

TOWN OF KENT PLANNING BOARD MINUTES

August 10, 2017

Approved: September 14, 2017

**Minutes
Town of Kent Planning Board Meeting
August 10, 2017**

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

In attendance were the following Planning Board members:

Michael McDermott, Chairman	Dennis Lowes, Vice Chairman
Gary Lam	Philip Tolmach
Charles Sisto	Stephen Wilhelm

Others in Attendance:

Bruce Barber, Environmental Consultant	Bill Walters, Kent Building Inspector
Julie Mangarillo, Engineering Consultant	Neil Wilson, Planner

Mr. McDermott advised the audience that anyone wishing to be heard during the Public Hearing for the Cypress Creek Solar Energy project come forward at the appropriate time, sign the sheet provided and to speak at the podium.

• **Approve Planning Board Minutes from July 13, 2017**

Mr. McDermott asked for a motion to consider/approve the minutes for the July 13, 2017 meeting. The motion was made by Mr. Lowes and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The motion carried.

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• **Cypress Creek Solar Energy Farm (Armstrong Property), Mooney Hill, Kent, NY; TM: 12-3-9**

Mr. McDermott asked for a motion to open the Public Hearing for the Cypress Creek Solar Energy farm. The motion was made by Mr. Tolmach and seconded by Mr. Sisto. The roll call votes were as follows:

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

The motion carried.

Ms. Anne Waling, from Cypress Creek Renewables, represented the applicant regarding a 2 megawatt community distributed solar energy project proposed to be constructed on Mooney Hill Road on property owned by Mr. John Armstrong. Buffer zones and setbacks have been included in the plans in order to maintain tranquility to neighbors, make it friendly to wildlife, avoid wetlands and minimize impacts to the site. Adam Gasparre, of Hudson Land Design accompanied Ms. Waling.

Mr. Wilson's Comments

Mr. Wilson noted that this project had been before the Planning Board for some time, but was not finalized yet. He recommended that, at the end of the presentation the Public Hearing be adjourned to the September meeting so that previous comments and any made at the meeting could be addressed.

Mr. William Shilling, attorney for Mr. Mitchell Nelson who is a neighbor to Mr. Armstrong, also attended the meeting and asked to be heard. Mr. Shilling advised the Board and audience that Mr. Nelson needed more details pertaining to this project and relied on the R-80 residential zone when he purchased his home and was surprised that this project could be constructed in this area. He understands that public utilities are permitted in R-80 zones, but doubted that the framers envisioned a use like this being considered a public utility and that it was instead a commercial use and not a public utility when this code was enacted in 1978 and again in 2008. Mr. Shilling suggested that this matter should be referred to the Zoning Board of Appeals for their interpretation as to whether this is a public utility and a use variance or to ask the Town Board to revise the code. Mr. Shilling was encouraged by comments made about setbacks and buffers on the proposed site. Mr. Shilling asked the Board to ensure that the screening/buffer provided is continuous and not just seasonal and revisited annually. At the Board's suggestion made at the workshop, Mr. Shilling met with a landscape engineer and will put him to work after the meeting and will provide his suggestions to the Planning Board at a later date. He asked the Board to be mindful of the precedent which will be established if this project is approved.

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Mr. Chris Fabrizio, whose property is across the street from this property, asked to be heard. Mr. Fabrizio said his driveway is directly across from the proposed driveway for this project and he has concerns about the construction vehicles entering and leaving this site, the erosion effect, traffic effect on Mooney Hill Road. Mr. Fabrizio said there was a site distance issue and Cypress Creek would need his permission and he would not give it.

Mr. Eric Mittelstadt asked to be heard and said his main concern was that his property would decrease in value if this project was approved. His property is 30 feet higher than the property line and trees of 30' would have to be planted to provide screening. Mr. Mittelstadt asked what value would be provided to the community if this project was approved.

Mr. Larry Tambini asked to be heard and thanked Mr. Nelson for letting the neighbors know about the meeting and Mr. Shilling for speaking. Mr. Tambini said that he believed that this was a commercial project and that there are better locations along the 84 corridor where this project could be constructed and, if allowed to be built on Mooney Hill it would be setting a precedent.

Ms. Elena Longinotti asked to be heard. She has been residing in Kent for 45 years and felt that this project would destroy property values and said that her property also is very high. She asked how vegetation would be controlled and about the sun glare on the neighboring properties.

Mr. Walters represented the Lake Carmel Fire Department and said that they would like a Knox Box system put on the gate. The main comment from the Fire Department Chief pertained to the evacuation plan and asked why the plan was to relocate the fire department to Route 52 and said it was an unmanned station and the last place where they should go.

Mr. Mittelstadt asked to be heard again and about the evacuation plan and why it would be necessary and for more details about the plan and how his property would be affected.

Ms. Longinotti asked if the property was leased what would happen to the property when the lease expired.

Mr. Wilhelm asked for the response to his questions about the visual effects, overhead lines, security equipment and restoration of the property.

