

Minutes
Town of Kent Planning Board Meeting
January 12, 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
Gary Lam

Charles Sisto
Philip Tolmach

Others in Attendance:

Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineering Consultant

Bill Walters, Kent Building Inspector
Neil Wilson, Planner

Absent:

Dennis Lowes, Vice Chairman

• **Approve Planning Board Minutes from December 2016 Meeting**

Mr. McDermott asked for a motion to approve the minutes from the December meeting. Mr. Tolmach made the motion to approve the minutes 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>Absent</u>
George Brunner	<u>Ayet</u>
Gary Lam	<u>Aye</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**

Mr. Owen Jordan, the owner of the property, was present to explain the amended site plan addition application and proposed plans to renovate/ improve the appearance of the building, and to add a second story addition. The purpose of adding the second story at this time was to have an office and provide some additional storage. Mr. Jordan said that in the future he may put a small apartment on the second floor.

Comments from Mr. Barber

Mr. Barber noted that a survey for the property had been submitted for the meeting and that Mr. Jordan had met with the Planning Board consultants in December to go over elements to be included in the submittal. Mr. Jordan was asked to attend the Review Meeting on Friday, January 20, 2017 to further discuss his application. .

• **Patterson Crossing, Route 311, Kent, NY 10512; TM: 22.-2-48**

This project included an amended site plan and an extension of existing approvals. Mr. Contelmo, of Insite Engineering, represented the applicant. Mr. Contelmo advised the Planning Board that the East of Hudson stormwater improvements along the western property line had been completed. Ms. Mangarillo had suggested that notes be placed on the plans showing the work completed by East of Hudson, which has been completed. Ms. Mangarillo also asked that a copy of the record plans prepared for the East of Hudson be provided. Mr. Contelmo also said that a gate will be installed on Greenridge Court to match the one at the front entrance trail and that he would submit the record plans prepared for the East of Hudson Corporation.

Mr. Wilson's Comments (Resolution attached)

Mr. Wilson circulated a draft resolution to re-approve the project with the amendments discussed by Mr. Contelmo. The Resolution included the changes to the gate (condition #1). Mr. Wilson noted that the dates of the memo referred to on #10 and 11 should be March 9, 2016. Mr. Wilson said that, other than this change, the Resolution is the same Resolution as approved previously (this is the third). In lieu of a second round of extensions in a year he had provided two additional 90 day extensions in this Resolution which will bring the expiration date to July 9, 2018 (Condition #17).

Mr. McDermott asked for a motion to adopt the Resolution of an Amended Site Plan/Amended Steep Slope and Erosion Control/Wetland Permit for Patterson Crossing. Mr. Lam made the motion and Mr. McDermott. The roll call votes were as follows:

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

The motion carried.

• **LaRussell/Gino's Grab & Go, 406 Route 52, Kent, NY 10512; TM: 33.72-1-18**

Mr. William Basharat represented the applicant, Mr. Brian Finney, who was also in attendance. This building was rebuilt after a fire in what was a dry cleaning establishment. The applicant is requesting a "Change-of-Use" on this property. He proposes to make it a retail store.

Mr. Barber's Comments (memo attached)

A short form EAF was requested from the applicant and it was provided but not executed. Mr. Basharat provided the executed one at the meeting. Therefore, Mr. Barber's comments have been addressed.

Mr. Wilson's Comments

Mr. Wilson asked the Planning Board if they wished to hold a Public Hearing for this project and noted that, because this store is on NYS Route 52, it needed to be referred to the Putnam County Planning Department for their review. The Planning Board secretary responded and said that the plans had been delivered to the Putnam County Planning Department on January 6, 2017. Mr. Wilson said that no action should be taken until the February meeting.

Mr. McDermott asked for a motion to waive the Public Hearing.

Mr. Tolmach made the motion and it was seconded by Mr. Lam. The roll call votes were as follows:

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

The motion carried.

• **Advanced Auto, 233 Route 52, Kent, NY 10512; TM: 44.05-1-76**

Mr. William Bashar represented the applicant, who submitted an amended site plan for an addition to this building, which included calculations for the amount of soil excavating proposed.

Mr. Barber said that a short EAF was also submitted previously, which was not executed, and that Mr. Basharat had submitted the executed EAF at the January meeting. Mr. Barber asked that a note stating that no floor drain would be installed in the interior of the building be placed on the drawings. A review of the DEC materials indicated the potential for rare plants and animals on the site and that this property is adjacent to a DEC check zone. Mr. Barber doubted that there were any rare plants or animals on the site or that this property was situated in any wetlands or buffers and stated that he would visit the site to confirm this. This project was also referred to the Putnam County Planning Department and will be held over until February.

