

**TOWN OF KENT PLANNING BOARD MINUTES**  
**October 12, 2017**

Approved: November 9, 2017

**Minutes**  
**Town of Kent Planning Board Meeting**  
**October 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  
Charles Sisto

Dennis Lowes, Vice Chairman  
Philip Tolmach  
Stephen Wilhelm

**Others in Attendance:**

Bruce Barber, Environmental Consultant  
Julie Mangarillo, Engineering Consultant

Bill Walters, Kent Building Inspector

**Absent:**

Neil Wilson, Planner

• **Approve Planning Board Minutes from September 14, 2017**

Mr. McDermott asked for a motion to consider the minutes for the September 14, 2017 meeting. The motion was made by Mr. Lowes 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. McDermott asked for a motion to approve the minutes for the September 14, 2017 meeting. The motion was made by Mr. Wilhelm 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

**Town of Kent Planning Board Minutes**  
**October 12, 2017**

• **Arell Property, Kentview Dr., Kent, NY; TM: 10.20-1-71**

This item was a continuation of a Public Hearing to discuss the construction of a single family residence. Mr. McDermott asked for a motion to re-open the Public Hearing. The motion was made by Mr. Wilhelm 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Jack Karell represented Mr. Eric Arell, the owner of the property and stated that he had addressed comments from the consultants pertaining to the location of trees on the property and which ones would be taken down. Drainage modifications were made to the plans and Mr. Karell asked tht this project be moved to the administrative track and that the Public Hearing be closed.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said she had concerns about the driveway and wanted to schedule a meeting at the site with Rich Other, the Kent Highway Supervisor, and Jack Karell. Rich Othmer was going to Texas to assist in the restoration of property destroyed by a hurricane and would be away until the end of October. Ms. Mangarillo said she would not recommend moving this project to the administrative track at the present time.

Mr. Barber's Comments (memo attached)

Mr. Barber said he needed additional soil information and wanted a complete grading plan within limits of disturbance on the adjoining property. Mr. Barber reminded the Board that the neighbor had attended the September meeting and discussed some of his concerns. Mr. Barber said he hoped to go out to the site to see if there are additional trees which could be saved or to ask for additional trees to provide screening. Mr. Barber said he would not recommend a tree waiver at the present time. Mr. Tolmach suggested that smaller trees should be planted because they would provide better screening. Mr. Barber agreed with Mr. Tolmach. Mr. McDermott asked Mr. Barber if he would be able to make recommendations as to how to prevent runoff and look at the limits of disturbance after he visited the site and he said he would be looking at the limits of disturbance where the driveway is along with Ms. Mangarillo, Mr. Karell and Mr. Othmer.

Mr. Karell addressed Mr. Barber's comment regarding the fact that the limits of disturbance are within two feet of the property line and said that a retaining wall to be built on the driveway will be 10' from the property line and a limit of disturbance outside of the double silt fence barrier will protect the property line. Mr. Karell asked that the Public Hearing be closed.

Mr. McDermott felt that the Public Hearing should not be closed until next month to see what recommendations are made after the meeting to be held on the site. The Public Hearing was adjourned until the November meeting.

**Town of Kent Planning Board Minutes  
October 12, 2017**

• **Cypress Creek/Solar Energy Farm (Armstrong Property), Mooney Hill, Kent, NY; TM: 2.-3-9**

\* At the request of the applicant the public hearing on this matter was adjourned to November 9, 2017 and no testimony will not be heard at the October 12, 2017 meeting

Mr. McDermott advised the audience that this matter has been adjourned until November at the request of the owner.

• **Hilltop Estates Subdivision, Peckslip Road & NYS Route 52, Kent, NY; TM: 12.-1-42**

Ms. Jamie LoGuidice, of Insite Engineering, represented the applicants who requested a time extension on their project.

