

**Minutes**  
**Town of Kent Planning Board Meeting**  
**September 27, 2018**  
**FINAL**

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

**In attendance were the following Planning Board members:**

Phil Tolmach, Chairman	Dennis Lowes
Simon Carey	Charles Sisto
Giancarlo Gattucci	Stephen Wilhelm

**Others in Attendance:**

Liz Axelson, Planner	Julie Mangarillo, Engineering Consultant
Bruce Barber, Environmental Consultant	Bill Walters, Kent Building Inspector

• **Approve Planning Board Minutes from August 9, 2018**

Mr. Tolmach asked for a motion to approve the minutes for the August 9, 2018 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

• **MURTAUGH PROPERTY, 1144 PEEKSKILL HOLLOW RD, KENT, NY; TM: 42.-2-51**

This matter was a Public Hearing for an Erosion Control Plan for a single-family residence, which was adjourned from the August meeting.

Mr. Murtaugh attended the meeting and explained that there is already a small cottage on this property and he wants to renovate it and also wants to build a second house on his property, which consists of 17 acres.

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Liz Axelson's Comments (memo attached)

Most of her comments have been addressed and she prepared a couple of documents. She suggested that the Public Hearing be opened.

Mr. Tolmach opened the Public Hearing and asked if anyone wanted to speak and no one did. Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Liz Axelson prepared a short EAF, Part II form which addresses the impacts for the project, which she filled out. There were no comments regarding this form. Ms. Axelson asked Mr. Barber for his comments before she read the Resolution she prepared.

Mr. Barber's Comments

Mr. Barber said his comments have been addressed and that he had no additional comments.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo spoke and said that Badey & Watson had submitted an estimate for 6,138.00 for an erosion control bond of \$6,138.00 and recommended it be accepted and forwarded to the Town Board. Mr. Tolmach asked for a motion to accept the erosion control bond estimate and forward it to the Town Board. The motion was made by Mr. Carey and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Ms. Axelson read the Resolution (attached).

Mr. Tolmach asked for a motion to adopt the Resolution as read. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

- **FREGOSI PROPERTY, KENTVIEW DR., KENT, NY; TM: 10.20-1-69**

This Public Hearing was adjourned in August and held over until the September meeting.

Mr. Fregosi is seeking approvals to build a single-family residence.

Ms. Axelson had no comments regarding this project.

Mr. Barber said he had a few comments regarding screening trees, but that most of his comments had been addressed. It was suggested that a different type of trees be planted. Limits of disturbance on the east and west need to be addressed. A note needs to be added to plans that any trees to be removed need to be removed between November and March.

Ms. Mangarillo's comments (memo attached)

A revised application and certification of professional engineer needs to be provided. An NOI and SWPPP review needs to be submitted. Elevation needs to be clarified. BOH notes need to be added to the drawings and an erosion control bond estimate needs to be submitted. Ms. Mangarillo recommended that the Public Hearing be closed and that this project be moved to the administrative track.

Mr. Tolmach asked for motion to close public hearing. Motion was made by Mr. Lowes and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

- **RIENZI PROPERTY, KENTVIEW DRIVE, KENT, NY; TM: 10.20-1-51**

Martin Stejskal, represented the applicant.

Ms. Axelson's Comments

Ms. Axelson said that she recommended a public hearing be scheduled for October.

Mr. Barber's comments (memo attached)

Mr. Barber said he would visit the site to verify if there are any wetlands. Mr. Barber asked that a short form EAF be submitted. He asked that it be clarified if the house will have 3 or 4 bedrooms.

Ms. Mangarillo's comments (memo attached)

Ms. Mangarillo has not issued memo, but will do so shortly. Project should move forward and have public hearing set.

Mr. Tolmach asked for a motion to set the public hearing for October 11, 2018. The motion was made by Mr. Gattucci and seconded by Mr. Lowes. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **ROUTE 311 PLAZA/R VRIEBROCK PROPERTY, ROUTE 311, KENT, NY; TM: 22.-2-17**

The applicant was not present at the meeting.

Ms. Axelson said the Resolution prepared in August was not voted on because there was not a quorum and it was held over until this meeting. The request for a time extension had been granted several times. The applicant purchased the property last year and this is his second request for an extension. There may be a project change and an amended site plan will be submitted in the near future.

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Mr. Lowes asked how many conditions are still open on this project. Ms. Axelson said she thinks that there are 16 conditions and recommended asking for a written update and a letter requesting a reapproval. Mr. Wilhelm said that he didn't feel that the Planning Board should keep granting approvals to projects like this. This extension would expire in February of 2019. Mr. Tolmach suggested that the Board ask for a written update in 90 days. Ms. Axelson would amend the Resolution as suggested by the Planning Board.

Mr. Tolmach asked for a motion to adopt the Resolution with three Resolves. It was made by Mr. Gattucci, but there was no second. The motion did not carry.

Ms. Axelson said she would consult with the Planning Board attorney as to how to proceed.

This matter would be discussed again at the October meeting.

- **RONCALLO PROPERTY, TIBET DRIVE, KENT, NY; TM: 30.20-1-15**

Mr. Jack Karell represented the applicant. This project was approved several years ago. A foundation is on the property as is the driveway, which is acceptable to the Highway Superintendent. BOH approvals were reinstated and he requested final approval.

Mr. Barber's comments (memo attached)

There was a question about tree removal and the Planning Board was advised that none will be cut. Natural Heritage sent a report regarding bats. New Paltz needs to be contacted regarding any of their requirements. Mr. Karell said he had correspondence and would put a note on the plans that they will not cut trees between November 1 and March 31 of next year. DEC also needs to be contacted. Mr. Karell said all trees to be removed had been removed and there were no plans to cut any more.

Ms. Mangarillo's comments (memo attached)

A bond estimate needs to be provided in the next submittal for this project. It was suggested that a public hearing be scheduled in October.

Mr. Karell asked that the public hearing be waived, but Ms. Mangarillo said that she did not recommend waiving it because it had been so many years since work had been done on the site.

Ms. Axelson's Comments (memo attached)

Zoning table needs to be modified. Agreed Public Hearing should be set in October.

Mr. Tolmach asked for a motion to hold a Public Hearing. The motion was made by Mr. Wilhelm and it was seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **REYES/REALBUTO PROPERTY , 49 TIGER TRAIL, KENT, NY; TM: 21.8-1-39**

Mr. Karell represented the applicant. This is a renovation of an existing house. The old septic system was filled and approval for the new septic system was approved by BOH. There is controversy over some of the fill brought onto the site. Most of the existing foundation will be replaced.

Mr. Wilhelm mentioned a neighbor, Mr. Lento, who had concerns about how construction on this property has affected his property. Mr. Karell said they had made some changes which should correct the drainage problems on the neighboring property.

Mr. Barber's comments (memo attached)

Soil testing needs to be done again because the testing methodology used recently was questionable and additional fill may have been added since the testing. There needs to be a new screening plan submitted.

Ms. Mangarillo's Comments (memo attached)

Written comments would be sent out the day after the meeting. Affidavits needed to be notarized. The swale should be added to bond estimate amount. Ms. Mangarillo recommended that a public hearing be set for October.

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Ms. Axelson's comment (memo attached)

Utilities should be placed underground. A Public hearing should be set for October 11, 2018.

Mr. Karell said he thought soil testing was completed and Mr. Barber said that the protocols were not followed and that a chain of custody also needs to be followed.

Mr. Tolmach asked for a motion to set a public hearing for October 11, 2018. The motion was made by Mr. Carey and seconded by Mr. Lowes. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

- **ELIZABETH AND DANIEL HOWLES, 5 ROCKWOOD ROAD, KENT, NY; TM: 33.73-1-53 & 54**

The owners of this property asked for the return of their erosion control bond, which was posted in 2004. The property was inspected and found to be stabilized.

Ms. Mangarillo recommended that the bond in the amount of \$2,826.00 be returned.

Mr. Tolmach asked for a motion to forward a recommendation to the Town Board that this bond be returned. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

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**• BRITT CONNOLLY, 8 GRASSLANDS ROAD, KENT, NY; TM: 33.73-1-53 & 54**

The property is stabilized and Ms. Mangarillo recommended releasing an erosion control bond in the amount of \$4,082.00.

Mr. Tolmach asked for a motion to forward a recommendation to the Town Board to return this Erosion Control Bond to Mr. & Mrs. Connolly: Mr. Lowes made the motion and it was seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

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

- Kent Development    Erosion Control Plan                          Status Report  
N. Horsepound Road, Kent, NY  
TM: 12.-1-38

Going to ZBA for adjustment to zone change.

- Cabrera Property    Erosion Control Plan                          Status Report  
126 Hortontown Road, Kent, NY  
TM: 19.-1-35

Waiting for new submittal.

- Route 52 Development/  
Peder Scott Project    Erosion Control Plan                          Status Report  
Route 52, Kent, NY  
TM: 12.-1-52

Peder Scott discussed changes to plans to reduce cut and is modifying the plans. There was a discussion regarding the circulation of materials for SEQRA review and the Planning Board's Intent to become Lead Agency for this project. Mr. Caruso said that they feel that they are ready to move forward at this time. Mr. Wilhelm asked what the primary plan was and Mr. Scott said that he wanted a review from the Planner and Board as to the status of the plans submitted.

- Robert Davis    Lot Line Revision                          Status Report  
1155 Barrett Circle W., Kent, NY  
TM: 42.11-1-24

Going through Putnam County for merging



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- Raneri Property  
Hillside Paper Rd., Kent,, NY  
TM: 44.24-1-3

Erosion Control Plan

Status Report

Waiting for resubmittal

- Boccia Property  
Beach Court, Kent, NY  
TM: 21.-1-16

Erosion Control Plan/  
Wetland Permit

Status Report

Nothing new submitted/waiting for bond to be submitted

- Dogward Bound  
461 Richardsville Road, Kent, NY  
TM: 30.12-1-1

Erosion Control/  
Site Plan/Accept Bond

Status Report

Nothing new submitted.