Mr. Wilson recommended that, if the Planning Board wished to do so, a waiver for a Public Hearing be voted on at the January meeting.

Mr. McDermott asked for a waiver of a Public Hearing. The motion was made by Mr. Lam and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

- **Bob Bradley Property, 11 Craft Road, Kent, NY 10512; TM: 33.24-1-3**

This project involved a lot-line adjustment on paper only and a refund of \$337.35 in review fees.

Ms. Mangarillo stated that she had discussed this with Mr. Bradley and confirmed that there was no soil disturbed and that no inspection was necessary to check to see if the property had been stabilized, as was the usual practice.

Mr. McDermott asked for a motion to recommend to the Town Board that the review fee of \$337.35 be returned to Mr. Bradley. The motion was made by Mr. Tolmach and it was seconded by Mr. Lam. The roll call votes were as follows:

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

The motion carried.

- **More Than Masonry, Route 52, Kent, NY 10512; TM: 44.9-2-20, 44.5-28 & 29**

Mr. McDermott advised the audience that the applicant and her engineer had attended the workshop and that there were some questions about whether or not a viable septic system could be installed on this property. The applicants were going to investigate this matter and other concerns and would attend the consultants' review meeting on January 20, 2017.

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

- | | | |
|--|----------------------|---------------|
| <ul style="list-style-type: none"> • Alou Corporation
Dean Road, Kent, NY
TM: 10.-2 & 10.-3 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

The applicant is working through the easement pertaining to the shared driveway agreement on this property. The applicant contacted the Planning Board secretary and said that his attorney will be filing the easement with the County. .

- | | | |
|--|----------------------|---------------|
| <ul style="list-style-type: none"> • SSEL Corporation
Dean Road, Kent, NY
TM: 10.-2 – 10.-2 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

The applicant is working through the easement pertaining to the shared driveway agreement on this property. The applicant contacted the Planning Board secretary and said that his attorney will be filing the easement with the County. .

KENT PLANNING BOARD AGENDA

Workshop: January 05, 2017 (Thursday, 7:30 PM)
Meeting: January 12, 2017 (Thursday, 7:30 PM)

JANUARY 2017

- Approve Planning Board Minutes from December 2016
- Deliland
Route 52, Kent, NY TM: 33.48-1-12 Site Plan/Addition Review
- Patterson Crossing
Route 311, Kent, NY; TM: 22.-2-48 Amended Site Plan
Bond Pending Review
- La Russell Property
406 Route 52, Kent, NY; TM: 33.72-1-18 Amended Site Plan Review
- Advanced Auto Property/Bulzachelli Assoc.
231 Route 52, Kent, NY; TM: 44.05-1-76 Amended Site Plan Review
- Bob Bradley Property
11 Craft Road, Kent, NY ;TM: 33.24-1-3 Requesting Refund of
Lot Line Review fee Review
- More Than Masonry
Route 52, Kent, NY ; TM: 44.9-2-20, 44.5-28 & 29 Site Plan Review
- Permit Applications Review (Applicants attendance not required/Workshop Discussion):
- Alou Construction
Dean Road, Kent, NY TM: 10.-2 & 10.-3 Erosion Control Plan Status Report
- SSEL Corporation
Dean Road, Kent, NY TM: 10.-2 -10.-2 Erosion Control Plan Status Report
- Wellington Property
105 Towners Rd., Kent, NY TM: 33.73-1-38 & 39 As Built Plan Status Report
- Boccia Property
Beach Court, Kent, NY TM: 21.-1-16 Erosion Control Plan/
Wetland Permit Status Report
- O'Mara Property
Peekskill Hollow Road, Kent, NY TM: 42.07-1-7 Erosion Control Plan Status Report
- O'Mara Property
Lhasa Court, Kent, NY TM: 31.09-1-6 Erosion Control Plan Status Report

- O'Mara Property
Mt. Nimham, Kent, NY TM: 10.20-1-1 Erosion Control Plan Status Report
- Von Rosenvinge Property
451 Pudding St., Kent, NY TM: 31.17-1-7 Erosion Control Plan for
An In-Ground Swimming Pool Status Report
- Wagner Millwork Timber Harvest
Long Mountain Road, Kent, NY TM: 8.-1-2 Erosion Control Plan Status Report
- Cypress Creek/Solar Energy Farm
Mooney Hill/Kent, NY TM: 12.-3-9 Site Plan/Erosion Control Plan Status Report
(Armstrong Property)
- Jason Kinash
71 Cottage Road, Kent, NY; TM: 33.42-2-49, 50, 51 Erosion Control Plan Status Report
- Holmes Presbyterian
60 Denton Lake Road, Holmes, NY TM: 2.-1-47-1 Site Plan/Erosion Control Plan Status Report
- Basharat/Mann Property
Marshall Road, Kent, NY TM: 11.-15-1-35 Sub Division Application Status Report
- Hartshorn Professional Park TM: 12.-1-88 As Built Plan Status Report
Route 311/Ludingtonville Rd., Kent, NY