Mr. McDermott stated that the extension would only allow completion of conditions of the original approvals as set forth in the Planning Board Resolution dated September 11, 2014 and said conditions remain unchanged and in force. Mr. Wilson prepared a Resolution (attached), which Mr. McDermott read to the audience. Mr. McDermott asked for a motion to adopt the Resolution prepared by Mr. Wilson. Mr. Tolmach made the motion and it was seconded by Mr. Lowes. The roll call votes were as follows:

Michael McDermott, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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

- |                                  |                  |               |
|----------------------------------|------------------|---------------|
| • Dogward Bound                  | Erosion Control/ | Status Report |
| 461 Richardsville Road, Kent, NY | Site Plan        |               |
| TM: 30.12-1-1                    |                  |               |

The applicant needs to incorporate comments made by the Kent Fire Department into the plans for this project and should submit them at the November meeting.

- |                                   |             |               |
|-----------------------------------|-------------|---------------|
| • Rodriguez/Olson                 | Subdivision | Status Report |
| 104 Smalley Corner Road, Kent, NY |             |               |
| TM: 21.-1-10                      |             |               |

Nothing new has been submitted.

**Town of Kent Planning Board Minutes  
October 12, 2017**

- Giannettino Site Plan Status Report  
13-15 Dunwoodie Road, Kent, NY  
TM: 33.56-1-3

This matter is before the Zoning Board

- O'Mara Property Erosion Control Plan Status Report  
Mt. Nimham, Kent, NY  
TM: 10.20-1-1

Mr. O'Mara is working through final conditions on this project and awaiting signatures on the plans.

- Boccia Property Erosion Control Plan/  
Wetland Permit  
Approve Bond Status Report  
Beach Court, Kent, NY  
TM: 21.-1-16

Some changes need to be made to legal documents.

- Pure Timber Harvest/Forestall Erosion Control Plan for  
Timber Harvest Status Report  
Gypsy Trail, Kent, NY  
TM: 21.-1-27

Applicant asked to move from October to November.

- Von Rosenvinge Property Erosion Control Plan  
for In-Ground Swimming Pool Status Report  
451 Pudding St., Kent, NY  
TM: 31.17-1-7

Bond agreements were prepared, but changes need to be made to the wording and it needs to be re-distributed.

- Patterson Crossing Amended Site Plan  
Bond Pending Status Report  
Route 311, Kent, NY;  
TM: 22.-2-48

Nothing new has been submitted.

- O'Mara Property Erosion Control Plan Status Report  
Peekskill Hollow Road, Kent, NY  
TM: 42.07-1-7

Nothing new has been submitted.

- O'Mara Property Erosion Control Plan Status Report  
Lhasa Court, Kent, NY  
TM: 31.09-1-6

Nothing new has been submitted.

- Holmes Presbyterian Site Plan/  
Erosion Control Plan Status Report  
60 Denton Lake Road, Holmes, NY  
TM: 2.-1-47-1

The applicants requested a meeting to go over the changes made to the proposed plans.

**Town of Kent Planning Board Minutes**  
**October 12, 2017**

Mr. McDermott asked for a motion to close the October meeting at 7:45. The motion was made by Mr. Tolmach and seconded by Mr. Wilhelm. The roll call votes were as follows:

Michael McDermott, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk

**Town of Kent Planning Board Minutes  
October 12, 2017**

OCTOBER 2017  
KENT PLANNING BOARD AGENDA

Workshop: October 05, 2017 (Thursday, 7:30 PM) (Cancelled)

Meeting: October 12, 2017 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from September 14, 2017
  - Arell Property  
Kentview Drive, Kent, NY  
TM: 10.20-1-71  
Erosion Control Plan/  
Public Hearing Continued  
Review
  - Hilltop Estates Subdivision  
Peckslip Road & NYS Route 52, Kent, NY  
TM: 12.-1-42  
Time Extension  
Review
  - Cypress Creek/Solar Energy Farm  
Mooney Hill/Kent, NY  
(Armstrong Property)  
TM: 12.-3-9  
Public Hearing for  
Site Plan/Erosion Control Plan  
Review
- \* At the request of the applicant the public hearing on this matter will be adjourned from October 12, 2017 to November 9, 2017 and no testimony will be heard at the October 12, 2017 meeting