- Putnam Nursing &  
Rehabilitation Center Addition  
404 Ludingtonville Road, Holmes, NY  
TM: 12.-3-40 & 41

Erosion Control/  
Wetland Permit

Status Report

A new submittal would be delivered for the October meeting

- Rodriguez/Olson  
104 Smalley Corner Road, Kent, NY  
TM: 21.-1-10

Subdivision

Status Report

Nothing new was submitted

- Von Rosenvinge Property  
451 Pudding St., Kent, NY  
TM: 31.17-1-7

Erosion Control Plan  
for an In-Ground Swimming Pool

Status Report

Property was inspected and a report was prepared

Mr. Tolmach asked for a motion to close the meeting at 9:15 PM. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary  
Respectfully Submitted,

c: Planning Board Members  
Building Inspector  
Town Clerk

SEPTEMBER 2018  
KENT PLANNING BOARD AGENDA

Workshop: September 06, 2018 (Thursday, 7:30 PM)

Meeting: September 27, 2018 (Thursday, 7:30 PM) (rescheduled from 9/13/18)

- Approve Planning Board Minutes from July and August 2018
- John Murtaugh  
1250 Peekskill Hollow Rd., NY  
TM: 42.-2-51                      Public Hearing/Erosion Control Plan/  
Wetland Permit/Subdivision/  
Public Hearing                      Review
- Fregosi Property  
Kentview Dr., Kent, NY  
TM: 10.20-1-69                      Erosion Control Plan/  
Public Hearing                      Review
- Rienzi Property  
Kentview Dr., Kent, NY  
TM: 10.20-1-51                      Erosion Control Plan                      Review
- Route 311 Plaza/R Vriebrock  
Route 311, Kent, NY  
TM: 22.-2-17                      Request for Time Extension of Permits                      Review
- Roncallo Property  
Tibet Dr., Kent, NY  
TM: 30.20-1-15                      Erosion Control Plan                      Review
- Realbuto  
49 Tiger Trail, Kent, NY  
TM: 21.8-1-39                      Erosion Control Plan                      Review
- Elizabeth & Daniel Howles  
5 Rockwood Road, Kent, NY  
TM: 33.51-1-10                      Request to return Erosion Control Bond                      Review
- Britt Connolly  
8 Grasslands Road, Kent, NY  
TM: 33.73-1-53 & 54                      Request to return Erosion Control Bond                      Review

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

- Kent Development  
N. Horsepound Road, Kent, NY W  
TM: 12.-1-38  
Site Plan/Erosion Control Plan  
etlands Permit/Lot Line Adjustment  
Status Report
- Cabrera Property  
126 Hortontown Road, Kent, NY  
TM: 19.-1-35  
Erosion Control Plan  
Status Report
- Route 52 Development/  
Peder Scott Project  
Route 52, Kent, NY  
TM: 12.-1-52  
Erosion Control  
Status Report
- Robert Davis  
1155 Barrett Circle W., Kent, NY  
TM: 42.11-1-24  
Lot Line Revision  
Status Report
- Raneri Property  
Hillside Paper Rd., Kent,, NY  
TM: 44.24-1-3  
Erosion Control Plan  
Status Report
- Boccia Property  
Beach Court, Kent, NY  
TM: 21.-1-16  
Erosion Control Plan/  
Wetland Permit  
Status Report
- Dogward Bound  
461 Richardsville Road, Kent, NY  
TM: 30.12-1-1  
Erosion Control/  
Site Plan/Accept Bond  
Status Report
- Putnam Nursing &  
Rehabilitation Center Addition  
404 Ludingtonville Road, Holmes, NY  
TM: 12.-3-40 & 41  
Erosion Control/  
Wetland Permit  
Status Report
- Rodriguez/Olson  
104 Smalley Corner Road, Kent, NY  
TM: 21.-1-10  
Subdivision  
Status Report
- Von Rosenvinge Property  
451 Pudding St., Kent, NY  
TM: 31.17-1-7  
Erosion Control Plan  
for In-Ground Swimming Pool  
Status Report

Rev. 2



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## MEMORANDUM

**Date:** September 21, 2018  
**To:** Town of Kent Planning Board  
**From:** Liz Axelson, AICP  
**RE:** Murtagh Subdivision, Erosion Control Plan; & Wetland Permit, 1250 Peekskill Hollow Road, Tax Parcel No. 42.-2-51 / MA# 218037.00

I reviewed the materials listed at the end of this memorandum in accordance with online mapping resources; and the Code of the Town of Kent, Chapter 77, Zoning; and Chapter 66A Subdivision of Land. Based on my review I offer the following comments for the Board's consideration:

### Summary

1. The proposal involves the subdivision of a 17.576-acre parcel to create two (2) lots for single-family development in the R-80 (One Family Residence) zoning district. As such it is a minor subdivision. An existing single-family dwelling, 2 existing block buildings, driveways to all existing buildings and other site improvements would be located on proposed Lot 1.
2. The lots were reconfigured as recommended with respect to the 10,000 square foot (SF) rectangles; and wetlands along the site's frontage with the driveway for Lot 2 via an easement to Peekskill Hollow Road. The location of Lot 2's driveway within the Town Wetland Buffer will require a wetland permit. Please refer to the zoning and subdivision comments below, which detail the remaining application; and zoning compliance issues.
3. Due to recent application revisions; and added final plat data, the application is now complete. Accordingly, the application is may now be ready for conclusion of SEQR review; closure of the public hearings; and consideration of approvals of final subdivision; wetland permit; and erosion and sedimentation control permit.

### SEQRA

4. Previously, the Planing Board declared that the proposed action is an Unlisted action as per the SEQRA regulations; issued a Declaration of Intent to be Lead Agency; and sent out SEQRA circulation packets on or about June 21, 2018, and some agencies sent comments: NYSDEC wetland permit comments; a NYS OPRHP (SHPO) letter of no impact; and Town of Kent Highway permit comments the application is not complete.
5. Zoning compliance issues and subdivision requirements remain to be addressed. However, sufficient information has been provided so that Planning Board may consider a SEQR determination of non-significance (Negative Declaration).

### Subdivision Application

6. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit; and Wetland Delineation. Accordingly, my comments pertain primarily to the subdivision plat.
7. As per prior comments, a Town wetland permit is required. Amend the submitted application form accordingly.

8. As per prior comments, revise the final application form regarding:
  - a. the need for a wetland permit;
  - b. any submittals to the NYS Department of Environmental Conservation;
  - c. update the smallest lot size from 2 acres;
  - d. update form section C) 1) to 6) about any freshwater wetland permitting; and
  - e. update form section D) 1) to 2) about steep slopes.
9. On the Subdivision Plat, label the Town Wetland Boundary (... 466' contour) as shown on the Erosion & Sediment Control Plan sheet.
10. The submitted legal instrument for driveway easement for Lot 2 over Lot 1 must be reviewed and approved by the Planning Board Attorney as to form and sufficiency.
11. As per prior comments, regarding subdivision requirements and standards, provide utility service assurances and show any necessary easements as per the regulations in section 66A-24, A. and B.
12. Given the site's terrain, there are no "convenient and suitable areas for parks..." to be set aside as per the subdivision regulations section 66A-25. Accordingly, a payment in lieu of recreation land should be required.
13. The proposed driveway on lot must comply with Code Chapter 57. Roads and Driveways. I note that plan notation and other plan elements appear to be included to address these requirements; and I defer to the Planning Board's Engineering Consultant about the driveway requirements.

#### Recommendation

14. The Planning Board may consider taking action to address the following items:
  - a. Making a SEQR determination of non-significance (Negative Declaration).
  - b. Close the public hearings.
  - c. Consideration approvals of final subdivision; and wetland; and erosion and sedimentation control permits.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [eaxelson@CPLteam.com](mailto:eaxelson@CPLteam.com).

cc: Bill Walters  
Julie Mangarillo  
Bruce Barber

#### Materials Reviewed

- Transmittal from Badey & Watson Surveying & Engineering, dated August 10, 2018;
- Letters responding to the Town's Planning and Environmental Consultant's comments prepared by Jason Snyder, CPESC, Badey & Watson Surveying & Engineering, dated August 9, 2018;
- Copy of Putnam County Clerk Deed recorded 8/21/17;
- Draft Declaration of Easements, last revised August 13, 2018;
- Plan entitled Wetlands Mitigation Plan prepared by John Delano, PE, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised August 9, 2018;
- Plan entitled Preliminary Subdivision Plat Prepared For John Murtagh, prepared by Jennifer Reap, LLS, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised August 9, 2018;
- Plan entitled Erosion & Sediment Control Plan, prepared by Jennifer Reap, LS & John Delano, PE, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised August 9, 2018; and
- Previously submitted plan entitled Survey of Property Prepared For John Murtagh, prepared by Jennifer Reap, LS, Badey & Watson Surveying & Engineering, dated October 2, 2017, revised January 23, 2018 with NYSDEC Freshwater Wetland Boundary Validation signed January 30, 2018, expiration date January 30, 2023.

**FINAL**  
**September 27, 2018**  
**Town of Kent Planning Board Resolution of**  
**SEQRA Determination of Non-Significance (Negative Declaration) and**  
**Approvals with Conditions for:**  
**Subdivision; Freshwater Wetland Permit; and**  
**Steep Slope and Erosion Control Permit for**  
**Murtagh Subdivision**  
**TM: 42.-2-51**

**Whereas**, the Town of Kent Planning Board has received an application from John Murtagh for approval of a subdivision of a 17.576-acre parcel to create two (2) lots for single-family development in the R-80 (One Family Residence) zoning district located at 1144 Peekskill Hollow Road, Kent, Putnam County, New York (tax parcel identification number 42.-2-51); and

**Whereas**, the proposed action involves a minor subdivision of land with an existing single-family dwelling, 2 existing block buildings, driveways to all existing buildings and other site improvements, which would be located on proposed Lot 1; and a new Lot 2 for proposed single-family development, which is a principal permitted use in the R-80 zoning district; and

**Whereas**, the project is depicted on a subdivision plat; an erosion and sediment control plan; and wetlands mitigation plan, prepared by Badey & Watson Surveying & Engineering, dated March 23, 2018; and last revised August 9, 2018; and

**Whereas**, the proposal will also involve Freshwater Wetland Permit; and Steep Slopes and Erosion Control Permit approvals; and

**Whereas**, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board took the following action to initiate review on June 14, 2018:

- classified the proposed action as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5;
- declared its intent to serve as Lead Agency in a coordinated review of the Project and circulated a notice of its intent to all other involved and interested agencies; and
- referred the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-1, m and n of the General Municipal Law; and

**Now Therefore Be It Resolved**, that the Town of Kent Planning Board, as lead agency under SEQRA, hereby determines the proposed action described herein will not have any significant adverse environmental impacts and an Environmental Impact Statement will not be required; and

**Be It Further Resolved**, that the Planning Board relies on the following supporting reasons in this determination of non-significance (negative Declaration):

1. The proposal will involve land disturbance primarily on the new lot, # 2 since lot 1 is previously developed with a single-family home, outbuildings, a driveway and other improvements. Impervious coverage of both resulting lots would be less than three percent (3%). Land disturbance and construction activities will be limited to the western end of the site near Peekskill Hollow Road. Accordingly, development is not proposed on the steeper eastern portions of the proposed lots.

