor  
Shaun Boyd  
Anne Campbell  
Jorme Tompuri  
CC: L. Cappelli, Town Clerk  
Claudia Dworazak

Re: **Recommendation to appoint Ms. Kathy Doherty as an Alternate Member to the Kent Planning Board,**

Resolved: On July 20, 2023 Kent Planning Board met in an executive session and reviewed a resume from Ms. Kathy Doherty, who expressed an interest in joining the Planning Board as an alternate member. The Planning Board also met with Ms. Doherty and the Planning Board discussed asking the Town Board to approve appointing her to the Planning Board as an alternate member. .

Mr. German asked for a motion to ask the Town Board to appoint Ms. Doherty to the Planning Board as an alternate member effective in September 2023. The motion was made by Giancarlo Gattucci and seconded by Thomas Faraone. The roll call votes were as follows:

Hugo German, Chairman	Aye
Simon Carey, Vice Chairman	Aye
Jacky Beshar	Aye
Sabrina Cruz	Absent
Thomas Faraone	Aye
Giancarlo Gattucci	Aye
Richard Morini	Aye

The motion carried.

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they approve these recommendations.

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 20, 2023.

Vera Patterson  
Vera Patterson  
Planning Board Secretary

Dated: August 7, 2023



**RESOLUTION  
AUTHORIZING SUPERVISOR TO EXECUTE  
ACCESS EASEMENT AND MAINTENANCE AGREEMENT**

**TOWN OF KENT  
COUNTY OF PUTNAM, STATE OF NEW YORK**

**RESOLUTION # \_\_\_\_\_  
INTRODUCED BY: \_\_\_\_\_  
SECOND BY: \_\_\_\_\_**

**DATE OF CONSIDERATION/ADOPTION: \_\_\_\_\_, 2023**

**WHEREAS**, the Town Board of the Town of Kent has received a proposed Access Easement and Maintenance Agreement from Sunberry Properties LLC (“Sunberry”) showing a proposed Easement upon, under and across premises shown on the Tax Map of the Town of Kent as 22.-1-23.2 (“Town Parcel”); and

**WHEREAS**, Sunberry is the owner of the parcel of land located in the Town of Kent shown on the Tax Map of the Town of Kent as 22.-1-21 (“Grantee Parcel”); and

**WHEREAS**, said Access Easement and Maintenance Agreement would grant Sunberry, and any present or future owners of the Grantee Parcel, permission to gain access to the Grantee Parcel for the development of the parcel, including without limitation the construction and installation of all improvements necessary or convenient thereto, and conducting its business thereon, ingress to and egress from the Grantee Parcel from and to NYS Route 52, and for the installation, use, repair, replacement and maintenance of utility lines and appurtenances, upon, over, under and across a certain portion of the Town Parcel; and

**WHEREAS**, the said Access Easement and Maintenance Agreement would obligate Sunberry, and any present or future owner of the Grantee Parcel, to maintain the easement area granted therein;

**WHEREAS**, the County of Putnam (the “County”) granted and conveyed the Town Parcel to the Town of Kent by a deed dated December 12, 1990 and recorded in the Putnam County Clerk’s Office on December 18, 1990 (the “County Deed”), and in said Deed the County (i) reserved a right-of-way and easement across the Town Parcel; (ii) granted a right-of-way and easement to the Town across the Town parcel; and (iii) created a reversionary interest for its benefit providing that the Town Parcel shall revert to the County in the event that the Town Parcel is used to provide a right-of-way or other access to any lands other than those owned by the County without the County’ express written consent, or in the event that the Town Parcel is used for other than a public purpose and benefit.

**WHEREAS**, by Resolution No. 163 of 2023 of the Putnam County Legislature, the County of Putnam Legislature consented to and approved the Access Easement and Maintenance Agreement; and

**WHEREAS**, the Town Board wishes to grant the easement memorialized by the Access Easement and Maintenance Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute the Access Easement and Maintenance Agreement, and all other documents necessary to give effect to this Resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Planner and Town Attorney; and be it further

**RESOLVED** that this resolution is subject to Permissive Referendum as provided by New York State Town Law.

UPON ROLL CALL VOTE:

Supervisor McGlasson: \_\_\_\_\_ Councilwoman Campbell: \_\_\_\_\_  
Councilman Tompuri: \_\_\_\_\_ Councilman Boyd: \_\_\_\_\_  
Councilman Ruthven: \_\_\_\_\_

VOTE: RESOLUTION CARRIED BY A VOTE OF \_\_\_\_\_ TO \_\_\_\_\_ ABSTAIN \_\_\_\_\_

State of New York     )  
County of Putnam    ) ss:

I, Yolanda D. Cappelli Town Clerk of the Town of Kent, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Kent at a meeting of said Board on \_\_\_\_\_, 2023.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Yolanda D. Cappelli, Town Clerk

**RESOLUTION  
AUTHORIZING SUPERVISOR TO EXECUTE  
MEMORANDUM OF UNDERSTANDING**

**TOWN OF KENT  
COUNTY OF PUTNAM, STATE OF NEW YORK**

**RESOLUTION # \_\_\_\_\_  
INTRODUCED BY: \_\_\_\_\_  
SECOND BY: \_\_\_\_\_**

**DATE OF CONSIDERATION/ADOPTION: \_\_\_\_\_, 2023**

**WHEREAS**, the Town Board of the Town of Kent has received a proposed Memorandum of Understanding from Sunberry Properties LLC (“Sunberry”) concerning the contemplated development by Sunberry or a successor in interest to Sunberry of the parcel of land located in the Town of Kent shown on the Tax Map of the Town of Kent as 22.-1-21 (“Grantee Parcel”); and