Rev. 2

**Town of Kent Planning Board
Resolution of Amended Site Plan
Amended Steep Slope and Erosion Control Permit
and Amended Freshwater Wetland Permit Approvals**

**Matter of Patterson Crossing Retail Development
Town of Kent / Town of Patterson**

Whereas, the Town of Kent Planning Board has received an application from Patterson Crossing Realty, LLC, 1699 Route 6, Suite 1, Patterson, New York 10512 for Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals to allow the development of a 382,560 square-foot retail center for a project known as Patterson Crossing Retail Development ("Project"); and

Whereas, the Planning Board originally granted Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for the Project on September 9, 2010; and

Whereas, due to the complexity of the project and the number of other agency approvals that are necessary for work to commence, including poor economic conditions that have prevailed since 2008, the Planning Board re-issued all of the project approvals on May 10, 2012, May 9, 2013, and October 9, 2014 along with several time extensions, and including most recently a re-approval granted on March 10, 2016 that extended all of the approvals forward one year from the date of that approval to March 10, 2017, and

Whereas, the proposed Amended Site Plan depicts the work recently performed by the East of Hudson Corporation to remediate the "gully" located near Brentwood Road and Greenridge Court, which had been a source of significant erosion and degradation of surface water quality; and

Whereas, the proposed Amended Site Plan includes some additional landscaping details and a new gate at the entrance at Brentwood Road and Greenridge Court used by East of Hudson Corporation to access the work site, said gate to match the security gate at the main entrance to the Patterson Crossing Site; and

Whereas, the proposed change are minor and would not alter the project so as to increase traffic, cause additional uncontrolled storm water runoff and erosion, or result in any additional unmitigated environmental impacts; and

Whereas, the Board is required to consider whether the proposed amended project plans raise new or previously unanticipated planning impacts or concerns and whether such impacts or concerns necessitate reconsideration of the Board's prior SEQRA determinations; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project site or to the neighborhood surrounding the project site such that the Board might otherwise be compelled to re-open and re-consider the Findings Statement that was adopted on September 9, 2010; and

Whereas, after such re-consideration the Board finds that there has been no substantive or material change to the proposed project design from the plans that were originally approved on September 9, 2010 that raise new or previously unanticipated environmental concerns that might warrant re-opening the Board's previous environmental review; and

Whereas, the Board has examined the project site and the character and nature of the neighborhood adjacent to the project site and finds that, with the exception of storm water improvements installed by the New York State Department of Transportation along the adjacent state highway, there has been no material change to the project site or to the neighborhood that might warrant a full site plan review; and

Whereas, because the Project has not materially changed from the one originally approved, the Planning Board hereby waives a public hearing on the proposed Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Whereas, the Board previously referred the proposed Amended Site Plan application to the Putnam County Department of Planning for review and recommendation pursuant to GML 239-m; and said Department has previously recommended approval of the project without change; and

Whereas, the Planning Board has reviewed the information and data supplied by the applicant for the proposed Amended Site Plan approval and has determined that the requirements of §77-60 and §77-61 of the Town Zoning Law have been met; and

Whereas, pursuant to §77-61(B) and §66-6 of the Town Code the Planning Board finds that the proposed Amended Site Plan meets the requirements of the Zoning Law, specifically:

1. The layout of the proposed driveway access and storm water management facilities of the Project in Kent would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods. As noted in the adopted Findings Statement the Board's review of the project plans indicates that proper provisions have been made for the capture and treatment of storm water runoff so that flooding of adjacent properties would be avoided. In addition, the project plans include landscaping of the access driveway and in certain areas of the storm water management facilities to reduce the visual impact of the improvements to adjacent and nearby properties.
2. The proposed access driveway and storm water management facilities would have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter. As noted in the adopted Findings Statement, the Project must, as a condition of those findings and of this resolution of approval, comply with Chapter 66 of the Town Code in regard to the construction, operation and maintenance of storm water management facilities, including the posting of securities sufficient to ensure the completion of any required improvements, and the providing of such agreements, remedies and security as the Town shall require for the continued maintenance and repair of such facilities. In addition, any required blasting would be subject to the permit requirements of Chapter 38 of

the Town Code, and construction activities shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM as set forth in Chapter 48 of the Town Code.