*Town of Kent Planning Board Resolution of  
SEORA Negative Declaration; and Approvals with Conditions  
for Subdivision; Wetland; and Erosion Control  
for Murtagh Subdivision  
September 27, 2018*

2. The proposed action also involves applications for Town and New York State Freshwater Wetland Permits; and a Town Erosion Control Permit. The proposed limits of disturbance; wetland boundaries; and wetland adjacent areas are defined on the subdivision plans with corresponding erosion and sedimentation control measures.
3. The proposed subdivision is consistent with the R-80 zoning district's lot and bulk requirements including supplementary requirements for the proposed flag lot, which is lot 2. The scale of the proposed development is appropriate for the proposed site at the proposed location. Accordingly, no impacts related to the character of the community have been identified.

**Be It Further Resolved**, that the public hearing for this project, which was originally held on July 12, 2018; and was adjourned and continued to September 2018; is hereby closed; and

**Be It Further Resolved**, that pursuant to the Code of the Town of Kent, Chapter 39A, Freshwater Wetlands, section 39A-8(C), the Planning Board hereby makes the following specific findings:

1. The proposed regulated activity is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
2. The proposed regulated activity is compatible with the public health and welfare.
3. There is no practicable alternative for the proposed regulated activity on this site that is not regulated pursuant to this chapter.
4. The proposed regulated activity minimizes degradation to, or loss of, any part of the wetland, water body or watercourse or their adjacent areas and minimizes any adverse impacts on the functions and benefits that said wetlands, water bodies and watercourses provide.
5. The proposed activities are in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g); and

**Be It Further Resolved**, that pursuant to section 277(4)(b) of the Town Law of the State of New York, the Planning Board has examined the recreational facilities of the Town and hereby finds that:

- a. Based on increases in the town wide population growth as evidenced by 2010 census data;
- b. Potential increases in the number of new home sales as evidenced by Putnam County data;
- c. Potential increases in the local population attributable to the project; and

*Town of Kent Planning Board Resolution of  
SEQRA Negative Declaration; and Approvals with Conditions  
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for Murtagh Subdivision  
September 27, 2018*

- d. The need for additional recreational lands as documented in the Town Comprehensive Plan and the Town Recreation Master Plan, that a proper case exists for requiring that a park suitably located for playgrounds or other recreational purposes within the Town be required for this development; that the Recreation Master Plan documents a continued and increased demand for recreation resources by Town residents and details needed improvements to existing town recreation facilities to keep pace with such demand; and that based on the limited accessibility of the project site, and the overall environmental constraints represented by on-site wetlands and steep slopes, that pursuant to section 277(4)(c) of the Town Law the Planning Board determines that a suitable park or parks of adequate size to meet the recreational needs of the residents of the subdivision cannot be properly located on the proposed Murtagh Subdivision site, and that the Board therefore will require that prior to the Chairman's signature on the Final Subdivision Plat, the applicant shall pay a recreation fee in lieu thereof, in an amount as established by the Town Board of the new residential building lot; and

**Be It Further Resolved**, that pursuant to Kent Code section 39A-7 D.(2) the Planning Board hereby grants Freshwater Wetland Permit approval for the regulated activities as described herein; and

**Be It Further Resolved**, that pursuant to Kent Code Chapter 66, Article III the Planning Board hereby grants Steep Slope and Erosion Control Permit approval; and

**Be It Further Resolved**, that the Planning Board hereby grants final approval with conditions to the proposed minor subdivision; and freshwater wetland and steep slope and erosion control plan approvals, as depicted on the following maps:

- Plan entitled Preliminary Subdivision Plat Prepared For John Murtagh, prepared by Jennifer Reap, LLS, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised August 9, 2018;
- Plan entitled Wetlands Mitigation Plan prepared by John Delano, PE, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised August 9, 2018;
- Plan entitled Erosion & Sediment Control Plan, prepared by Jennifer Reap, LS & John Delano, PE, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised August 9, 2018; and
- Plan entitled Survey of Property Prepared For John Murtagh, prepared by Jennifer Reap, LS, Badey & Watson Surveying & Engineering, dated October 2, 2017, revised January 23, 2018 with NYSDEC Freshwater Wetland Boundary Validation signed January 30, 2018, expiration date January 30, 2023; and



*Town of Kent Planning Board Resolution of  
SEQRA Negative Declaration; and Approvals with Conditions  
for Subdivision; Wetland; and Erosion Control  
for Murtagh Subdivision  
September 27, 2018*

**Be It Further Resolved**, that these subdivision, freshwater wetland and steep slope and erosion control plan approvals are expressly conditioned on the completion of the compliance with the following:


1. Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated September 27, 2018.
2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated September 27, 2018.
3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated September 21, 2018.
4. Obtain the approval of the Planning Board's Consulting Professional Engineer in regard to the final Steep Slope and Erosion Control Permit plan.
5. Obtain the approval of the Putnam County Department of Health for the individual sewage disposal and water supply system for lot 2.
6. Obtain all required approvals from the New York City Department of Environmental Protection.
7. Obtain all required approvals from the New York State Department of Environmental Conservation.
8. Obtain the approval of the Town of Kent Highway superintendent for the design of the proposed residential driveway curb-cut, including associated storm water management facilities.
9. Certification by the Planning Board's Attorney that the submitted Declaration of Easement for a twenty-five foot (25') wide Access and Utility Easement running from Peekskill Hollow Road over lot 1 to in favor of lot 2 is acceptable as to form and sufficiency.
10. Approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; approval of the form of the bond or security by the Planning Board Attorney; and acceptance of the bond or security by the Town Board.
11. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
12. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
13. Payment of a recreation fee in lieu of land for the one new residential lot in an amount as set by the Town Board.

*Town of Kent Planning Board Resolution of  
SEQRA Negative Declaration; and Approvals with Conditions  
for Subdivision; Wetland; and Erosion Control  
for Murtagh Subdivision  
September 27, 2018*

14. The conditional final subdivision approval shall expire within one hundred eighty (180) day of the date of this resolution unless each condition as stated herein has been certified as completed. Said conditional approval shall thereafter expire unless otherwise extended by the Planning Board after receipt of a written request of the applicant prior to the date of expiration.
  
15. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Final Subdivision Approval; and Freshwater Wetland and Steep Slope and Erosion Control permit approvals have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion:	<u>Stephen Wilhelm</u>
Second:	<u>Simon Carey</u>
Phil Tolmach, Chairman	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Simon Carey	<u>Aye</u>

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on September 27, 2018.

  
\_\_\_\_\_  
Vera Patterson, Clerk  
Town of Kent Planning Board



## Cornerstone Associates

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

September 27, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Murtagh Application**  
1144 Peekskill Hollow Road  
Section 42 Block 2 Lot 51

Please be advised I have reviewed the following documents submitted relative to the above referenced application:

- Comment response memo executed by Jason Snyder of Badey and Watson dated August 9, 2018, 2 pages.
- Plan entitled; "Subdivision Plat prepared for John Murtagh" prepared by Badey and Watson dated August 9, 2018 (rev.), 1 sheet.
- Plan entitled; "Wetlands Mitigation Plan" prepared by Badey and Watson dated August 9, 2018 (rev.), 1 sheet.
- Plan entitled; "Erosion and Sediment Control Plan prepared for John Murtagh" prepared by Badey and Watson dated August 9, 2018 (rev.), 1 sheet.

**Review Comments:**

The applicant has provided satisfactory responses to the comments in the prior review memo dated.

This office has no further comments.

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

Sincerely,

Bruce Barber, PWS, Cert. Ecologist  
Town of Kent Environmental Consultant



# Memorandum

To: Planning Board  
Town of Kent

Attn: Phil Tolmach  
Chairman

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

Subject: Subdivision

Date: September 27, 2018

Project: Murtagh Subdivision –  
Peekskill Hollow Rd  
TM # 42.-2-51

The following materials were reviewed:

- Letter prepared by Badey & Watson Surveying & Engineering, P.C, dated 8/9/2018 in response to engineer consultant comments.
- Deed
- Draft Declaration of Easement
- "Subdivision Plat Prepared for John Murtagh," prepared by Badey & Watson Surveying & Engineering, P.C., revised August 9, 2018
- "Erosion & Sediment Control Plan," prepared by Badey & Watson Surveying & Engineering, P.C., revised Aug 9, 2018
- "Wetlands Mitigation Plan," prepared by Badey & Watson Surveying & Engineering, P.C., revised August 9, 2018

The project proposes subdivision of an existing 17 +/- acre lot into two (2) lots. There is an existing house, driveway, septic and out buildings.

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

1. 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. – **Acknowledged.**
2. Provide Health Department approvals when available. – **Acknowledged.**
3. We defer to the Planning Board's environmental consultant regarding wetland issues.
4. We defer to the Planning Board's planning consultant regarding subdivision and zoning issues.
5. A bond estimate of \$6,138.00 is included on the "Erosion & Sediment Control Plan" prepared by Badey & Watson. We recommend this amount be accepted for the erosion control bond amount and recommended for approval by the Town Board.

  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
Liz Axelson, AICP via email

Bruce Barber via email  
18-261-245



# Cornerstone Associates

*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 27, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Fregosi Application**  
Kentview Drive  
Section 10.20 Block 1 Lot 69  
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

- Plans entitled; "Stormwater Pollution Prevention Plan" prepared by Roy Fredriksen, PE dated 07/24/18 (rev.), 1 sheet.

**A: Summary of Application:**

Application is to construct a two story, four bedroom, single-family residence approximately 2,400+/- square feet in size on a 1.12+/- acre parcel in an R-40 zoning district on the southern side of Kentview Drive.

**B: General Comments:**

- EAF requires the applicant's signature.

**C: Plan Review:**

- Review of the selection of Arborvitae trees proposed for screening is suggested as these trees are generally severely impacted by deer browse.
- The limits of disturbance extend to the side property (east and west) property lines. It is suggested that the Planning Board recommend that a minimum of 10' of existing natural area be maintained as a natural border to adjoining properties.
- It is unclear how the proposed infiltration trench adjacent to the driveway will work. There is no soil infiltration information and the trench is located very near to the adjoining property well. It is unclear how driveway water will be directed away from the adjoining property.
- A section of the proposed driveway appears to be indicated to slope at 15%-25%.
- There is no indicated overflow pipe/area for the proposed cul tec units. The distance between the cul tec units and the septic system should be shown.
- A note should be added to the plans which indicates that tree cutting shall only occur between November 1 and March 31 of the following year.