**WHEREAS**, Sunberry is the owner of the Grantee Parcel; and

**WHEREAS**, in consideration of a certain easement granted by the Town to Sunberry pursuant to the Access Easement and Maintenance Agreement considered and approved in conjunction herewith, the Town and Sunberry have discussed, and desire to confirm, that in the event Sunberry or its successor in interest to the Grantee Parcel proceeds with development of the Grantee Parcel, (i) the Town and Sunberry or the successor in interest will each convey and exchange portions of their respective Parcels to the other as described in the Memorandum of Understanding ; and (ii) Sunberry or its successor in interest will grant to the Town an access easement over the Town Parcel to be conveyed to Sunberry or its successor in interest for access to the existing Town Center property;

**WHEREAS**, Sunberry desires to confirm his obligation to incorporate the land exchange and access easement into any design plan for the development of the Grantee Parcel, and its agreement and understanding that site plan approval for any such development will be subject to and conditioned upon the delivery to the Town of a fully executed deed to the portion of the Grantee Parcel to be exchanged, and a fully executed access easement;

**WHEREAS**, the Town Board wishes to authorize the Town Supervisor to execute the Memorandum of Understanding;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute the Memorandum of Understanding, and all other documents necessary to give effect to this Resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Attorney; and be it further

**RESOLVED** that this resolution is subject to Permissive Referendum as provided by New York State Town Law.

UPON ROLL CALL VOTE:

Supervisor McGlasson: \_\_\_\_\_

Councilwoman Campbell: \_\_\_\_\_

Councilman Tompuri: \_\_\_\_\_

Councilman Boyd: \_\_\_\_\_

Councilman Ruthven: \_\_\_\_\_

VOTE: RESOLUTION CARRIED BY A VOTE OF \_\_\_\_\_ TO \_\_\_\_\_ ABSTAIN \_\_\_\_\_

State of New York )

County of Putnam ) ss:

I, Yolanda D. Cappelli Town Clerk of the Town of Kent, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Kent at a meeting of said Board on \_\_\_\_\_, 2023.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Yolanda D. Cappelli, Town Clerk

- **Main Office**  
445 Hamilton Avenue  
White Plains, NY 10601  
Phone 914.946.4777  
Fax 914.946.6868
- **Mid-Hudson Office**  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120
- **New York City Office**  
60 East 42<sup>nd</sup> Street  
New York, NY 10165  
Phone 646.794.5747

August 11, 2023

VIA EMAIL

Hon. Jamie McGlasson, Supervisor  
Town of Kent  
Town Hall  
25 Sybil's Crossing  
Kent Lakes, New York 10512

**RICHARD L. O'ROURKE**  
Senior Counsel  
ro'rourke@kblaw.com

Re: Boundary Line Adjustment and Easement Request

Dear Supervisor McGlasson and Members of the Town Board:

I write on behalf of our client, Sunberry Properties, LLC ("Sunberry"), with respect to the proposed boundary line adjustment and easement for the purpose of mutually benefitting the Town of Kent and Sunberry. Sunberry owns 135 acres of property (Tax Lot 22-1-21) off of Route 52 immediately behind the Town Hall complex at 25 Sybil's Crossing. The purpose of the request is to 1) provide access to Sunberry's 135 acre parcel, and 2) provide a more logical boundary line of the adjoining properties owned by the Town of Kent and Sunberry.

Sunberry intends to seek a prospective purchaser to develop its property for non-residential development, and in accordance with the resolution duly adopted by the Putnam County Legislature. The Putnam County Legislature Resolution granting approval, also approved by the County Executive on August 9, 2023, together with the Proposed Easement Agreement providing access to the Sunberry Property is annexed hereto at Exhibits "A" and "B," respectively.

In 2018, the Town Board approved the grant of easement similar in terms. The easement approved by the Putnam County Legislature earlier this month is to permit access to the property for future non-residential development. This easement of access would be fifty (50') feet wide in the location of the existing access to the recycling center.

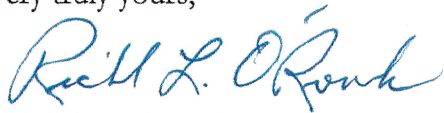
No construction or improvements are planned in connection with this boundary line adjustment and easement agreement. The Memorandum of Understanding memorializing the understanding of the parties to the Easement Agreement is attached for the Town Board's review at Exhibit "C". It is also similar to the understanding reached by Clancy Relocation and the Town in 2018.

Hon. Jamie McGlasson, Supervisor  
Town of Kent  
August 11, 2023  
Page 2

We respectfully look forward to discussing this matter with the Town Board as soon as possible.

Thank you for your consideration.

Very truly yours,



Richard L. O'Rourke

RLO/sb

cc: Mr. Stephen Hoare  
Jeffrey Contelmo, P.E.  
Jamie Spillane, Esq.

## Jaime McGlasson

---

**From:** Lake Carmel Parks Clerk  
**Sent:** Wednesday, August 16, 2023 10:46 AM  
**To:** Jaime McGlasson  
**Cc:** Claudia Dworaczyk; Payroll Kent; James Garbarino; Christopher Ruthven  
**Subject:** Additional Lifeguard Hires

**Importance:** High

Lifeguard Supervisor James Garbarino would like to hire the following two (2) lifeguards for the remainder of the 2023 season to replace guards who will be returning to college.

Jeremy Smith returning guard at a rate of \$15.50/hr  
Ashley Webber new guard at a rate of \$15.00/hr.

Thank you,

**Heidi Link**

Town of Kent

Lake Carmel Park District Clerk

25 Sybil's Crossing

Kent Lakes, NY 10512

Email: [lcpdclerk@townofkentny.gov](mailto:lcpdclerk@townofkentny.gov)

Office: 845-306-5602

Fax: 845-225-5130