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

- Dogward Bound  
461 Richardsville Road, Kent, NY  
TM: 30.12-1-1  
Erosion Control/  
Site Plan  
Status Report
- Rodriguez/Olson  
104 Smalley Corner Road, Kent, NY  
TM: 21.-1-10  
Subdivision  
Status Report
- Giannettino  
13-15 Dunwoodie Road, Kent, NY  
TM: 33.56-1-3  
Site Plan  
Status Report
- O'Mara Property  
Mt. Nimham, Kent, NY  
TM: 10.20-1-1  
Erosion Control Plan  
Status Report
- Boccia Property  
Beach Court, Kent, NY  
TM: 21.-1-16  
Erosion Control Plan/  
Wetland Permit  
Approve Bond  
Status Report

**Town of Kent Planning Board Minutes  
October 12, 2017**

- |   |  |                      |
|---|--|----------------------|
| <ul style="list-style-type: none"> <li>• Pure Timber Harvest/Forestall<br/>Gypsy Trail, Kent, NY<br/>TM: 21.-1-27</li> </ul>  | <p>Erosion Control Plan for<br/>Timber Harvest</p> <p>Applicant asked to move from October to November</p> | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Von Roseninge Property<br/>451 Pudding St., Kent, NY<br/>TM: 31.17-1-7</li> </ul>    | <p>Erosion Control Plan<br/>for In-Ground Swimming Pool</p>  | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Patterson Crossing<br/>Route 311, Kent, NY;<br/>TM: 22.-2-48</li> </ul>              | <p>Amended Site Plan<br/>Bond Pending</p>  | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• O'Mara Property<br/>Peekskill Hollow Road, Kent, NY<br/>TM: 42.07-1-7</li> </ul>     | <p>Erosion Control Plan</p>  | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• O'Mara Property<br/>Lhasa Court, Kent, NY<br/>TM: 31.09-1-6</li> </ul>               | <p>Erosion Control Plan</p>  | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Holmes Presbyterian<br/>60 Denton Lake Road, Holmes, NY<br/>TM: 2.-1-47-1</li> </ul> | <p>Site Plan/<br/>Erosion Control Plan</p>   | <p>Status Report</p> |

**LEGAL NOTICE #6**  
**YEAR 2017**  
**PUBLIC HEARING FOR**  
**ERIC ARELL**  
**131 DYKEMAN ROAD**  
**CARMEL, NY 10512**  
**FOR PROPERTY ON KENTVIEW DRIVE**  
**KENT, NY 10512**  
**TAX MAP: 10.-20 1-71**

**ADJOURNED TO OCTOBER 12, 2017**

**NOTICE OF PUBLIC HEARING**  
**THE PLANNING BOARD OF THE TOWN OF KENT, NEW YORK**

**NOTICE IS HEREBY GIVEN** that a Public Hearing held before **The Town of Kent Planning Board** on **Thursday, September 14, 2017 at 7:30 PM WAS ADJOURNED UNTIL OCTOBER 12, 2017**, or as soon thereafter as the matter may come to be heard, located at:

**KENT TOWN HALL**  
**25 Sybil's Crossing**  
**Kent Lakes, NY 10512**

This Public Hearing pertains to an application for approval of an Erosion Control Plan for property owned by **Eric Arell, 131 Dykeman Road, Carmel, NY 10512**. The property noted above is vacant land, Tax Map Number 10.-20-1-71. The proposed activity involves construction of a new single-family residence to be served by a private septic and well.

At this hearing all persons appearing in favor or in opposition shall be heard.

Files on the subject may be inspected at the Planning Board office Mondays, Tuesdays and Thursdays from 9:00 - 4:00 PM prior to the meeting. The telephone number for the Kent Planning Board is: 845-225-7802.