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

Sincerely,

Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan

Date: September 27, 2018  
UPDATED 9/28/2018

Project: Fregosi – Kentview Drive  
TM # 10.20-1-69

The following materials were reviewed:

- Drawings prepared by Roy Fredriksen, PE
  - Stormwater Pollution Prevention Plan (Erosion & Sediment Control) revised 7/24/2018
  - **Notice of Intent (NOI) signed 8/1/2018**
  - **MS4 SWPPP Acceptance Form**

The project proposes construction of a single family house with individual well, septic and driveway. The parcel is a pre-existing, non-conforming lot for lot width. Information provided seems to indicate Putnam County Health Department approval for well and septic is in progress.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated May 10, 2018:

1. On Combined Application Form, select steep slope & erosion control permit instead of pre-application review.
  1. **Revised Application Form not received.**
2. Provide completed Certification of Professional Engineer/Licensed Land Surveyor/Architect
  1. **Not received.**
4. Provide the following information as required by Town Code Chapter 66-6.B.2:
  2. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"

- i. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.

**4. Information could not be located.**

- ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan. – **Information could not be located.**

- 3. §66-6.B.2.h – Provide “the details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.”

- iii. Include additional notes for home owner for long term maintenance and operation of the infiltrators and the infiltration trench. Provide field testing to prove sufficient distance from bedrock or water table.

**4. Information could not be located.**

- 6. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
  - c. 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;” – **Information could not be located.**
  - d. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-15-002, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4).
    - i. Provide notes on the drawing regarding procedure for Notice of Termination, including definition of final stabilization, requirement of inspection by Town and sign-off by Town (MS4) on Notice of Termination. – **Notes could not be located.**
  - e. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
- 9. Refer to the Drawings:
  - c. Based on the experience of the adjacent homeowner, a catchbasin may be recommended at the inside corner of the driveway to prevent road runoff from flowing onto the driveway near the garage and creating an icing condition.
    - i. **If applicant prefers not to have a catchbasin in this location, state this in response letter.**
- 10. 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.

The following comments are provided for the Planning Board's consideration from a memo dated July 12, 2018:

4. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). – **Provide a note on the drawing.**
7. The cultec units appear to be infiltrating roof runoff, which is piped to the unit. Provide catch basins, yard drains or similar structures where a turn is required in the pipe run.
8. The previous submittal included a second drawing, very similar to the revised drawing but with some different notes. Some of those notes would be beneficial to transfer to the single drawing.
9. Provide Health Department approvals when available.

**New Comments (9/27/2018):**

1. A SWPPP and NOI were submitted. Unfortunately, at the time of review we could not locate our copy. Separate comments regarding those documents will be issued under separate cover. – **Additional copies of NOI and MS4 SWPPP Acceptance Form were obtained. See comments below.**
2. The first floor elevation is listed as 327 while the contours range from elevation 900 to 936. Make elevations consistent.
3. Label distance from septic to infiltrators. Confirm the infiltrators are included on drawing submitted to/approved by the Health Department.
4. An erosion control estimate has not been provided by the applicant. We have prepared an estimate, attached, for \$28,867.50. We recommend the bond estimate prepared by this office be accepted for the bond amount and recommended for approval by the Town Board. However, we will consider an alternate amount if the applicant would like to submit a bond estimate.
5. 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.
6. We recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.

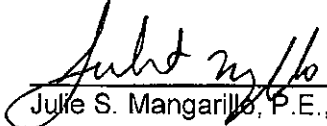
**New Comments 9/28/2018 regarding the NOI:**

1. Refer to the Notice of Intent
  - a. Page 2, #1 Provide coordinates from NYSDEC Stormwater Interactive Map
  - b. Page 3, #3 For "Pre-Development Existing Land Use" There is not an existing single family home. Recommend selecting "Other" and writing in "vacant lot".
  - c. Page 5, #15 Select "Yes" for separate storm sewer system.



Memorandum  
Fregosi ECP  
TM # 10.20-1-69  
September 27, 2018  
Updated September 28, 2018  
Page 4 of 4

- d. Page 5, #22 Recommend selecting "No" for post-construction stormwater management practices.
    - i. While post-construction stormwater management practices are proposed to re-direct stormwater away from neighboring properties, they are not required based upon NYS DEC thresholds.
  - e. Page 7, #26 – "Temporary Structural" - Recommend selecting "Stabilized Construction Entrance". "Vegetative Measures" – Recommend selecting "seeding". "Other" – Recommend leaving this blank. While the infiltration trench and infiltrators are proposed to re-direct stormwater away from neighboring properties, they are not required based on NYS DEC thresholds.
2. Provide written response with future submittals stating how the comments have been addressed.

  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
18-261-999-158

Bruce Barber via email  
Liz Axelson via email



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan

Date: September 27, 2018

Project: Fregosi – Kentview Drive  
TM # 10.20-1-69

The following materials were reviewed:

- Drawings prepared by Roy Fredriksen, PE
  - Stormwater Pollution Prevention Plan (Erosion & Sediment Control) revised 7/24/2018

The project proposes construction of a single family house with individual well, septic and driveway. The parcel is a pre-existing, non-conforming lot for lot width. Information provided seems to indicate Putnam County Health Department approval for well and septic is in progress.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated May 10, 2018:

1. On Combined Application Form, select steep slope & erosion control permit instead of pre-application review.
  1. **Revised Application Form not received.**
2. Provide completed Certification of Professional Engineer/Licensed Land Surveyor/Architect
  1. **Not received.**
4. Provide the following information as required by Town Code Chapter 66-6.B.2:
  2. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall.”
    - i. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.

**4. Information could not be located.**

ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan. – **Information could not be located.**

3. §66-6.B.2.h – Provide “the details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.”

iii. Include additional notes for home owner for long term maintenance and operation of the infiltrators and the infiltration trench. Provide field testing to prove sufficient distance from bedrock or water table.

**4. Information could not be located.**

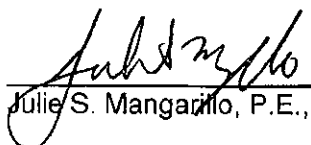
6. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
  - c. Part III.B.1.j – “A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;” – **Information could not be located.**
  - d. The Applicant and Applicant’s design professional are expected to be familiar with the provisions of NYSDEC GP-0-15-002, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4).
    - i. Provide notes on the drawing regarding procedure for Notice of Termination, including definition of final stabilization, requirement of inspection by Town and sign-off by Town (MS4) on Notice of Termination. – **Notes could not be located.**
  - e. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
7. Provide a Notice of Intent (NOI) for review. –
8. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
9. Refer to the Drawings:
  - c. Based on the experience of the adjacent homeowner, a catchbasin may be recommended at the inside corner of the driveway to prevent road runoff from flowing onto the driveway near the garage and creating an icing condition.
10. 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.

The following comments are provided for the Planning Board’s consideration from a memo dated July 12, 2018:

4. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c).
7. The cultec units appear to be infiltrating roof runoff, which is piped to the unit. Provide catch basins, yard drains or similar structures where a turn is required in the pipe run.
8. The previous submittal included a second drawing, very similar to the revised drawing but with some different notes. Some of those notes would be beneficial to transfer to the single drawing.
9. Provide Health Department approvals when available.

**New Comments:**

1. A SWPPP and NOI were submitted. Unfortunately, at the time of review we could not locate our copy. Separate comments regarding those documents will be issued under separate cover.
2. The first floor elevation is listed as 327 while the contours range from elevation 900 to 936. Make elevations consistent.
3. Label distance from septic to infiltrators. Confirm the infiltrators are included on drawing submitted to/approved by the Health Department.
4. An erosion control estimate has not been provided by the applicant. We have prepared an estimate, attached, for \$28,867.50. We recommend the bond estimate prepared by this office be accepted for the bond amount and recommended for approval by the Town Board. However, we will consider an alternate amount if the applicant would like to submit a bond estimate.
5. 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.
6. We recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.

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

cc: Planning Board via email  
Bill Walters via email  
18-261-999-158

Bruce Barber via email  
Liz Axelson via email



**ROHDE, SOYKA  
& ANDREWS**  
Consulting Engineers, P.C.

40 Garden Street  
Poughkeepsie, NY 12601  
Phone: (845) 452-7515 Fax: (845) 452-8335  
E-Mail Address: [info@rsaengrs.com](mailto:info@rsaengrs.com)

*Wilfred A. Rohde, P.E • Michael W. Soyka, P.E • John V. Andrews, Jr., P.E.*

**To:** Planning Board Town of Kent  
**From:** Julie S. Mangarillo, P.E., CPESC  
**Date:** September 27, 2018

**Attn:** Philip Tolmach, Chairman  
**Subject:** Erosion Control Bond Amount  
**Project:** Fregosi - Kentview Dr  
**Tax Map:** 10.20-1-69


The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Soil stockpiles	1	EA	\$ 500.00	\$ 500.00
Underground stormwater storage	1	LS	\$ 20,000.00	\$ 20,000.00
6" dia drainage pipe	215	LF	\$ 10.50	\$ 2,257.50
Catchbasins/drain inlets	1	EA	\$ 1,500.00	\$ 1,500.00
Seed and mulch	30,000	SF	\$ 0.06	\$ 1,800.00
Stabilized construction entrance	1	EA	\$ 750.00	\$ 750.00
Silt Fence	515	LF	\$ 4.00	\$ 2,060.00
			<b>TOTAL:</b>	<b>\$ 28,867.50</b>



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PLANNING  
CPLteam.com

## MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
Julie Mangarillo  
Bruce Barber  
**FROM:** Liz Axelson, AICP   
**DATE:** September 27, 2018  
**RE:** Rienzi Erosion Control Plan, 13 Kentview Drive, Tax Parcel No. 10.20-1-51 / CPL# 60257.00

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

### Summary

1. The proposal involves the erosion control plan for a new single-family dwelling and other improvements to be made to a 43,970 square foot (SF) lot (see tax parcel listed above) in the R-80 (One Family Residence) zoning district.
2. My review is limited to the Zoning Requirements comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

### SEORA

3. My copy of the submittal did not include a Short EAF.

### Zoning Requirements

4. Revise the zoning table of lot and bulk requirements to the plat corresponding to the R-80 district as follows:
  - a. Add an asterisk next to the proposed lot area with a note at the bottom of the table indicating this is a pre-existing, noncomplying condition, since it is less than 80,000 SF.
  - b. Add a row for lot width listing the requirement and the provided lot width with an asterisk as needed if it is less than the 250-foot requirement.
  - c. Add a row for lot frontage listing the requirement and the provided frontage with an asterisk as needed if it is less than the 250-foot requirement.
  - d. Add two rows for the lot coverage and impervious coverage listing the corresponding requirements and the provided coverages.
  - e. Add a row for maximum height listing the requirement and the provided height.
  - f. Add a note to the plans to state that utilities shall, unless unfeasible, be placed underground.
  - g. Show the boundary of any existing wooded area on the site, outside of the limits of disturbance, labeled to indicate that it will remain.

