

Approved: September 8, 2016

**Minutes**  
**Town of Kent Planning Board Meeting**  
**August 11, 2016**

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

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

Dennis Lowes, Vice Chairman  
Janis Bolbrock  
George Brunner

Gary Lam  
Charles Sisto  
Philip Tolmach

**Others in Attendance:**

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

**Absent:**

Michael McDermott, Chairman

• **Approve Planning Board Minutes from July 14, 2016 Meeting**

Mr. Lowes asked for a motion to approve the minutes from the July meeting. There were no changes to be made to the July Planning Board minutes. The motion to approve the minutes was made by Ms. Bolbrock and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

- **Alou Construction, Dean Road, Kent, NY; TM: 10.-2 & 10.-3**

Mr. Scott Frey, the applicant, attended the meeting and was requesting approval of an erosion control plan for construction of a single-family residence to be built on Dean Road. Mr. Frey said he had received memos from the Planning Board consultants and would be addressing them. He said he was requesting two things:

- A waiver of a Public Hearing for the increase in the grade of the driveway (the first 100' of the project which will be blacktopped to mitigate the steeper slope); and
- A waiver of the passing turnout on the driveway. Mr. Frey stated that the driveway is over the 500' required by the Town Code – it is 550'. He said that the reasons for his requesting the waiver were that because of the elevation there will not be a problem with snow won't pile up and need to be placed somewhere else and there is a second lot that comes about ½ way off of the driveway so cars could pull off in order to pass each other.

Ms. Bolbrock stated that she thought a letter from the Kent Fire Department should be requested regarding the waiver of the passing turnout area in the driveway and asked Mr. Walters, the Kent Building Inspector, if he agreed and said that he also thought that was necessary. He told Mr. Frey he would give him the contact information. Mr. Lowes asked Mr. Frey if he had obtained a copy of the deed and he said he had and also had a copy of the new easement, which he would be submitting at the meeting.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that most of her comments were technical and could be easily resolved, but the Public Hearing was for the erosion control plan and could be waived when an applicant was putting on additions but when an entire house was being constructed she recommended that it not be waived. She asked Mr. Frey if he was asking for a waiver of the passing turnout as well as the snow storage. He said he was asking for both. Ms. Mangarillo suggested that Mr. Frey note on the drawings the area where the snow will fall off on the sides of the driveway. She confirmed that the Fire Department would have to approve of the turnout on the driveway.

Mr. Barber's Comments (memo attached)

Mr. Barber said there was a culvert on the bottom of the driveway and said he'd been out to the site and would go out again. He said he didn't believe there were any wetlands, but would confirm it later.

Mr. Frey said that he had worked with the Town of Kent previously and was very diligent with his projects and would like to get started on this project as soon as possible.

Ms. Mangarillo said that she was still waiting on the bond estimate and a couple of other items and felt that this should be held over until September and advised the Planning Board that the only action they should take that night was to decide whether or not a Public Hearing should be held.

Mr. Lowes asked Ms. Mangarillo what her opinion was regarding the Planning Board's approving this project and if she had the SPDES permit. Ms. Mangarillo said that she needed a Notice of Intent and believed that in September everything should be in line if additional material was submitted.

Ms. Mangarillo recommended that a Public Hearing for an Erosion Control Plan should be held in September and Mr. Frey agreed with her recommendation.

Mr. Lowes asked for a motion to waive a Public Hearing for an Erosion Control Plan for this project in September. The motion was made by Mr. Tolmach and seconded by Ms. Bolbrock. The roll call votes were as follows:

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

The motion did not carry.

Mr. Wilson said that since this vote was essentially a non-vote since it was tied and that he recommended setting the Public Hearing for September. Mr. Lowes asked for a motion to schedule the Public Hearing for an Erosion Control Plan for September. The motion was made by Mr. Brunner and it was seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

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

Mr. Harry Nichols and Mr. & Mrs. Boccia were at the meeting and asked to be heard. Mr. Nichols said that the septic system had been relocated since the previous plans were last submitted several years ago. He said he believed that the treatment for the driveway would be gravel (item 4). He said that Mr. Barber had concerns which he and the applicants were prepared to address pertaining to the septic system. He said that a plan had been submitted to the Health Department showing the septic system being split and they were conducting their review. Mr. Nichols said only the primary area would require a wetland buffer setback and the expansion area is at least 100' from the wetland buffer and that he would ensure that the plans reflect this change. He also said he would put up a

clay barrier. He mentioned that trees, which were removed previously, would be replaced to mitigate this area. In the past five years a lot of the property has restored itself. Mr. Nichols asked that he and Mr. Barber inspect the property to get his advice.

#### Mr. Barber's Comments

Mr. Barber confirmed that there are wetlands involved adjacent to this site and that there is also a watercourse that discharges to the upper lake. The septic system being relocated is a step in the right direction. He said that mitigation to restore the area where the trees were removed needed to be investigated and that he would visit the site again to see what was necessary. Mr. Barber deferred to Ms. Mangarillo regarding stormwater management. A shed on the property may need to be moved outside of the wetland buffer.

Mr. Lam asked Mr. Barber about his opinion of the proposed changes to the septic system and Mr. Barber said that he thought that he needed to discuss this matter further with Ms. Mangarillo but that he thought the plan to move the primary septic system further from the wetlands was a positive plan.

#### Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo referred to a memo from two years ago and it confirmed that the Boccias did own the gravel access drive, but there is at least one lot that appears to go onto the gravel area before it reaches the pavement of Beach Court. She said that she wondered whether or not the owners of these lots have any rights and, if so, if they needed to give permission to the changes. Another issue was that Ms. Mangarillo does not believe that this is not an extension of the Town Road, so neither of the two lots have enough road frontage and thought that a variance would be necessary. If the variance had already been approved she requested documentation verifying this. Ms. Mangarillo had also discussed this matter with Mr. Blass of Van deWater and Van deWater, the Planning Board Attorney. Ms. Mangarillo said that the Kent Highway Department had to be contacted to ensure that there are no other changes necessary. Ms. Mangarillo mentioned that there is a lot of erosion and sediment running from the gravel drive down to Beach Court and improvements needed to be made to ensure that it does not flow into the lake. Mr. Nichols said that during the renovation of the driveway there will be small swales installed at select locations to prevent the runoff into the lake. Ms. Mangarillo stated that there had been some improvements made and that Mr. Nichols comments were positive ones.

Mr. Boccia asked to be heard. He said that he thought the issue of ownership of the gravel drive had been resolved. Ms. Mangarillo said that Mr. Blass agreed that the title does show Mr. Boccia owned the gravel driveway, but that other parties may also have rights to it because the other property does use it to access Beach Court. She said that the deed does not explain that and she stated that Mr. Blass needed to look into the matter further and he is waiting for information from Mr. Boccia's attorney. Mr. Boccia asked how long it would take for the Planning Board Attorney to do this research and Ms. Mangarillo said that she couldn't speak for him. Mr. Boccia asked that the Attorney handle this expeditiously.

Mrs. Boccia said that they own the area in question and the neighbor at 29 Beach Court uses this driveway. Ms. Mangarillo said that she believed that the neighbor has an easement in their deed which gives them permission to use the driveway. Mrs. Boccia said she would ensure that documentation was provided regarding this matter.

• **Biben Property, 146 South Knapp Court, Kent Lakes, NY; TM: 20.-1-1**

Mr. James Hartford, of River Architects, represented the applicant who requested approval of an erosion control plan to build a small addition to the guest house on his property and a small garage within the wetland buffer zone. This project was submitted previously and concerns regarding the water mitigation have been addressed and the drawings have been modified to show changes. Mr. Hartford passed out new drawings at the meeting which had not been reviewed by the consultants. The updated plans will be reviewed for the September meeting.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that a rain garden was in the plans, then removed, then added back in. She said that the majority of comments had been addressed, the public hearing had been waived and a bond posted previously in place. She recommended moving this project to the administrative tract.

Mr. Barber's Comments (memo attached)

Mr. Barber said that the roofwater needed to be captured and treated before it flowed into the pond. A rain garden had been proposed previously and an alternative was incorporated into the new plans. He agreed that this project should be handled administratively.

Mr. Wilson's Comments (memo attached)

Mr. Wilson had circulated a Resolution earlier in the day. He recommended granting conditional approval of the Erosion Control Plan and wetland permit and that it be moved to the administrative track.

Mr. Lowes asked for a motion to adopt the Resolution of Approval. The motion was made by Mr. Tolmach and seconded by Mr. Brunner. The roll call vote were as follows:

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

The motion carried.

Ms. Mangarillo asked the Planning Board to reaffirm that an existing bond in the amount of \$8,273.00 was in effect for the record.

- O'Mara Property, Lhasa Court, Kent, NY; TM: 31.09-1-6

Noone was present for this project.

Mr. Wilson's Comments (memo attached)

Mr. Wilson advised the Planning Board that there were concerns several years ago regarding right-of-access for the lot to make improvements to Lhasa Court and that he recently received a deed from 1955 that allows the applicant to access Lhasa Court so that issue has been resolved. Plans received in 2007 don't reflect changes for roads and driveway codes (Chapter 57) in effect at this time and the plans need to be updated.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that if the applicant can't meet the driveway codes they should provide a list of waivers they will be requesting.

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

Ann Waling, of Cypress Creek, represented the applicant and submitted updated plans. A new site plan has been done which incorporated some of the comments made by Planning Board consultants. She anticipated more changes will be made after the site walk, which was to occur on Friday, August 15, 2016. Ms. Waring said that a staging area will be necessary, but they're not sure where it will be located at this time. Regarding the dirt road and travel way, the site plan has changed and they want to use the existing driveway but they may not be able to do so. The detail sheets submitted show equipment and wiring details. The utility pole which will be used is across the street from the property. Some of the stone walls may need to be removed, but the ones by the wetlands and bordering the property will remain. Pertinent information has been submitted to the fire department as well.

Mr. Wilson's Comments

Mr. Wilson said that there are some homes around the perimeter of the site and he will send a memo after the site walk. He also said that after construction the site will be monitored regularly as are cell towers. This is a Type I action and Mr. Wilson circulated a Resolution because of the land disturbance recommending that the Kent Planning Board declare themselves Lead Agency and he recommended the Planning Board adopt it after hearing comments from Mr. Barber and Ms. Mangarillo.

Ms. Mangarillo's Comments (memo attached)

One of her main concerns is the driveway and site distance and that there is a lot of road frontage so she recommended shifting the driveway slightly and suggested the applicant contact the Highway Department. Ms. Mangarillo had comments on the preliminary SWPPP submitted. NYSDEC considers the panels not to be an impervious surface so you don't have to treat stormwater runoff. However, NY CDEP does consider the panels to be an impervious surface and you do have to treat the runoff.

Mr. Barber's Comments (memo attached)

Mr. Barber's comments may be amended after the site walk. He said that this is a 42 acre parcel and 20.5 acres will be utilized for this project in an R-80 district. He had comments regarding:

- Steep Slope and Erosion Control;
- Noise Levels and comporting with the town ordinance

Mr. Barber suggested that the applicant ensure the wetlands are not impacted post-construction with pollutant runoff or thermal issues. Part of the EAF indicated that the ownership is controlled up to 22 acres of the property and that needed to be clarified. Mr. Barber wants to look at the habitat area and assess it. The number of trees and dba size should be listed in a table. Also, he requested information as to the removal of the stumps. Mr. Barber will also look at the stone walls and historic elements of the site. Ms. Bolbrock asked what chemical would be in the solar panels. Mr. Barber said the question of longevity will also be discussed.

Mr. Wilson asked that his Resolution to declare the intent to become Lead Agency be adopted. The 30 day clock begins the day the material is mailed.

Mr. Lowes asked for a motion to adopt the Resolution of Approval. The motion was made by Mr. Brunner and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

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

- Wagner Millwork LLC/Timber Harvest      Erosion Control Plan/Lead Agency      Status Report  
Anavil Property, Long Mountain Rd, Kent, NY  
TM: 8.-1-2

The applicant paid their bond and it's been sent to the Town Board for approval.

- Timber Harvest Project/NYSDEP      Freshwater Wetland Permit      Status Report  
Barrett Circle Paper Court, Kent, NY  
TM: 43.-2-1-7 & 81

Ms. Locke recently responded to comments Mr. Barber had on this project and they've been satisfied.

- Basharat/Mann Property  
Marshall Road, Kent, NY  
TM: 11.-15-1-35

Sub Division Application

Status Report

Nothing new has been submitted. Mr. Barber is to meet on the site with the applicant.

- Licari\_Limitone Property  
14 Lorne Court, Kent, NY  
TM: 22.-2-5

Erosion Control/SWPPP Plan

Status Report

The bond needs to be submitted and forwarded to the Town Board for their approval.

- Towners Road Mart (Sclafani Property)  
2 Towners Road, Carmel, NY  
TM: 33.64-1-6

Amended Site Plan/Change of Use

Status Report

Mr. Wilson received the letter from the County stating the bus shelter could not be moved. We are waiting for new plans.

- Bene Property  
Tibet Drive, Kent, NY  
TM: 30.20-1-16

Erosion Control/

Status Report  
Bond Pending

The bond needs to be submitted and forwarded to the Town Board for their September 13, 2016 meeting. Mr. Lansky said that he and the applicant misunderstood the procedure and thought the drawings would be signed at this meeting.

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

Erosion Control Plan  
for In-Ground Swimming Pool

Status Report

Waiting for a new re-submittal.

- Putnam Stone  
301 Route 52, Kent, NY  
TM: 44.6-1-7

Erosion Control/

Status Report

Nothing new has been submitted.

- Patterson Crossing  
Route 311, Kent, NY  
TM: 22.-2-48

Amended Site Plan

Status Report  
Bond Pending

Nothing new has been submitted.



Mr. Lowes asked for a motion to adjourn the meeting at 9:15 PM. The motion was made by Mr. Brunner and seconded by Ms. Bolbrock. The roll-call votes were as follows:

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

The motion carried.

Respectfully Submitted,

Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk

Workshop: August 04, 2016 (Thursday, 7:30 PM)  
Meeting: August 11, 2016 (Thursday, 7:30 PM)

AUGUST 2016

- Approve Planning Board Minutes from July 2016
  - Alou Construction  
Dean Road, Kent, NY  
TM: 10.-2 & 10.-3  
Erosion Control Plan  
Review
  - Boccia Property  
Beach Court, Kent, NY  
TM: 21.-1-16  
Erosion Control Plan  
Review
  - Biben Property  
146 South Knapp Court, Kent Lakes, NY  
TM: 10.-1-1  
Erosion Control/  
Wetland permit  
Review
  - O'Mara Property  
Lhasa Court, Kent, NY  
TM: 31.09-1-6  
Erosion Control Plan  
Site Plan  
Review
  - Cypress Creek/Solar Energy Farm  
Mooney Hill/Kent, NY (Armstrong Property)  
TM: 12.-3-9  
Erosion Control Plan/  
Review
- Permit Applications Review (Applicants attendance not required/Workshop Discussion):
- Wagner Millwork LLC/Timber Harvest  
Anavil Property, Long Mountain Rd, Kent, NY  
TM: 8.-1-2  
Erosion Control Plan/  
Lead Agency  
Status Report
  - Timber Harvest Project/NYSDEP  
Barrett Circle Paper Court, Kent, NY  
TM: 43.-2-1-7 & 81  
Freshwater Wetland Permit  
Status Report
  - Basharat/Mann Property  
Marshall Road, Kent, NY  
TM: 11.-15-1-35  
Sub Division Application  
Review
  - Licari Limitone Property  
14 Lorne Court, Kent, NY  
TM: 22.-2-5  
Erosion Control/SWPPP Plan  
Status Report
  - Towners Road Mart (Sclafani Property)  
2 Towners Road, Carmel, NY  
TM: 33.64-1-6  
Amended Site Plan/Change of Use  
Status Report
  - Bene Property  
Tibet Drive, Kent, NY  
TM: 30.20-1-16  
Erosion Control/  
Status Report  
Bond Pending
  - Von Rosenvinge Property  
451 Pudding St., Kent, NY  
TM: 31.17-1-7  
Erosion Control Plan  
for In-Ground Swimming Pool  
Status Report
  - Putnam Stone  
301 Route 52, Kent, NY  
TM: 44.6-1-7  
Erosion Control/  
Status Report
  - Patterson Crossing  
Route 311, Kent, NY  
TM: 22.-2-48  
Amended Site Plan  
Status Report  
Bond Pending

**Town of Kent Planning Board  
Freshwater Wetland Permit Approval  
Steep Slope and Erosion Control Permit Approval**

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**Matter of Biben Guest House**

**Whereas**, the Town of Kent Planning Board has received an application from Matthew L. Biben (hereinafter “Biben”) for Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals to allow the construction of a guest house on a property located at 146 South Knapp Court, tax parcel number 10.-1-1; and

**Whereas**, the Planning Board has determined that the Biben project is a Type II Action under 6 NYCRR 617.5(c)(29); and

**Whereas**, the Planning Board has determined that a public hearing will not be required; and

**Whereas**, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area (i.e. wetland buffer) would be consistent with the policies of Chapter 39A.
2. The proposed disturbance to the wetland buffer area as depicted on the site plan would be consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the wetland buffer area as depicted on the site plan would be compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

**Whereas**, pursuant to §66-6(G) of the Town Code the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Steep Slope and Erosion Control Permit, specifically:

1. The proposed activity is in accordance with the legislative findings listed in §66-2 of the Town Code; and
2. The proposed activity is in accordance with the principles and recommendations of the Town of Kent Master Plan; and
3. The proposed activity will not result in creep, sudden slope failure or additional erosion;

and

4. The proposed activity will preserve and protect existing watercourses, floodplains and wetlands; and
5. The proposed activity will not adversely affect existing or proposed water supplies or sewage disposal systems; and
6. The proposed activity will stabilize all earth cut and fill slopes by vegetative or structural means; and

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

**Be It Further Resolved**, pursuant to Chapter 66-6 of the Town Code the Planning Board grants Steep Slope and Erosion Control Permit approval subject to final plan review and approval by the Planning Board's Professional Engineer.

**Be It Further Resolved**, the approvals granted herein are expressly conditioned on development of the project in accordance with the plans and details as depicted on a site plan map set entitled "Biben Residence Guest House Addition" prepared by River Architects dated July 15, 2016 consisting of the following drawings:

1. *Drawing C-101 – Site Plan*
2. *Drawing C-102 – Enlarged Site Plan & Details, last revised July 21, 2016*
3. *Drawing D-101 – Demolition Floor Plans*
4. *Drawing A-101 – Proposed Floor Plans*
5. *Drawing A-102 – Proposed Exterior Elevations*

**Be It Further Resolved**, that this Erosion Control Permit and Wetland Permit approvals are expressly conditioned on the completion and/or adherence to following:

- 1) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated August 10, 2016.*
- 2) *Address to the satisfaction of the Planning Board the comments of the Planning Board Environmental consultant as set forth in a memorandum dated August 11, 2016.*

- 3) *Prior to the obtaining Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:*
  - a) *Planning Board Engineer approval of the plans to implement the Steep Slope and Erosion Control Permit.*
  - b) *Approval of a surety by the Town Board in an amount set by the Planning Board Engineer as set forth in §66-7 of the Town Code, and posting with the Town by the applicant of any bond or surety amounts established by the Planning Board Engineer.*
  - c) *Any required approvals from the NYC Department of Environmental Protection.*
  - d) *Any required U.S. Army Corps of Engineers (ACOE) permit(s).*
- 4) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*
- 5) *Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.*
- 6) *At the completion of construction the applicant shall provide a certification prepared and sealed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in substantial compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed development prepared and sealed by a New York State Licensed Land Surveyor.*
- 7) *Payment to the Town of Kent the following fees:*
  - a) *Any unpaid or outstanding application fees.*
  - b) *Any review fees accrued by the Planning Board during the review of the application.*
  - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant.*

- 8) *It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval have been completed and that the response to comments have been completed to the satisfaction of the Planning Board's Professional Engineer, the Planning Board's Environmental Consultant, and the Planning Board's Consulting Planner. The signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Consulting Planner verifying that each of the conditions of this Approval has been completed. The proposed final drawings shall not be accepted by the Planning Board without submission of proof of completion.*
- 9) *This approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.*

Motion: George Brunner

Second: Phil Tolmach

Michael McDermott, Chairman Absent

Janis Bolbrock, Vice Chairman Aye

George Brunner Aye

Gary Lam Aye

Dennis Lowes Aye

Charles Sisto Aye

Philip Tolmach Aye

Gary Lam \_\_\_\_\_

Date: August 11, 2016

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on the date set forth above.

Vera Patterson

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*

August 11, 2016

To: Planning Board

From: Bruce Barber, Town Environmental Consultant

**RE: Biben Application**  
Section 10 Block 1 Lot 1  
146 S. Knapp Court

Please be advised that the following document has been reviewed relative to the above referenced project:

- Plans entitled; "Biben Residence Guest House Addition" prepared by River Architects dated 07/15/16 (rev.), 4 sheets: C-101, D-101, A-101, A-201.
- Plan entitled; "Biben Residence Guest House Addition" prepared by River Architects dated 07/21/16 (rev.), 1 sheet: C-102.

Review Comments:

In response to concerns raised by the applicant's consultant regarding construction of a rain garden, a conceptual wetland mitigation alternative was discussed. This alternative will serve, as planned, as mitigation for the proposed intrusion into the wetland buffer and will collect and treat roof water from the proposed addition and approximately one-half of the roof water from the existing roof area (which presently discharges, untreated, to the wetland).

It is recommended that the applicant provide details of the proposed mitigation design. The Board may authorize review at an administrative level.

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

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

Sincerely,

Bruce Barber, Certified Ecologist  
Town of Kent Environmental Consultant



August 11, 2016

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

Re: **Boccia Application**  
Beach Court  
Section 21. Block1 Lot 16

I have reviewed the following pertinent documents relative to the above referenced project:

- Plan entitled; "Joseph and Sabina Boccia" prepared by Harry W. Nichols, Jr., P.E., dated 06/20/16 (rev.), 3 sheets: EC-1, EC-2, SS-8.
- Topographic Map prepared by Terry Bergendorff Collins dated 05/12/16.
- Letter executed by Harry Nichols, P.E. dated 06/21/16, 2 pages.
- Letter (via fax) from Harry Nichols, P.E. dated 07/13/16, 1 page.

**Comments:**

1. Based upon the most recent site inspection, conducted with the applicant's wetland consultant and engineer, the above referenced plans do not accurately depict the wetland boundaries agreed upon in the field. Specifically, as shown on Plan Sheet SS-8, the indicated wetland areas are all connected and ultimately discharge to the northern watercourse which flows to the lake.
2. The parcel located to the south of the indicated access drive was not totally inspected. The applicant now indicates that the reserve area of the septic system is to be located on this parcel. A follow-up inspection must be conducted to determine if any jurisdictional wetland and/or wetland buffer are located in this area.
3. Upon completion and verification of the wetland locations, a single map should be prepared which indicates all wetland and wetland buffers that are present on the subject site.
4. The applicant has not prepared a plan to mitigate the previous tree cutting that occurred on the site.



5. The proposed primary septic system area is located within 35' of the jurisdictional wetland. The applicant is requested to relocate the septic system entirely outside of the wetland buffer. As indicated above the wetlands on the site are connected and ultimately discharge directly to the lake. The proposed proximity of the septic system to the wetlands greatly increases the risk of pollutant loading to the lake.
6. It is recommended that an analysis of post-construction pollutant loading (including phosphorous) to the lake due to stormwater discharge be conducted.
7. Some trees are shown on the plan. It is unclear if an actual tree survey has been conducted and which trees are proposed to be removed.
8. Due to the steeply sloping nature of this site, it is recommended that the plan indicate all slopes that are greater than 15%.
9. The existing shed on the property is proposed to remain in the wetland buffer. It is recommended that the shed be relocated outside of the wetland buffer.
10. Required improvements to the access driveway should be shown. Maintenance of current wetland hydrological connections should be indicated.
11. A revised EAF has not been submitted which reflects proposed work on the lot to the south of the access road.
12. It is recommended that the Planning Board request the applicant to provide a single plan sheet with all lots, natural features and access to same.
13. This office defers to the Planning Board Engineer regarding review of stormwater, grading and site improvement design.
14. This office defers to the Town Planner regarding review of access and applicable planning issues.

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

Sincerely,



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



## Cornerstone Associates

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*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

August 11, 2016

To: Planning Board

From: Bruce Barber, Town Environmental Consultant

**RE: Armstrong Solar, LLC Application**

Section 12 Block 3 Lot 9

114-116 Mooney Hill Road

Please be advised that the following documents have been reviewed relative to the above referenced project:

- Town of Kent Combined Planning Board application executed by Evan Riley dated 07/18/16.
- Letter prepared by Marisa Scavo of Cypress Creek Renewables dated 07/19/16, 1 page.
- Project Narrative prepared by Cypress Creek Renewables, 3pages (undated, unsigned).
- Long-form EAF (Part I, undated, unsigned).
- Survey entitled; "Alta/NSPS Land Title Survey prepared for Cypress Creek Renewables, LLC." prepared by TEC Land Surveying dated 07/06/16, 3 sheets (unsigned, not sealed).
- Plan entitled; "Figure 6: Wetland Delineation" prepared by ERM dated July 2016, 1 sheet.
- Plan entitled; "Armstrong Solar, LLC." Prepared by Cypress Creek Renewables dated 07/20/16, 1 sheet: Z 1.0.
- Plan entitled; "Armstrong Solar, LLC." Prepared by Cypress Creek Renewables undated, 1 sheet: Z 2.0.

### **Project Summary:**

Current application is for site plan approval to construct an approximately 3,000 kW solar photovoltaic array (rows) system on approximately 20.5 acres of the above referenced site. The subject site consists of 41.929 acres in an R-80 zoning district and is situated on the southerly side of Mooney Hill Road.

### **Preliminary Review Comments:**

The comments below are based on desk review of the above referenced materials and are preliminary in nature. A site inspection is scheduled for 8/12/16. This office will provide additional comments upon completion of the site inspection.

1: Combined Application:

Indicate that steep slope and erosion control approval is requested (wetland application pending site inspection).

2: Project Narrative:

Item #2: Please indicate that all noise levels will at all times comport with the Town of Kent noise ordinance.

Item #6: Please indicate erosion and sediment control and stormwater measures shall comport with the Town of Kent Steep Slope and Stormwater Ordinance as well as applicable NYCDEP and NYSDEC regulations.

Item #7: Please indicate that additional screening as determined to be required by the Planning Board will be provided.

### 3: EAF:

Page 2: B: Government Approvals: 1: Indicate Town of Kent SWPPP and site plan approvals required. Indicate NYCDEP approval required. 2: Check "yes" for B.c. 3: Provide details regarding funding applications.

Page 2: C2: Please reference section(s) of the most recent Comprehensive Plan.

Page 3: D.b.c: Please explain "ownership of up to +/- 22 acres.

Page 4: D.2.b: Response is pending site inspection.

Page 6: D.2.e.i: Response is pending review of SWPPP.

Page 6: D.2.m: Response is pending review.

Pages 11-13: E.2, E. Please indicate source and data to support responses (e.g. see note #12 on Survey Sheet 1 of 3 regarding boulders/rock outcroppings, NYSDEC indicates potential presence of Northern Long-eared Bat, Indiana Bat and Bog turtle but no field reports/habitat analysis is provided).

### 4: Surveys

Sheet 1 of 3:

Note #10 indicates possible easement for utility lines through parcel. Please clarify.

Sheets 2 of 3 and 3 of 3:

Indicate trees to be cut. Provide table of total number of trees, species of trees and size (dbh) of trees to be cut.

Note: Please indicate if the stumps of all trees to be cut will be removed. Also indicate all trees which are proposed to be pruned (greater than 20% of existing canopy).

Please label match lines of the sheets.

Please provide a slopes map with shading indicating slopes 0-15%, 15%-25% and over 25%.

Please survey located all areas of substantial rock outcropping.

Please provide a soils map

### 5: Wetland Delineation:

Wetland delineation, as indicated, will require field verification. Comments pending.

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

Sincerely,

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

Bruce Barber, Certified Ecologist  
Town of Kent Environmental Consultant



# 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, 2016

Project: O'Mara Realty Lhasa Ave  
TM # 31.9-1-6

The following materials were reviewed:

- Combined Application Form with affidavits
- Notice of Intent (NOI) for GP-0-10-001 signed by owner 4/15/2016
- "Stormwater Pollution Prevention Plan Erosion and Sediment Control" prepared by John Karell, Jr., PE, dated May 1, 2016
- Short Environmental Assessment Form (EAF)
- Drawing "Erosion Control Plan" prepared by John Karell, Jr., P.E., last revised June 10, 2010
- Additional deed documents


The project proposes construction of a single family house. According to the Combined Application Form, the parcel received variance from the ZBA. Information provided indicates the lot has Putnam County Department of Health approval for well and septic, issued in 2008, which would now be expired.

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

The subject Erosion and Sediment Control Plan is not approved. This project has been before the Planning Board at various times since 2004. The following comments are provided for the Planning Board's consideration from a comment memo dated June 8, 2016:

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.
3. The Combined Application Form indicates an area variance has been granted. When was the area variance granted? If more than 12 months ago, a new variance will have to be granted by the ZBA.
4. The Notice of Intent for the current General Permit GP-0-15-002 should be provided instead of for the previous General Permit GP-0-10-001.

5. The driveway will have to meet the standards in the driveway code, Town Code Chapter 57 Article II.
  - a. **If the driveway cannot meet the standards, specific waivers can be requested. Provide justification for the requested waiver(s). Of particular concern is runoff from the entire length of the proposed driveway flowing directly onto the road. Alternate designs may need to be considered at the intersection with the road. The Highway Superintendent will have to be consulted.**
6. Any extension of or turnaround for Lhasa Avenue will have to meet current NYS Fire Code standards.
7. Provide current Department of Health approvals.
8. As further information is provided, additional comments will be provided.

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

cc: Planning Board via email  
Bill Walters via email  
04-261-999-81

Bruce Barber via email  
Neil Wilson via email

**Town of Kent Planning Board  
Declaration of Intent to Be Lead Agency**

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**Matter of Armstrong Solar Farm Site Plan**

**Whereas**, the Town of Kent Planning Board has received an application for Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for a project known as Armstrong Solar Farm; and

**Whereas**, said applications would allow the development of +20.5 acre solar electric generating facility (“solar farm”) on a +41.9 acre parcel located at 114-116 Mooney Hill Road, tax parcel number 12.-3-9; and

**Whereas**, the Board has reviewed the Part 1 Long Form Environmental Assessment Form (EAF), and other information provided by the applicant for the proposed Armstrong Solar Farm; and

**Whereas**, the Board has made a preliminary determination that the proposed activity is a Type I Action pursuant to Part 617.4(b)(6)(i) of the SEQRA regulations; and

**Whereas**, pursuant to Part 617.6(b)(2)(i) a lead agency must be established; and

**Whereas**, the Board has determined that it is the agency with the broadest jurisdiction qualifications to serve as the lead agency;

**Therefore Be It Resolved**, the Planning Board hereby declares its intent to be the Lead Agency for review of the project pursuant to Sections 617.6(2) and (3); and

**Be It Further Resolved**, the Planning Board hereby directs that the identified involved and interested agencies as noted on the Attachment “A” hereto, be notified of the Board’s intent to be the Lead Agency, and that a copy of the Part 1 EAF, the application form, and the proposed site plan be delivered to said agencies seeking their consent to the Planning Board acting as the Lead Agency.

Motion : George Brunner

Second: Phil Tolmach

Michael McDermott, Chairman Absent

Dennis Lowes, Vice Chairman Aye

Janis Bolbrock Aye


George Brunner Aye

Gary Lam Aye

Charles Sisto Aye

Philip Tolmach Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on August 11, 2016.

By:   
Vera Patterson, Planning Board Clerk

**Attachment "A"**  
**Identified Involved & Interested Agencies**

NYS Department of Environmental Conservation  
Region 3 Office  
Division of Regulatory Affairs  
21 South Putt Corners Road  
New Paltz, New York 125661-1696

NYC Department of Environmental Protection  
SEQRA Coordination Section  
465 Columbus Avenue  
Valhalla, New York 10595

Putnam County Division of Planning & Development  
841 Fair Street  
Carmel, New York 10512

Superintendent of Highways  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, New York 10512

Zoning Board of Appeals  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, New York 10512



## Planning Kent

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**From:** Julie Mangarillo - RSA [JMangarillo@rsaengrs.com]  
**Sent:** Tuesday, July 19, 2016 3:55 PM  
**To:** 'Jordan Heller'  
**Cc:** Planning Kent  
**Subject:** Wagner Millwork Revised Bond Agreement  
**Attachments:** 22W277602-Revised Performance Bond.doc

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

Jordan,

Please see revised bond agreement. A representative of Wagner Millwork, along with the property owners, must sign.

This revised bond agreement will allow the bond money to be returned to Wagner Millwork when work is complete.

Please let me know if you have any questions.

Thank you,  
Julie

Julie S. Mangarillo, P.E., CPESC  
Rohde, Soyka & Andrews Consulting Engineers, P.C.  
40 Garden Street Poughkeepsie NY 12601  
845-452-7515 (phone) 845-452-8335 (fax)

**PERFORMANCE BOND FOR EROSION AND SEDIMENTATION CONTROL**

Bond given by Wagner Millwork LLC, a domestic limited liability company, with its principal place of business located at \_\_\_\_\_, and by Aroonsri Anavil and Alongkot Anavil with respect to paragraphs “4”, “5”, and “6” infra, having an address of 2 Lark Street, Pearl River, New York 10965 (“Obligor”) to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil’s Crossing, Kent Lakes, New York, 10512 (“Obligee”), dated \_\_\_\_\_, 2016.

KNOW ALL MEN BY THESE PRESENTS that the Obligor Wagner Millwork LLC is held and firmly bound unto the Obligee in the initial sum of \$1,400.00 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor Wagner Millwork LLC has obtained one or more approvals from the Obligee for a land development activity, as that term is defined in Town of Kent Town Code Chapter 66 (the “Code”), on certain real property located in the Town of Kent, in connection with which sedimentation and erosion controls (the “Controls”) are required; and

WHEREAS, on \_\_\_\_\_, 2016, the Kent Planning Board adopted resolutions of conditional approval of timber harvest activity at Long Mountain Road in the Town of Kent, County of Putnam and State of New York, covering tax parcels 8.-1-2; and

WHEREAS, in conjunction with such approvals, the Obligor Wagner Millwork LLC submitted plans and specifications (“Project Plans”) for the timber harvest activity, and in furtherance of the approvals of the Planning Board, as follows:

- A. Drawing “Anavil Timber Harvest, Long Mountain Road, Town of Kent, County, Tax Map I.D. 8.-1-2. Haul Road and Landing Grade” prepared by Wagner Millwork, LLC undated. The drawing was received by the Town of Kent Planning Department on May 2, 2016.
- B. Forest Management Plan, prepared by Wagner Millwork LLC, undated. It was received by the Town of Kent Planning Department on April 22, 2016.

1. NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor Wagner Millwork LLC shall well and truly construct or install the aforesaid erosion and sedimentation control, and maintain the same during the period of timber harvest, in accordance with the timber harvest plans approved by the Town of Kent, and if said improvements are deemed complete by the Town of Kent, and if Obligor Wagner Millwork LLC is released from liability by the Obligee, then this obligation shall be null and void; otherwise, the obligation shall remain in full force and effect.

2. The Obligor Wagner Millwork LLC shall at all times provide the Obligee with such security as the Obligee shall deem sufficient. In furtherance of this covenant, the Obligor Wagner Millwork LLC has obtained and hereby delivers to the Town of Kent the following security for faithful performance of this obligation: Cash deposit in the sum of \$1,400.00.

3. The Obligor Wagner Millwork LLC agrees to execute and/or endorse and deliver to the Town any documents required for the Town to call upon the security.

4. The Obligee and its agents, employees, engineers and/or planners are hereby expressly authorized to enter upon the property for the purpose of inspecting the erosion and sedimentation controls and the timber harvest being performed in accordance with the approved plans and to complete the work in the event the Obligee fails to do so, or to restore the project site. This right of the Obligee shall run with the land.

5. In the event that any Obligor interferes with the Obligee's exercise of its rights under this instrument, the Obligee shall be entitled to recover any of Obligor the Obligee's attorneys' fees, other consultant costs, and expenses resulting from or arising out of Obligor's interference. This right of the Obligee shall run with the land. This obligation shall be joint and several.

6. The obligations of any Obligor in this performance bond may not be assigned or assumed by a third party without the prior written approval of the Town Board of the Town of Kent.

This undertaking shall be recorded with the Clerk of Putnam County.

Dated: \_\_\_\_\_, 2016

WAGNER MILLWORK LLC

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

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

Aroonsri Anavil  
with respect to paragraphs "4", "5", and "6"  
only

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

Alongkot Anavil  
with respect to paragraphs "4", "5", and "6"  
only

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF PUTNAM )

On the \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned, a notary public in and for said state, personally appeared ANOONSRI ANAVIL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF PUTNAM    )

On the \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned, a notary public in and for said state, personally appeared ALONGKOT ANAVIL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

RECORD AND RETURN TO

Ronald C. Blass, Jr.  
Van DeWater & Van DeWater, LLP  
P O Box 112  
Poughkeepsie, New York 12602

U:\DOCS\11011\00061\MUNICIPAL\22W277602.DOC

# 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**

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## MEMORANDUM

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TO: Town of Kent Planning Board  
From: Neil A. Wilson  
Date: August 11, 2016  
Re: O'Mara Steep Slope & Erosion Control Permit

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With reference to the above matter, we have reviewed the additional deed information submitted by the applicant subsequent to our June 16, 2016 memorandum and offer the following for the Board's consideration.

### Summary

1. Review of the June 24, 1955 deed from 44 Horatio Street Realty Corporation to Jules E. Vandow and Eva S. Vandow (the owner's predecessor in title), the owner has frontage on and a right of access to Lhasa Court as required to address the public road frontage requirements of Town Law 280-a and Chapter 77 of the Town Code.
2. The lot improvement plans that were submitted in June are the same ones that were submitted and reviewed approximately 9 years ago, and pre-date the code changes to Chapter 57 "Roads and Driveways" of the Town Code. The applicant should amend the proposed driveway and roadway improvement plans to comply with the requirements of Chapter 57 and re-submit the plans for further review.