Jason Drum addressed the questions which follow (material attached):

- Underground/overhead equipment – there will be pole layouts which look like utility poles with equipment on top. They interconnect to a utility grid and tee off of it. The first few poles will be owned by NYSEG and the last one will have a recloser with relay protection to protect the facility and power grid. O&M people are on call at all times. Mr. Wilhelm asked about the visual impact. Mr. Drum said that there will be a riser pole and that underground conduit busduct will be used. Mr. Drum showed a drawing of the riser pole and a meter pole which will be installed alongside the road.

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- What is NYSEG providing - Mr. Drum said that utility companies only tell them what they need to know. He said that he felt that the impact would be minimal. NYSEG's poles would be installed approximately 30' into the property and then CCR's poles would be after that. The total would be about 6 poles along the maintenance gravel road and a riser pole would follow with underground cables. After that there would be inverter transformer pads. Mr. Drum said the 2 megawatt transformer would be approximately 6' high, 6' wide and 6' deep and would be in the middle of the proposed site. It would be green like transformers on industrial sites. There would be an inverter about 6' high next to the transformer and a few small communication boxes would also be on site.
- Protection Equipment – provided by recloser pole owned by CCR and a small box will be on the base about 2' w x 3' h.
- Communication Equipment - There will be one small box 2' x 2' mounted on a pole and an additional one next to the inverter and transformer. One of the boxes will have a fiber link buried and a small cell modum inside of a 2' x 2' enclosure with a small antenna. The information is transmitted to a cell tower.
- Security Equipment – There is no security equipment proposed for this project and most sites do not have it.
- Benefits to the Community – Mr. Drum said that the properties adjacent to the farm would benefit from the green power directly. The panels are taxed and there will be tax revenue based on the project. During construction up to 30 jobs may be created which will be approximately 3-6 months. 1-2 permanent jobs will be created for maintenance of the property.

Mr. Tolmach asked if the poles could be shorter and Mr. Drum said that they could not do that because it would be dangerous.

Mr. Lam asked Mr. Drum to show the audience the poles on the drawings and the area where they would be situated. Mr. Drum explained where the poles would be placed and what they would look like as noted above.

Ms. Waling said that Cypress Creek had to meet two criteria as a public utility which were:

- Are they regulated – They are by NYCERTA and the PSC
- Do they sell to customers – They do sell to customers at 10-20% less than other public utilities
- Why does it have to be located where they are proposing – They have to be close to a distribution line near a substation so the connections can be made without the necessity for upgrades.
- Property values – They fluctuate and across the country appraisers in Oregon and North Carolina as well as other states have found that there have been no significant changes in property values – and they submitted this data previously. At the next meeting an appraiser will discuss this.

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- Fire Department training – A fire safety plan is submitted to the local fire departments and a representative meets with them to discuss this matter.
- The decommissioning plan – This was discussed previously and a plan is worked out with the town and the landowner whereby the panels and wiring will be removed and the land will be restored to its original state. A restoration bond is also provided prior to the construction.
- Vegetation Control – a vegetation plan is provided and the property is mown and natural herbicides are used. A list will be provided.

Mr. Lam asked about the visual impact to the property which is higher. Ms. Waling said that a glare study will be done and steps will be taken in order to provide buffers.

Ms. Waling said that during construction there will be 3-6 trucks per day and after construction there will only be traffic once a month or less. Screening cannot be placed above, but they will provide it around the perimeter. In addition to the vegetation already on site they have increased the buffer significantly and will fill the undergrowth.

Mr. McDermott advised the audience that the Public Hearing is held to hear concerns from the public. The Hearing will be adjourned until September and the Planning Board wants to address all the issues raised at the August meeting.

Mr. Fabrizio asked why he was not notified and wants to be assured that he is notified in the future. Mr. Fabrizio asked again about the site distance and if his property is the one referred to previously

Mr. Wilson said that the mailings are sometimes slow and that the list of people who should have been notified will be checked.

Mr. Mitch Nelson asked to be heard. He said that his house will be surrounded by the farm and said that the plantings on the farm look like they will be right on his property lines. Mr. McDermott assured him that Cypress Creek will be required to more than meet the setback requirements.

Mr. Mittelstadt said that the 2 megawatt inverter gives off a lot of heat and asked if a fan would be attached and was told that there was one. Mr. Mittelstadt said that it wasn't true that the recloser was to protect the facility and that the recloser is on the supply side and the recloser prevents a fire from penetrating the grid. He reiterated that the view from his property will definitely be impacted. The trees will be cut down and stumps will be left so the mowing will be difficult.

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Mr. McDermott asked for a motion to adjourn the meeting to September 14, 2017. The motion was made by Mr. Tolmach and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The motion carried.