### Recommendation

5. The Planning Board should direct the applicant to:

- a. address the comments above; and
  - b. provide additional information for a more complete application.
6. Since the application is not complete, no action is required by the Planning Board at this time.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [eaxelson@CPLteam.com](mailto:eaxelson@CPLteam.com).

Materials Reviewed

- Application materials for Steep Slope and Erosion Control approval, submitted by Joel Greenberg, RA, signed August 9, 2018 with attached affidavits; certifications; and
- Plans prepare by Joel Greenberg, RA, entitled New House For Paul Rienzi last revised August 13, 2018 as listed below:
  - o Site Plan SSTS Layout; and
  - o SSTS Details.



# Cornerstone Associates

---

*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 27, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Rienzi Application**  
Kentview Drive  
Section 10.20 Block 1 Lot 51  
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

- Town of Kent Planning Board Combined Application executed by Paul Rienzi dated 08/09/18.
- Plans entitled; "New House for Paul Rienzi" prepared by Joel Greenberg, R.A., dated 08/13/18, 2 sheets: S-1, S-2.
- Property survey prepared by Robert H. Bergendorff, LS, dated 05/13/04, 1 sheet.
- Putnam County Department of Health Septic System Approval and Well Water Approval dated 08/02/18.

**A: Summary of Application:**

Application is to construct a two story, three bedroom, single-family residence on a 1.009+/- acre parcel in an R-40 zoning district on the northern side of Kentview Drive.

**B: General Comments:**

- Please provide short-form EAF.
- This office will conduct at site inspection to determine if there are any wetland or wetland buffer disturbances associated with this application as well as to review the existing trees.

**C: Plan Review:**

- Plans should be revised to indicate tree cutting shall only occur between November 1 and March 31 of the following year.
- Provide soil tests for proposed infiltration/stormwater structures.
- The limit of disturbance extends to the side property (east and west) property lines. It is suggested that the Planning Board recommend that a minimum of 10'



- of existing natural area be maintained as a natural border to adjoining properties.  
The Planning Board may also request that screening be installed in these areas.
- There is no indicated overflow pipe/area for the proposed drywell.
  - Proposed drainage swale is located close to neighboring septic system. Indicate dimension on plans.
  - Indicate the grade of the finished driveway.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Barber', with a stylized, cursive script.

Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan

Date: October 1, 2018

Project: Rienzi Kentview Dr  
TM # 10.20-1-51

The following materials were reviewed:

- Combined Application Form, signed 8/10/2018 including Owner's affidavit, Agent of Owner's affidavit, Certification of Architect, Disclosure of Business Interest
- Health Department approvals for well and septic, dated 8/2/2018
- "Topographical Survey of Property" prepared by Robert H. Bergendorff, PLS, dated May 13, 2004
- Drawings prepared by Joel L. Greenberg, Architect, including:
  - S-1 Site Plan SSTS Layout, revised August 13, 2018
  - S-2 SSTS Details, revised July 20, 2018

The project proposes construction of a single family house with individual well, septic and driveway. The parcel is a pre-existing, non-conforming lot for lot width and frontage. Information provided indicates the lot has Putnam County Health Department approval for well and septic, issued August 2, 2018.

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. Refer to the Combined Application Form -
  - a. Page 3, #14 – Provide a copy of the deed.
  - b. Page 5, D) #2a – Select "yes" for more than 5,000 SF of disturbance.
  - c. Page 5, D) #3 – Provide date of boundary and topographic survey.
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - a. §66-6.B.2.a – Provide "the location of the proposed area of disturbance and its relationship to property lines, easements, buildings, roads, walls and wetlands, if any, within 50 feet of the boundaries of said area."

- i. Provide location of any driveway on opposite side of the street.
  - b. §66-6.B.2.e – Provide “a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map.”
    - i. Soils information is provided. Provide slope information.
  - c. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:”
    - i. [1] Describe or depict the temporary and/or permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project, from land clearing to the finished stage.
      1. Provide information on stabilization (grass).
    - ii. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
    - iii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
    - iv. [7] Provide a maintenance schedule for erosion control measures.
4. Provide a note on the drawing stating “Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s).”
5. 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.c – “A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);”
  - b. Part III.B.1.d – “A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;”
  - c. Part III.B.1.e – “A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and

the minimum time frames that each practice should remain in place or be implemented;"

- d. Part III.B.1.f – "A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;"
  - e. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;"
  - f. 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;"
  - g. The Applicant and Applicant's design professional are expected to be familiar with the provisions of the NYSDEC GP-0-15-002, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP or on the drawings.
  - h. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
  - i. Please note, per GP-0-15-002, a SWPPP must be prepared by qualified professional, including a licensed Professional Engineer, Registered Landscape Architect or other NYSDEC endorsed individual(s).
  - j. 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). Provide a note on the drawing.
6. Provide a Notice of Intent (NOI) for review.
  7. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
  8. Refer to the Drawings:
    - a. The label and arrow for "limits of disturbance" on the left side of the property is pointing to blank space. Is the line missing? Is the line overlapped with the property line? The limits of disturbance should not go right up to property line if it can be avoided. A physical demarcation of the side property lines, such as orange construction fence, is also required.

9. Leaching Basin (Dry well)

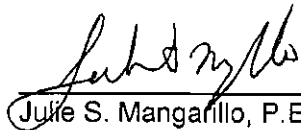
- a. On S-2, Typ. Leaching Basin detail – specify that it is for stormwater runoff only, not sanitary wastewater.
- b. Provide soil testing to ensure bedrock will not interfere with drywell.
- c. Specify distances between leaching basin and nearby septic systems and wells.
- d. Specify a minimum of 10 feet between house foundation and leaching basin.
- e. Provide notes regarding long-term maintenance for the future homeowner.
- f. Provide a stabilized overflow.

10. Driveway:

- a. Recommend having a site visit with the Highway Superintendent to discuss design of driveway with respect to existing road drainage.
- b. Per Town Code Chapter 57, §57-26.A(2)(a): "Finished grades for all parts of any proposed driveway shall not exceed 10% and shall not be less than 1 ½% nor exceed 5% within 30 feet of the intersection of the driveway with the Town road...and shall be paved for a distance of 30 feet from said intersection. The driveway shall slope down and away from the Town road... in this thirty-foot-long segment, except in the case of a driveway with a culvert (Figures 15 and 25). The slope shall not exceed 3% within 30 feet of a garage or parking pad."
  - i. Remove "Stone apron first 30' of intersection". That detail only applies where a driveway meets a gravel road. Kentview Drive is paved, therefore the first 30' of the driveway must be paved. During construction, the entrance will meet the stabilized construction entrance requirements.
  - ii. Provide slope percentages on the driveway profile.
- c. Per Town Code Chapter 57, §57-26.A(4)(b), "The minimum driveway width shall not be less than 16 feet with a travel-way width of not less than 12 feet and a shoulder width of not less than two feet on each side."
  - i. Revise the typical driveway cross-section detail on S-2 to show 2' shoulders.
- d. Per Town Code Chapter 57, §57-26.A(4), the minimum subbase thickness is 8 inches clean, run-of-bank gravel. Item 4 is also acceptable. The minimum top course is 4 inches Item 4 or processed gravel or 3 inches compacted asphalt.
  - i. Revise the typical driveway cross-section detail on S-2 to show 8" subbase and 3" asphalt. Additionally, some of the text from the detail overlaps the text of the soil stockpiling detail.
- e. Provide sight distance measurements at the intersection of the driveway with the road. Sight distance should meet or exceed 200 ft requirement per §57-9 Table 1.
- f. Per Town Code Chapter 57, Figure 15, the driveway must be a minimum of 5 feet from the side property line.
  - i. Add a note to the drawing.

Memorandum  
Rienzi ECP  
TM # 10.20-1-51  
October 1, 2018  
Page 5 of 5

11. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Add a note to the drawing.
12. 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.
13. We defer to the Planning Board's environmental consultant regarding any potential wetland issues.

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

cc: Planning Board via email  
Bill Walters via email  
18-261-999-161

Bruce Barber via email  
Liz Axelson via email

**Town of Kent Planning Board  
Resolution of Time Extension Pertaining To  
Site Plan/  
Steep Slope and Erosion Control Permit Approval**

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**Matter of Route 311 Plaza, LLC  
Tax Map: 22.-2-17**

**Whereas**, on March 9, 2017 the Town of Kent Planning Board granted conditional Site Plan and Steep Slope and Erosion Control Permit approvals for Route 311 Plaza, LLC; and

**Whereas**, said final approvals are valid for one year and pursuant to the Code of the Town of Kent, Chapter 77. Zoning, section 77-61 C., the Board may extend for periods of ninety days each, the time in which a conditionally approved final site plan 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 originally granted Site Plan Approval on April 14, 2011, re-approved the project on July 12, 2012, reapproved again on August 13, 2015, and again on March 9, 2017 after the original approvals expired; 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; and

**Now Therefore Be It Resolved**, that pursuant to section 77-61 C. of the Town Code the Planning Board grants two ninety (90) day extensions, for a total of 180 days, of the Site Plan Approval and Steep Slope and Erosion Control Permit approvals for the for Route 311Plaza, LLC forward from August 9, 2018 to February 15, 2019; 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 March 9, 2017, said conditions remaining unchanged and in force and effect.

Motion: Giancarlo Gattucci

Second: None

Phil Tolmach Nay

Simon Carey Nay

Giancarlo Gattucci Aye

Dennis Lowes Nay

Charles Sisto Nay

Stephen Wilhelm Nay

I certify that the above resolution was not adopted by the Town of Kent Planning Board at a meeting of the Board held on September 27, 2018.

  
\_\_\_\_\_  
Vera Patterson, Clerk  
Town of Kent Planning Board

Attached: Excerpt of March 2017 Minutes with original approval resolution with conditions





# Cornerstone Associates

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*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 27, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Reyes-Realbuto Application**  
49 Tiger Trail East  
Section 21.8 Block 1 Lot 39

Please be advised I have reviewed the following documents submitted relative to the above referenced application:

- Comment response memo executed by John Karell, Jr., PE dated 06/28/18, 2 pages (unsigned).
- Plan entitled; "Stephen Realbuto-Site Plan and Erosion Control Plan" prepared by John Karell, Jr., PE dated 7/17/18 (rev.), 3 sheets, S-1, S-2,.
- Plan entitled; "Stephen Realbuto-Existing Conditions Plan" prepared by John Karell, Jr., PE dated 12/13/17, 1 sheet.

**Summary:**

Application is to demolish an existing single-family residence on the property and construct a new single family residence in which part will be built on the existing foundation and the remaining area will be constructed on a new foundation.

The subject site is 0.81+/- acres in size and is located in an R-40 zoning district.