Date: September 26, 2017

By order of:

Vera Patterson, Secretary for  
The Town of Kent Planning Board  
County of Putnam  
State of New York  
25 Sybil's Crossing  
Kent, NY 10512  
planningkent@townofkentny.gov

P. 10/02, 10/09

Kent Planning Board Public Hearing Notice #6\_2017



**Town of Kent Planning Board  
Resolution Of Time Extension Pertaining To  
Final Subdivision Approval  
Revised Lot Line Approval  
Steep Slope and Erosion Control Permit Approval  
Freshwater Wetland Permit Approval**

---

**Matter of Hilltop Estates Subdivision**

**Whereas**, on September 11, 2014 the Town of Kent Planning Board granted conditional Final Subdivision, Revised Lot Line, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals for the Hilltop Estates Subdivision; and

**Whereas**, said final approvals are valid for 180 days and pursuant to Town Law §279(7)(c) the Board may extend for periods of ninety days each, the time in which a conditionally approved final plat must be submitted for Chairman's signature if, in the Board's opinion, such extension is warranted by the particular circumstance of the matter; and

**Whereas**, the Planning Board has previously granted 90 day extensions for the project forward from March 10, 2015 to June 4, 2015; forward from June 4, 2015 to September 1, 2015, forward from September 1, 2015 to November 29, 2015; forward from November 29 to February 26, 2016; forward from February 26, 2016 to May 25, 2016; forward from May 25, 2016 to November 22, 2016; forward from November 22, 2016 to May 20, 2017; and forward from May 20, 2017 to November 15, 2017; and

**Whereas**, the Board has been advised that the applicant continues to make progress in completing the conditions of the approvals, including obtaining other agency permits and approvals, although some work has yet to be completed including town and acceptance of the various agreements and easements pertaining to the proposed storm water facilities, dedication of the road as a town highway, obtaining bond security for completion of the proposed town highway, and the formation of a homeowner's association; and

**Now Therefore Be It Resolved**, that pursuant to §66A-13(I) of the Town Code the Planning Board grants two ninety (90) day extensions, for a total of 180 days, of the Final Subdivision, Revised Lot Line, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals for the Hilltop Estates Subdivision forward from November 15, 2017 to May 14, 2018; and

**Be It Further Resolved**, that this resolution is an extension of time only to allow completion of the conditions of the original approvals as set forth in the Board's resolution of September 11, 2014, said conditions remaining unchanged and in force and effect.

Motion: Phil Tolmach \_\_\_\_\_

Second: Dennis Lowes \_\_\_\_\_

Michael McDermott, Chairman Aye \_\_\_\_\_

Dennis Lowes, Vice Chairman Aye \_\_\_\_\_

Charles Sisto Aye \_\_\_\_\_

Phil Tolmach Aye \_\_\_\_\_

Stephen Wilhelm Aye \_\_\_\_\_

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

Vera Patterson  
Vera Patterson, Clerk  
Town of Kent Planning Board

Received  
mo/date/year

OCT - 2 2017

**VAN DEWATER AND VAN DEWATER, LLP**  
COUNSELORS AT LAW

Planning Department  
Town of Kent

John B. Van DeWater (1892-1968)  
Robert B. Van DeWater (1921-1990)  
James E. Nelson  
Gerard J. Comatos, Jr.  
Ronald C. Blass, Jr.  
Kyle W. Barnett  
Daniel F. Thomas III

85 CIVIC CENTER PLAZA, SUITE 101  
P.O. BOX 112  
POUGHKEEPSIE, NEW YORK 12601

(845) 452-5900  
Fax (845) 452-5848

Noel deCordova, Jr. (1929-2013)  
Edward vK Cunningham, Jr.  
John K. Gifford  
Jeffrey S. Battistoni  
Janis M. Gomez Anderson  
Counsel

Rebecca S. Mensch

Danielle E. Strauch  
Erin L. O'Dea

WEBSITE ADDRESS:  
[www.vandewaterlaw.com](http://www.vandewaterlaw.com)

GENERAL E-MAIL ADDRESS:  
[info@vandewaterlaw.com](mailto:info@vandewaterlaw.com)

September 29, 2017

William Shilling, Jr., Esq.  
122 Old Route 6  
Carmel, New York 10512

Re: Town of Kent (Armstrong Solar, LLC)  
Our File No. 11011-0066

Dear Mr. Shilling:

Your letter of August 17, 2017 has been referred to me by the Planning Board for response.

I believe you would agree that the Planning Board does not have the function of interpreting local zoning laws. That is the function of the Code Enforcement Officer, whose determinations are appealable to the Zoning Board of Appeals.

Article XVI of Chapter 77 of the Town Code, Zoning, establishes the zoning district of the Zoning Board of Appeals. Under Section 77-57(A) the ZBA sits to hear appeals from administrative officials charged with enforcement of Chapter 77.

The jurisdiction of the ZBA is appellate. There is no provisions for referral of matters by the Planning Board to the Zoning Board of Appeals.

I am not certain whether the Code Enforcement Officer has addressed your issue or not. If not, the proper path is to obtain a ruling from him, and to appeal to the Zoning Board of Appeals in the event of disagreement.

It is neither the function of the Planning Board to interpret the Code, nor to refer matters to the Zoning Board of Appeals.

Thank you.

Very truly yours,

VAN DEWATER & VAN DEWATER, LLP

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

RONALD C. BLASS, JR.

RCB/jbo

cc: Michael McDermott, Planning Board Chair  
Neil Wilson, Planning Consultant

U:\DOCS\11011\00066\CORRES\23T6954.DOCX

**LEGAL NOTICE #4**  
**PUBLIC HEARING FOR**  
**CYPRESS CREEK SOLAR FARM SITE PLAN**  
**FOR THE ARMSTRONG PROPERTY**  
**114-116 MOONEY HILL ROAD**  
**KENT, NY 10512**  
**TAX MAP: 12.-3-9**  
**YEAR 2017**  
**WAS ADJOURNED FROM SEPTEMBER 14, 2017 TO**  
**BE RE-OPENED ON THURSDAY, OCTOBER 12, 2017 AT 7:30 PM**

**NOTICE OF PUBLIC HEARING**  
**THE PLANNING BOARD OF THE TOWN OF KENT, NEW YORK**

**NOTICE IS HEREBY GIVEN** that this Public Hearing was held before **The Town of Kent Planning Board** on **Thursday, August 10, 2017 at 7:30 PM** and was adjourned until **September** and, at the request of the applicant, moved to **Thursday, October 12, 2017 at 7:30 PM**, or as soon thereafter as the matter may come to be heard, located at:

**KENT TOWN HALL**  
**25 Sybil's Crossing**  
**Kent Lakes, NY 10512**

This Public Hearing pertains to an application for approval of Site Plan, Steep Slope and Erosion Control and Freshwater Wetland Permit approvals for a project known as "Armstrong Solar Farm" to be constructed by Cypress Creek. Said applications would allow the development of a +20.5 acre solar electric generating facility ("Solar Farm") on a +41.9 acre parcel located at 114-116 Mooney Hill Road, Tax Parcel number 12.-3-9.

At this hearing all persons appearing in favor or in opposition shall be heard.

Files on the subject may be inspected at the Planning Board office Mondays, Tuesdays and Thursdays from 9:00 - 4:00 PM prior to the meeting. The telephone number for the Kent Planning Board is: 845-225-7802.

Date: August 29, 2017

By order of:  
Vera Patterson, Secretary for  
The Town of Kent Planning Board  
County of Putnam  
State of New York  
25 Sybil's Crossing  
Kent, NY 10512  
[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)

P. 9/04, 9/11, 9/18, 9/25, 10/2, 10/9  
Kent Planning Board Public Hearing Notice #4 2017