3. The proposed access driveway and storm water management facilities would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.
4. Pedestrian and vehicular access, traffic circulation and the general layout of the site would be properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
5. The improvements proposed for the Kent portion of the project are properly oriented so as to take advantage of solar access 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.
6. The location of the access driveway and storm water management facilities reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the maximum extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.
7. The proposed use and improvements conform to the requirements of the Chapter 77 of the Town of Kent Code.

Whereas, pursuant to §39A-7(D)(1) of the Town Code the Planning Board has reviewed the proposed Amended Site Plan and has determined that the requirements of Chapter §39A, "Freshwater Wetlands" of the Town Code have been met as noted in the Findings Statement adopted by the Involved Agency:

"Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their "controlled areas". For purposes of wetlands the "controlled area" extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the "controlled area" extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit."

"As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311

right of way that extends into the "controlled area" of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ±2850 square feet, or ±0.065 acres." The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

"The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel."

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the Amended Site Plan meets the requirements for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the policy of this chapter.
2. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the controlled area of the Middle Branch surface waters is compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

Now Therefore Be It Resolved, the Planning Board hereby affirms its September 9, 2010 Findings Statement for the Patterson Crossing Retail Development in its entirety; and

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein; and

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by

the Planning Board's Professional Engineer, and grants Steep Slope and Erosion Control approval for the project as described herein; and

Be It Further Resolved, pursuant to §39A-7(D)(1) of the Town Code the Planning Board grants Freshwater Wetland Permit approval for the regulated activities as described herein; and

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals granted herein are expressly conditioned completion of, and compliance with, the following:

- 1) *The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:*
 - a) *Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:*
 - i) *VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ii) *EX-1K, Existing Conditions Plan, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - iii) *SS-1K, Soils & Slopes Map, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - iv) *SP-1K, Overall Site Plan, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - v) *SP-2K, Layout & Landscape Plan, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - vi) *SP-3K, Grading & Utilities Plan, dated January 21, 2016, revised February 18, 2016, and bearing a latest revision date of December 15, 2016.*
 - vii) *SP-4.1K, Overall Phasing Plan, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - viii) *SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016, and bearing a latest revision date of December 15, 2016*
 - ix) *SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016, and bearing a latest revision date of December 15, 2016.*
 - x) *SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - xi) *PR-1K, Profiles, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - xii) *PR-2K, Drainage Profiles, dated January 21, 2016, revised February 18, 2016, and bearing a latest revision date of December 15, 2016.*

- xiii) L-1K, Lighting Plan, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - xiv) DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - xv) D-1K, Site Details, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - xvi) D-2K, Site Details, dated January 21, 2016, and bearing a latest revision date of December 15, 2016, and bearing a latest revision date of December 15, 2016.*
 - xvii) D-3K, Site Details, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
 - xviii) D-4K, Site Details, dated January 21, 2016, and bearing a latest revision date of December 15, 2016.*
- 2) Prior to the obtaining Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:*
- a) The site plan set shall be amended to include the location and design detail for the security gate to be installed at the Brentwood Road and Greenridge Court entrance as previously described herein.*
 - b) Planning Board Professional Engineer and Wetland Consultant approval of the Storm Water Pollution Prevention Plan and Steep Slope Permit (Chapter 66 of the Town Code).*
 - c) Planning Board Professional Engineer, Attorney, and Wetland Consultant approval of any agreements required under Chapter 66 of the Town Code to ensure the performance of the Project obligations regarding that Chapter, and any Storm Water Pollution Prevention Plan and Steep Slope Permit issued thereunder.*
 - d) Town Board approval of the agreement(s), as set forth in §E(1) of the Involved Agency's Findings Statement, to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities, and acceptance and execution of said agreement(s) by the Town Board of the Town of Kent, the Town Board of the Town of Patterson, and the applicant/owner, unless the Town Board elects to pursue other or alternative forms of security.*
 - e) NYS Department of Transportation approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.*

- f) Putnam County DPW approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - g) Town of Kent Highway Department approval for the specific traffic mitigation improvements within town highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - h) Any required approvals from the NYC Department of Environmental Protection.
 - i) Any required approvals from the Putnam County Department of Health.
 - j) Any required U.S. Army Corps of Engineers (ACOE) permit(s).
- 3) Implementation, maintenance, and/or completion, as may be the case, of any mitigation and conditions set forth in sections "C", "D", and "E" of the Involved Agency's Findings Statement adopted September 9, 2010 is an express condition of the Site Plan Approval, the Steep Slope and Erosion Control Permit Approval, and the Freshwater Wetland Permit Approval granted herein.
- 4) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required mitigation as set forth in the Lead Agency's Findings Statement and the Involved Agency's Findings Statement.
- 5) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required conditions of this approval and the Town of Patterson Planning Board's Site Plan Approval.
- 6) At all times the applicant shall maintain the site in accordance with the approved Site Plan and any on-going conditions of Site Plan Approval as set forth herein or as required by any other permitting or approving agency, including the MS4 approved SWPPP.
- 7) There shall be no vehicles parked and offered for sale on the site.
- 8) At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification sealed and signed 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 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 improvements.
- 9) Payment to the Town of Kent the following fees:
- a) Any unpaid or outstanding application fees.


- b) *Any review fees accrued by the Planning Board and the Town Board during the review of the application.*
 - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant.*
- 10) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated September 9, 2010 and March 9, 2016.*
 - 11) *Address to the satisfaction of the Planning Board the comments of the Planning Board Wetland Consultant as set forth in a memorandum dated August 2010 and February 11, 2016.*
 - 12) *It is the responsibility of the owner/applicant to submit to the Planning Board proof that the conditions of this Site Plan Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board Planning Consultant verifying that the conditions of this approval have been completed.*
 - 13) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development and shall be maintained in a good and functional condition during the course of site work and construction.*
 - 14) *Except for "field changes" as may be approved by the Planning Board Professional Engineer or Wetland Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented.*
 - 15) *Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and shall be prohibited Saturdays, Sundays and legal holidays. For blasting operations in the Town of Patterson the Applicant shall adhere to the requirements set forth in the Lead Agency's Findings Statement subject to the review and approval of the Town of Patterson.*
 - 16) *Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.*
 - 17) *The Site Plan and Freshwater Wetland Permit approvals granted herein shall expire 1 year from the date of this approval. However, in recognition of the difficulty of developing the project in the current uncertain economic climate the Board, in accordance with §77-61(C) of the Town*

Code, hereby also grants two additional 90 day extensions to the approvals so that all approvals granted herein shall expire on July 9, 2018.

- 18) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance and repair of the storm water management facilities located in the Town of Kent portion of the Project.
- 19) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance, repair, and replacement of water and wastewater facilities situated within the Town of Kent portion of the Project.
- 20) The applicant will prepare and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in both the Town of Kent and Town of Patterson. The applicant will distribute the approved handout to all residents within a 1,000 foot radius of the point of blasting.

Motion: <u>Gary Lam</u>	Second: <u>Michael McDermott</u>
Michael McDermott, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Absent</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Aye</u>
Phil Tolmach	<u>Aye</u>
Charles Sisto	<u>Recused</u>

I certify that the above resolution was adopted by the Town of Kent Planning Board on January 12, 2017 at a regular meeting of the Board.



Vera Patterson, Clerk
Town of Kent Planning Board

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

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

Memorandum

DATE: January 20, 2017

From: The Kent Planning Board

To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson

CC: W. Walters, Building Inspector - w/Att
L. Cappelli, Town Clerk - w/Att
J. Ramos - w/Att.
Finance Department - w/Att.

RE: **Request to Refund Review fee for:**
Bob Bradley
11 Craft Road
Kent, NY 10512
TM: 33.24-1-3

Please find attached backup material for the property noted above. The Planning Board passed Resolution #1 on January 12, 2017 and recommended that the Town Board return review fees in the amount of \$337.35.

This project involved a lot-line adjustment on paper only and a refund of \$337.35 in review fees.

Ms. Mangarillo stated that she had discussed this with Mr. Bradley and confirmed that there was no property disturbed and that no inspection was necessary to check to see if the property had been stabilized, as was the usual practice.

Mr. McDermott asked for a motion that a recommendation be made to the Town Board that the review fee of \$337.35 be returned to Mr. Bradley. The motion was made by Mr. Tolmach and seconded by Mr. Lam. The roll call votes were as follows:

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

The motion carried.

The Planning Board is asking that this matter be put on the next Town Board meeting for discussion and, if appropriate, approval.

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

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

RESOLUTION # 1
Year 2017

Memorandum

DATE: January 20, 2017

From: The Kent Planning Board

To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson

CC: W. Walters, Building Inspector - w/Att
L. Cappelli, Town Clerk - w/Att
J. Ramos - w/Att.
Finance Department - w/Att.

RE: **Request to Refund Review fee for:**
Bob Bradley
11 Craft Road
Kent, NY 10512
TM: 33.24-1-3

Resolved: On January 12, 2017 the Kent Planning Board reviewed backup material pertaining to a lot line adjustment and review fees for the above mentioned property. Julie Mangarillo stated that the lot line adjustment was on paper only and that no work had been done on the site and that no inspection was necessary. She recommended that the Town Board return review fees in the amount of \$337.50 to Mr. Bradley.


Mr. McDermott asked for a motion that a recommendation be made to the Town Board that the review fee of \$337.35 be returned to Mr. Bradley. The motion was made by Mr. Tolmach and seconded by Mr. Lam. The roll call votes were as follows:

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

The motion carried.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on January 12, 2017.

Dated: January 20, 2017



Vera Patterson
Planning Board Secretary

mo/date/year

DEC 6 2016

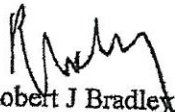
Planning Department
Town of Kent

Vera Patterson
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512
November 22, 2016

Dear Ms Patterson:

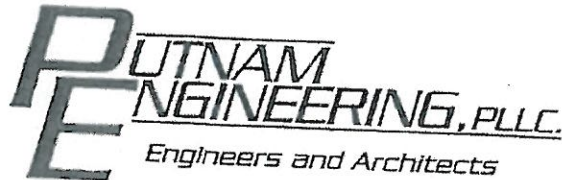
I understand that the Town of Kent is holding \$ 337.35 of a total fee of \$ 2,000 that was for a lot line revision at my property on 11 Craft Road. (33.24-1-3.) This was given to the town from 2001 until 2003. As all work on my property is complete I would request the return of the excess fee incurred

Thank you


Robert J Bradley
11 Craft Road
Kent Lakes, NY 10512

Robert Bradley - TM#33.24-1-3

Date		Deposits	Fees	Balance
04/23/02	Rec. #7799 - Ck#1584, 4/15/02	500.00		500.00
04/29/02	Ck#11388 Rohde 7/28-10/26/01 V#1		(98.00)	402.00
08/13/02	Ck#11546 Rohde 4/27-5/31/02 V#2		(131.25)	270.75
08/13/02	Ck#11548 VanDeWater May 02 V#1		(227.50)	43.25
09/05/02	Rec. #1882 - Ck#1684, 8/24/02	500.00		543.25
11/01/02	Ck#11690 Rohde 7/27-8/30/02 V#3		(105.00)	438.25
11/01/02	Ck#11693 LandResource 8/29/02 V#1		(18.75)	419.50
11/15/02	Ck#11708 LandResource 9/5&12/02 V#2		(37.50)	382.00
12/13/02	Ck#11782 Rohde 8/31-9/27/02 V#4		(28.25)	353.75
01/10/03	Rec.#2009 - Ck#1802, 1/8/03	500.00		853.75
01/24/03	Ck#11831 LandResource 11/7,14/02 V#3		(131.25)	722.50
01/24/03	Ck#11830 Rohde 10/26-11/29/02 V#5		(160.30)	562.20
02/11/03	Ck#11854 LandResource V#4		(56.25)	505.95
03/11/03	Ck#11890 LandResource V#5		(63.75)	442.20
03/11/03	Ck#11891 Rohde 11/30-12/27/02 V#6		(161.10)	281.10
03/11/03	Ck#11891 Rohde 12/28/02-1/31/03 V#7		(169.00)	112.10
06/16/03	Rec. #2099 - Ck#1928, 6/10/03	500.00		612.10
08/13/03	Ck#12128 Rohde 5/31-6/27/03 V#8		(78.75)	533.35
09/23/03	Ck#12202 Rohde 6/28-7/25/03 V#9		(111.00)	422.35
09/23/03	Ck#12203 LandResource 6/5&6/12/03 V#6		(85.00)	337.35
				337.35



August 11, 2003

Mr. Arthur Singer, Chairman
Town of Kent Planning Board
531 Route 52
Kent Lakes, New York 10512


RE: Bradley Subdivision Maps
P/E Job #7387

Dear Mr. Singer:

Attached please find two (2) mylar copies and two (2) prints of the plats for the above referenced project. Please sign the plats and advise us when we can pick them up. We will provide the Town copies of the filed plats when accepted by the County Clerk's office.

Sincerely,

PUTNAM ENGINEERING, PLLC



Robert J. Cameron, Jr., R.A.

RIC/rk

Enclosure

cc: Bob Bradley
Ted McGlasson

(103407)

(845) 225-7802

TOWN OF KENT
Planning Board
770 Route 52
Carmel, New York 10512

Fax (845) 228-0019

MEMORANDUM

TO: Chris Boryk, Assessor
FROM: Jeanne Ryan, Planning Board Clerk
RE: McGlasson/Bradley Lot Line Revision
TM #33.24-1-2 & 33.6-1-7.1 located off Craft Road
Bradley, Sr./Bradley, Jr. Lot Line Revision
TM #33.24-1-2 & 3 located off Craft Road
DATE: September 23, 2003

There were two (2) transfers of property: First, a transfer of property from McGlasson to Bradley, Sr. Second, a transfer of that parcel back from Bradley, Sr. to Bradley, Jr.

Please find attached a copy of the approved, filed lot line revision maps for each of these transfers for the above-noted properties. These transfers were originally done by deed only. The filing of these maps with the County now legalize the transactions.

If you have any questions, please contact this office.

cc: Edith Schanil, Town Clerk
Juliann Butler, Building Inspector
Michael Soyka, Engineer



Cornerstone Associates

Environmental Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

January 11, 2017

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Advanced Auto Application

231 Route 52

Section 44.05 Block 1 Lot 76

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

1. Plans entitled;"Bulzacchelli Associates" prepared by Roy Fredriksen, PE, dated 12/1/06, 1 sheet.
2. Short-form EAF (Part I) executed by William Besharat dated 12/2/16.
3. Town of Kent Planning Board Combined Application executed by William Besharat dated 12/2/16.

Summary of Application:

Application is to obtain amended site plan to construct a 850+/- square foot addition to an existing building on a 0.7328+/- acre parcel in a C (commercial) zoning district.

Review Comments:

1. Current plan must be signed and sealed by the design professional. EAF must be executed.
2. Applicant should indicate that there shall not be any floor drains installed in the addition.
3. Review of NYSDEC materials indicates the potential for rare plants/rare animals on or near the subject site. A site inspection will be conducted by this office. The site inspection will also be conducted to determine the presence/absence of Town of Kent jurisdictional wetland or wetland buffer within the proposed limits of disturbance.

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

January 11, 2017

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: MTM NY Application
228-240 Route 52
Section 44.05 Block 1 Lot 28, 29
Section 44.09 Block 2 Lot 20

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

1. Plans entitled; Sketch Plan for Proposed Commercial Site MTM NY” prepared by D.J. Egarian & Associates, Inc., dated 12/09/16, 1 sheet.
2. Letter executed by Robert Roselli, P.E. dated 12/12/16, 1 page.
3. Town of Kent Planning Board Combined Application executed by applicant dated 10/20/16.
4. Wetland report prepared by Paul J. Jaehnig dated 6/21/16.

Summary of Application:

Application is to obtain site plan approval to construct two freestanding buildings for masonry wholesale inventory, construct a small commercial (in ground) truck scale and outdoor storage bins on a 6.78+/- acre parcel in a C zone. The applicant also proposes to construct a paved driveway and a parking area of predominately pervious material.

There are two vacant buildings and other outbuildings on the site. The two vacant buildings located immediately adjacent to Route 52 were reportedly used in the past as residences. The applicant proposes to remove these vacant buildings and, in roughly the same location, construct a main office building with bathroom and a building with a one bedroom apartment. It is unclear at present if the existing septic systems will be repaired or new septic system installations will be required to serve the proposed improvements.

The applicant proposes encroachment into the wetland buffer in order to construct storage buildings, parking, storage bins and a residence and associated septic system. Impacts to the wetland and wetland buffer areas have not been identified/quantified.

Preliminary Review Comments:

1. There is Town of Kent jurisdictional wetland and wetland buffer areas on the site. The wetlands were delineated by the applicant's consultant on June 21, 2016. A site inspection was conducted on December 16, 2016 by this office. The inspection resulted in some questions regarding the wetland boundary. In addition, review of published soil maps indicates three main soil classifications on the site: Sun Loam, Udorthent smoothed and Urban Land-Woodbridge. Sun Loam is a hydric soil and is indicated in Chapter 39A-Freshwater Wetlands as a jurisdictional wetland indicator. It is recommended that a meeting at the site be scheduled with the applicant's consultant in order to review the delineation and reach consensus on the Town of Kent jurisdictional wetland boundary.
2. The site is not located within an indicated NYSDEC wetland or wetland buffer/check zone.
3. The site is located within the NYCDEP watershed. The applicant has indicated that a NYCDEP jurisdictional watercourse may be located on the site.
4. NYSDEC resources indicate that rare plants/rare animals are potentially located on or near the site. Additional information is required.
5. The site is relatively level due and consists of predominately herbaceous growth (very few trees) within the indicated limits of disturbance.
6. Flood plain/flood way information has not been provided.
7. The applicant has indicated that there is history of a past environmental (oil) spill on the site. The applicant is requested to provide information and spill closure records.

This office will conduct additional review upon determination that the project can move forward beyond the current concept plan. Please do not hesitate to contact me should you have any questions.

Sincerely,



Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant



December 20, 2016

Chairman Michael McDermott
Town of Kent Planning Board
Kent Town Centre
25 Sybil's Crossing
Kent Lakes, New York 10512

RE: Hartshorn Professional Park Site Plan
NYS Route 311
Town of Kent, New York
Tax Map No. 12.-1-88

Dear Chairman McDermott and Members of the Board:

This letter is prepared in response to my site visit today with the Town of Kent Building Inspector Bill Walters, the Planning Board Engineer Julie Mangarillo, P.E., the Planning Board Environmental Consultant Bruce Barber, and the Applicants George and Kathy Hartshorn. At the site visit, we reviewed the as-built plan for conformance with the approved site plan. At the site visit, it was agreed to by Bill Walters that since the site work was constructed in general conformance with the site plan, and since the building itself is complete, that the Town will issue a Certificate of Occupancy for the building, with the understanding that the following outstanding site related items listed below will be completed by the applicant as the weather permits. It is understood that all of the site work related bonds currently being held will not be released until all of the items listed below have been addressed to the satisfaction of the Town of Kent and its consultants. The following are the outstanding site related items:

1. The as-built plan will be revised to show:
 - The total number of parking spaces and the total number of handicap spaces.
 - The location of the recently installed project sign on Ludingtonville Road.
 - The discharge point of the 8" PVC drainage pipe.
 - The 2 propane tanks.
 - The gravel drip edge behind the roof structure for the sand salt storage area.
 - Dumpster enclosure.
 - Septic System location.
2. The applicant has a signed lease with a tenant to occupy the north portion of the building. The specific needs of the tenant are to have large overhead doors on the north side of the building. Therefore, a field change was made to revise the parking spaces and landscaping between the building and Ludingtonville Road. It should be noted that the total number of parking spaces is currently higher than the number of spaces on the approved site plan. In order to conform more closely to the approved site plan, additional landscaping will be placed along Ludingtonville Road and the building, specifically including heavy evergreen screening along both sides of the driveway entrance at Ludingtonville Road. Insite will provide a sketch to the Town for review prior to the installation of this additional vegetative screening.
3. As discussed in the item above, additional evergreen screening will be proposed at the project entrance. As seen on the as-built plan, there is an overlap parcel between the subject property and the property immediately adjacent to the west, the now or formerly Fred Adams property. The ownership of the property appears to have deed rights to both Hartshorn and Adams. Significant time, effort and money have been spent in order to determine the ownership of this

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

parcel. At this time, both parties have mutually agreed to move forward assuming it is property under common ownership. A letter from Fred Adams will be provided in the future under separate cover, stating that Mr. Adams has no objection to the Hartshorn's planting additional evergreen screening in this parcel under common ownership.

4. The applicant has indicated that a dumpster will be delivered to the property in the spring and a dumpster enclosure will be provided at that time. The dumpster enclosure will be constructed in accordance with the approved dumpster enclosure detail on the approved site plans.
5. The intent of the approved site plans regarding the stormwater runoff from the entrance driveway was to sheet flow into the pretreatment area east of the entrance driveway. As a field change, an asphalt curb was installed along the edge of this driveway section. As discussed in the field, a curb break will be installed approximately half way down the entrance driveway to allow stormwater runoff from the driveway to enter into the pretreatment area. A rip rap swale will be installed connecting the curb break to the pretreatment area to prevent erosion on the steep slope. A check dam will be installed, (or the upper check dam will be relocated) to just below the curb break to capture and slow down the migration of water through the pretreatment area. This field change will provide substantial conformance with the approved stormwater plan.
6. The stormwater management plan will be reviewed to address the increase in impervious surfaces associated with the as-built project when compared to the approved site plan. The analysis will include a comparison of the square footage of impervious surfaces as-built versus approved. It is noted that the shallow grass swale that was designed and approved directing water from the rear gravel parking lot northerly towards the stormwater basin was constructed significantly wider and deeper than designed. This additional volume will likely offset the increased volume required by the increase in impervious surfaces. Our office will field measure the swale elevations in this area to obtain accurate volumes for our analysis.
7. Additional concrete blocks will be added to the sand/salt storage bin in order to improve containment.

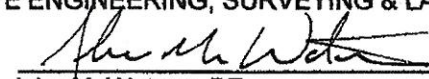
Due to the colder weather, the applicant will have to wait until spring to perform the majority of the previously mentioned improvements. Assuming the work can be completed by April, our office can field survey the previously mentioned items and revise the as-built plan for the Planning Board's May 18, 2017 submission deadline. Our office will plan on attending the June Planning Board meeting for discussion of these minor field changes. Once again, it is understood that no bonds will be released until all of these items have been satisfactorily addressed.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:


John M. Watson, PE
Principal Engineer

JMW/amh

cc: Kathy and George Hartshorn

Insite File No. 11157.100