**Review:**

It is this office's recollection that the Planning Board requested additional soil testing (deeper sampling locations) at the most recent meeting in which this application was discussed. Updated soil tests have not been provided.

The landscaping plan consists of six (6) "8' tall evergreens placed 20' on center". Additional detail in the format of a planting key is required. It is unclear at present if the size and spacing of the trees will provide adequate screening to the neighboring property.

**EAF:**

Please provide updated, executed EAF.

This office defers to the Planning Board Engineer regarding septic system adequacy, site and drainage design.

Sincerely,

Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant



# Memorandum

To: Planning Board  
Town of Kent

Attn: Phil Tolmach  
Chairman

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

Subject: Erosion Control Plan

Date: October 5, 2018

Project: Realbuto 49 Tiger Trail East  
TM # 21.8-1-39

The following materials were reviewed:

- Response letter prepared by John Karell, Jr, P.E. dated June 28, 2018
- Soil Percolation Test Data (P5) and Test Pit Data (D7), dated 4/17/2018
- Owner's Affidavit – Not signed or notarized
- Agent of Owner's Affidavit – Not signed or notarized
- Certification of Professional Engineer – Not signed or notarized
- MS4 SWPPP Acceptance Form with Sections I and II completed
- Erosion Control Cost Estimate, prepared by John Karell, Jr, P.E. dated August 1, 2018
- Drawings prepared by John Karell, Jr, P.E. dated December 13, 2017 including:
  - S-1 Site Plan & Erosion Control Plan, revised 7/17/2018
  - EC-1 Existing Conditions Plan
  - S-2 Steep Slope Plan, revised 7/17/2018
- Letter from Putnam County Department of Health, dated September 4, 2018

New or supplementary comments are shown in **bold**. Some earlier comments have been shortened and are designated by "...".

The project proposes re-construction of an existing single family house, which is in poor condition. The applicant proposes to demolition the house and build a larger house in its place. The applicant has also brought more than 100 cubic yards of fill and disturbed more than 5,000 SF without a permit. The project is subject to stop work order issued by the Building Department on November 21, 2016.

A site visit was conducted on October 26, 2017 with Richard Othmer, Highway Superintendent and Bruce Barber, Environmental Consultant.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated November 16, 2017:

1. Existing driveway access to the house is over a 50 FT wide right-of-way or paper road....
  - a. Label the 50' road spur as owned by Town of Kent, and it is for "highway purposes only". Include reference to documents filed with County Clerk.

- i. 10/1/2018 – The 50' right of way has been labeled. Provide a reference to document(s) filed with the Putnam County Clerk. One of the documents provided to us indicates Book 1467, Page 0124. However, this should be confirmed. Include this information on the survey of the property as well.
2. Soil testing was done in June 2017. Based on the report, soil samples were taken approximately six to eight inches below the surface of the fill. The results of the soil test show the fill material meets or exceeds the requirements for NYSDEC Unrestricted Use Residential Soil Cleanup Objectives.
4. On the Combined Application Form, #14 on page 3, provide a copy of the current deed.
  - a. 3/8/2018 - Response letter indicates a copy of the current deed has been provided. The current deed could not be located in the submitted documents. Please provide copy of current deed.
  - b. 10/1/2018 - Response letter again indicates a copy of the current deed has been provided. The current deed could not be located in the submitted documents. Please provide copy of current deed.
7. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - c. §66-6.B.2.e – Provide “a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the *date and source of the soils and steep slope data noted on said map.*”
    - i. ...
      1. 3/8/2018 - Steep slopes map has been provided. Add soils information to the drawing or include a drawing with soils info in the SWPPP.
      2. 10/1/2018 – Soils information has been added. Provide “... date and source of the soils and steep slope data noted on said map” as required by §66-6.B.2.e.
13. Retaining walls...
  - a. 3/8/2018 - Revise detail provided to indicate walls over 4' in height (instead of 6') are to be engineered. (**Note #1 below detail**). Detail provided shows wall setting on “undisturbed material”. Based on history of fill, revise detail to set wall on non-structural fill or require excavation to suitable undisturbed soil. Retaining wall will also likely require fence for fall protection. –
    - i. 10/1/2018 Detail has not been updated to take into account fill soils.
  - b. Confirm need for fence with Building Inspector.
15. Based on aerial photos, it appears a number of trees have been removed from the property. Has consideration be given to replacing some trees as part of the project?

- a. 3/8/2018 We strongly recommend landscape/screening be provided.
  - b. **10/1/2018 Landscaping/screening is proposed. We defer to Bruce Barber.**
16. 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.
- a. **This has been acknowledged.**

The following comments are provided for the Planning Board's consideration from a memo dated March 8, 2018:

- 1. Provide "Agent of Owner" affidavit and Certification of Professional Engineer for John Karell, Jr., P.E.
  - a. **The affidavit forms have been provided, however they have not been signed nor notarized.**
- 4. Is additional fill proposed to be brought in to re-grade slope? Or will fill that is already on-site be re-graded?
  - a. **Response letter indicates additional fill will be brought in. Provide documentation that additional fill meets the requirements of NYSDEC Unrestricted Use Residential Soil Cleanup Objectives.**
- 7. Refer to the Notice of Intent:
  - a. Page 3, #7 – Provide a response to phased project.
    - i. **Response letter indicates the NOI has been revised. A revised NOI has not been received by this office.**

**New Comments:**

- 1. Soil testing was done in June 2017. Based on the report, soil samples were taken approximately six to eight inches below the surface of the fill. At that time, Planning Board consultants were not aware of the full extent (depth) of the fill. The results of the soil test show the fill material meets or exceeds the requirements for NYSDEC Unrestricted Use Residential Soil Cleanup Objectives.

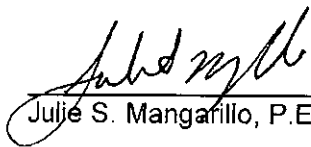
During a discussion at the monthly review meeting on March 20, 2018, Planning Board consultants expressed concern about the composition of the fill material that was reportedly six (6) to seven (7) feet above the existing septic system. At that time, the proposal was to locate a new septic system in that fill above the existing system. It was our understanding that project representatives agreed at the 3/20/2018 meeting to do additional soil testing for possible contaminants at deeper depth when the fill was tested for health department approval.

The revised drawings submitted for the September Planning Board meeting show a new septic system is proposed and approved by the Health Department to the north of the existing SSDS. Additional soil testing at deeper depth has not been provided.

Provide additional soil testing at greater depth to confirm fill brought in conforms to NYSDEC Unrestricted Use Residential Soil Cleanup Objectives. Provide at least one (1)

sample taken within 12" above native soil. A final testing protocol is to be discussed with the Planning Board's environmental consultant.

2. For the proposed septic system:
  - a. Show and label fencing to keep future construction traffic out of the area.
  - b. There is a narrow passage between the back of the house and the proposed septic system. Provide a construction sequence to complete work on the south side of the rear yard (grading, retaining walls, landscaping) before the laterals are installed to minimize the likelihood that the new septic system will be damaged by construction vehicles.
3. For the existing septic system:
  - a. There is a note "Existing SSDS area will be abandoned in place. The syst. has been covered with 3-5 FE of R.O.B. Fill" [sic]. It was our understanding the material brought in was miscellaneous fill with possible C&D instead of run of bank. Provide sieve analysis/gradation to prove ROB or revise the label to state miscellaneous fill.
4. Provide stabilized overflow for swale.
5. Provide a north arrow on the drawings.
6. §66-6.B.2.g [6] Update the erosion control bond estimate with the swale and erosion control matting on slopes 3:1 and steeper.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email

Bruce Barber via email  
17-261-999-154



ARCHITECTURE  
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PLANNING  
CPLteam.com

## MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
Julie Mangarillo  
Bruce Barber  
**FROM:** Liz Axelson, AICP  
**DATE:** September 27, 2018  
**RE:** Realbuto Erosion Control Plan, 49 Tiger Trail, Tax Parcel No. 21.8-1-39 / CPL# 14784.00

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

### Summary

1. The proposal involves the erosion control plan for the removal and replacement of a single-family dwelling and other improvements to be made to a 35,284 square foot (SF, <1-acre) lot (see tax parcel listed above) in the R-40 (One Family Residence) zoning district.
2. My review is limited to the Zoning Requirements comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

### SEQRA

3. My copy of the submittal did not include a Short EAF, yet prior comments by the Planning Board's Environmental Consultant may have been addressed.

### Zoning Requirements

4. Revise the zoning table of lot and bulk requirements to the plat corresponding to the R-40 district as follows:
  - a. Add an asterisk next to the proposed lot area with a note at the bottom of the table indicating this is a pre-existing, noncomplying condition, since it is less than 40,000 SF.
  - b. Correct the delineated front yard setback to be 40 feet (40'), which is the correct requirement.
  - c. Revise the table to reflect that the proposed front yard setback appears to be 60' from the porch.
  - d. Add a note to the plans to state that utilities shall, unless unfeasible, be placed underground.

### Recommendation

5. The Planning Board should direct the applicant to:
  - a. address the comments above; and
  - b. provide additional information for a more complete application.
6. Since the application is not be complete, no action is required by the Planning Board at this time.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [eaxelson@CPLteam.com](mailto:eaxelson@CPLteam.com).

Materials Reviewed

- Application materials for Steep Slope and Erosion Control approval, submitted by John Karell, PE, with a cover letter June 28, 2018 with attached affidavits; certifications; and SWPPP form; and
- Plans prepare by John Karell, PE, entitled and dated as listed below:
  - o Site Plan and Erosion Control Plan, dated December 13, 2017, revised July 17, 2018;
  - o Existing Conditions Plan, dated December 13, 2017; and
  - o Steep Slope Plan, dated December 13, 2017, revised July 17, 2018.



# Cornerstone Associates

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*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 27, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Roncallo Application**  
Tibet Drive  
Section 30.20 Block 1 Lot 15  
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

- Comment response memo prepared by John Karell, JR., PE dated 08/08/18 (unsigned), 2 pages.
- Plan entitled; "Paul Roncallo-Site Plan" prepared by John Karell, Jr., P.E. dated 03/28/18, 2 sheets: S-1, D-1. Plans stamped "received-Planning Department Town of Kent Aug 14, 2018.
- Plan entitled; Roncallo, Paul-Erosion Control and Steep Slope Notes" prepared by John Karell, Jr., PE, dated 08/08/18, 1 page: D-2
- Letter from NYSDEC executed by Nicholas Conrad dated 08/09/18, 1 page.

NOTE: The above materials were provided in PDF format. Review of hard copies is pending receipt.

**A: Summary of Application:**

Application is to construct a single-family residence, driveway and well/septic system on a 0.8+/- acre parcel.

