

Approved: March 10, 2017

**Minutes**  
**Town of Kent Planning Board Meeting**  
**February 16, 2017**

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:**

Michael McDermott, Chairman  
George Brunner

Dennis Lowes, Vice Chairman  
Charles Sisto  
Philip Tolmach

**Others in Attendance:**

Bruce Barber, Environmental Consultant  
Julie Mangarillo, Engineering Consultant

Bill Walters, Kent Building Inspector  
Neil Wilson, Planner

**Absent:**

Gary Lam

Mr. McDermott advised the audience that there is one seat open on the Planning Board and, if anyone is interested in joining the Planning Board, they should contact the Planning Board office and/or send an email and resume to lcappelli@townofkentny.gov

• **Approve Planning Board Minutes from January 2017 Meeting**

Mr. McDermott asked for a motion to put the minutes from the January 2017 meeting on the table for discussion. Mr. Tolmach made the motion to put the minutes from January on the table and it was seconded by Mr. Sisto. The roll call votes were as follows:

|                             |               |
|-----------------------------|---------------|
| Michael McDermott, Chairman | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| George Brunner              | <u>Aye</u>    |
| Gary Lam                    | <u>Absent</u> |
| Charles Sisto               | <u>Aye</u>    |
| Philip Tolmach              | <u>Aye</u>    |

The motion carried.

**Town of Kent Planning Board Minutes**  
**February 16, 2017**

Mr. McDermott asked for a motion to approve the minutes from the January 2017 meeting as they stood. The motion was made by Mr. Tolmach and seconded by Mr. Sisto. The roll call votes were as follows:

|                             |               |
|-----------------------------|---------------|
| Michael McDermott, Chairman | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| George Brunner              | <u>Aye</u>    |
| Gary Lam                    | <u>Absent</u> |
| Charles Sisto               | <u>Aye</u>    |
| Philip Tolmach              | <u>Aye</u>    |

The motion carried.

- **Deliland, Route 52, Kent, NY 10512; TM: 33.48-1-12**

There was no one present for this project.

Mr. Wilson's Comments

Mr. Wilson advised the Planning Board that the applicant had met with the consultants at the January review meeting and they had asked the applicant to submit a drawing showing the proposed parking spots for the apartment which will be added on to the building.

- **Advanced Auto/Bulzachelli Associates, 231 Route 52, Kent, NY; TM: 44.05-1-76**

Mr. William Basharat represented the applicant for this project. Mr. Basharat said this was a small addition on a commercial auto repair shop on Route 52.

Mr. Wilson's Comments (memo attached)

Mr. Wilson sent a Resolution earlier in the day for an 850 square foot addition on this building and is a Type II action for SEQRA purposes. Mr. Wilson advised the Planning Board that Putnam County Planning Department had reviewed the plans and had approved them and that he believed this project was ready for Planning Board approvals.

Mr. McDermott asked for a motion for an Amended Site Plan approval for this project. The motion was made by Mr. Sisto and seconded by Mr. Tolmach. The roll call votes were as follows:

|                             |               |
|-----------------------------|---------------|
| Michael McDermott, Chairman | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| George Brunner              | <u>Aye</u>    |
| Gary Lam                    | <u>Absent</u> |
| Charles Sisto               | <u>Aye</u>    |
| Philip Tolmach              | <u>Aye</u>    |

The motion carried.

- **LaRussell/Gino's Grab n Go, 406 Route 52, Kent, NY; TM: 33.72-1-18**

Mr. Basharat also represented the applicant for this project, which was an Amended site plan. This property was formerly a dry cleaner shop, which was destroyed by a fire and it will now become a convenience store.

Mr. Wilson's Comments (memo attached)

Mr. Wilson said that this was also an application for a change of use. Mr. Wilson prepared a Negative Declaration and an Amended Site Plan Resolution.

Mr. McDermott asked for a motion to approve the Negative Declaration. Mr. Tolmach made the motion and it was seconded by Mr. Sisto. The roll call votes were as follows:

|                             |               |
|-----------------------------|---------------|
| Michael McDermott, Chairman | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| George Brunner              | <u>Aye</u>    |
| Gary Lam                    | <u>Absent</u> |
| Charles Sisto               | <u>Aye</u>    |
| Philip Tolmach              | <u>Aye</u>    |

The motion carried.

Mr. McDermott asked for a motion to approve the Amended Site Plan. Mr. Tolmach made the motion and it was seconded by Mr. Sisto. The roll call votes were as follows:

|                             |               |
|-----------------------------|---------------|
| Michael McDermott, Chairman | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| George Brunner              | <u>Aye</u>    |
| Gary Lam                    | <u>Absent</u> |
| Charles Sisto               | <u>Aye</u>    |
| Philip Tolmach              | <u>Aye</u>    |

The motion carried.

- **Hartshorn Property, Ludingtonville Road, Kent, NY; TM: 12.-1-88**

Mr. John Watson, of Insite Engineering, represented the applicant for an amended site plan. Ms. Hartshorn was also at the meeting. This project involving a site plan was approved previously and the site work has been completed and the building has been constructed and the applicant has been issued a Certificate of Occupancy (CO) was issued by the Kent Building Department. When an "as-built" inspection was recently conducted it was determined that several items were not in compliance with the original site plan. A new "As-Built" plan was presented at this meeting along with a letter outlining the items which were non-compliant and Mr. Watson requested an Amended Site Plan approval.

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Ms. Mangarillo's Comments (memo attached)

A curb near the entrance driveway was added and then removed on the original site plan. During the site walk Ms. Mangarillo noticed a check-dam near Ludingtonville Road that does not serve any purpose because of the way the driveway is graded and the suggestion was made to move it further down-hill and she would like to see that happen. Ms. Mangarillo asked to see the flow path of water along a concrete block wall on the southern portion of the property and that it be shown on the amended site plan. Ms. Mangarillo also suggested that the refuse enclosure should not block the flow of water on its way to the infiltration basin. The location of the parking area should be noted on the site plan. The sand-salt storage shed should be added to the notes. One of the figures in the IOC Zone Requirements Table is off and needs to be corrected. The tree plantings needed to be labeled. The letter from Mr. Adams needs to be expanded to include additional site features on a strip of land between the Adams and Hartshorn property.

Mr. Barber's Comments (memo attached)

Mr. Barber agreed with Ms. Mangarillo with her comments about the salt storage shed. He also mentioned that the proposed plantings should be looked at again.

Mr. Watson said he had no issues with the comments made by Ms. Mangarillo and Mr. Barber and would resubmit plans. He also mentioned that the Town is holding a bond which is approximately \$71,000 and that, since the majority of the work has been completed, the Hartshorns were requesting a partial return of that bond. Ms. Mangarillo responded to this request and said that there was snow covering the property and that she could not adequately inspect the property to ensure it was stabilized and that usually the bond was held for two years after the project was completed. She recommended that the Board hold off on returning the bond until the Spring when the property could be re-inspected and until the rest of the amended site plan was re-submitted. Mr. Watson reminded the Planning Board that Kent was the only town who required a cash bond. According to Mr. Watson, the following items have been completed:

- A Stormwater Bond in the amount of \$50,000 which is 100% complete
- A Wetland Mitigation Bond in the amount of \$6,000 is 100% complete
- Erosion Control Bond \$14,000

Mr. Watson conceded that some of the erosion control bond should be held but requested that the stormwater and wetland bonds and part of the erosion control bond should be returned to the Hartshorns.

Mr. McDermott suggested that Mr. Watson should discuss the format of the bond with the Town Board. Mr. McDermott said that the Planning Board accepts the recommendations of the consultants and that the Planning Board will discuss this matter further at a later date.

- **Connolly Property, 9 Grasslands Road, Kent, NY; TM: 33.73-1-53 & 54**

This project was for an erosion control plan for the property. Mr. & Mrs. Connolly attended the meeting and were waiting for their engineer and asked to hold off any discussion on this matter until Mr. Cameron of Putnam Engineering arrived.

Mr. Robert Cameron, of Putnam Engineering, represented the applicants for an erosion control plan. This property consists of a single-family residence on .041 acres. The property to the south or right of the house is treed and the applicants want to use it for a yard/recreation area. This will require some land clearing and an erosion control plan is necessary because more than 5,000 square feet will be disturbed. Mr. Tolmach asked what would be on the ground and Mr. Cameron said it would only be grass.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he would inspect the property and report back to the Planning Board.

Mr. Cameron said that Mr. Barber requested a diversion swale along the top of the property and said that he didn't feel it was necessary because it was a small area and there is one on the adjoining properties and the water would then run into the street. He asked Mr. Barber to reconsider this. Mr. Tolmach suggested that the applicants should leave some trees. Mr. Cameron said that some of the trees are near the house and should be taken down.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo asked that standard notes be added, an erosion control bond amount needed to be submitted and she had comments on the NOI. She recommended waiving a Public Hearing.

Mr. Cameron asked for clarifications about some of her comments. #4A – This is usually done on larger properties about litter – Ms. Mangarillo said a trash can would be sufficient. Regarding the NOI – Mr. Cameron said that hydrologic soil type B is 35 square feet .01% and he can't enter less than 1% on the NOI. Ms. Mangarillo asked Mr. Cameron to check into that. The project is in a AAS Classified watershed and Lake Carmel is in a Class B category. Ms. Mangarillo said it is in the East of Hudson Watershed and classified as an AA Class. Separate stormwater sewer – there is a catch basin at the bottom of the street – so Mr. Cameron needs to check yes on the NOI. The construction fence runs along the limit of disturbance and has a note on the plan and Mr. Cameron will show the line on the property line. Mr. Cameron will submit the bond estimate and re-submit the plans the week of February 20<sup>th</sup> in order to get it on the March agenda.

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Mr. McDermott asked for a motion to waive a Public Hearing on this project. The motion was made by Mr. Sisto and seconded by Mr. Tolmach. The roll call votes were as follows:

|                             |               |
|-----------------------------|---------------|
| Michael McDermott, Chairman | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| George Brunner              | <u>Aye</u>    |
| Gary Lam                    | <u>Absent</u> |
| Charles Sisto               | <u>Aye</u>    |
| Philip Tolmach              | <u>Aye</u>    |

The motion carried.

- **P & G Farm, 29 Schrade Road, Kent, NY; TM: 11.-2-44.2**

Mr. Watson represented the applicant for an Erosion Control Plan review. This property is part of the Adams sub-division, which was approved approximately 10 years ago and is situated on Horsepound and Schrade Roads. This property was a large parcel in the rear of the sub-division which was an equestrian property with a barn on it. A note was placed on the original sub-division plan that a residence needed to be constructed on it. The property was sold to Ms. Epstein, who keeps her horses on the property. Ms. Epstein, who resides in New York City, is proposing to build a 2 bedroom/2,000 square foot residence for herself to use on weekends and a small 750 foot artist studio on the property. There will be a separate well and septic system which will be shared for both buildings. Mr. Watson said that only an erosion control permit was necessary for this project because there were no wetlands involved and there would be less than one acre disturbed,

Mr. Barber (memo attached)

Mr. Barber said that the parcel size is 55 acres in an R-80 zone and in an agricultural district. There are some wetlands adjacent to the property, but he doesn't think they will be impacted by construction of the buildings proposed and he would inspect the property to verify that. A tree survey needs to be provided. The proposed construction will be on 4,000 square feet of slopes in excess of 15% and there are areas of rock outcropping and it is unclear whether or not there will need to be blasting or rock-chipping. DEC resources indicate that there are no endangered species on the property. BOH approval is required for the septic system and an EAF needs to be submitted. There is an existing septic system on the property which Mr. Barber needs more details about and he requested a new survey of the entire property. He also requested more details from the County confirming the agricultural aspects of the property. Mr. Wilson asked Mr. Barber to advise him when he wanted to conduct a site inspection because of the animals and the caretaker on the property and Mr. Barber said he would do so.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said she had standard notes, minor comments on the NOI and asked that an erosion control blanket be specified for slopes steeper than 3 on 1. Orange construction fence should be placed along the DEC wetlands. Another stabilized construction entrance for the septic system should be built or the existing one should be moved. Ms. Mangarillo asked for information as to how the buildings will get their water and additional information about the farm operation. The application refers to variances and she had questions about that.













## Planning Kent

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**From:** Neil Wilson [nwilson.lrcplanning@gmail.com]  
**Sent:** Thursday, February 16, 2017 5:40 PM  
**To:** barberbruce@yahoo.com; Building Inspector; Charles Sisto; Dennis Lowes; Gary Lam; George Brunner; Janis Bolbrock; Julie Mangarillo; Michael McDermott; Phil Tomalch; Ron Blass; Planning Kent  
**Subject:** Resolutions  
**Attachments:** LaRussell Amended Site Plan Neg Dec 021617.doc; LaRussell Amended Site Plan 021617.doc; Advanced Auto Amended Site Plan Approval 021617.doc

Attached are resolutions for Advanced Auto and LaRussell for tonight's meeting.

Neil A. Wilson, Esq.  
LRC Planning Services, LLC  
8 Morehouse Road  
Poughkeepsie, New York 12603-4010  
Tele: 845-452-3822  
Fax: 845-452-3346

**Town of Kent Planning Board  
Amended Site Plan Approval**

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**Matter of Advanced Auto**

**Whereas**, the Town of Kent Planning Board has received an application from Bulzacchelli Associates, LLC for Amended Site Plan Approval to allow the expansion of an existing automotive repair facility with a ±850 square foot addition on property located at 231 Route 52, tax parcel number 44.05-1-76; and

**Whereas**, the size of the proposed expansion qualifies the activity as a Type II Action under 6 NYCRR 617.5 for which no further environmental review is required; and

**Whereas**, the Putnam County Department of Planning has recommended approval of the Amended Site Plan pursuant to GML 239-m; and

**Whereas**, after review of the application and consideration of the criteria set forth in §77-60 of the Town Zoning Law, the Planning Board hereby finds:

- 1) The project is an application for amendment of a site plan to allow a minor ±850 square foot addition to be used for storage of supplies and parts. The Planning Board is satisfied that the proposed site improvements and use are consistent with the amount of land available, and that access to the site would not impede or adversely affect the use and enjoyment of neighboring lands.
- 2) The use is an allowed use in the Commercial (C) District, and information provided by the applicant indicates that the overall appearance, size, and dimension of the site improvements are appropriate to the site.
- 3) That the project design is consistent with, and meets the requirements of, §77-60 subparagraphs “F”, “G”, and “I” - “T” thereof.
- 4) The project design of the proposed expansion would be in harmony with the existing and planned development of contiguous lands and adjacent neighborhoods.
- 5) The project design would have no material adverse effect upon the desirability of adjacent and nearby property for development of other uses allowed within the district.
- 6) The project design is properly related to the uses, goals and policies for land development as expressed in the Town Master Plan.
- 7) The project design would have no effect on existing pedestrian and vehicular access, traffic circulation or layout of the site.
- 8) The project design is sited to take advantage of solar access insofar as practical, including the orientation of the proposed building with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.

- 9) The project design reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and preserves and enlarges upon these assets for recreation, scenic or conservation purposes to the extent practicable.
- 10) The project design conforms to the requirements of the Town Zoning Law and all other applicable local laws.

**Whereas**, the Planning Board has determined that a public hearing would not be held for this application.

**Therefore Be It Resolved**, the Planning Board grants Amended Site Plan Approval to Bulzacchelli Associates, LLC as depicted on a Site Plan Map entitled “Addition To An Existing Building Located At 231 Route 52 In Kent, NY” prepared by Roy A. Fredriksen, P.E., dated December 1, 2016 and bearing a latest revision date of January 5, 2017, subject to revision to respond to the conditions of approval as required herein;

**Be It Further Resolved**, that this Site Plan Approval is expressly conditioned on the completion and/or adherence to following:

- 1) *Respond to the comments of the Planning Board’s Professional Engineer, dated January 12, 2017.*
- 2) *Respond to the comments of the Planning Board’s Environmental Consultant, dated January 11, 2017*
- 3) *The project shall be developed in accordance with the plans and specifications reviewed by the Planning Board as set forth above.*
- 4) *Obtain approval(s) as may be required from the following agencies:*
  - a) *Putnam County Department of Health.*
  - b) *New York City Department of Environmental Protection.*
  - c) *New York State Department of Environmental Conservation.*
- 5) *Prior to commencement of any site work all required erosion control measures shall be implemented as shown on the approved plans for the development. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*
- 6) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification prepared and sealed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in substantial compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an “as built” survey of the completed development.*

- 7) *This site plan approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant.*
- 8) *Payment of all Planning Board costs and fees including professional review fees incurred during the review and approval of the application.*
- 9) *It is the responsibility of the applicant/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memoranda from the Planning Board's Professional Engineer verifying that each of the conditions of this Approval have been completed. The proposed final drawings shall not be accepted by the Planning Board without submission of proof of completion.*

Motion: Charles Sisto

Second: Philip Tolmach

Michael McDermott, Chairman Aye

Dennis Lowes, Chairman Aye

George Brunner Aye

Phil Tolmach Aye

Charles Sisto Aye

Gary Lam Absent

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on February 16, 2017.

By: \_\_\_\_\_

Vera Patterson, Planning Board Clerk

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF KENT PLANNING BOARD**, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** LaRussell Amended Site Plan  
406 Route 52  
Tax Parcel 33.72-1-18  
Town of Kent

**SEQR Status:** Type 1   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

The project is an application for Amended Site Plan approval to allow the establishment of a retail shop in an existing structure formerly in use as a dry cleaning business. The site is located in the Commercial (C) District. With the exception of some clean up and repair of the building siding there would be no changes to the site to accommodate the retail use.

**Location:**

406 Route 52, Tax Parcel 33.72-1-18, Town of Kent, Putnam County, New York.

**Reasons Supporting This Determination:**

**1. Storm Water**

There will be no exterior changes to the site to accommodate the proposed retail use. Accordingly, the potential adverse impacts related to soil disturbance during construction would be avoided.



**2. Noise and Odors**

The retail use is not the type of use expected to generate noise or odors. Accordingly, the potential adverse impacts related to construction noise and odors would be minimized and avoided to the extent practicable.

**3. Impact on Growth and Character of Community or Neighborhood**

The proposed activity consists of the conversion of a former dry cleaning use to a retail shop. No population increases having a significant adverse effect on local community services such as police and fire protection, or recreational and educational facilities, have been identified. The scale of the proposed development is appropriate for the proposed site at the proposed location. No significant adverse impacts related to an increase in the density of development have been identified.

**For Further Information:**

Hon. Michael McDermott, Chairman  
Town of Kent Planning Board  
25 Sybil's Crossing  
Kent Lakes, New York 10512  
Tele: 845-225-7802

**THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON FEBRUARY 16, 2017.**

**Town of Kent Planning Board  
Site Plan Approval**

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**Matter of A-Class Management, Inc. (LaRussell)**

**Whereas**, the Town of Kent Planning Board has received an application from A-Class Management, Inc. for Amended Site Plan approval to allow the establishment of a retail shop in a structure formerly in use as a dry cleaning business on a site located at 406 Route 52, Tax Parcel 33.72-1-18; and

**Whereas**, the project is a change of use; and

**Whereas**, the action qualifies as an Unlisted Action for which the Planning Board has issued a Negative Declaration; and

**Whereas**, the Putnam County Department of Planning has recommended approval of the Amended Site Plan pursuant to GML 239-m; and

**Whereas**, after review of the application and consideration of the criteria set forth in §77-60 and §77-44.5 of the Town Zoning Law, the Planning Board hereby finds:

- 1) The proposed use is consistent with the amount of land available, and that the proposed repairs and other improvements would not impede or adversely affect access to the site or impair the quiet use and enjoyment of neighboring lands.
- 2) The use is an allowed use in the Commercial (C) District, and information provided by the applicant indicates that the overall appearance, size, and dimension of the improvement would be appropriate to the site.
- 3) The information supplied by the applicant meets the information requirements of §77-60(F) of the Town Code.
- 4) That because the proposal is an adaptive reuse of an existing commercial structure for a non-residential use the design requirements of §77-60(H) through (T) are not applicable to this application.
- 5) The proposed use would be in harmony with the existing and planned development of contiguous lands and adjacent neighborhoods.
- 6) The proposed use would have no material adverse effect upon the desirability of adjacent and nearby property for development of other uses allowed within the district.
- 7) The proposed use is properly related to the uses, goals and policies for land development as expressed in the Town Master Plan.

- 8) Pedestrian and vehicular access, traffic circulation and the general layout of the site have been properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
- 9) The proposed use is sited to take advantage of solar access insofar as practical, including the orientation of the proposed building with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
- 10) The site plan reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and preserves and enlarges upon these assets for recreation, scenic or conservation purposes to the extent practicable.
- 11) The proposed use, buildings and outdoor storage areas, landscaping, and off-street parking and loading, conform to the requirements of the Town Zoning Law and all other applicable local laws.
- 12) The lot will have its own means of ingress and egress which is not shared with any other use.

**Whereas**, the Planning Board has waived a public hearing on this application:

**Now Therefore Be It Resolved**, the Planning Board hereby grants Amended Site Plan Approval to A-Class Management, Inc. to establish a retail shop at 406 Route 52 as depicted on a Site Plan Map prepared by Roy A. Friedriksen, P.E. dated November 1, 2016 entitled "Amended Site Plan For Existing Commercial Building Located at 406 Route 52, Kent, N.Y."; and

**Be It Further Resolved**, that this Amended Site Plan Approval is expressly conditioned on the completion and/or adherence to following:

- 1) *Payment of all Planning Board costs and fees including professional review fees incurred during the review and approval of the application.*
- 2) *The facility shall be constructed in accordance with the plans and specifications as approved herein.*
- 3) *The applicant shall obtain all required approvals from the Putnam County Department of Health and the New York City Department of Environmental Protection.*

4) *This site plan approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant.*

Motion: Phil Tolmach

Second: Charles Sisto

Michael McDermott, Chairman      Aye

Dennis Lowes, Vice Chairman      Aye

Philip Tolmach      Aye

Charles Sisto      Aye

Gary Lam      Absent

George Brunner      Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on February 16, 2017.

By: \_\_\_\_\_  
Vera Patterson, Planning Board Clerk



# Memorandum

To: Planning Board  
Town of Kent

Attn: Michael McDermott  
Chairman

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

Subject: Erosion Control Plan  
February 2017

Date: February 16, 2017

Project: Connolly ESC, 8 Grasslands Rd  
TM # 33.73-1-53 & 54

The following materials were reviewed:

- Transmittal letter prepared by Putnam Engineering, PLLC, dated January 17, 2017
- Combined application form, signed 12/20/2016, including:
  - Owner affidavit, Agent of owner affidavit, Certification of Professional Engineer, Disclosure of Business Interest, Agricultural data statement, Site plan checklist.
- Short Environmental Assessment Form (EAF), dated January 16, 2017
- Deed
- NYSDEC Notice of Intent (NOI), signed 1/16/2017
- MS4 SWPPP Acceptance Form with Sections I and II completed.
- Drawings prepared by Putnam Engineering, dated December 1, 2016, last revised 1/17/2017, including:
  - EC-1 Erosion and Sedimentation Control Plan
  - EC-2 Erosion and Sedimentation Control Plan

The project proposes remove trees and regrade the yard of a single family house to create level yard area.

The subject Erosion and Sediment Control Plan is not approved. 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 more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - a. §66-6.B.2.g[6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
3. 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)."

4. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
  - a. Part III.B.1.j – “A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;”
  - b. Please note – With issuance of new NYSDEC General Permit GP-0-15-002, per Part I.B.1.b ‘Soil Stabilization’ “In areas where soil disturbance activity has temporarily or permanently ceased...” and “...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days* from the date the current soil disturbance activity ceased...” (emphasis added). This time restriction for stabilization is to be included in the drawing notes.
5. Refer to the Notice of Intent (NOI):
  - a. Page 3, #6 – The drawing shows a small area of hydrologic soil group B soils within disturbed area. Update percentages of soil groups.
  - b. Page 4, # 12 – select “yes” for project located in AA and AA-S classified watershed.
  - c. Page 5, #15 – select “yes” for site runoff entering separate stormwater sewer system.
  - d. Page 7, #26 – Under “permanent structural”, the drawings show ‘land grading’ and ‘retaining wall.’ Please indicate these in the NOI.
6. Refer to the Drawings:
  - a. Provide orange construction fence or other physical barrier along the property line with the road right-of-way.
  - b. Under “Sequence of Construction” note #10, specify any areas disturbed as a result of removal of temporary erosion and sediment control measures (silt fence) will be restored and stabilized.
  - c. Under “Sequence of Construction” last note, include the requirement for MS4 sign-off for the Notice of Termination.
  - d. Include a note requiring removal of any sediment tracked onto public roads.
  - e. Under “Plan Notes” #9, include a value for the area of disturbance.
  - f. Under “Plan Notes” #10 – indicates larger cut than fill. How will excess cut material be handled?
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.
8. Per §66-6.F, we recommend the public hearing be waived as this is a project for a lawn area for an existing single family house.

Memorandum  
Connolly ECP  
TM # 33.73-1-53 & 54  
February 16, 2017  
Page 3 of 3

9. We defer to the Planning Board's environmental consultant regarding wetland issues.

  
\_\_\_\_\_  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
17-261-999-151

Bruce Barber via email  
Neil Wilson via email



# Memorandum

To: Planning Board  
Town of Kent

Attn: Michael McDermott  
Chairman

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

Subject: Erosion Control Plan  
February 2017

Date: February 16, 2017

Project: P&G Farm Corp, 29 Schrade Road  
TM # 11.-2-44.2

The following materials were reviewed:

- Transmittal letter prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated January 10, 2017
- Combined Application Form, dated January 3, 2017, including
  - Owner affidavit, Certification of Professional Engineer, Disclosure of Business Interest, Agricultural Data Statement, Site Plan Checklist
- Notice of Intent, signed 1/9/2017
- Drawings prepared by Insite, dated January 10, 2017, including:
  - SL-1 Existing Conditions, Steep Slopes and Soils Plan
  - SP-1 Site Plan

The project proposes construction of 2 bedroom house, separate structure for an art studio, and septic system. Application documents indicate the property is an agricultural property.

The subject Erosion and Sediment Control Plan is not approved. 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 more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - a. §66-6.B.2.g [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
3. 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)."
4. Refer to the Notice of Intent (NOI)



- a. Page 2 – Provide DEC region number.
  - b. Page 3 – Provide response for #5
  - c. Page 3 – Provide response for #7 – phased project.
  - d. Page 7 – Provide response for # 25 – construction sequence
5. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
6. Refer to the Drawings:
- a. Soil information provided on drawing SL-1 "General Notes" is different than soil information provided on SP-1 "Required Erosion Control SWPPP Contents". These should be coordinated.
  - b. Refer to Erosion and Sediment Control Notes on SP-1
    - i. With issuance of new NYSDEC General Permit GP-0-15-002, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day* and completed within seven (7) days from the date the current soil disturbance activity ceased..." (emphasis added).
    - ii. For note #5, for areas where construction activity as ceased, specify stabilization measures must be initiated by the next business day.
    - iii. Note #11, specify erosion control blanket is to be used on slopes steeper than 3:1 instead of 2:1.
    - iv. Provide notes regarding the procedure for termination of coverage in an MS4 community.
  - c. On drawing SP-1, the orange construction fence is within the pond/wetland buffer. The fence should be on the outside of the pond buffer to prevent soil disturbance within the pond buffer.
  - d. Provide orange construction fence along the boundary for the NYSDEC wetland adjacent area.
  - e. Relocate or provide a 2<sup>nd</sup> stabilized construction entrance for septic system installation.
  - f. How are the proposed buildings served with water?
7. Provide additional information on the type of farm operation.
8. The Agricultural Data Statement requires a map with other farm operations located within 500 feet. Are there any other farm operations nearby?
9. Refer to the Combined Application Form:
- a. Page 2 #10 – Are there any agricultural exemptions for the property?
  - b. Page 2 #11 – What are the variances referenced in Filed Map #3086 and 3086A?

Memorandum  
P & G Farm Corp ECP  
TM # 11.-2-44.2  
February 16, 2017  
Page 3 of 3

- c. Page 3 # 14 – Provide copy of the deed.
10. Provide copy of Health Department approval(s) upon receipt.
  11. 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.
  12. We defer to the Planning Board's environmental consultant regarding wetland issues.

  
\_\_\_\_\_  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
17-261-999-152

Bruce Barber via email  
Neil Wilson via email



# Memorandum

**To:** Planning Board  
Town of Kent

**Attn:** Michael McDermott  
Chairman

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

**Subject:** Amended Site Plan  
February 2017

**Date:** February 16, 2017

**Project:** Hartshorn Professional Park  
TM # 12.-1-88

The following material was reviewed:

- Letters prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated January 19, 2017, January 23, 2017 and January 31, 2017
- Combined Application Form, with affidavits, dated January 19, 2017
- Letter from Fred Adams, Jr., neighboring property owner, dated January 19, 2017
- Addendum to the SWPPP, prepared by Insite, dated January 27, 2017
- Drawing, prepared by Insite, dated January 19, 2017, last revised 1/27/2017 including:
  - SP-1, "Amended Site Plan"

The following is offered for consideration by the Planning Board:

1. Per the January 23, 2017 letter, the curb that had been previously added along the easterly edge of the entrance driveway has removed. The previously approved site plan did not include curb in this location. During our site visit with the owners and John Watson, PE of Insite Engineering, there was discussion of relocating the check dam closest to Ludingtonville Road further downhill (away from Ludingtonville Road). This was suggested because the new driveway slopes away from the swale in the area of this check dam. Removing the curb in this specific area will not result in the driveway runoff entering the swale due to the pavement grades. Relocating the check dam further downhill, to where the runoff enters the swale, will fulfill the intent of the check dam.
2. Indicate on the amended site plan where the curb now begins.
3. Label the concrete block wall on the southern end of the site. A key component of the stormwater management plan is the runoff from the gravel area will flow east towards the infiltration basin. Any runoff that flows to the south will be stopped by the concrete block wall and re-directed to the east. As the amended site plan does not include contours or spot elevations, provide a note or label that the runoff flow path along the face of the concrete block wall is to be maintained. The refuse enclosure is to be constructed in such a way as to not trap or block runoff from entering the infiltration basin.
4. Label the current location for the property sign on the amended site plan, in addition to the proposed location.
5. Indicate the locations of the handicapped parking spaces and standard parking spaces. Striping for individual standard parking spaces does not need to be shown,

just general location. Include required accessible parking space signage. Also indicate loading zones.

6. On the amended site plan, refer to the General Notes #8 – Include the sand/salt mixture as a material permitted to be stored on-site as long as it is contained in an enclosed structure with roof. There is currently such a structure on-site.
7. On the amended site plan, refer to the IOC zone requirements table – The previously approved site plan had an impervious surface coverage of 21%. The amended site plan has 40% impervious surface coverage. The SWPPP addendum indicates an additional 4,500 SF of impervious surface. It appears the 40% number should be revisited.
8. For the stormwater practice “tree planting”, label the nine (9) trees included in the SWPPP addendum that will provide stormwater treatment on the amended site plan.
9. The letter from the neighboring property owner, Fred Adams, Jr., states “...no objections to him [Hartshorn] planting trees along the property line.” It is our understanding that there is a strip of land between the Hartshorn and Adams properties that both can claim some ownership of. The January 23, 2017 letter from Insite, item #6, refers to it as “...overlap parcel under common ownership between both parties...” The letter provided does not reference or indicate that the proposed trees will be in this “overlap parcel”. Additionally, there are more site features within the overlap parcel than just trees. Per the as-built and amended site plan, there is an electrical panel, concrete pad, and the boulder wall that allowed the driveway to be constructed on the west side of the building. It also appears part of the concrete pad for the propane tanks is in this overlap parcel. The proposed location for the sign for the property may be within the overlap parcel. These additional features should be included in the letter granting permission from the neighboring property owner.

  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
William Walters via email  
Neil Wilson via email  
Bruce Barber via email  
John Watson, PE, Insite Engineering, via email  
11-261-193

Received  
mo/date/year

FEB 10 2017

Planning Department  
Town of Kent



February 7, 2017

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

Re: SSEL Corp. – Erosion Control Permit  
Dean Road, Stormville  
Tax Map. No. 10.-2-10.2

Dear Chairman McDermott and Members of the Board:

This office has received and reviewed the latest Memorandum issued by the Town's Consulting Engineer, dated 01/16/17, regarding the captioned project. The Plan has been revised accordingly, please be advised of the following:

2. The Applicant shall provide a revised Page 1 (of 14) indicating the Federal Tax ID.
3. *The grading of the driveway near the intersection with the shared driveway has been revised to eliminate the grass swale and to pitch the driveway downhill. How will runoff flowing along the north side of the shared driveway and runoff from the uphill vegetated areas cross the private driveway? A culvert or low point in driveway may be needed to allow the surface runoff to cross without damaging the driveway.*

Both the private driveway and the shared driveway have been graded with an out-slope, in order to avoid concentrating runoff in a ditch or swale. Therefore, there is no runoff flowing along the north side of the shared driveway at this intersection. The contributing watershed area to the portion of shared driveway where this out-slope has been proposed is very small, about 4,200 square feet. The soils are permeable "B" soils, and the cover will remain mostly undisturbed woods. There should be very little surface runoff across the driveway here. The plan has been revised illustrate the direction of surface runoff with arrows. The contributing drainage area has also been delineated.

New Comments:

1. The retaining wall has eliminated, and the driveway embankment has been graded out.

2. We will provide an as-built profile of the shared portion of driveway in accordance with §57-26.A(5)(c) of the Town Code.
3. The Applicant shall pay the initial inspection fee for erosion control inspections.
4. The Applicant shall pay all outstanding review fees, initial inspection fee, and erosion control bond prior to the Chairman's signing of Plans.
5. The Applicant shall provide a copy of the filed driveway easement.

We trust that all comments with regard to the subject application have been addressed at this time. Thank you for your continued review and consideration.

Yours truly,  
**BADEY & WATSON,**  
*Surveying and Engineering, P.C.*

by,  
Jason R. Snyder, CPESC

jrs

enclosure

cc: Albert D'Alisa (SSEL Corp.) - Applicant  
File U:\99-169B\WO\_23175\MM07FB17BP.dotx



## NOTICE OF INTENT



## New York State Department of Environmental Conservation

Division of Water

625 Broadway, 4th Floor

Albany, New York 12233-3505

 NYR        
 (for DEC use only)

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002  
 All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

**- IMPORTANT -****RETURN THIS FORM TO THE ADDRESS ABOVE****OWNER/OPERATOR MUST SIGN FORM**

## Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)

S S E L C O R P .

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

D A L I S A

Owner/Operator Contact Person First Name

A L B E R T

Owner/Operator Mailing Address

2 2 4 1 R O U T E 6

City

B R E W S T E R

State

N Y

Zip

1 0 5 0 9 -

Phone (Owner/Operator)

9 1 4 - 9 0 6 - 2 7 6 2

Fax (Owner/Operator)

- - - - -

Email (Owner/Operator)

a l b e r t d a l i s a @ y a h o o . c o m

FED TAX ID

3 2 - 0 4 2 1 3 2 0 (not required for individuals)

## Planning Kent

---

**From:** Planning Kent  
**Sent:** Thursday, February 16, 2017 12:37 PM  
**To:** Julie Mangarillo - RSA; 'Bruce Barber'; Building Inspector; 'Neil Wilson'  
**Cc:** Edituhmike  
**Subject:** RE: SSEL Notes 2nd email  
**Attachments:** SSEL Ltr and Pg1 of NOI\_Feb 2017.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attached is the cover letter for the SSEL Ltr. & Pg. 1 of the NOI with the tax number on it.

Vera Patterson  
Planning Board Secretary  
Town of Kent  
25 Sybil's Crossing  
Kent, NY 10512  
[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)  
845-225-7802 (T)  
845-306-5283 (F)

---

**From:** Julie Mangarillo - RSA [<mailto:JMangarillo@rsaengrs.com>]  
**Sent:** Thursday, February 16, 2017 11:09 AM  
**To:** Planning Kent  
**Subject:** RE: SSEL Notes 2nd email

Thanks! I got both sheets.

Did he submit a response letter or anything else? Perhaps page 1 of the Notice of Intent?

Thanks,  
Julie

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**From:** Planning Kent [<mailto:planningkent@townofkentny.gov>]  
**Sent:** Thursday, February 16, 2017 8:40 AM  
**To:** Julie Mangarillo - RSA <[JMangarillo@rsaengrs.com](mailto:JMangarillo@rsaengrs.com)>; Building Inspector <[buildinginspector@townofkentny.gov](mailto:buildinginspector@townofkentny.gov)>; Building Inspector <[buildinginspector@townofkentny.gov](mailto:buildinginspector@townofkentny.gov)>; 'Neil Wilson' <[nwilson.lrcplanning@gmail.com](mailto:nwilson.lrcplanning@gmail.com)>  
**Subject:** SSEL Notes 2nd email

Here are the notes for SSEL  
Vera Patterson  
Planning Board Secretary  
Town of Kent  
25 Sybil's Crossing  
Kent, NY 10512  
[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)

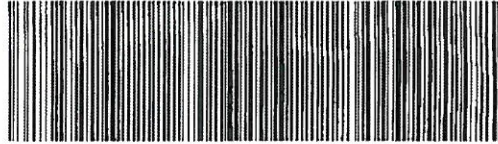


845-225-7802 (T)

845-306-5283 (F)



Michael C Bartolotti, County Clerk  
Putnam County Office Building  
40 Gleneida Avenue Room 100  
Carmel, New York 10512



ACS-000000000398502-000000000785251-013

Endorsement Page

Document # 1500237      Drawer # 02      Recorded Date: 01/24/2017  
Document Type: EASEMENT      Book 2034      Page 428      Recorded Time: 10:59:45 AM  
Document Page Count: 13      Receipt # 1290

**PRESENTER:**  
MAJOR ABSTRACT CORP  
1110 ROUTE 55  
SUITE 205  
LAGRANGEVILLE, NY 12540

**RETURN TO:**  
THOMAS T ANTONECCHIA ESQ  
155 KATONAH AVENUE  
KATONAH, NY 10536

PARTIES

**GRANTOR**  
VINCENT RICOTTA

**GRANTEE**  
FAMILIES WITH DIGNITY INC

FEE DETAILS

1500237  
EASEMENT                      13                      85.00  
CULTURAL EDUCATION                      15.00  
RECORD MANAGEMENT                      5.00  
PROCESSING FEE                      1                      1.00  
AMOUNT FOR THIS DOCUMENT:                      106.00

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315  
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti  
Putnam County Clerk

**MODIFICATION OF DECLARATION OF EASEMENT  
FOR ACCESS, UTILITIES AND MAINTENANCE**

This Modification of Declaration of Easement for Access, Utilities and Maintenance made the <sup>16<sup>th</sup></sup> day of JANUARY, 2017, by VINCENT RICOTTA and LUCILLE A. RICOTTA, his wife, both residing at 56 Dean Road, Stormville, New York and FAMILIES WITH DIGNITY, INC., a New York Corporation with offices at 56 Dean Road, Stormville, New York 12582, hereinafter referred to as the "Declarants".

WHEREAS, the Declarants Vincent Ricotta and Lucille A. Ricotta are the owners in fee of Lots 1 and 3 on "Subdivision of Property known as Re-Subdivision of Lot 1, Subdivision known as Dean Road Manor, situate in the Town of Kent, Putnam County, New York", prepared by Richard H. Gorr, P.L.S., which said subdivision map was filed in the Putnam County Clerk's Office as Map No. 2232A on August 2, 1993; and

WHEREAS, the Declarant Families with Dignity, Inc. is the owner in fee of Lot 2 on said "Subdivision of Property known as Re-Subdivision of Lot 1, Subdivision known as Dean Road Manor, situate in the Town of Kent, Putnam County, New York", prepared by Richard H. Gorr, P.L.S., which said subdivision map was filed in the Putnam County Clerk's Office as Map No. 2232A on August 2, 1993; and

WHEREAS, by Declaration of Easement For Access, Utilities and Maintenance made the 17<sup>th</sup> day of May, 1997 and recorded in the Putnam County Clerk's Office on June 20, 1997 in Liber 1389 Page 16 Declarants Vincent Ricotta and Lucille A. Ricotta made provision for access and maintenance of the common driveway servicing the said Lots 1, 2 and 3 as shown on said Subdivision Map and installation and maintenance of utilities to service the three lots, and

WHEREAS, ALOU CORP., a New York Corporation with an address at P.O. Box 664, Cross River, NY 10518, as Contract Vendee of Lot 3 in said Subdivision has made application to the Town of Kent Planning Board for a Steep Slopes and Erosion Control Permit so as to construct a single-family residence dwelling on said Lot, and

WHEREAS, pursuant to said approval and issuance of said Permit, the Town of Kent Planning Board is requiring the Declarants to modify the Declaration of Easement for Access, Utilities and Maintenance so as to meet current requirements for Lots to be serviced by a common driveway servicing three or fewer single-family residential lots legally in existence prior to January 24, 2012, and further to modify the metes and bounds description of the common driveway and utility easement.

NOW, THEREFORE, Declarants, for themselves, their heirs, successors, grantee and assigns, hereby covenant and agree that the owners of Lots 1, 2, and 3 in said Subdivision as above described shall have the Access and Utility Easement in Favor of each Lot as described in the Description of Property prepared for Alou Corp. (Description of Access and Utility Easement in Favor of Lot 1 on Filed Map No. 2232A, Description of Access and Utility Easement in Favor of Lot 2 on Filed Map No. 2232A and Description of Access and Utility Easement in Favor of Lot 3 on Filed Map No. 2232A) as attached hereto, and in furtherance thereof Declarants grant and declare the following:

1. Lots 1, 2, and 3 shall have and enjoy a mutual and non-exclusive right to use the COMMON DRIVEWAY for all purposes of ingress and egress, as well as the mutual rights to make use of the COMMON DRIVEWAY for the installation of customary utilities for their mutual convenience and benefit.
2. Declarants, and the subsequent Owners of each lot, their successors, heirs and assigns, shall expressly refer to this Declaration in any deeds conveying title to their lots and shall transfer such title subject to the terms and conditions of this Declaration.
3. The Owners shall keep and maintain the COMMON DRIVEWAY free from obstruction, and in an open and passable condition at all times and under all conditions, so it can be utilized by ordinary passenger vehicles, as well as emergency medical and fire vehicles.
4. All decisions for any improvement, maintenance and/or repair of the COMMON DRIVEWAY, shall be made only upon the majority vote of the Owners. Each lot shall

- have one vote irrespective of the number of owners of that lot. "maintenance" shall include, but shall not be limited to, surfacing, paving, regravelling, filling potholes, grading, sweeping, drainage improvements, snow and ice removal, and tree trimming.
5. Any and all expenses for the improvement, maintenance and/or repair of the COMMON DRIVEWAY shall be borne by the Owners, in the following proportionate shares:
    - a. Lot 3: (100%) percent of the constructions costs of the COMMON DRIVEWAY, and for the installation of Utility Lines, service and equipment, including, but not limited to, labor, equipment, and material, engineering, professional fees, and governmental fees and inspection fees and costs.
    - b. Lot 3: 100% of the improvement, maintenance and/or repair costs until Certificates of Occupancy for single family dwellings are issued for both Lots 2 and 3 at which point 100% of the maintenance and/or repair costs are to be shared equally by the Owners of Lots 2 and 3.
    - c. At such time as Lots 1, 2 and 3 are in single family residential ownership the improvement, maintenance and repair costs shall be shared as follows;
      - i. The owner of Lot 3 shall be responsible for paying for that portion of the COMMON DRIVEWAY that exclusively services Lot 3; one-half of the portion of the COMMON DRIVEWAY that exclusively services Lots 2 and 3; and one-third of the portion of the COMMON DRIVEWAY that services Lots 1, 2, and 3.
      - ii. The owner of Lot 2 shall be responsible for paying for that portion of the COMMON DRIVEWAY that exclusively service Lot 2; one-half of that portion of the COMMON DRIVEWAY that exclusively services Lots 2 and 3; and one-third of the portion of the COMMON DRIVEWAY that services Lots 1, 2, and 3.
      - iii. The owner of Lot 1 shall be responsible for paying for one-third of the COMMON DRIVEWAY that services Lots 1, 2, and 3.
  6. At such time as all three (3) Lots are in single family residential ownership the Lot Owners will agree among themselves as to the maintenance (including removal of snow and ice) and repair of the COMMON DRIVEWAY. Failing unanimous agreement, the decision of two (2) of the Lot Owners shall be controlling.
  7. If any Lot Owner does not comply with a decision made by the other two (2) Lot Owners and does not contribute his/her share of the expenses for the improvement, maintenance and/or repair of the COMMON DRIVEWAY within ten (10) days of the due date for the same, then such non-compliant Lot Owner shall be liable to the other two (2) Lot Owners on the unpaid charges and shall be obligated to pay interest at a rate of twelve percent (12%) per annum on the unpaid charges, together with all expenses, including reasonable attorney's fees incurred to collect the same whether or not any legal proceeding is commenced.
  8. This Declaration shall be recorded and shall be deemed a covenant running with the lands affected hereby and shall inure to the benefit of and be binding upon the Declarants, all Owners, and their successors, heirs and assigns forever.
  9. This Declaration shall not be effective until a Building Permit for the construction of a single family residence dwelling is issued by the Building Inspector of the Town of Kent for Lot 3 and a Driveway Permit for the Common Driveway is issued by the Highway Superintendent of the Town of Kent.



File No. 99-169  
W.O. No. 22867

Doc. No. AC16AG16BD.docx  
Created: August 16, 2016  
Figure No. 226  
Author: SRM

**DESCRIPTION OF PROPERTY**  
prepared for  
**Alou Corp.**  
(Description of Access and Utility Easement  
in Favor of Lot 1 on Filed Map No. 2232A)

**ALL** that certain parcel of land situate in the Town of Kent, County of Putnam and State of New York that is a portion of Lot 2 and a portion of Lot 3 as shown on that certain map entitled "Final Subdivision Plat, Subdivision of Property known as Re-Subdivision of Lot 1, Subdivision known as Dean Road Manor..." which was filed in the Putnam County Clerk's office on August 2, 1993 as Map No. 2232A that is bounded and described as follows:

**BEGINNING** at a point in the easterly line of Dean Road at the westerly terminus of the division line between Lot 2 on the north and Lot 3 on the south as shown on that certain map entitled "Final Subdivision Plat, Subdivision of Property known as Re-Subdivision of Lot 1, Subdivision known as Dean Road Manor..." which was filed in the Putnam County Clerk's office on August 2, 1993 as Map No. 2232A. **THENCE** from the said point of beginning through said Lot 2 and Lot 3

on a curve to the right, the center of which bears  $S76^{\circ}11'00''E$ , the central angle of which is  $98^{\circ}11'00''$ , the radius of which is 96.00 feet for 164.51 feet and

S  $68^{\circ}00'00''$  E 58.58 feet

to a point in the division line between Lot 1 and Lot 3 as shown on the aforementioned Map No. 2232A. Thence along said division line

S 50°32'50" W 34.15 feet

to a point. Thence back through said Lot 3 and Lot 2

N 68°00'00" W 42.26 feet,

on a tangent curve to the left, the central angle of which is 80°49'31",  
the radius of which is 66.00 feet for 93.11 feet,

S 31°10'29" W 10.02 feet and

S 11°15'00" W 54.85 feet

to a point in the easterly line of Dean Road at the westerly terminus of the  
division line between Lot 1 and Lot 3. Thence along the easterly line of  
Dean Road

N 22°12'03" W 55.22 feet

to the point or place of beginning, containing 6,355 square feet, more or  
less.

NOTE: The bearings, distances and areas used herein are referred to  
the New York State Plane Coordinate System, East Zone (NAD 83  
expressed in feet). The distances are grid distances. Users of this  
information should divide said distances by a scale factor of  
0.99992200 in order to obtain level ground distances and divide said  
areas by 0.99992200 'squared' to obtain level ground areas.

Prepared by  
BADEY & WATSON,  
Surveying & Engineering, P.C.  
3063 Route 9  
Cold Spring, NY 10516  
(845) 265-9217

File No. 99-169  
W.O. No. 22867

Doc. No. AC17AG16BE.docx  
Created: August 16, 2016  
Figure No. 227  
Author: SRM

**DESCRIPTION OF PROPERTY**  
prepared for  
**Alou Corp.**  
**(Description of Access and Utility Easement**  
**in Favor of Lot 2 on Filed Map No. 2232A)**

**ALL** that certain parcel of land situate in the Town of Kent, County of Putnam and State of New York that is a portion of Lot 1 and a portion of Lot 3 as shown on that certain map entitled "Final Subdivision Plat, Subdivision of Property known as Re-Subdivision of Lot 1, Subdivision known as Dean Road Manor..." which was filed in the Putnam County Clerk's office on August 2, 1993 as Map No. 2232A that is bounded and described as follows:

**BEGINNING** at a point in the easterly line of Dean Road at the westerly terminus of the division line between Lot 2 on the north and Lot 3 on the south as shown on that certain map entitled "Final Subdivision Plat, Subdivision of Property known as Re-Subdivision of Lot 1, Subdivision known as Dean Road Manor..." which was filed in the Putnam County Clerk's office on August 2, 1993 as Map No. 2232A. **THENCE** from the said point of beginning along said division line

N 72°59'50" E 38.43 feet

to a point. Thence leaving the herein described easement and continuing along said division line on a tie line

N 72°59'50" E 33.65 feet (tie) and  
N 50°32'50" E 34.55 feet (tie)



to a point. Thence along the herein described easement and continuing along said division line

N 50°32'50" E 116.85 feet

to a point. Thence continuing along the herein described easement and running through said Lot 3

S 68°00'00" E 62.61 feet

to a point in the division line between Lot 3 on the north and Lot 1 on the south as shown on the aforementioned Map No. 2232A. Thence leaving the herein described easement and continuing along said division line on a tie line

N 50°32'50" E 31.81 feet (tie) and  
N 84°14'10" E 48.35 feet (tie)

to a point. Thence along the herein described easement and running through said Lot 3

N 05°45'50" W 55.00 feet

to a point in the division line between Lot 2 and Lot 3. Thence along said division line

N 84°14'10" E 25.00 feet

to a point. Thence running back through said Lot 3

S 05°45'50" E 55.00 feet

to a point in the division line between Lot 1 and Lot 3. Thence through said Lot 1

S 27°00'00" E 35.82 feet and  
S 63°00'00" W 86.08 feet

to a point. Thence continuing through Lot 1 and through Lot 3

N 68°00'00" W 115.00 feet,  
S 50°32'50" W 48.20 feet,  
S 22°00'00" W 30.00 feet,  
N 68°00'00" W 8.58 feet and

on a tangent curve to the left, the central angle of which is 19°55'45",  
the radius of which is 66.00 feet for 22.96 feet

to a point in the division line between Lot 2 and Lot 3. Thence leaving the  
herein described easement and running along said division line on a tie line

S 50°32'50" W 34.55 feet (tie) and  
S 72°59'50" W 33.65 feet (tie)

to a previously defined point. Thence continuing along the herein described  
easement and through Lot 3

S 31°10'29" W 10.02 feet and  
S 11°15'00" W 54.85 feet

to a point in the easterly line of Dean Road and the westerly terminus of  
the division line between Lot 1 on the south and Lot 3 on the north.  
Thence along the easterly line of Dean Road

N 22°12'03" W 55.22 feet

to the point or place of beginning, containing 10,844 square feet, more or  
less.

NOTE: The bearings, distances and areas used herein are referred to  
the New York State Plane Coordinate System, East Zone (NAD 83  
expressed in feet). The distances are grid distances. Users of this  
information should divide said distances by a scale factor of  
0.99992200 in order to obtain level ground distances and divide said  
areas by 0.99992200 'squared' to obtain level ground areas.

Prepared by  
BADEY & WATSON,  
Surveying & Engineering, P.C.  
3063 Route 9  
Cold Spring, NY 10516  
(845) 265-9217

File No. 99-169  
W.O. No. 22867

Doc. No. AC17AG16BF.docx  
Created: August 16, 2016  
Figure No. 228  
Author: SRM

**DESCRIPTION OF PROPERTY**  
prepared for  
**Alou Corp.**  
**(Description of Access and Utility Easement**  
**in Favor of Lot 3 on Filed Map No. 2232A)**

**ALL** that certain parcel of land situate in the Town of Kent, County of Putnam and State of New York that is a portion of Lot 1 and a portion of Lot 2 as shown on that certain map entitled "Final Subdivision Plat, Subdivision of Property known as Re-Subdivision of Lot 1, Subdivision known as Dean Road Manor..." which was filed in the Putnam County Clerk's office on August 2, 1993 as Map No. 2232A that is bounded and described as follows:

**BEGINNING** at a point in the easterly line of Dean Road at the westerly terminus of the division line between Lot 2 on the north and Lot 3 on the south as shown on that certain map entitled "Final Subdivision Plat of Property known as Re-Subdivision of Lot 1 known as Dean Road Manor..." which was filed in the Putnam County Clerk's office on August 2, 1993 as Map No. 2232A. **THENCE** from the said point of beginning along the easterly line of Dean Road

N 22°12'03" W 52.33 feet

to a point and the lands formerly of Higgs and now or formerly of McCutcheon. Thence continuing, partially along said lands and partially through said Lot 2

N 72°59'50" E 137.25 feet,  
N 50°32'50" E 62.00 feet and  
S 68°00'00" E 28.56 feet

to a point in the division line between Lot 2 and Lot 3. Thence leaving the herein described easement and running through Lot 3 on a tie line

S 68°00'00" E 62.61 feet (tie)

to a point in the division line between said Lot 3 on the north and Lot 1 on the south as shown in the aforementioned Map No. 2232A. Thence continuing along the herein described easement and along said division line

N 50°32'50" E 31.81 feet and  
N 84°14'10" E 172.23 feet

to a point. Thence through said Lot 1

S 63°00'00" W 178.24 feet and  
N 68°00'00" W 65.00 feet

to a point in the division line between Lot 1 and Lot 3. Thence along said division line

N 50°32'50" E 30.00 feet

to a previously described point. Thence leaving the herein described easement and running back along the aforementioned tie line

N 68°00'00" W 62.61 feet (tie)

to a point in the division line between Lot 2 and Lot 3. Thence along said division line.

S 50°32'50" W 151.40 feet, and  
S 72°59'50" W 72.08 feet

to the point or place of beginning, containing 15,456 square feet, more or less.

NOTE: The bearings, distances and areas used herein are referred to the New York State Plane Coordinate System, East Zone (NAD 83 expressed in feet). The distances are grid distances. Users of this

information should divide said distances by a scale factor of 0.99992200 in order to obtain level ground distances and divide said areas by 0.99992200 'squared' to obtain level ground areas.

Prepared by  
BADEY & WATSON,  
Surveying & Engineering, P.C.  
3063 Route 9  
Cold Spring, NY 10516  
(845) 265-9217

**JOHN KARELL, JR., P.E.**  
**121 CUSHMAN ROAD**  
**PATTERSON, NEW YORK, 12563**  
**845-878-7894 FAX 845 878 4939**  
[jack4911@yahoo.com](mailto:jack4911@yahoo.com)

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February 11, 2017

Town of Kent Planning Board  
Kent Town Hall  
Route 52  
Kent Cliffs, New York, 10512

**RE: SOIL SAMPLING**  
**KINASH, 71 COTTAGE ROAD, KENT (T), TM # 33.42-2-49,50 AND 51**

Gentlemen and Ladies:

In furtherance to my letter dated February 11, 2017 it has been brought to my attention that one of the analytes, selenium was slightly in excess of the "Cleanup Objectives" of the NYSDEC. **This slight exceedance was considered by me to be insignificant.**

**For clarification, it should be noted that further review of the analyses indicates that all parameters were below the cleanup objectives of the NYSDEC in both samples, with the exception of selenium in one sample. The sample identified as 5-9, which contain a composite of five sampling locations was found to be 4.17 milligrams per kilogram(mg/kg) which exceeds the DEC Restricted Use Soil Cleanup Objective for Protection of Groundwater of 4.0 mg/kg level of and the Unrestricted Use Soil Cleanup Objective of 3.9 mg/kg. The attached spreadsheet contains the sample results of the soil analysis along with NYS DEC standards and objectives.**

I note that this sample slightly exceeded a "cleanup objective" and not a "action level" and therefore in my opinion and experience was not an issue or concern. However, I did contact the NYSDEC and Putnam County Health Department in this regard. The following reflects my contacts and responses from those agencies.

**Edward L. Moore of the New York State DEC in New Paltz on February 10, 2017 with this question,**

"Can you tell me from DEC standpoint the significance, if any, of this value for selenium. This fill is in place at a residential site which is supplied water from wells. The Town required 2 samples be collected for analysis, 9 sampling points were composited into the two samples. I do not know how these various cleanup objectives are applied."

Mr. Moore's response was:

"Minimal exceedance of only 1 metal and there are no other significant hits. I would not consider this to be a problem. You may want to approach the County DOH for their position."

**Michael Budzinski, P.E. Director of Engineering at the Putnam County Department of Health** who sought guidance from the **New York State Department of Health, Kevin Kenyon, P.E., Bureau of Water Supply Protection** who responded as follows to Mr. Budzinski's question,

"Does the DOH have any regs regarding contaminants in fill? See emails below".

Mr. Kenyon's response was,

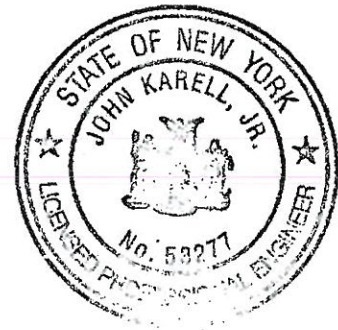
"Not that I am aware of. 75-A and the design handbook are silent on this matter for fill material for alternative systems. It appears the fill isn't for an onsite system, but just to level out their yard? If this is the case, we don't have any jurisdiction. If they are bringing in potentially contaminated fill and the property is served by a private well they may want to consider testing the well in the future."

Based upon the above it is requested that you approve the grading plan submitted which will allow Mr. Kinash to place topsoil, seed and mulch on the property as provided by the grading plan.

Very truly yours,



John Karell, Jr., P.E.







## Cornerstone Associates

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*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

February 7, 2017

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Connolly Property**  
8 Grasslands Road  
Section 33.73 Block 1 Lots 53, 54

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

1. Letter executed by Robert Cameron, R.A. dated 01/17/17, 1 page.
2. Town of Kent Planning Board Application executed by Robert Cameron dated 12/20/16.
3. Notice of Intent executed by Robert Cameron dated 01/16/17.
4. Short-form EAF (Part I) executed by Robert Cameron dated 01/16/17.
5. Plan entitled; "Proposed Erosion Control Plan prepared for Thomas and Britt Connolly" prepared by Putnam Engineering, PLLC., dated 01/17/17 (rev.) , 2 sheets: EC-1, EC-2.

### **Summary of Application:**

Application is to grade the owner's side yard and construct a retaining wall to create a lawn area for recreational purposes. The proposed area of disturbance is 12,200 square feet (0.26 acres).

### **A: Environmental Review Comments:**

#### Wetlands:

A site inspection will be conducted by this office to determine if there are any Town of Kent jurisdictional wetland or wetland buffer areas within the proposed limit of disturbance. Review of NYSDEC resources indicates there are no NYS regulated wetland or wetland buffers in the area.

#### Trees:

A tree survey has been provided. The applicant has applied for a tree waiver and proposes to remove all trees (29 total) within the limits of disturbance. The applicant should indicate if there are plans to install screening trees at the perimeters of the property.

Steep Slopes and Rock Outcrop:

Substantial areas of steep slopes will be disturbed. Installation of a diversion swale above the work area is recommended to divert clean water around the work site. Erosion blankets are recommended on all 1:3 slopes or greater.

Land Disturbance:

The applicant proposes to disturb 12,200 square feet of land area. There is an excess of cut volume (465 cubic yards). Please indicate how this excess material will be addressed.

Threatened and Endangered Species: Preliminary information from NYSDEC resources indicates that there are no threatened or endangered species on or near the subject site.

Well and Septic System: Please indicate the location of the well. Applicant has indicated that septic system area will be protected by orange fencing during construction. Indicate septic system 100% expansion area.

**B: EAF:**

Page 1: Question 3a: Total acreage of site should indicate 0.41 acres.

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', written in a cursive style.

Bruce Barber, Certified Ecologist  
Town of Kent Environmental Consultant



## Cornerstone Associates

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*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

February 7, 2017

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: P & G Farm Corporation**  
29 Shrade Road  
Section 11. Block 2 Lot 44.2

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

1. Letter executed by John Watson, PE of Insite Engineering dated 01/10/17, 1 page.
2. Town of Kent Planning Board Application executed by John Watson dated 01/03/17.
3. Notice of Intent executed by John Watson dated 01/03/17.
4. Plan entitled; "P & G Farm Corp." prepared by Insite Engineering dated 01/10/17, 2 sheets: SL-1, SP-1.

### **Summary of Application:**

Application is to construct a 2,000+/- square foot, two bedroom home with a detached 750 square foot art studio, septic system, driveway, walkways, patio and associated site improvements on a 55+/- parcel in an R-80 zone.

The applicant has indicated that the property is located within an agricultural district. There is currently an existing barn, three sheds and a spring house on the property. The nature of the agricultural activity has not been provided.

### **A: Environmental Review Comments:**

#### Wetlands:

Plan Sheet SL-1 indicates a wetland buffer area reflected from an off-site pond on the subject property. A site inspection will be conducted to confirm the wetland information provided on the plans. Review of NYSDEC resources indicates wetlands and wetland

#### Trees:

A tree survey has not been provided.

Steep Slopes and Rock Outcrop:

The applicant proposes to disturb greater than 4,000 square feet of slopes in excess of 15%. Areas of rock outcrop have been identified. It is unclear if rock removal/blasting will be required.

Land Disturbance:

The applicant proposes to disturb 0.8 acres of land and claims exemption from obtaining a steep slope and erosion control permit as per Section 66-5(B) of the town code (agricultural exemption).

Section 66-4(B) of the town code defines "Agricultural Activity" as: "The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities".

Based upon the above definition, it is not apparent that an exemption is warranted.

Threatened and Endangered Species: Preliminary information from NYSDEC resources indicates that there are no threatened or endangered species on or near the subject site. Verification from NYS Natural Heritage should be provided.

Septic System: PCDOH approval is required. The applicant has not indicated that a new well will be constructed. Please advise.

**B: EAF:**

An EAF was not provided to this office for review.

**C: Plans:**

Sheet SP-1: Indicate if any driveway repairs or improvements will be required.  
Indicate well location.

**D: Other:**

Architectural floor plans have not been provided. It is unclear if the proposed studio is intended to be used as living space.

As there is an existing septic system on the property, is there already an existing residence?

A survey of the entire property has not been provided. The amount of road frontage has not been provided in the bulk table.

Written confirmation that the property is included in the Agricultural District should be provided.

This office will conduct additional review upon submittal of responses to the above referenced comments

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

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', written in a cursive style.

Bruce Barber, Certified Ecologist  
Town of Kent Environmental Consultant



# Cornerstone Associates

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

February 7, 2017

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

Re: **Hartshorn Professional Park Application**  
Luddingtonville Road  
Section 12 Block 1 Lot 88

Dear Chairman McDermott and Members of the Planning Board:

Please be advised that I have conducted a review of the following pertinent documents relative to the above referenced project:

- Plan entitled; "Hartshorn Professional Park Amended Site Plan" prepared by Insite Engineering dated 01/23/17, 1 sheet: SP-1.
- Letter executed by the John Watson, P.E. dated 01/22/17, 4 pages.
- Town of Kent Combined Application Form executed by John Watson, PE dated 01/1917.

**Summary:**

Application is for amended site plan approval.

**Comments:**

1. A plan note should be added to the concrete block wall located at the southerly section of the property to indicate that the wall shall be maintained to prevent release of stored materials to the wetland and wetland buffer areas on the site. The plan note should indicate that the ground in immediately in front of the wall (north) shall be pitched (sloped) in such a manner as to prevent surface water and contaminant collection in front of the wall and to allow water to discharge to the east to the stormwater basin. Any increased flow to the stormwater basin must be evaluated in the revised SWPPP.
2. Several of the planting/screening choices may be severely damaged by deer browse. A revised planting list should be provided which utilizes plants that will be resistant to road salt and deer damage. It is suggested that additional screening be installed at the eastern driveway curb cut.

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

Sincerely,

Bruce Barber, Certified Ecologist  
Town of Kent Environmental Consultant



## Cornerstone Associates

---

*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

February 7, 2017

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

Re: **Hartshorn Professional Park Application**  
Luddingtonville Road  
Section 12 Block 1 Lot 88

Dear Chairman McDermott and Members of the Planning Board:

Please be advised that I have conducted a review of the following pertinent documents relative to the above referenced project:

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- Letter executed by the John Watson, P.E. dated 01/22/17, 4 pages.
- Town of Kent Combined Application Form executed by John Watson, PE dated 01/19/17.

**Summary:**

Application is for amended site plan approval.

**Comments:**

1. A plan note should be added to the concrete block wall located at the southerly section of the property to indicate that the wall shall be maintained to prevent release of stored materials to the wetland and wetland buffer areas on the site. The plan note should indicate that the ground in immediately in front of the wall (north) shall be pitched (sloped) in such a manner as to prevent surface water and contaminant collection in front of the wall and to allow water to discharge to the east to the stormwater basin. Any increased flow to the stormwater basin must be evaluated in the revised SWPPP.
2. Several of the planting/screening choices may be severely damaged by deer browse. A revised planting list should be provided which utilizes plants that will be resistant to road salt and deer damage. It is suggested that additional screening be installed at the eastern driveway curb cut.

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

Sincerely,

Bruce Barber, Certified Ecologist  
Town of Kent Environmental Consultant



# Memorandum

To: Planning Board  
Town of Kent

Attn: Michael McDermott  
Chairman

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

Subject: Kinash Property  
Erosion Control Plan

Date: February 7, 2017

Project: Kinash ECP  
TM # 33.42-2-49, 50, 51

The following materials were reviewed:

- Letter prepared by John Karell, Jr., P.E., dated January 22, 2017, including Table 1 "Deep Test Hole Observations" and drawing "Test Hole Locations"
- Technical Report, prepared by York Analytical Laboratories, dated 1/20/2017

The project proposes filling of sloped side yard to create a flatter area. Our understanding is that fill has already been brought onto the property.

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

The following comments are provided for the Planning Board's consideration from a memo dated 9/8/2016:

1. It is our understanding that the three parcels included in the application may be owned by separate individuals. If so, each owner will have to provide an Owner's affidavit.
  - a. **Response letter indicates additional owner affidavits have been provided. The additional owner affidavits could not be located in the submittal package. Please provide additional owner affidavits.**

## New Comments:

1. Soil tests were performed to determine if the imported fill material contains any contamination in accordance with the NYSDEC Part 375 "Unrestricted Use Soil Cleanup Objectives." For the majority of analyzed components, the results were either "undetected" or below the Part 375 limit. The only component that exceeds the Part 375 limits is Selenium with a measured amount of 4.170 mg/kg. The allowable limit for Part 375 "Unrestricted Use Soil Cleanup Objectives" is 3.9 mg/kg. The tested value exceeded the limit in only one of the two samples. Refer to page 2 of the attached spreadsheet provided in the soil test report.



Memorandum  
Kinash ECP  
TM # 33.42-2-49, 50, 51  
February 7, 2017  
Page 2 of 2

We recommend the applicant's engineer provide a written explanation as to why the fill material is suitable to remain in place.

2. Upon receipt of acceptable explanation, we recommend this project be referred to the administrative track. The public hearing was waived and the bond amount accepted at the October 13, 2016 Planning Board meeting.

  
\_\_\_\_\_  
Julie S. Mangarillo, P.E., CPESC

Enclosure: Spreadsheet from York Technical Report, dated 1/20/2017

cc: Planning Board via email  
Bill Walters via email  
16-261-999-149

Bruce Barber via email  
Neil Wilson via email

| Sample ID<br>York ID<br>Sampling Date<br>Client Matrix   | CAS Number  | NYSDEC Part 375 List  |  |  |  |   |  | 1-4<br>17A0478-01<br>1/12/2017 1:00:00 PM<br>Bg/Soil<br>Soil |         | 5-9<br>17A0478-02<br>1/12/2017 1:00:00 PM<br>mg/kg<br>Soil |   |
|--|-------------|---|--|--|--|---|--|--|---------|--|---|
|  |             | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Residential | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Commercial | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Industrial | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Protection of GW | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Residential | NYSDEC Part 375<br>Unrestricted Use Soil<br>Cleanup Objectives | C  | mg/kg   | mg/kg  | Q |
| Volatile Organics, NYSDEC Part 375 List<br>Dilution Factor<br>1,1,1-Trichloroethane<br>1,1-Dichloroethane<br>1,1-Dichloroethylene<br>1,2,4-Trimethylbenzene<br>1,2-Dichlorobenzene<br>1,2-Dichloroethane<br>1,3,5-Trimethylbenzene<br>1,3-Dichlorobenzene<br>1,4-Dichlorobenzene<br>1,4-Dioxane<br>2-Butanone<br>Acetone<br>Benzene<br>Carbon tetrachloride<br>Chlorobenzene<br>Chloroform<br>cis-1,2-Dichloroethylene<br>Ethyl Benzene<br>Methyl tert-butyl ether (MTBE)<br>Methylene chloride<br>Naphthalene<br>n-Butylbenzene<br>n-Propylbenzene<br>o-Xylene<br>p- & m- Xylenes<br>sec-Butylbenzene<br>tert-Butylbenzene<br>Tetrachloroethylene<br>Toluene<br>trans-1,2-Dichloroethylene<br>Trichloroethylene<br>Vinyl Chloride<br>Xylenes, Total | 71-55-6     | 100   | 500  | 1000   | 0.68   | 100   | 0.68   | U  | 0.00300 | U  |   |
|  | 75-34-3     | 26  | 240  | 1000   | 0.27   | 100   | 0.27   | U  | 0.00300 | U  |   |
|  | 75-35-4     | 100   | 500  | 1000   | 0.33   | 100   | 0.33   | U  | 0.00300 | U  |   |
|  | 95-63-6     | 52  | 190  | 1000   | 3.6  | 100   | 3.6  | U  | 0.00300 | U  |   |
|  | 95-50-1     | 100   | 500  | 1000   | 1.1  | 100   | 1.1  | U  | 0.00300 | U  |   |
|  | 108-06-2    | 31  | 30   | 60   | 0.02   | 2.3   | 0.02   | U  | 0.00300 | U  |   |
|  | 108-67-8    | 52  | 190  | 380  | 8.4  | 47  | 8.4  | U  | 0.00300 | U  |   |
|  | 541-73-1    | 49  | 280  | 560  | 2.4  | 17  | 2.4  | U  | 0.00300 | U  |   |
|  | 106-46-7    | 13  | 130  | 250  | 1.8  | 9.8   | 1.8  | U  | 0.00300 | U  |   |
|  | 123-91-1    | 100   | 500  | 1000   | 0.1  | 100   | 0.1  | U  | 0.00300 | U  |   |
|  | 78-93-3     | 100   | 500  | 1000   | 0.12   | 100   | 0.12   | U  | 0.00300 | U  |   |
|  | 67-64-1     | 100   | 500  | 1000   | 0.05   | 100   | 0.05   | U  | 0.00300 | U  |   |
|  | 71-43-2     | 48  | 44   | 89   | 0.06   | 2.9   | 0.06   | U  | 0.00300 | U  |   |
|  | 56-23-5     | 22  | 22   | 44   | 0.76   | 1.4   | 0.76   | U  | 0.00300 | U  |   |
|  | 108-90-7    | 100   | 500  | 1000   | 1.1  | 100   | 1.1  | U  | 0.00300 | U  |   |
|  | 87-86-3     | 49  | 350  | 700  | 0.37   | 10  | 0.37   | U  | 0.00300 | U  |   |
|  | 156-59-2    | 100   | 500  | 1000   | 0.25   | 59  | 0.25   | U  | 0.00300 | U  |   |
|  | 100-41-4    | 41  | 390  | 780  | 1  | 30  | 1  | U  | 0.00300 | U  |   |
|  | 1634-04-4   | 100   | 500  | 1000   | 0.93   | 62  | 0.93   | U  | 0.00300 | U  |   |
|  | 75-09-2     | 100   | 500  | 1000   | 0.05   | 51  | 0.05   | U  | 0.00300 | U  |   |
|  | 91-20-3     | 100   | 500  | 1000   | 12   | 100   | 12   | U  | 0.00300 | U  |   |
|  | 104-51-8    | 100   | 500  | 1000   | 12   | 100   | 12   | U  | 0.00300 | U  |   |
|  | 103-65-1    | 100   | 500  | 1000   | 3.9  | 100   | 3.9  | U  | 0.00300 | U  |   |
|  | 95-47-6     | ~   | ~  | ~  | ~  | ~   | ~  | U  | 0.00300 | U  |   |
|  | 179601-23-1 | ~   | ~  | ~  | ~  | ~   | ~  | U  | 0.00300 | U  |   |
|  | 135-98-8    | 100   | 500  | 1000   | 11   | 100   | 11   | U  | 0.00300 | U  |   |
|  | 98-06-6     | 100   | 500  | 1000   | 5.9  | 100   | 5.9  | U  | 0.00300 | U  |   |
|  | 127-18-4    | 19  | 150  | 300  | 1.3  | 5.5   | 1.3  | U  | 0.00300 | U  |   |
| 108-88-3   | 100         | 500   | 1000   | 0.7  | 100  | 0.7   | U  | 0.00300  | U       |  |   |
| 156-60-5   | 100         | 500   | 1000   | 0.19   | 100  | 0.19  | U  | 0.00300  | U       |  |   |
| 79-01-5  | 21          | 200   | 400  | 0.47   | 10   | 0.47  | U  | 0.00300  | U       |  |   |
| 75-01-4  | 0.9         | 13  | 27   | 0.02   | 0.21   | 0.02  | U  | 0.00300  | U       |  |   |
| 1330-20-7  | 100         | 500   | 1000   | 1.6  | 100  | 1.6   | U  | 0.00300  | U       |  |   |



| Sample ID<br>York ID<br>Sampling Date<br>Client Name | Compound | CAS Number | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Restricted Residential |       |       |       |       | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Commercial |        |        | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Industrial |       |       | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Protection of GW |       |       | NYSDEC Part 375<br>Restricted Use Soil<br>Cleanup Objectives -<br>Residential |       |       | NYSDEC Part 375<br>Unrestricted Use Soil<br>Cleanup Objectives |       |       | 1-4<br>17A08174-01<br>Soil<br>1/12/2017 1:00:00 PM |       | 5-8<br>17A0478-02<br>Soil<br>1/11/2017 1:00:00 PM |       |       |       |  |
|--|----------|------------|--|-------|-------|-------|-------|--|--------|--------|--|-------|-------|--|-------|-------|---|-------|-------|--|-------|-------|--|-------|---|-------|-------|-------|--|
|  |          |            | mg/kg  | mg/kg | mg/kg | mg/kg | mg/kg | mg/kg  | mg/kg  | mg/kg  | mg/kg  | mg/kg | mg/kg | mg/kg  | mg/kg | mg/kg | mg/kg   | mg/kg | mg/kg | mg/kg  | mg/kg | mg/kg | mg/kg  | mg/kg | mg/kg   | mg/kg | mg/kg | mg/kg |  |
| Mercury by 7473                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Dilution Factor                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Mercury  |          | 7439-97-6  | 0.81   | 2.8   | 5.7   | 0.73  | 0.81  | 0.18   | 0.0418 | 0.0551 |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Chromium, Hexavalent                                 |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Dilution Factor                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Chromium, Hexavalent                                 |          | 18540-28-9 | 110  | 400   | 800   | 19    | 22    | 1  | 0.587  | 1      |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Chromium, Trivalent                                  |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Dilution Factor                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Chromium, Trivalent                                  |          | 16055-83-1 | 180  | 1500  | 6800  | ~     | 36    | 30   | 24.400 | 1      |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Cyanide, total                                       |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Dilution Factor                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Cyanide, total                                       |          | 57-12-5    | 27   | 27    | 10000 | 40    | 27    | 27   | 0.587  | 1      |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Total Solids   |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Dilution Factor                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| % Solids   |          |            | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     |       |  |
| Herbicides, NYSDEC Part 375 Target List              |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Dilution Factor                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| 2,4,5-TP (Silvex)                                    |          | 93-72-1    | 100  | 500   | 1000  | 3.8   | 58    | mg/kg  | mg/kg  | mg/kg  | mg/kg  | mg/kg | mg/kg | mg/kg  | mg/kg | mg/kg | mg/kg   | mg/kg | mg/kg | mg/kg  | mg/kg | mg/kg | mg/kg  | mg/kg | mg/kg   | mg/kg | mg/kg | mg/kg |  |
| Polychlorinated Biphenyls (PCB)                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Dilution Factor                                      |          |            |  |       |       |       |       |  |        |        |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |
| Aroclor 1016   |          | 12674-11-2 | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     | ~     |  |
| Aroclor 1221   |          | 11104-28-2 | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     | ~     |  |
| Aroclor 1232   |          | 11141-16-5 | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     | ~     |  |
| Aroclor 1248   |          | 53469-21-9 | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     | ~     |  |
| Aroclor 1254   |          | 12672-29-6 | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     | ~     |  |
| Aroclor 1260   |          | 11097-69-1 | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     | ~     |  |
| Total PCBs   |          | 11096-82-5 | ~  | ~     | ~     | ~     | ~     | ~  | ~      | ~      | ~  | ~     | ~     | ~  | ~     | ~     | ~   | ~     | ~     | ~  | ~     | ~     | ~  | ~     | ~   | ~     | ~     | ~     |  |
| Total PCBs   |          | 1336-36-3  | 1  | 1     | 25    | 3.2   | 1     | 0.1  | 0.0196 | 1      |  |       |       |  |       |       |   |       |       |  |       |       |  |       |   |       |       |       |  |

Any Regulatory Exceedences are color coded by Regulation

Q is the Qualifier Column with definitions as follows:

D=Result is from an analysis that required a dilution

J=Analyte detected at or above the MDL (method detection limit) but below the RL (Reporting Limit) - data is estimated

U=Analyte not detected at or above the level indicated

B=Analyte found in the analysis batch blank

E=Result is estimated and cannot be accurately reported due to levels encountered or interferences

P=This flag is used for pesticide and PCB (Aroclor) target compounds when there is a % difference for detected concentrations that exceed method dictated limits between the two GC columns used for analysis

NT=This indicates the analyte was not a target for this sample

~=this indicates that no regulatory limit has been established for this analyte

**DISCLAIMER:**

York Analytical Laboratories, Inc. is providing this information as a convenience to you. York makes no representations or warranties that these data are accurate, complete or represent the latest regulatory authority limits or analyses. York is not responsible for any errors or omissions in these specific regulations. Your use of these data constitute your understanding of these limitations and you agree to hold York harmless from any and all action that may arise from use of said information. As regulations change often, we encourage the user to review the regulatory limits and lists of interferences to confirm these data.



**Putnam County  
Department of Planning, Development,  
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Deputy Commissioner

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**SECTION 239 CASE REFERRAL**

Case Received:  Report Required:  Completed:

Application Name:  Referral #:

TOWN: Carmel:  Philipstown:  VILLAGE: Brewster:   
 Kent:  Putnam Valley:  Cold Spring:   
 Patterson:  Southeast:  Nelsonville:

Referred by: PB:  ZBA:  Town Board:  Historic District Review Board:

Location of Project:

Present Zone:  Tax Map #:

Type of action: Variance:  Zoning Ordinance:  Master Plan:   
 Subdivision:  Special Use Permit:  Subdivision Regulations:   
 Site Plan:  Rezoning:  Certificate of Appropriateness:   
 Zoning Amendment/Interpretation:

DECISION BY COUNTY:  
 Approved as Submitted:  Modification:  Disapproved:

Basis for Decision Other than Approval:  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed by Barbara Barosa Barbara Barosa, Planner  
 (Signature) (Title)



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Reviewed by Barbara Barosa Barbara Barosa, Planner  
(Signature) (Title)



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Reviewed by Barbara Barosa Barbara Barosa, Planner  
 (Signature) (Title)