- **Arell Property, Kentview Drive, Kent, NY; TM: 10.20-1-71**

Mr. Jack Karell represented the applicant for an erosion control plan to construct a residence on the property with a septic system and well. Mr. Karell took Mr. Barber's recommendation to relocate the driveway and found that it would be more suitable than the original location. The driveway grade will be 8% and will not reduce the need for fill, but the fill will be taken from the foundation of the house. New drawings will be submitted at the next meeting. A waiver of a tree survey was requested and he will try to preserve as many trees as possible. The site distance is reduced due to the relocation of the driveway. There was a question as to whether or not there was a necessity for a zoning variance.

Mr. Wilson's Comments (memo attached)

Mr. Wilson said that the lot has been in existence for some time and is a legal non-conforming lot. As proposed, the plans do not require a variance.

Mr. Barber's Comments (memo attached)

Mr. Barber said a site inspection was conducted on August 1, 2017 by himself and Ms. Mangarillo. There are no wetland permits required by the Town of Kent or the DEC. Mr. Barber recommended waiving the tree survey and asked that as many trees be preserved as possible and that the buffer between the neighboring properties be as positive as possible. There are no endangered species identified on the DEC information, but this is in the range area of the Indiana Bats and, since trees are being cut, the applicant needs to contact the US Fish and Wildlife to see if there is anything applicable such as the time of year the cutting is allowed.

Ms. Mangarillo's Comments (memo attached)

Most of her questions about the driveway have been addressed and she recommended a swale between the edge of the driveway and retaining wall to keep runoff from damaging the wall. The Highway Supervisor, Rich Othmer, also needed to approve the driveway. Ms. Mangarillo suggested that a culwert may be needed. BOH approvals need to be provided regarding the discharge of the roof drainage. A Public Hearing needs to be held because this is a new residence in a residential area for the September meeting.

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Mr. McDermott asked for a motion to set a Public Hearing for this project at the September Planning Board meeting. The motion was made by Mr. Tolmach and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The motion carried.

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

Mr. Charles May represented the applicant, Mr. Vincent Sciuolo who also attended the meeting. A variance was granted by the ZBA in July for this project. There is a kennel on this property and the previous owner also operated a kennel on this property. The applicant wants to construct a pole barn to separate pickup and dropoff hours because it is currently done in his home and will also have space for a car and an RV as well n office/ reception area for incoming dogs. This is zoned R-80, but a variance was granted in 1960 and again in July of 2017. The site consists of the house and dog runs are attached to the house. There is one parking handicapped space and three other spaces. There was a question about the color and material to be used – the building will have a stone base on the bottom, Borden Batten material will be used which will be Brown Sienna in color. There will be a second floor open area used for storage.

Mr. Wilson’s Comments (memo attached)

Mr. Wilson stated that the size of the proposed improvements for this project would usually “kick it into a Type II list” as being under 4,000 square feet. However, because this also involved a use variance, which was a modification or expansion of a previous use variance, and changes the Type II action to an Unlisted Action. The Planning Board must make a SEQR decision and a Negative Declaration will be prepared for the next meeting. Mr. Wilson asked that a list of materials to be used to construct the pole barn be put on the drawing and the Planning Board will have to assess the architectural appearance. Mr. Wilson said that if brown paint and stone is used, as proposed, it will blend into the hillside of the property. Mr. Wilson didn’t see a floor plan in his package and asked about the storage of an automobile and RV in the pole barn and if it is related to the business or personal. There were comments about signature blocks and Mr. Wilson recommended that the plans should be forwarded to the Kent Fire Department for review. Because a public hearing was held by the ZBA Mr. Wilson recommended that a Public Hearing be waived.

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Mr. Barber's Comments (memo attached)

Mr. Barber and Ms. Mangarillo conducted a site inspection on this property on August 1, 2017. This project is on a 14.5 acre parcel in an R-80 zone and a Town of Kent Wetland Permit is not required. A small area of the site is encroached upon by a NYSDEC wetland check zone, which are ___ to wetland boundaries (usually 500' horizontally measured), so Mr. Barber suggested that the DEC would require additional information. There will be minimal tree cutting proposed within the limits of disturbance, but there are a few steep slopes and rock outcroppings which will not pose any difficulty to the proposed construction. The NYSDEC indicated that the site is an area of potential rare plants and animals and additional information from the NYSDEC Natural Heritage was requested. The ZBA authorized up to 65 dogs be allowed on site and Mr. Barber asked Mr. Sciullo how many dogs were usually on site and he replied there are 34 runs and there would be a maximum of 50 dogs at his facility. Mr. Barber asked the applicant to be mindful of the noise ordinance in the Town of Kent and asked for information of the disposal of dog waste and where the water used for shampooing the dogs would go. There was also a question as to whether or not there would be outdoor lighting on the property. Mr. Barber asked about bathroom facilities, heating and whether or not there would be any living space proposed in the future in the pole barn. Mr. Barber asked Mr. May to check the box on page 2 question 13 on the EAF regarding a positive response about a wetland area within the site and that it won't be disturbed.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo invited Chief Justin Byrnes of the Kent Fire Department to speak.

Chief Byrnes received the plans for this project, reviewed them and visited the site on August 10, 2017 prior to the meeting. Section 5.11 of the NYS code requires driveways to be at least 12' wide and he felt the existing driveway was a little weak and needed to be shored up because it is on a drop-off. Driveways over 150' long need to have a turnarounds for emergency vehicles access and he recommended that that be looked into. He recommended a Knox Box System.

Ms. Mangarillo said the majority of her comments pertained to information requirements for the NYSDEC stormwater permit and Kent's Chapter 66 Erosion Control Permit because there is more than 5,000 square feet of disturbance. Ms. Mangarillo asked how the driveway connects to Richardsville Road and agreed about the turnarounds proposed in the driveway and suggested a Fire Truck Turning Analysis be done. Ms. Mangarillo agreed with Mr. Wilson that a Public Hearing be waived.

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

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

The motion carried.

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AUGUST 2017
KENT PLANNING BOARD AGENDA

Workshop: August 03, 2017 (Thursday, 7:30 PM)

Meeting: August 10, 2017 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from July 13, 2017
- Cypress Creek/Solar Energy Farm Public Hearing for Review
Mooney Hill/Kent, NY Site Plan/Erosion Control Plan
(Armstrong Property)
TM: 12.-3-9
- Arell Property Erosion Control Plan Review
Kentview Drive, Kent, NY
TM: 10.20-1-71
- Dogward Bound Erosion Control/Site Plan Review
461 Richardsville Road, Kent, NY Variance granted by ZBA
TM: 30.12-1-1 In July
- Pure Timber Harvest/Forefall Erosion Control Plan for Review
Gipsy Trail, Kent, NY Timber Harvest
TM: 21.-1-27

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

- Boccia Property Erosion Control Plan/ Status Report
Beach Court, Kent, NY Wetland Permit
TM: 21.-1-16 Bond Pending
- Rodriguez/Olson Subdivision Status Report
104 Smalley Corner Road, Kent, NY Applicant asked to hold over
TM: 21.-1-10 Until September
- Von Rosenvinge Property Erosion Control Plan Status Report
451 Pudding St., Kent, NY for In-Ground Swimming Pool
TM: 31.17-1-7
- Patterson Crossing Amended Site Plan Status Report
Route 311, Kent, NY; Bond Pending
TM: 22.-2-48
- O'Mara Property Erosion Control Plan Status Report
Peekskill Hollow Road, Kent, NY
TM: 42.07-1-7
- O'Mara Property Erosion Control Plan Status Report
Lhasa Court, Kent, NY
TM: 31.09-1-6

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- O'Mara Property "" Erosion Control Plan Status Report
Mt. Nimham, Kent, NY
TM: 10.20-1-1
- Holmes Presbyterian Site Plan/
60 Denton Lake Road, Holmes, NY Erosion Control Plan Status Report
TM: 2.-1-47-1



Cornerstone Associates

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

August 10, 2017

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Dogward Bound Application**
461 Richardsville Road
Section 30.12 Block 1 Lot 1
Town of Kent, New York

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

- Town of Kent Planning Board Combined Application executed by Vincent Scivilo dated 07/4/17.
- Short-form EAF (Part I) executed by Charles May dated 04/17/17.
- Plans entitled "Dogward Bound" prepared by Charles P. May and Associates dated 03/17/17, Eight sheets: CS-1, BS-1, DP-1, SL-1, SG-1, EC-1, FE-1, FP-1.

A site inspection was conducted on 8/1/17.

Summary:

Application is to construct a pole barn to be used as a garage as well as dog training on a 14.56+/- acre parcel in an R-80 zoning district.

Review:

Wetlands: Based on review of the above materials and the site inspection, a Town of Kent wetland permit is not required. Site is located within a NYSDEC wetland check zone area. Further information from NYSDEC is required.

Trees: There are no substantial trees proposed to be cut within the limits of disturbance.

Steep Slopes: There are steep slopes within the proposed area of disturbance.

Threatened and Endangered Species: Site is located in an area of potential rare plants/rare animals. Further information from NYSDEC Natural Heritage is required.

Noise: Reportedly the applicant has authorization to kennel up to 65 dogs. The applicant should indicate compliance with the Town noise ordinance will be followed.

Waste: Applicant should provide information regarding disposal of dog waste as well as shampoo, etc.

Lighting: Indicate any proposed outdoor lighting.

Barn Use: Applicant should indicate the proposed location of any bathroom(s) and how the building will be heated. Indicate any intended use for living space.

EAF: Page 2, Question 13: Please indicate if there is any proposed disturbance within the wetland or wetland set back.

This office defers to the Town Engineer for review of stormwater and erosion control materials and the Town Planner for review of Planning issues.

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

Sincerely,

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

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

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

8 MOREHOUSE ROAD
POUGHKEEPSIE, NEW YORK 12603-4010
TELE: 845-452-3822
FAX: 845-452-3346

MEMORANDUM

To: Town of Kent Planning Board
From: Neil A. Wilson
Date: August 10, 2017
Re: Dogward Bound Site Plan
461 Richardsville Road
Tax Map No. 30.12-1-1

With reference to the above matter, we have reviewed the latest set of plans and materials received by the Planning Department via transmittal dated April 25, 2017 and offer the following for the Board's consideration:

Summary

1. The project is the expansion of an existing dog kennel that received a use variance in the 1960's for the business operation. The Zoning Board of Appeals approved the expansion of the use at the July 17, 2017 meeting. Pursuant to §77-60(C)(6) of the Town Code, "Activities for which a use variance has been granted by the Zoning Board of Appeals" are subject to site plan approval by the Planning Board.
2. The expansion involves the construction of a two story barn of ±3,772 square feet. According to the application the barn would be used for automobile and RV storage and would include space for dog training and client drop-off.
3. The site is approximately 14.6 acres in size and is located in the R-80 District. The proposed facility and the use are allowed by the use variance that was previously granted but are subject to site plan approval by the Planning Board.

SEQRA

1. The project is an Unlisted Action. Among the potentially significant environmental impacts that may trigger a Positive Declaration are the following:
 - a. Increases in passenger vehicle and truck traffic on the highway associated with project generated vehicle trips.
 - b. Impacts to soils and surface waters related to increased potential for erosion and sediment runoff from ground disturbance.
2. Will the expansion accommodate additional dogs such that additional vehicle trips for drop-off, pick-up, and deliveries can be expected?

3. Please identify the hours of operation as to drop-off and pick-up of dogs.
4. We have no comment on the Short Form EAF provided by the applicant.

Site Plan Application

1. To assist the Planning Board and the applicant as to the completeness of this most recent submittal the following checklist from §77-60(F) of the Zoning Law along with our analysis as to completeness/incompleteness is offered:

- a. *The site plan shall use as a base map an accurate boundary and topographic survey of the property depicting all existing improvements and grades prepared by a New York State licensed land surveyor.*

Comment: This item is complete.

- b. *The plan shall depict all proposed improvements and shall be prepared by a professional engineer, a landscape architect, or an architect licensed by the State of New York and shall include the following information:*

Comment: This item is complete.

- c. *A location map, at a convenient scale, showing the applicant's entire property and all boundaries, easements and streets within 500 feet thereof.*

Comment: This item is complete.

- d. *The location, size, use and architectural design of all existing buildings and structures.*

Comment: The application includes a rendering of the proposed barn structure. The exterior colors and materials have not been provided. This item is incomplete unless otherwise waived by the Planning Board.

- e. *The location of all property lines and structures within 200 feet of the property boundary, with topography extended 50 feet outward from the site property boundary and 200 feet outward along existing roads.*

Comment: The location of structures on some of the adjoining lots has been provided but topography on those lots is not. This item is incomplete unless waived by the Planning Board.

- f. *Any proposed division of buildings into units of separate occupancy.*

Comment: No subdivision of land is proposed. This item is not applicable.

- g. *Existing topography and proposed grade elevations at a contour interval of not more than two feet, unless waived by the Planning Board, soil types, wetlands and watercourses, one-hundred-year floodplains, bedrock outcrops, slopes in excess of*

10%, and the location of trees with a diameter of eight inches dbh and greater.

Comment: This item appears to be complete, although we await the concurrence of the Board's consulting Professional Engineer and Environmental Consultant.

- h. The location and capacity or number of all existing and proposed roads, driveways, parking and loading areas, including access and egress drives.*

Comment: Pending verification as to compliance with Chapter 57 of the Town Code this item appears complete.

- i. The location of outdoor storage areas.*

Comment: This item is complete.

- j. The location of fire access roads and fire protection features.*

Comment: Pending review by the Fire District this item appears complete.

- k. The location, description and design of all existing and proposed site improvements, including pavement, walkways, curbing, drains, culverts, retaining walls, fences, parks, open spaces, and recreation areas.*

Comment: We defer to the Planning Board's Professional Engineer as to whether this item is complete.

- l. The location, design and description of water supply and sewage disposal facilities.*

Comment: We defer to the Planning Board's Professional Engineer as to whether this item is complete.

- m. The location, design and description of stormwater management facilities, including proposed grading plan.*

Comment: We defer to the Planning Board's Professional Engineer as to whether this item is complete.

- n. The location, height, size and design of all signs.*

Comment: Information as to required signage has not been provided. This item is incomplete.

- o. The location, height, and species of landscape plantings on a landscape plan.*

Comment: A planting plan has not been provided, although the wooded nature of the site may obviate the need for additional landscaping except as needed to control erosion. The Board should discuss this with the applicant. Pending Planning Board action this item is incomplete.

- p. The location and design of lighting and communication facilities.*

Comment: A lighting plan has been provided but similar to the landscaping plan the Board should discuss site lighting with the applicant. Pending Planning Board action this item is incomplete.

- q. *The location, type and design of all waste and refuse storage and handling facilities.*

Comment: The plans do not indicate the manner in which waste from the kennel operation would be stored and disposed of. In addition, section 77-73(A)(4) of the Town code states, "Each trash enclosure shall be constructed of masonry walls and with a steel gate painted to be compatible with the color of the masonry walls and building it is to serve." This item is incomplete.

- r. *The character and location of all power distribution and transmission lines.*

Comment: This item is complete.

- s. *The location and description of all subsurface site improvements and facilities.*

Comment: The plans do not include information as to the location of the on-site septic system and water supply. This item is incomplete.

- t. *The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles of typical development areas, parking lots, driveways and roads.*

Comment: We defer to the Planning Board's Professional Engineer as to whether this item is complete.

- u. *Adequate provisions for the handling of stormwater runoff, including retention/detention, piping or channeling to existing or proposed drainage systems during and after construction.*

Comment: Pending verification by the Planning Board's Professional Engineer this item is incomplete.

- v. *Phasing of development, if any.*

Comment: The project would be developed as a single phase. This item is complete.

- w. *A signature block for Planning Board endorsement of approval.*

Comment: A proper signature block with the language as specified in the application forms has not been provided. See our comments below. This item is incomplete.

- x. *The name and address of the owner of the property proposed for development along with the signature of said owner.*

Comment: A proper signature block with the language as specified in the application forms has not been provided. See our comments below. This item is incomplete.

- y. *The name and address of the applicant, if different, along with the signature of said applicant.*

Comment: This item is complete.

- z. *At the request of the Planning Board, any other pertinent information as may be deemed necessary to determine and provide for the proper enforcement of this Chapter.*

Comment: To be determined.

Comments

1. The site plan should indicate if the entirety of the barn structure would be used for the kennel business or if the automobile and RV storage are related to the principal residential use of the site. A breakout by square footage as to the use (i.e. training room, office, equipment storage, vehicle storage, etc.) of the various parts of the barn should be provided.
2. It is unclear from the application as to whether the barn addition would contain additional dog kennel space? Will the expansion accommodate additional dogs?
3. Add the following owner/applicant signature block:

TOWN OF KENT PLANNING BOARD OWNER / APPLICANT SIGNATURES	
The undersigned applicant(s) for the property and the undersigned owner(s) of the property shown herein certify that they are familiar with this map and its notes and its contents as stated hereon including all conditions of approval. The applicant and the owner understand their obligation to the Town to keep the premises as per plan approval until a new or revised plan for development or use of the site is approved by the Planning Board. The applicant and the owner understand their obligation to the Town not to occupy the premises before a Certificate of Occupancy is issued by the Town for the occupancy as approved hereon.	
Owner	_____
Date	_____
Applicant	_____
Date	_____

4. Add the site plan approval signature block as follows:

TOWN OF KENT PLANNING BOARD SITE PLAN APPROVAL
The plan of development for the property as depicted hereon was approved by a majority of the members of the Town of Kent Planning Board at a meeting held on _____, and the conditions of Site Plan Approval have been satisfied or arrangements have been made to ensure the completion of any outstanding or incomplete conditions.
_____ Chairman
_____ Date

1. We defer to Bruce Barber with respect to wetland, stream, and steep slope impact issues.
2. We defer to Julie Mangarillo with respect to site engineering, sewer, water supply, and storm water management impact issues.

Recommendation

1. The applicant should address the comments as noted above.
2. A copy of the application should be sent to the Fire District for review.
3. We recommend that the Board waive a public hearing on site plan approval.
4. Pending receipt and review of responses to the comments above, and comments from the Planning Board's Professional Engineer and Environmental Consultant, the application is incomplete and is not yet ready for Planning Board action.



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Site Plan
Erosion Control Plan

Date: August 10, 2017

Project: Dogward Bound, 461 Richardsville Rd
TM # 30.12-1-1

The following materials were reviewed:

- Combined Application Form, signed 4/17/2017, including
 - Owner's affidavit, Certification of Design Professional, Disclosure of business interest, site plan checklist
- Deed
- ZBA letter dated 6/23/1978
- ZBA public hearing notice, October 10, 1960 and ZBA meeting minutes 10/21, 1960
- Short Environmental Assessment Form (EAF), signed 4/14/2017
- Notice of Intent
- Drawings prepared by Charles P. May & Associates, P.C., dated 3/17/2017, including
 - CS-1 Cover Sheet,
 - BS-1 Boundary and Topographic Information
 - DP-1 Demolition Plan
 - SL-1 Site Layout Plan
 - SG-1 Site Grading Plan
 - EC-1 Erosion Control Plan
 - FE-1 Elevation Plan
 - FP-1 Building Floor Plan

The project proposes construction of a pole barn for dog training, with a garage for auto and RV parking. Additional site work is also proposed. The parcel received variances for use from the ZBA. There is an existing single family home, dog kennels and fenced dog runs on the property.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:

- a. §66-6.B.2.d – “Except for applications involving one single-family dwelling, existing topography of the entire watershed tributary to the proposed area of disturbance, presented at a scale of not more than 500 feet per inch. An inset map at a scale of not more than 2,000 feet per inch may be used to show the entire watershed, if needed.”
 - i. We recommend this requirement be waived.
 - 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.”
 - c. §66-6.B.2.f – Provide “the depth to bedrock and depth to water table shall be identified in all areas of disturbance” (Except for applications involving one single-family dwelling).
 - d. §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.
 - ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
 - iii. [7] Provide a maintenance schedule for erosion control measures.
3. §66-6.B.3 – Provide “a written narrative explaining the nature of the proposal, including any future development anticipated for the property and whether alternative locations exist for the proposed activity” (except for single-family dwellings).
 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.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;”
 - e. 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;”
 - f. The Applicant and Applicant's design professional are expected to be familiar with the provisions of the newly issued 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 drawing as notes.
 - g. 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.
 - h. 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).
 - i. Any notes regarding timetable for stabilization should be updated to include these restrictions, such as ‘Soil Erosion & Sediment Control Notes’ #3 on drawing EC-1.
6. Refer to the Notice of Intent (NOI):
- a. Page 1 – Provide Federal Tax ID for the business
 - b. Page 2, #2 – Recommend selecting “redevelopment with increase in impervious area”
 - c. Page 3, #3 – Only 1 option can be selected.
 - d. Page 3, #4 – Double check the areas. The future impervious area within disturbed area cannot be larger than the area of disturbance.
 - e. Page 3, #5 – Provide a response.
 - f. Page 4, #9 – Provide a response.

- g. Page 4, #10 – Response will depend on waterbody identified in #9.
 - h. Page 4, #12 – Response should be “yes”.
 - i. Page 6, #24 – Provide a response.
 - j. Page 7, #25 & 26 – Provide responses.
 - k. Page 13, #40-43 – Provide responses.
 - l. Page 14 – Provide Owner/Operator Certification.
7. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
8. Refer to the Drawings:
- a. On the Cover Sheet, provide note with updated ZBA approvals.
 - b. On drawing BS-1, there are labels for Putnam County and Dutchess County. We believe these should be revised to Kent and Putnam Valley.
 - c. Will the existing shed to be demolition be relocated elsewhere on the property?
 - d. Provide cross-section detail for new driveway in accordance with Town Code Chapter 57.
 - i. Per Town Code Chapter 57, §57-26.A(2)(a): “Finished grades for all parts of any proposed driveway shall not exceed 10% ... The slope shall not exceed 3% within 30 feet of a garage or parking pad.”
 - ii. 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. For driveways in excess of 500 feet, the Planning Board shall require pull-offs... and shall require designation of areas along the driveway for snow storage. Passing turnouts shall be placed at not more than five-hundred-foot intervals along the length of driveway. The passing turnouts shall have an additional four feet of shoulder width. The minimum dimension of a turnout shall be 20 feet in width and 50 feet in length.”
 - iii. 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. Detail 3 on drawing SL-1 should be revised to show 8” of subbase.
 - e. Provide a drawing that shows how this parcel is accessed from a public road.
 - i. Based on the distance from Richardsville Road, passing turnouts may be required. Recommend consultation with the Fire District.
 - f. As upgrades to the driveway and turnaround are proposed, we recommend an analysis be conducted to provide turn around for fire trucks. If additional driveway widening will allow for fire truck turnaround, we recommend those changes be implemented.

- g. On SL-1 – the accessible aisle for the handicapped parking space does not appear to be 8 feet wide.
- h. On drawing EC-1, the silt fence should be brought within the limits of disturbance or the limits of disturbance should be expanded to include the silt fence.
- 9. Per Town Code §66-6.G(6), "Maximum exposed soil slopes will be 33% unless otherwise recommended by the Planning Board Engineer and approved by the Planning Board." Indicate if there will be any exposed soil slopes steeper than 33%. If so, these slopes will require more aggressive stabilization, such as by erosion control matting.
- 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.
- 11. Per §66-6.F, we recommend the public hearing be waived as it is our understanding it was already subject to a public hearing as part of the ZBA approval.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
17-261-241

Bruce Barber via email
Neil Wilson via email



Cornerstone Associates

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

August 10, 2017

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Arell Application
Kentview Drive
Section 10.20 Block 1 Lot 71
Town of Kent, New York

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

- Town of Kent Planning Board Combined Application executed by Eric O. Arell dated 07/11/17.
- Short-form EAF (Part I) executed by Eric O. Arell dated 07/05/17.
- Plans entitled "Arell Residence" prepared by John J. Karell, Jr., P.E. dated 06/26/17, Two sheets: S-1, S-2.
- Plan entitled "Arell Residence prepared by John J. Karell, Jr., P.E. dated 07/12/17, 1 sheet: EC-1.

A site inspection was conducted on 8/1/17.

Summary:

Application is to construct a single-family residence with well, septic and driveway on a 0.9+/- acre parcel in an R-80 zoning district.

Review:

Wetlands: Based on review of the above materials and the site inspection, a Town of Kent and a NYSDEC wetland permit is not required.

Trees: There are several mature trees located within the proposed limits of disturbance. A tree survey has not been provided.

Steep Slopes: There are steep slopes within the proposed area of disturbance. As a substantial amount of fill will be required to construct the driveway, the applicant is encouraged to explore the feasibility of alternative driveway locations.

Threatened and Endangered Species: Not noted as per NYSDEC data base. US Fish and Wildlife should be consulted to determine if there are any tree cutting restrictions due to the potential presence or range area of the Northern Long-Eared Bat and/or the Indiana Bat.

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: Michael McDermott
Chairman

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

Subject: Erosion Control Plan

Date: August 10, 2017

Project: Arell ECP – Kentview Drive
TM # 10.20-1-71

The following materials were reviewed:

- Combined Application Form signed 7/11/2017, including:
 - Owner's affidavit, Agent of owner's affidavit, Certification of Professional Engineer, Disclosure of Business Interest, Agricultural data statement and Site plan checklist
- Short Environmental Assessment Form (EAF) signed 7/5/2017
- Deed
- SWPPP, prepared by John Karell, Jr., P.E., dated July 11, 2017
- Notice of Intent, dated 7/11/2017
- Drawings prepared by John Karell, Jr., P.E., including
 - S-1 Site Plan, 6/26/2017
 - S-2 Erosion Control, Steep Slope Plan, Sight Line Plan, 6/26/2017
 - EC-1 Erosion Control & Steep Slope Details/Notes, 7/12/2017

The project proposes construction of a single family house, driveway, septic and well. Information provided indicates the lot has Putnam County Health Department approval for well and septic, however copies of the permits have not been provided. This project previously received approval in 2006.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.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. Provide date and source of soils on map.
 - b. §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. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
3. 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).
 - a. Provide this additional restriction in the Slope Stabilization Notes on drawing EC-1.
4. Refer to the SWPPP – Remove references to Mt. Nimham Road and Omara on pages 2, section II and page 7, section VI.D, respectively and replace with correct information.
5. Refer to the Notice of Intent (NOI).
 - a. Page 3, #7, Provide response.
 - b. Page 5, #15, recommend selecting “yes” for MS4.
 - c. Page 7, #26 – Drawings show a stone retaining wall. Recommend selecting “retaining wall” as a permanent structural practice.
 - d. Provide signatures on final NOI.
6. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
7. A site visit was conducted on Tuesday August 1, 2017. The following was noted:
 - a. There is a substantial drop-off from the edge of Kentview Drive into the lot. The proposed driveway profile has some locations with 5 feet deep fill. Alternate configuration for the driveway should be considered to minimize fill. Also based on the steep drop-off, wider driveway shoulders should be considered to reduce likelihood of vehicle driving into ditch.
 - b. The lot is situated between two curves on Kentview Dr. Location of driveway should be chosen to maximize sight distance.
 - c. Kentview Drive is steep at this location (15%). A culvert may be beneficial to allow road drainage to pass. Richard Othmer, Highway Superintendent should be consulted regarding this.

- d. Front yard has considerable trees and brush. If owners would like a front yard, the limits of disturbance should be expanded.
 - e. The proposed footing and leader drains should be re-routed to minimize disturbance to existing stone wall. Discharge should be on the downhill side of the existing stone wall.
8. Refer to the Drawings:
- a. Based on presentation by project engineer, the 'stone retaining wall' along the driveway is proposed. Label it as proposed on the drawing.
 - b. Show on the drawing if there are any existing driveways opposite this parcel on Kentview Drive.
 - c. Based on the contours, a swale should be considered between the driveway and proposed retaining wall to prevent driveway runoff from undermining retaining wall.
 - d. Provide driveway cross-section in accordance with Chapter 57:
 - i. 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."
 - ii. 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."
 - 1. Driveway appears to be only 10' wide on the drawing.
 - iii. 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.
 - e. For footing and roof drains - Consider longer riprap stabilization at outlet or provide calculations that stabilization shown is sufficient. Provide detail of riprap stabilization.
 - f. Provide detail on retaining wall. Retaining walls higher than 4 feet require design calculations.
 - g. Provide additional detail on the vicinity map to locate this parcel and distinguish it from the other vacant parcel 2 lots over.
9. The area of disturbance calculation varies between S-1, EC-1 and the SWPPP. The amount of disturbance should be consistent throughout the documents.
10. Provide copies of Health Department approvals for septic and well.

Memorandum
Arell ECP
TM # 10.20-1-71
August 10, 2017
Page 4 of 4

11. The new driveway will require approval by Town of Kent Highway Superintendent.
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. According to the Zoning Schedule on drawing EC-1, the lot does not meet current zoning requirements for minimum lot area, minimum lot width and road frontage. We defer to the Planning Board's Planning Consultant to determine if any variances are required from the ZBA.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
05-261-999-95

Bruce Barber via email
Neil Wilson via email