**B: Review:**

- Page 2 of the EAF has not been provided.
- Comment response memo should be executed.
- The memo from NYS Natural Heritage indicates that there is a hibernaculum of Northern long-eared bat within 4 miles of the subject. Further information regarding any permit requirements should be obtained from NYSDEC Region 3 office. A note should be provided on the plans which indicates that tree currant on the site shall only occur between November 1 and March 31 of the following year.
- Indicate if blasting or rock chipping will be required.

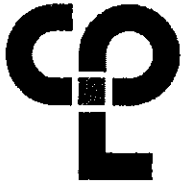
The applicant shall provide annotated responses to the above comments.

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

Sincerely,


Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant





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MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
Julie Mangarillo  
Bruce Barber  
**FROM:** Liz Axelson, AICP   
**DATE:** September 27, 2018  
**RE:** Roncallo Erosion Control Plan, Tibet Drive, Tax Parcel No. 30.20-1-15 / CPL# 60103.00

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal involves the erosion control plan for construction of a single-family dwelling on an existing concrete foundation and other improvements to be made to a 34,848 square foot (SF, <1-acre) lot (see tax parcel listed above) in the R-80 (One Family Residence) zoning district.
2. My review is limited to the Zoning Requirements comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

SEORA

3. My copy of the submittal did not include a Short EAF.

Zoning Requirements

4. Revise the zoning table of lot and bulk requirements to the plat corresponding to the R-80 district as follows:
  - a. Revised the proposed values for building height to provide actual values. The maximum permitted building height is 30 feet.
  - b. Add a note to the plans to state that utilities shall, unless unfeasible, be placed underground.
  - c. Show the boundary of any existing wooded area on the site, outside of the limits of disturbance, labeled to indicate that it will remain.

Recommendation

5. The Planning Board should direct the applicant to:
  - a. address the comments above; and
  - b. provide additional information for a more complete application.
6. The Planning Board may wish to set a public hearing.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [eaxelson@CPLteam.com](mailto:eaxelson@CPLteam.com).

Materials Reviewed

- Plans prepare by John Karell, PE, entitled and dated as listed below:
  - o Site Plan, dated March 28, 2018;
  - o Steep Slope Details and Notes, dated March 28, 2018; and
  - o Erosion Control & Steep Slope Notes, dated June 10, 2018, revised August 1, 2018.



**Town of Kent Highway Department**  
*Richard T. Othmer, Jr., Highway Superintendent*  
62 Ludington Court  
Kent Lakes, New York 10512  
(845) 225-7172 Fax (845) 225-9464  
E-mail: [rothmer@townofkentny.gov](mailto:rothmer@townofkentny.gov)

## MEMORANDUM

**Date: September 10, 2018**

**To: Julie Mangarillo, PE, and Town of Kent Planning Board**

**From: Richard T. Othmer Jr, Highway Superintendent**

**Subject: Driveway Inspection on Tibet Drive / Roncallo Property**

---

Dear Julie & Honorable Members of the Planning Board;

On August 1, 2018 I met with Paul Roncallo and Engineer Jack Karell at the referenced property to inspect the driveway access and storm water conditions on Tibet Drive. The proposed driveway location on Tibet Drive is satisfactory with respect to slope & sight distance.

As for storm water I would recommend a grass swale on the west side of Tibet Drive on either side of the proposed driveway running into the existing basin & pipe crossing Tibet Drive. The pipe crossing Tibet Drive discharges into a vacant property and is satisfactory. A 12 inch pipe should be installed under the driveway. If you have any further questions please do not hesitate to call. This memo supersedes my previous memo of August 29, 2018.

Respectfully;

A handwritten signature in black ink, appearing to read "R. Othmer", with a long, sweeping flourish extending to the right.

Richard T. Othmer Jr.



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan

Date: September 27, 2018

Project: Roncallo – Tibet Drive  
TM # 30.20-1-15

The following materials were reviewed:

- Response letter prepared by John Karell, Jr., PE, dated August 8, 2018
- Deed
- Drawings prepared by John Karell, Jr., PE, including:
  - S-1 Site Plan dated March 28, 2018
  - D-1 Steep Slope, Details and Notes dated March 28, 2018
  - D-2 Erosion Control & Steep Slope Notes revised August 8, 2018
- Topographic Survey, prepared by Badey & Watson dated June 3, 2010
- Letter from Richard Othmer, Highway Superintendent, dated September 10, 2018

This property received a Steep Slope and Erosion Control Permit in 2001 under the name "Cavallo". Construction on the project began and was suspended at some point. Currently there is a roughed-in driveway and a foundation. The approvals for the project have since expired. With the expiration of the prior approvals, a new application under the current code for Steep Slope and Erosion Control is being made.

The project is for a single family home with driveway, well and septic.

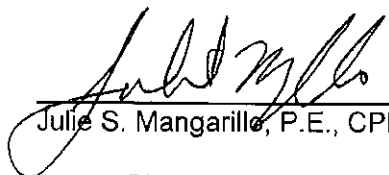
The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated July 12, 2018:

1. The proposed project is not within the NYCDEP East of Hudson watershed and will disturb less than 1 acre of land. Coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is not required.
2. A Town of Kent Steep Slope & Erosion & Sediment Control Permit is required.
5. Refer to the Drawings:
  - a. Are retaining walls proposed on downhill side of septic field? If so, label them or provide line type in legend. Provide top & bottom of wall spot elevations. Structural calculations are to be provided for walls higher than 4 feet.

- i. Response letter indicates the riprap is for armoring the slope. Label it on the drawing.**
  - b. The proposed "Temporary siltation basin" – Identify the circular hatch areas. If they are rock out croppings, they may interfere with the siltation basin. What is the long-term plan for the basin? It appears footing and roof drains are directed to it. Recommend creating a stabilized overflow to the 12" CMP under Tibet Drive.
    - i. Label the circular hatch areas. Based on response letter it seems the temporary siltation basin will remain. Add a label or note indicating it is to remain.**
8. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c).
  - a. Provide a note on the drawing.**
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. – **acknowledged.**
12. We defer to the Planning Board's environmental consultant regarding wetland issues and proximity to Tibet Lake.

**New Comments:**

1. Response letter indicates a bond estimate is attached. Bond estimate could not be located.
2. Per Highway Superintendent's letter, the driveway shall have a 12" culvert. Revise labeling on drawing to remove "temporary".
3. Provide revision dates on the drawings.

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

cc: Planning Board via email  
Bill Walters via email  
Bruce Barber via email  
01-261-999-002

## TOWN BOARD MEETING OCTOBER 2, 2018

A regular meeting was held on Tuesday October 2, 2018 at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

### **Resolution #348 - Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The town board adjourned to executive session at 6:20 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation and current litigation.

Motion carried unanimously

### **Resolution #349 - Adjourn Executive Session**

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

Resolved: Executive session adjourned at 7:05 p.m. no action was taken.

Motion carried unanimously

### **Resolution #350 - Open Public Hearing – Demolition of 278 Lakeshore Drive East**

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the demolition of 278 Lakeshore Drive East was opened.

Motion carried unanimously

Building Inspector Walters explained to the board this is an older building at the end of the lake near Beach 4. There is a large tree on the roof from the storm of May 15<sup>th</sup>. The building has been vacant for 12 years. The town has worked with the owner periodically to keep the grass mowed. He said the owner has been negligent in keeping the building maintained, it is in disrepair, there is a hole in the roof, the door is buckled, it is unsafe and needs to come down. He said this home has been on Councilman Huestis list and theirs. He has written several violations for maintenance. The owner has done the bare minimal, the home had belonged to her parents. The owner has said it is bank owned but according to records she is the owner. Town Counsel said she has been personally served with the notice by a process server. Councilman Huestis appreciated the work he is doing. He handed him a list of 105 distressed homes. Since then 43 have been verified vacant and abandoned "zombie homes". Some have been demolished some flipped. Some have been held hostage by the banks and lenders, he has been unsuccessful in obtaining funding by the settlement accounts. He said more homes are being foreclosed there has to be change. He said people have been trying to buy a bank owned home on Marie Road that has been vacant for over 5 years. Building Inspector said a list of 82 abandoned homes have been entered into his database for periodic inspection.

There were no additional comments.

### **Resolution #351 - Adjourn Public Hearing – Demolition of 278 Lakeshore Drive East**

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the demolition of 278 Lakeshore Drive East was adjourned until the next meeting of October 23, 2018.

Motion carried unanimously

### **Resolution #352 - Open Public Hearing – Demolition of 24-26 Whangtown Road**

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Building Inspector Walters explained the barn in question is 24 Whangtown Road, this buildings stability has been decreasing in years, the May tornado has added to its demise. He has received a letter from the Homeowner's Association. He said with the wall opened up you can see inside; all the center beams have collapsed and rotten, the roof is deteriorating. It is unstable. He said children live in the area and entering is tempting. Mr. George LaFranchi, owner of the barn stated he is a resident for 36 years and has owned the barn for 23 years. He purchased the property to prevent further development. He said it has been a struggle, probably losing money on the place over the years. He just made a partial school tax payment as it is \$6,000.00. He received a notice from the town he believes is inaccurate. He said the structure right now cannot be used it has problems. He said he has checked with the tenants and the structure is not infested with rats or mice as described in the letter received that the barn is a place of rodent infestation. He said #3 if it is a fire hazard; if it is a fire hazard now it was a fire hazard since it was built in 1840 one reason he is trying to keep it up. There was a leak in the roof causing the beams to rot, needing replacement. He said the beams inside not facing the outside wall are not rotten. It can be

## TOWN BOARD MEETING OCTOBER 2, 2018

repaired but it will be costly according to the estimates. He said the premise is laden with debris, he said the tenants have some toys and car parts are in the yard. He said the kids and tenants know not to go into the barn they would be trespassing. Supervisor Fleming asked Mr. LaFranchi about the notice received on August 20<sup>th</sup> that went along with the notice of public hearing. It states the building was inspected on June 19<sup>th</sup> and you were given an Order to Remedy that he received on June 28<sup>th</sup> giving him 30 days to respond and the August 20<sup>th</sup> letter giving him to September 20<sup>th</sup> to either secure or remove the building. Mr. LaFranchi replied he only received the notice from June and the hand delivered notice dated September 20<sup>th</sup>. He has received estimates they are very expensive he is still shopping around. He has not spoken to the Building Inspector he works six days a week, working two jobs, he doesn't have a lot of free time. Supervisor Fleming it has been over three months and you have not made any contact with the Building Inspector. Town Counsel asked if he had inspection or engineering reports that refute the building inspector's conclusion that it is a dangerous structure. Mr. LaFranchi replied no. Town Counsel asked what proof you have to offer the board that it does not need to come down for the neighborhood safety. Mr. LaFranchi replied it has been there since 1840, it has been unsafe since the tornado blew some of the siding off, he does not know why it's unsafe, who is going to come there, unless they are trespassing. His reply to securing the barn is that it is locked. Mr. LaFranchi said he does not go in there anymore, he is trying to get it fixed, how is it dangerous unless you are trespassing and burglarizing the premises. He gave the definition of burglary. Town Counsel said your tenants could enter there, there is a concept called attractive nuisance. Councilman Huestis verified that Mr. LaFranchi was before the board a number of years ago for a shed. He said the barn is a major eyesore, dangerous and an attraction for kids, we do not any fatalities. It needs to be cleaned up, it has gotten worse, and he will support the Building Inspector and understands his efforts. He recalls that you were going to improve everything. Building Inspector explained the condition of the building is a shelter for rodents. Supervisor Fleming asked if there is even a way this structure could be made safe. Building Inspector replied not that he sees, you would need an engineer and a lot of work. The center beam is rotten away, the supports that attach to the walls have collapsed, the roof has been going for a few years, and the concrete wall is deteriorated because of the weeds and ivy. Mr. LaFranchi was advised that if he didn't maintain the barn it was going to get to this point. Councilman Denbaum found it very hard to tell another man what to do with his property, he is here pleading for his barn, he is trying to pay his taxes, maybe it is a different ideology but to sit here as the government and tell someone you have to take your barn down, strikes him as something he will have trouble sleeping with. He may be in the minority and the practically wrong decision but there are many homes in the Town of Kent in need of this conversation and he has a constituent that is saying he is trying and wants to keep his barn he cannot think of any reason other than possibly safety of others. He said safety is more important than liberty these days and is a dangerous slope. Councilman Huestis urged his colleagues to drive down Whangtown Road, it is in dangerous shape. Supervisor Fleming said this will be adjourned to October 23<sup>rd</sup> which will give you an opportunity to consult with someone about the structural soundness of the barn. Mr. LaFranchi thought he had 30 days to get work started. Town Counsel concurred. Supervisor Fleming explained a decision will not be made tonight. Mr. LaFranchi appreciated that and the sentiments of Councilman Denbaum, he rejects things in the letter that are add on.

### **Resolution#353 - Adjourn the Public Hearing – Demolition of 24-26 Whangtown Road**

On a motion by Supervisor Fleming

Seconded by Councilwoman Woolley

Resolved: The public hearing on the demolition of 24-26 Whangtown Road was adjourned until the next meeting of October 23, 2018.

Motion carried unanimously

**P pledge of Allegiance** Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag.

### **Kent CAC –Honoring Dave Ehnebuske**

Supervisor Fleming stated Dave Ehnebuske has been a terrific volunteer for many years. He has served on the Kent Conservation Advisory Committee. He writes beautifully about nature experiences and has helped in so many ways and areas as with our website. He is leaving not only leaving the CAC but Kent. Chairperson of the Kent CAC Beth Herr stated there have been giants before us when in 1976 the Town Code was changed to allow for a Conservation Committee there have been giants before us mentioning Ray Singer, Dr. Tom Morgan, George Baum, Jim and Wilma Baker. She said Dave will join the giants; they are bereft as he brings so much. Present tonight are member of the Kent CAC as those from the Kent Library. She stated both Dave and his wife Jean were advocates of the Library, working behind the scenes making trips to Albany. She said he was always available for the hikes, a master technician; he was able to obtain an engineer report for the Fire Tower and physically replaced the stairs and cabin. He worked on the 10 the Anniversary Celebration. He hiked all the trails in the Town with a GPS and put those co ordinates creating maps that people can download. They will be available on a popular app called Avendus. He also went through the process with the IRS availing us the Kent Conservation

**TOWN BOARD MEETING OCTOBER 2, 2018**

Foundation; we have the availability to raise funds and support conservation projects thanks to Dave. Carol Donick Director of the Kent Library said David has been active with the library for over 20 years throughout the Putnam County Library Association visiting Albany lobbying for libraries helping them in many practical ways. She will think of him when she sees the signs on their walls for floor plan dictating the emergency exits. She said that is one of many things he has done for the Kent Library and thanked him. Councilman Denbaum met Dave six years through Kent Fiscal Watch discussing big issues and how to change them. He said Dave was a major contributor to that, he got involved with politics through those discussions and meetings, and thanked him for that. Dave is good at lot of things. Ms. Herr agreed Dave is a visionary person, we are losing someone but Washington State is gaining someone fabulous. There was a round of applause. Supervisor Fleming gave Dave a Certificate of Appreciation. Dave thanked her added that he has lived in the Town of Kent longer than he has lived anywhere else in his life and he has lived a lot of places. He thanked everyone very much.

**Public Comment**

Sue Kotzur, resident of Kent thought the Huestis Park Paving is great it is going to look wonderful. She was concerned about the parking lot at the Kent Historical Site where the Tag Sale is taking place. It is a trip and fall situation, the building and property is in disrepair. She suggested if you are thinking about paving anything else in town it might be a place to start for the community. Councilman Huestis thought it an eyesore. He is working on something but they do not qualify because of their status. He recalled an application submitted 20 years ago being reviewed but halted due to 911. He is working on Plan A being a grant and Plan B could be some on the trades people taking this on as community service.

**The Town Board Meeting was called to order with Roll Call**

Supervisor Maureen Fleming – present                      Councilman Paul Denbaum – present  
Councilwoman Jaime McGlasson – present              Councilman Bill Huestis – present  
Councilwoman Woolley – present

Also Present: Town Clerk Yolanda Cappelli, Chief Kevin Owens, and Co-Chairpersons of Recycling Sue Kotzur, Town Attorney Nancy Tagliaferro, Chairperson of the CAC Beth Herr and the Library Director Carol Donick.

**Resolution #354 - Authorizing Accepting Donation for the Lake Carmel Tree Planting Initiative**

On a motion by Councilman Denbaum  
Seconded by Councilwoman McGlasson

**WHEREAS**, by Resolution dated July 24, 2018, the Town Board authorized the establishment of a trust fund to hold donations received on behalf of the Lake Carmel Tree Planting Initiative; and

**WHEREAS**, the Town of Kent has received a donation from Charles and Grace Sisto in honor of Jessie Huestis in the amount of \$50; and

**WHEREAS**, the Town wishes to accept the donation, with gratitude, to be held in the trust as set forth above.

**NOW THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Kent hereby accepts the donation in honor of Jessie Huestis with thanks to Charles and Grace Sisto for their generosity; and it is

**FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.

Motion carried unanimously

**Resolution #355 - Add Item to the Agenda**

On a motion by Councilman Denbaum  
Seconded by Councilman Huestis  
Resolved: Lake Tibet Park District was added to the agenda.  
Motion carried unanimously

**Resolution #356 - Accept Harvesting Proposal for Lake Tibet**

On a motion by Councilman Denbaum  
Seconded by Councilwoman Woolley  
Resolved: The Lake Tibet Park District is authorized to engage the low bid received from Solitude Lake Management to harvest the weeds in the amount not to exceed \$12,250 to be performed mid October 2018.  
Motion carried unanimously

**Authorizing Stop Signs on Dingley Road – Tabled**



TOWN BOARD MEETING OCTOBER 2, 2018

**Resolution #357 - Authorizing Release of Erosion Control Bonds**

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

**WHEREAS**, following a request by the owners of the properties, the Planning Board, at their meeting held on September 27, 2018, approved Resolution Nos. 14 and 15 of Year 2018 recommending the release of the erosion control bonds on the following properties in the following amounts:

<u>Address:</u>	<u>Tax Map No.</u>	<u>Bond Release</u>
8 Grasslands Road	33.73-1-53 and 54	\$ 4,082.00
5 Rockwood Road	33.51-1-10	\$ 2,826.00

; and

**WHEREAS**, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes the release of the erosion control bonds on the above referenced properties in the above referenced amounts.

Motion carried unanimously

**Resolution #358 - Authorizing Paving of Huestis Park by Intercounty Paving Co.**

On a motion by Councilwoman McGlasson

Seconded by Councilwoman Woolley

**WHEREAS**, by letter dated October 1, 2018, Jared Kuczenski, the Acting Director of Recreation and Parks, forwarded a proposal from Intercounty Paving Co. to level and pave the entrance to Huestis Park for a cost not to exceed \$33,811.32; and

**WHEREAS**, according to Mr. Kuczenski he requested quotes from three other companies to provide such services and received no proposals in response;

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the paving of Huestis Park by Intercounty Paving Co. for a cost not to exceed \$33,811.32; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized to execute any document necessary to give effect to this resolution, in forms acceptable to the Town Supervisor and Town Attorney.

Motion carried unanimously

**Resolution #359 - Set Public Hearing for Fire Protection with Lake Carmel Fire Department**

On a motion by Councilwoman Woolley

Seconded by Councilman Denbaum

**WHEREAS**, the Kent Town Board has negotiated for fire protection services with the Lake Carmel Fire Department for calendar years 2019 and 2020, a copy of said contract is not annexed hereto and will be provided to the public upon receipt; and

**WHEREAS**, the Town Board wishes to set a public hearing on the aforementioned contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby sets a public hearing on said contract at the Town Hall, in the Town of Kent, New York at 7:00 p.m. on October 23, 2018; and

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto.

Motion carried unanimously

**Resolution #360 – Add Approval of Vouchers and Claims**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: Approval of Vouchers was added to the agenda.

Motion carried unanimously

TOWN BOARD MEETING OCTOBER 2, 2018

**Resolution #361 – Approve All Vouchers and claims**

On a motion by Councilman Huestis

Seconded by Councilwoman Woolley

Resolved: All Vouchers #200147910 – 200148000 and claims submitted by:

1. Comp Alliance	\$17,880.65	Annual Assessment
2. Danbury Auto Spring	\$4,809.52	Sanitation Truck Repair
3. G&M Construction	\$68,320.00	Lake Carmel Dam Remediation
4. Larry Reynolds Tree Service	\$2,200.00	Tree Removal
5. Lewis & Greer, P.C.	\$2,640.50	Special Counsel
6. New England Uniform Co.	\$2,073.00	New Police Uniform
7. NYS Dept of Civil Service	\$214,876.67	Sept Health Insurance
8. Purchase Power	\$2,000.00	Postage
9. Royal Carting	\$4,408.29	Recycling Garbage

In the amount of \$366,503.21 may be paid.

Motion carried unanimously

**Public Comment**

There was none.

**Resolution #362 - Adjournment**

On a motion by Councilman Huestis

Seconded by Supervisor Fleming

Resolved: The town board meeting of October 2, 2018 adjourned at 8:25 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk