

**Minutes
Town of Kent Planning Board Meeting
January 9, 2014**

Following the Pledge of Allegiance, the meeting was called to order at 7:30 PM by Mr. Michael McDermott, Chairman of the Town of Kent Planning Board.

In attendance were the following Planning Board members:

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| Michael McDermott, Chairman | Anthony Mastrangelo (Alternate) |
| Janis Bolbrock, Vice Chairman | Arthur Singer (Alternate) |
| George Brunner | Charles Sisto |
| Dennis Lowes | Philip Tolmach |
| | Glenna Wright |

Others in attendance:

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| Bruce Barber, Environmental Consultant | Julie Mangarillo, Engineering Consultant |
| Bill Walters, Town of Kent Building Inspector | |

Absent:

Neil Wilson, Planning Consultant

• **Opening Remarks by Chairman Michael McDermott**

Mr. McDermott introduced the following new Planning Board members:

- Dennis Lowes
- Anthony Mastrangelo (Alternate)
- Arthur Singer (Alternate)

Mr. McDermott also welcomed George Brunner, who had been an Alternate for the Kent Planning Board for the past few years, as a permanent member of the Planning Board. Mr. McDermott also noted that Ms. Janis Bolbrock was appointed Vice Chairman to the Kent Planning Board.

• **Approval of Planning Board Minutes for December 12, 2013**

Mr. McDermott asked for a motion to approve the minutes from the December 12, 2013 meeting. The motion to approve the minutes was made by Ms. Bolbrock and seconded by Mr. Tolmach. The motion carried.

- **Frangel Realty, Route 52, Carmel, NY; TM: 33.48-1-6**

Ms. Mangarillo's Comments (Memo Attached)

Ms. Mangarillo said that this project was for the applicant to hook up to the new sewer system on Route 52 in Carmel. This project was considered to be a site plan application and needed to be referred to the Putnam County Planning Department because it is located on a state road. The Kent Town Board recently adopted a sewer use law and she requested the applicant go over their plans to ensure they are consistent with the requirements of the new law. The Town Board is the governing body which oversees this law and she recommended it also be referred to them so they can review it and approve the connection to the new sewer main. She also suggested that some notes be added to the plans and the Stormwater Pollution Prevention Plan (SWPPP).

Mr. McDermott asked if an Erosion Control Bond Estimate needed to be submitted to the Planning Board and Ms. Mangarillo said that was correct and that she had advised the applicant of this.

Mr. Wilson's Comments (Memo Attached)

Mr. Wilson was not present at the meeting, therefore Mr. McDermott read Mr. Wilson's memo. Following were some of the comments read. As far as SEQRA is concerned, this is a Type II Action pursuant to 6NYCRR, 617511 and 117, 19 and 20 and no further environmental review is required.

Site Plan Application – although site plan approval is required for any projects within 500' of a state highway the project must be referred to the Putnam County Planning Department for review under GML239M. When the review has been completed and a response is received by the Kent Planning Department the Board will take action at its February 13, 2014 meeting. It was also noted that the Planning Board waived the need for a Public Hearing.

Mr. McDermott asked for a motion to refer this application to the Kent Town Board, as recommended by Ms. Magarillo, for their review. The motion was made by Ms. Bolbrock and seconded by Mr. Tolmach. The motion carried.

Mr. McDermott asked for a motion to refer this application to the Putnam County Planning Department. The motion was made by Mr. Tolmach and seconded by Mr. Sisto. The motion carried.

- **Buckley Property, 12 Par Court, Carmel, NY; TM: 42.7-1-20**

Mr. John Delano, of Badey and Watson, represented the applicant and mentioned that this had been an on-going project and most recently a site walk had been conducted on this property. The Planning Board members, Planning Board consultants, Mr. Delano and Mr. stabilize it as well as paving it.

Mr. Tolmach asked who would be responsible for maintaining the road. Mr. Delano replied that the two property owners and China Barrett Association would be responsible for this. He said that Mr. Fred Adams had been contacted about repairing the road and Mr. Tolmach said that he was aware of two bids to perform the repair work.

Ms. Mangarillo's Comments (Memo Attached)

Ms. Mangarillo said that, as previously discussed, there were two issues pertaining to this property. One was the private driveway on Mr. Buckley's property that did not meet driveway standards; and the other was with Par Court, which Mr. Buckley, the uphill neighbor and China Barrett are party to. Improvements have been made to the Buckley driveway and there will be a low spot 6' off of Par Court which will divert the water away from Par Court as well as a catch basin and culvert under the driveway. Ms. Mangarillo said she thinks the driveway will be workable and would recommend the culvert be 12-15" in diameter rather than 6" as shown on the current plans.

One of the requested variances pertains to an apron with gravel. Mr. Buckley wants to pave it rather than use gravel and it is of concern to her.

Another variance requested regarded waiving the Public Hearing. Mr. McDermott advised Ms. Mangarillo that the Planning Board didn't support that action. Mr. McDermott asked if any of the Planning Board members wished to make a motion to waive the Public Hearing and none of the Planning Board members wished to do so. Mr. McDermott advised Mr. Delano to contact the Planning Board clerk for assistance in scheduling the Public Hearing in February and he said he would do so. Mr. McDermott said that actions will be taken on the other waiver requests and the bond after the Public Hearing. The bond amount was adjusted earlier in the day and sent to Ms. Mangarillo on January 9, 2014. Mr. McDermott said this would be forwarded to the Town Board after the Public Hearing. Mr. McDermott asked for a motion to schedule a Public Hearing for this project on February 13, 2014. The motion was made by Ms. Wright and it was seconded by Mr. Brunner. The motion carried.

- **Center for Physical Therapy, 254 Route 52, Carmel, NY; TM: 44.6-1-6**

Mr. James Sanok represented the owner Todd Snyder. He discussed the site plan renovations which are minimal. New striping for handicapped parking, a new sidewalk and new curbs will be installed and some architectural changes on the exterior of the building will be done. Some plantings and additional drainage work will be done on the property as well.

Mr. Wilson had sent a memo (attached) with his comments prior to the meeting, which were forwarded to Mr. Sanok.

Mr. Barber's Comments (memo attached)

Mr. Barber confirmed that the changes to the property are minor and that there are some wetlands located across from the property. Mr. Barber had previously advised the applicant to look at the NY State Environmental Resource Mapper and they had done so. They discovered that the wetland check zone (an area 500' away from the mapped wetland on the DEC Index) encompasses the entire site. The applicant took the initiative to contact the DEC to determine what they may require. Mr. Barber said he would go out next week to determine if a Kent Town Wetland Permit is necessary. The applicant performed some groundwater improvements due to water in the basement. They proposed some stormwater improvements to capture that material and roof runoff into an infiltration structure. Mr. Barber said Ms. Mangarillo is looking into some sizing requirements and soil testing to ensure the infiltration system works properly. Additional EAF information is required.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the handicapped parking and accessible aisle should have the appropriate signage. Limits of disturbance line and area calculations for all drainage work done on the property as part of the project need to be provided. This property is located within the New York City DEP East of Hudson Watershed, so if more than 5,000

square feet of disturbance is done an Erosion Control Permit is necessary under DEC General Construction Permit. If there are town of Kent Wetlands involved they will also need a Kent Erosion Control Permit will be required. The applicant also needs to provide documentation from the Board of Health regarding the well and septic system confirming that they are adequate for the change of use.

Mr. Snyder introduced himself and discussed his physical therapy practice and how they hoped to benefit the citizens of Town of Kent.

- **Harris Property, 669 Gipsy Trail Road, Kent, NY; TM: 21.18-1-32**

Mr. John Watson, of Insite Engineering, represented the applicant. Mr. Watson said that he understood that only remaining item pertaining to this project was to forward the recommendation to the Town Board to accept the bond, which had been submitted.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo reminded the Planning Board that on December 12, 2013 they had discussed waiving or scheduling a Public Hearing regarding this project. The Board decided to postpone this decision until a letter had been provided from Gipsy Trail Club that they had reviewed and approved this project. The letter has been submitted to the Planning Board (attached) and Ms. Mangarillo asked the Board to decide whether or not a Public Hearing should be scheduled.

Mr. McDermott said that the Planning Board had discussed this project at the Planning Board Workshop and asked for a motion to waive the Public Hearing. The motion was made by Mr. Tolmach and seconded by Ms. Wright. The motion carried.

- **Morini Property, China Paper Circle, Kent, NY; TM: 42.18-1-2**

Mr. John Watson, of Insite Engineering, represented the applicant. He stated that this project was a continuation of an Erosion Control Application for a property in the Sedgewood Club. This was approved previously by the Planning Board, but due to the economy the applicant did not proceed with his plans. A few months ago the applicant decided to move forward with the project. Due to some code changes the plans have been modified. The septic system design has been changed from a 4 bedroom to a 3 bedroom design. The retaining wall in the back of the property will be removed and the house will be moved uphill. There has also been discussion regarding driveway access and they have decided to modify the road grades from 17% to 15% and it is shown on the revised plans.

Ms. Mangarillo's Comments (attached)

Ms. Mangarillo said that she requested the Soils and Slopes Map and a maintenance schedule for erosion control measures for contractors. She also suggested that ten days after installation of all erosion control measures have been met a note be submitted to the Building Department confirming this. Ms. Mangarillo said the changes discussed by Mr. Watson are an improvement to the plans. However, the major open item is the access to the property on the private road. Chapter 57 of the "**Roads and Driveway Code**" states that unimproved private rights of way (paper roads less than 50' in width) shall meet the standards of rural roads. The specifications for a rural road are included at the end of Ms. Mangarillo's memo. Due to the size of the right of way, the adjacent properties, the slopes and stone chamber Ms. Mangarillo said that she didn't believe it would be possible to bring the private road up to the standards of a rural road. She felt that footnote 7 states that "the Planning Board has the right to modify the above minimum standards to meet unusual and specific conditions" and she felt this application does meet the unusual conditions. She recommended that the Planning Board consider granting some of the waivers and that the project engineer submit a list where they can meet the rural roads standard and where they would deviate from it. She requested a letter from the Sedgewood Club or the owners of the private roads authorizing the applicant to make the road improvements. Ms. Mangarillo recommended holding off on approving the bond estimate, waiver of the Public Hearing and referring the project for administrative review.

Mr. McDermott said that some of the Planning Board members had concerns about the stone chambers. Mr. Watson said a guide rail will be placed along the stone chamber where there is a retaining wall and also a silt fence during construction. Mr. Tolmach had concerns about the construction equipment on the road damaging the stone chamber. Mr. Watson said that the road has been there for 10 years and heavy equipment has been on the road during this time and it has not impacted the road. Mr. McDermott said there had also been discussion about drainage impacting the stone chamber and asked Mr. Barber to address this. Mr. Barber said the surface will be converted from permeable to an impervious surface and that whatever provisions made to reduce flow to the stone chamber would be helpful. He suggested swales, checkdams, changing the elevation of the driveway. Ms. Wright asked about a "Jersey Barrier" or the guiderail and asked why it couldn't be put up prior to construction. Mr. Watson said the Jersey Barrier would not be effective, but he said he could put the guide rail up during construction. Mr. Watson said he disagreed with some of the drainage comments. He said that he supports the super-elevation of the driveway, but not swales or pipes. He stated that the Sedgewood Club is a private community with private roads that have no formal drainage and barely have roadside swales that work. He said he thought the best solution would be to breakup the stormwater and spread it out as much as possible.

Mr. McDermott asked Ms. Mangarillo to explain the Board's concerns about what would be done at the pavement end. Ms. Mangarillo discussed whether or not there would be adequate turnaround for firetrucks or emergency vehicles where the pavement ends on China Circle Court and recommended creating a small "hammer head". She also said that one of the benefits of the DEC's stormwater rules is that the MS4 in the Town of Kent has the final say when projects are in construction and when they are completed and if the drainage doesn't work out it must be fixed. Mr. Watson said that he forgot to put a note on the plan, as recommended by Ms. Mangarillo, which stated:

"It shall be the responsibility of the applicant to address any drainage issues which occur in the area of China Circle Court which is paved as part of this project".

He said that once construction begins they will know if there are any drainage problems and it will be inspected regularly.

Ms. Mangarillo said that in this instance it is better to see what the water does as the project proceeds.

Mr. McDermott reiterated that the stone chambers in Kent are very important to the residents of the town and for that reason the Planning Board do not recommend waiving the Public Hearing. He asked for a motion to schedule the Public Hearing for February 13, 2014. The motion was made by Mr. Tolmach and it was seconded by Ms. Wright.

• **Hilltop Estates (Kent Development Corp), Peckslip Road, Kent, NY; TM: 12.-1-38 & 42**

Mr. John Watson, of Insite Engineering, represented Esposito Builders, the owners of this property. This project is for an 11 lot subdivision on Route 52 and Peckslip Road. Since the last Planning Board meeting the following tests have been conducted and have been approved Mr. Watson said that now he knows there are acceptable septic and stormwater areas:

- Deep test holes and percolation tests for the Board of Health; and
- NYSDEP's stormwater area tests

A full SWPPP submission was delivered to the Planning Board and Health Department submissions will be made next week.

Mr. Barber's Comments (attached)

Mr. Barber said the applicant provided satisfactory responses on December 19, 2013 to Mr. Barber's memo of December 12, 2013. The remaining issue pertains to five species of wildlife potentially situated on this property. He went through the list and found that bats and roosting areas for bats may be on the property and will go out to the property again to see if there are any trees which may exhibit characteristics favorable to the bat population and asked that they be preserved. He recommended that the formal tree survey be waived. The applicant is having a surveyor identify rock outcroppings within the proposed area of disturbance. He will follow up with the DEC in respect to the lack of a need for an Article 24 permit regarding the stormwater discharge on the site which will also flow onto lot 38. He is awaiting information to see if a DEC wetland permit is necessary. The applicant also supplied information submitted in the previous submission in 2006.

Ms. Mangarillo's Comments (attached)

Ms. Mangarillo's previous comments pertained to preserving existing stone walls on the property. She stated that Insite Engineering found that one section near the property line between lots 2 and 3 cannot be preserved, but the other ones will be preserved during construction and will be noted on the new submission. A number of waivers for the cul de sac and the site plan will be referred to the Highway and Fire Departments within a few days for their review. The waivers include:

- The length of the cul de sac;
- Having a driveway in the reserve area of the cul de sac; and
- Permission to modify the design of the cul de sac to have a landscaped area in the center

Mr. McDermott confirmed with Ms. Mangarillo that the request to schedule a Public Hearing would be addressed and a decision regarding the waivers at the February 13, 2014 meeting. She said that would be correct and that review memos will be submitted again after comments from the Highway and Fire Departments have been returned to the Planning Board. Ms. Mangarillo addressed comments about the individual rain gardens, which have been removed, and said that under New York State Stormwater laws runoff reduction volume would be necessary in the infiltration basin. She asked them to look at this plan again consider other options as noted in Appendix H.

Mr. Wilson's Comments (attached)

Mr. McDermott read Mr. Wilson's comments for the record. He concurred with Ms. Mangarillo and Mr. Barber that a Public Hearing may be scheduled at the February 13, 2014 meeting.

Mr. Watson said that the new Town Road Standards have two separate standards for local roads without curbs and asked for clarification. One standard is 24' wide with 5' shoulders and the other is 22' wide with 6' shoulders, which would be his preference. Ms. Mangarillo said that the Highway and Fire Departments would need to give their input on this.

Ms. Bolbrock asked if the applicant had plans to utilize LED construction in the 10 homes and one commercial as well as solar panels or geothermal for heating the homes. Mr. Watson said he'd check into this.

Mr. McDermott asked for a motion to schedule the Public Hearing for this project on February 13, 2014, providing that input from the Highway and Fire Departments have been received prior to the meeting. If the information is not delivered as instructed the Public Hearing will be opened and adjourned at the February 13, 2014 meeting. Mr. Sisto made the motion and Mr. Tolmach seconded it. The motion carried.

• **Kent Materials (Mountain View), Route 52, Kent, NY; TM: 12.-1-44**

Mr. McDermott discussed the fact that the consultants have not been reimbursed for services provided by the previous owners for quite some time and the consultants have declined to do further review work on this project. The applicants had been informed that the payments had been made and when they were informed earlier in the evening that they had not been paid. They said they would deliver a payment on January 10, 2014. However, the Planning Board agreed to allow the applicants and Mr. Watson to make their presentation.

Mr. Watson said that the applicants have had a great deal of experience and they would like to discuss changes to the plan. The previous plan had sand salt storage buildings in the rear and a 24,000 square foot storage building in the front of the property. Messrs. Caruso and Coyne have no interest in constructing the sand and salt storage buildings. They have been actively marketing the property to find an end user because they feel this is a good regional location from NYC to Albany and Newburgh to Danbury. There will be a 7 acre building pad in the IOC zone which has a lot of potential after the site work is done. At the request of the Planning Board and the applicants Mr. Watson has sketches showing some of the options potential clients have proposed. One alternative is for a sports complex with two outdoor fields and one inside. A second alternative is some type of warehouse, which is allowed by the zoning codes. There would be a building in the back of the property and another in the front of the property. All the changes are noted in the latest submission cover letter.

Mr. Tolmach expressed concerns about mining operations and how much rock will be extracted. Mr. Watson said that "Mining" is a term used when rock is extracted and taken off of the property and that there will not be a gaping hole on the property. He stated that the same amount to be extracted is the same amount as Kent Materials. He resubmitted plans to the DEC and they said that according to them removal of the sand salt storage buildings is a minor change and no further review is necessary for them. They gave a bond amount of \$109,000 which the applicant will need to post.

Mr. Watson said the applicants expect to complete this project in two years. Mr. Caruso, G3 Aggregates, said that he wanted to assure the Planning Board that they plan on investing a lot of money to secure the reclamation of the property and want to do it right. He said that timing is critical to this project and that they would do everything possible to work with the Town to expedite this project. He said they would also take care of the arrears.

Mr. Watson said that the applicants will have to stabilize the property as they go along from the rear to the front and they will be creating the final surfaces. Inspections will continue to be inspected on a regular basis by Insite, the Planning Board and consultants. He proposed a two-step Phase 4 contingency plan in the event a building is not constructed. The first step is that after the mining activity is completed and a building is not constructed a site visit will be done with Bruce Barber, Julie Mangarillo and the Kent Building Inspector every six months to see if there are any problems. Step 2 is that if this goes on for several years or it becomes overgrown all the Item 4 will be stripped off and stockpiled on the high side and then hydroseed the exposed soil to bring it back to a vegetative state. Another option would be to plant all the trees that are part of the landscaping plan along Route 52 in the beginning of the project. Mr. Lowes asked if the New York State Historic Preservation Society have requested an archaeological study on the site. Mr. Watson said he had contacted them and he has a letter from them verifying that there will be no impact to cultural or archaeological resources and a study is not required. Mr. Mastrangelo asked how much rock would be taken out per day and Mr. Coyne said that there would be approximately 70 trucks per day and about 4,000 tons per day would be stockpiled. Mr. Mastrangelo asked if Route 52 would be kept clean and was told that Item 4 would be put on all the haul roads to minimize tracking debris onto Route 52 and trucks would be covered and that a lot of the material they will be manufacturing will be used to maintain the site. They also intend to shore up the retention pond. Dust control sprayers will be on all the crushers and a water truck will be on site.

- **Maldacker Property, Gordon Road, Kent, NY; TM: 31.17-1-9 (Holdover from December)**

A request was made by Mr. Maldacker in December to have his bond in the amount of \$8,400.00 returned to him. His wife passed away and he sold the property two years ago and has since relocated. A copy of his wife's death certificate and a letter stating that he was the sole executor to the estate was submitted to the Planning Board for January's meeting. Mr. McDermott asked for a motion to ask the Town Board to release this bond. The motion was made by Mr. Tolmach and seconded by Ms. Bolbrock. The motion carried.

- **Villa Property, 494 Route 52, Kent, NY; TM: 33.56-1-11 (Holdover from December)**

The applicant requested permission to construct a 12' x 14' shed on their property and site plan approval, which has a residence on a commercial piece of property at the December 12, 2013 meeting. Because this property is on a state highway it was referred to the Putnam County Planning Department for their approval.

Neil Wilson's Comments (memo attached and read by Mr. McDermott)

Mr. Wilson said that this is a Type II action and no further SEQRA action is required. Putnam County Planning approved the site plan and Mr. Wilson prepared a draft Resolution (attached) for the Planning Board

Mr. McDermott asked for a motion to grant the approval. The motion was made by Mr. Tolmach and seconded by Mr. Brunner. The roll call vote was as follows:

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| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Aye</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

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

- Fichter (Nolan) Erosion Control Plan/Wetland Permit Status Report
Beach Court, Kent, NY & Driveway Variance
TM: 21.13-1-25

Ms. Mangarillo said Harry Nichols called and said he had received approval from the DEP and Health Department and was planning on resubmitting plans for the February meeting. She said this was nearing completion.

- Creative Kids (Kollevoll Realty)Change of Use Status Report
91 Ludingtonville Road, Kent, NY
TM: 22.-2-35

The applicant is awaiting Health Department approval.

Mr. McDermott asked for a motion to adjourn at 9:00 PM. The motion to adjourn was made by Mr. Tolmach and seconded by Ms. Wright. The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk