

Approved: August 11, 2016

Minutes
Town of Kent Planning Board Meeting
July 14, 2016

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
Janis Bolbrock
George Brunner

Dennis Lowes, Vice Chairman
Charles Sisto
Philip Tolmach

Others in Attendance:

Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineering Consultant
Neil Wilson, Planner

Absent:

Gary Lam

Bill Walters, Kent Building Inspector

• **Approve Planning Board Minutes from June 9, 2016 Meeting**

Mr. McDermott asked for a motion to put the June minutes on the table for discussion. The motion was made by Mr. Tolmach and seconded by Mr. Brunner. The roll call vote was as follows:

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

The motion carried.

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There were no changes to be made to the June Planning Board minutes. Therefore Mr. McDermott asked for a motion to approve the Planning Board minutes from the June 9, 2016 meeting. 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>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.

- **Biben Property, 146 South Knapp Court, Kent Lakes, NY; TM: 10.-1-1**

This project involved an Erosion Control Plan and a Wetland Permit.

Mr. Barber's Comments (memo attached)

Mr. Barber advised the Planning Board that the applicant's representative met with the consultants at the monthly review meeting in June and certain types of mitigation for intrusion in the wetland buffer was discussed. An amended plan was requested and we've not received it so this matter was held over until the August meeting.

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

Mr. Patrick O'Mara, the owner of the property, attended the meeting to discuss an Erosion Control Plan for construction of a residence on this property.

Mr. Wilson's Comments (memo attached)

Mr. Wilson confirmed receipt of some documents Mr. O'Mara submitted which referenced a deed from 1955 for the property but it was not included in the packet. Mr. Karrell previously submitted a plan for this project. Mr. O'Mara produced the deed and he said he would forward it to the Planning Board office.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the plans that were submitted were from 2010 and it meets the driveway code from that period, but not the current one. She suggested that some waivers may be considered but Mr. Karrell needs to review the drawings to see which waivers may be necessary and the drawings needed to be updated. This matter was held over until the August meeting. Ms. Mangarillo asked Mr. O'Mara for information pertaining to variances granted by the ZBA.

• **Morini Property, China Paper Circle, Kent, NY; TM: 42.18-1-2**

Ms. Jaimie LoGuidice, of Insite Engineering, represented the applicant. The required bond estimate was submitted in 2014. Since that time the general permit was submitted and a new NOI was recently submitted to go along with the general permit. Ms. LoGuidice asked that the bond be referred to the Kent Town Board.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo confirmed that the application was approved in 2014 and again in 2015 and that the applicant has worked through all the conditions of approval and an updated NOI was submitted. The bond was approved in 2014 and at this time the Planning Board is being asked to re-affirm the bond amount, and if in agreement, refer it to the Town Board for them to accept it.

Mr. McDermott asked for a motion to approve the Erosion Control Bond in the amount of \$5,871.24 and to forward it to the Town Board for their approval. The motion was made by Mr. Brunner and seconded by Ms. Bolbrock. The roll call votes were as follows:

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

The motion carried.

• **Timber Harvest Project/NYCDEP, Barrett Circle Paper Court, Kent, NY; TM: 43.-2-1-7 & 81**

Ms. Amanda Locke attended this meeting regarding timber harvesting on a 45 acre parcel in the Town of Kent with access through the Town of Carmel.

Mr. Barber's Comments (memo attached)

This application is for a Town of Kent Wetland Permit with minimal activity in a town wetland buffer. Mr. Barber conducted a site inspection several months ago. He asked for two things which were:

- Details pertaining to the management of the Kent wetland buffer, which Ms. Locke did at this meeting; and
- A copy of Bog Turtle Studies Ms. Locke referred to, which she said she would forward to him.

Mr. Barber felt that the material submitted was very thorough and suggested that the Planning Board consider allowing this project to be handled administratively.

Ms. Mangarillo's Comments

Ms. Mangarillo agreed with Mr. Barber's comments.

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Mr. McDermott asked for a motion to move this project to the administrative level. The motion was made by Mr. Tolmach and seconded by Mr. Lowes. The roll call votes were as follows:

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

The motion carried.

- **Wagner Millwork LLC/Timber Harvest Project/Anavil Property, Long Mountain Road, Kent, NY; TM: 8.-1-2**

This project was regarding a timber harvest plan for an Erosion Control Plan and Lead Agency designation.

Mr. Wilson's Comments (memo attached)

Parts of this property are situated in the town of East Fishkill in Dutchess County so the Lead Agency circulation was sent to them as well. All the responses were returned to the Planning Board and Mr. Wilson asked that the Planning Board review and act on the proposed Negative Declaration and Resolution of approval which he circulated earlier in the day.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that previous comments were addressed and that she had received a letter from the DEC stating that they had no objection to trees being removed. The Public Hearing was waived and the bond amount has been approved.

Mr. McDermott asked for a motion to approve the Negative Declaration. Mr. Sisto made the motion and Mr. Tolmach seconded it. The roll call votes were as follows:

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

The motion carried.

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Mr. McDermott asked for a motion to approve the Resolution of Approval for an Erosion Control and Steep Slope permit. The motion was made by Mr. Lowes and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

• **Licari/Limitone Property, 14 Lorne Court, Kent, NY; TM: 22.-2-25**

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo discussed a very productive review meeting with the applicants and their contractor. Issues from previous memos have been taken care of. The NOI was received as was a report from Hydro Solutions. The applicants have decided to proceed with the plans for this project. Ms. Mangarillo said that she recommended a waiver of a Public Hearing and that the bond amount of \$4,095.00 be approved.

Mr. McDermott asked for a motion to waive the Public Hearing. Ms. Bolbrock had some concern about waiving the Public Hearing because of the affect on the neighboring properties. Mr. Tolmach also had some concerns. Mr. Barber and Ms. Mangarillo advised the Planning Board that they felt all the testing had been very thorough and the concerns had been addressed. Mr. Lowes made the motion to waive a Public Hearing and it was seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

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Mr. McDermott asked for a motion to recommend the Town Board approve the Erosion Control Bond in the amount of \$4,095.00. The motion was made by Mr. Brunner 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>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.

Mr. McDermott asked for a motion to move this project to the administrative track. The motion was made by Mr. Brunner 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>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.

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

Mr. Basharat and Mr. Mann attended the meeting. He had applied to the Health Department and NYSDEP for approvals and had received responses with some items which needed to be addressed.

Mr. Barber's Comments

Mr. Barber said that he felt that the Planning Board consider the limit of disturbance be reduced in size to allow for more tree preservation. He asked to visit the site again with Mr. Basharat to discuss this matter further and Mr. Basharat thought that was a good idea.

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

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo mentioned that on June 28, 2016 she and Mr. Wilson had met with Rob Cameron, Putnam Engineering to discuss the problem with the bus shelter.

Mr. Wilson's Comments

Mr. Wilson said that eliminating a parking space may help give better visibility to Towners Road. He said that they have not received the letter from Putnam County stating that the bus shelter may not be moved at this time which had been requested previously. Mr. Sisto said that he thought eliminating the one parking space was a good idea, but that the bus shelter still needed to be relocated. Mr. McDermott reiterated that the letter from the County still needed to be provided to the Planning Board and it should state why it could not be moved. Mr. Sisto said that the elevation plan also needed to be changed so that it matches the site plan. Mr. Wilson also said that the glass on the bus shelter was very dirty and was cleaned while they were at the site. This matter was held over for discussion at a later time when the County had responded to the request to move the shelter.

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

Mr. Lansky represented the applicant.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that there had been meetings and memos circulated regarding this project while she was on maternity leave. New drawings were submitted recently. The bond is split into two sections as follows:

- Erosion Control on the property itself; and the other is for
- Erosion Control in the Town right-of-way

Mr. Wilson's Comments (memo attached)

Mr. Wilson recommended waiving a public hearing because one had been done when it was before the ZBA. He prepared a draft resolution that included the waiver of the public hearing. The bond amount recommendation also needed to be approved and Mr. Wilson agreed with Ms. Mangarillo's recommendation to phase the bond.

Mr. McDermott asked for a motion to adopt the Resolution of Approval for Steep Slopes and Erosion Controls as detailed by Mr. Wilson with the amendment that the section pertaining to the Public Hearing be handled separately. The motion was made by Mr. Brunner 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>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.

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

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

The motion carried.

Mr. McDermott asked for a motion to approve the bond of \$16,435.12 and that it be phased as follows:

- Phase 1: Erosion Control in the Town right-of-way in the amount of \$ 8,399.60
- Phase 2: Erosion Control on the property itself in the amount of \$8,035.52

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

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

The motion carried.

- **Carmel Brick Oven Pizzeria & Café, Route 52, Kent, NY; TM: 33.48-1-11**

The applicant sent a letter requesting a refund of \$516.08 remaining in the escrow account for this property. This project was for a "Change of Use" on the site and the necessary renovations have been done and inspected and found to be satisfactory.

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

Matter of Bene Residence

Whereas, the Town of Kent Planning Board has received an application from Joseph Bene for Steep Slope and Erosion Control Permit approval related to construction of a single family dwelling on a site located on Tibet Drive tax parcel number 30.20-01-16; and

Whereas, the Planning Board hereby waives a public hearing on the application; and

Whereas, the Planning Board has determined that the proposed project is a Type II Action for which no environmental review is required; and

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 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; and

Be It Further Resolved, the approvals granted herein are expressly conditioned on development of the project in accordance with the plans and details as set forth on the project plans prepared by Badey & Watson Surveying and Engineering, P.C. dated August 22, 2012 and bearing a latest revision date of March 17, 2016, consisting of Drawings 1, 2, and 3 subject to revision to respond to the comments of the Planning Board's Professional Engineer as required herein; and

Be It Further Resolved, that the approvals are expressly conditioned on the completion and/or adherence to following:

- 1) *Address the comments of the Planning Board Professional Engineer as set forth in a memorandum dated July 13, 2016.*
- 2) *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.*
- 3) *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.*
- 4) *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.*
- 5) *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.*

- d) Provide an erosion control bond in an amount as determined by the Planning Board's Professional Engineer.
- 6) It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval has been completed and that the response to comments have been completed to the satisfaction of the Planning Board's Professional Engineer. The signature of the Planning Board Chairman, if required, shall be withheld pending receipt of a written memorandum from the Planning Board's Professional Engineer 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.
- 7) 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 Aye

Dennis Lowes, Vice Chairman Aye

Janis Bolbrock Aye

George Brunner Aye

Gary Lam Absent

Charles Sisto Aye

Phil Tolmach Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on July 14, 2016.



Vera Patterson, Clerk
Town of Kent Planning Board

Planning Kent

From: Julie Mangarillo - RSA [JMangarillo@rsaengrs.com]
Sent: Wednesday, July 20, 2016 3:57 PM
To: bartlansky@gmail.com
Cc: Planning Kent; 'Neil Wilson'; 'Michael McDermott'; Building Inspector; 'Bruce Barber'
Subject: Bene, Tibet Drive TM 30.20-1-16 - Bond agreement documents
Attachments: 22X426002-Revised Bond for Highway ROW.DOC; 22X424002-Revised EC Bond for Bene.doc; 2016-07-13 RSA Memo to PB_Bene.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Green Category

Mr. Lansky,

Attached are the bond agreements for the Bene project. One is for work on the property, the other is for the drainage work within the Town road right-of-way.

As discussed at the July 14, 2016 Planning Board meeting, the applicant can provide the executed bond agreement and bond money for one portion at a time, or both portions together. A building permit cannot be issued until at least one of the bond agreements has been provided, along with the bond money and accepted at a Town Board meeting. A certificate of occupancy cannot be issued until both portions of work are completed.

As indicated in the approval resolution, the erosion control permit cannot be issued until the conditions of approval are met, including the comments in my July 13, 2016 memo. The one change is to item #2 regarding the erosion control estimate. Per our telephone conversation on July 14, 2016, you had indicated the applicant would prefer to keep the bond estimate "as is". Revising the bond estimate per my comment would have made a minor reduction in the erosion control bond amount but would have required waiting another month for the bond estimate to be revised and accepted at the next Planning Board meeting. Therefore, item #2 does not have to be addressed.

If you, the applicant, or the applicant's engineer have any questions, please do not hesitate to contact me.
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 WORK IN THE TOWN OF KENT
HIGHWAY RIGHT OF WAY

Bond given by Joseph Bene, having an address of 10 Mount Hope Road, Mahopac, New York 10541 (“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 is held and firmly bound unto the Obligee in the sum of \$8,399.60 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor is seeking 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 erosion and sedimentation controls (“Controls”) are required; and

WHEREAS, on July 14, 2016, the Kent Planning Board adopted a resolution of conditional approval of land development activity located at Tibet Drive, Town of Kent, County of Putnam and State of New York (Tax Map No. 30.20-1-16) requiring the Controls; and

WHEREAS, in conjunction with such approval, the Obligor submitted plans and specifications (“Project Plans”) for the land development activity, and in furtherance of the approvals of the Planning Board, as follows:

- A. Drawing Sheet 1 of 3, Sheet 2 of 3, and Sheet 3 of 3: “Steep Slope & Erosion Control” prepared by Badey & Watson Surveying and Engineering, P.C., last revised March 17, 2016.

WHEREAS, Obligor submitted to the Town Erosion and Sedimentation Control plans calling for work within the Highway Right of Way in the Town of Kent and forming a part of the Project Plans; and

WHEREAS, the amount of this bond is based upon a recommendation by the Engineer to the Town; and

WHEREAS, as condition to the issuance of approval of a land development activity, the Obligor, prior to construction, provides the Obligee with a cash escrow of \$8,399.60 which guarantees satisfactory completion of the Controls, which security shall remain in full force and effect until the Obligor is released from liability by the Town.

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly construct the aforesaid Controls in accordance with the Project Plans, and if said improvements are deemed complete by the Town of Kent, and if Obligor 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.

The Obligor shall at all times provide the Obligee with such security as the Obligee shall deem sufficient. In furtherance of this covenant, the Obligor 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 \$8,399.60.

If the event the Controls are not constructed and completed according to the Project Plans by _____, 2017, the Obligee shall have the right to withdraw the aforesaid security and complete the work with full use of said sums as the Obligee requires, or in the alternative at its exclusive option, Obligee shall have the right to apply the security to restore and render stable and environmentally sound the Project site.

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

The Obligee and its agents, employees, engineers and/or planners are hereby expressly authorized to enter upon the property for the purpose of inspecting whether the Controls being performed in accordance with the approved Project 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.

In the event that Obligor interferes with the Obligee's exercise of its rights under this instrument, the Obligee shall be entitled to recover 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.

The obligations of 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.

Dated: _____, 2016

By: _____
Joseph Bene



Memorandum

To: Planning Board, Town of Kent **Attn:** Michael McDermott, Chairman

From: Julie S. Mangarillo, P.E., CPESC **Subject:** Steep Slopes and Erosion & Sediment Control Plan Review

Date: July 13, 2016 **Project:** Bene Residence, Tibet Drive
TM # 30.20-1-16

The following documents were reviewed:

1. Letter dated March 24, 2016 from Bart Lansky, Esq, attorney representing the applicant, Joseph Bene.
2. Erosion Control Bond Estimate, prepared by Badey & Watson, dated March 17, 2016
3. Drawings 1, 2 and 3: Steep Slope & Erosion Control by Badey & Watson, revised March 17, 2016.

Apparently, the variances sought by the applicant on lot area, lot width, road and frontage were conditionally granted by the ZBA in December 2015. This matter is now before the Planning Board for approval of the Steep Slopes/Erosion and Sediment Control Plan.

Major changes since the last time the project was before the Planning Board include:

1. Long-term access to the septic field up the hill for maintenance and repair will be via a path from the house. This path will be created by the construction of the force main from the house to the septic field. Access will no longer be needed from the adjoining property on Pudding Street.
2. In consultation with the Highway Superintendent, the drainage work in the Town road right of way will be piped from the Bene property and along the entire frontage of the neighboring property to the north.

The following is offered for consideration by the Planning Board:

1. The project changes described above are a significant improvement to the project. They have addressed the major concerns regarding the project.
2. Refer to the Erosion Control Bond Estimate:
 - a. The line item for Construction Fence can be removed.
 - b. Add a line item for water bars.
3. Refer to drawing 1 of 3:
 - a. Under "notes" on left side of drawing; revise stabilization timelines from fourteen (14) days to seven (7) days. This is more consistent with the current construction activity permit and will provide additional erosion and sediment control protection on the

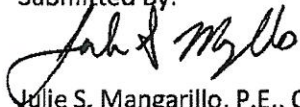
sensitive steep slopes. For note #29, revise reference to general permit from GP-0-10-001 to current GP-0-15-002.

- b. Add a note that work on steep slopes is to be temporarily stabilized prior to forecasted rain events.
 - c. A minimum width for the force main path is shown as 10 feet. Provide a maximum width for the force main path. Our recommendation is 15 feet wide.
 - d. Specify in the notes for the force main path that erosion control measures and long term stabilization is to be undertaken to minimize concentration of runoff along the path.
4. Provide proof that conditions of the ZBA approval for variances have been fulfilled. Add a note to the zoning table on Drawing 1 referencing the variances.

The following comments are from a memo prepared by Wilfred Rohde, P.E., dated February 17, 2016: Comments that have been addressed are not repeated below. Some comments have been condensed. New or supplementary comments are shown in **bold**.

1. Town Highway: The Town Highway Superintendent, Richard Othmer, Jr, has approved and signed the drawings for the stormwater runoff design from the property. In 2/17/2016 e-mail, Mr. Othmer noted the following:
 - a. All work within the Town Road right-of-way shall be approved by the Town Highway Department.
 - i. **7/13/2016 – Provide a note on Drawing 1 and 2 stating that all work within the Town Road ROW shall be approved by the Town Highway Department.**
2. Health Department: Documentation from the Putnam County Health Department is needed to indicate:
 - a. That construction of Bene's existing septic tile field at the top of the hill in the back yard is in compliance with health department standards. Please provide a copy of the as-built of the septic tile field that was submitted to the Health Department;
 - i. **7/13/2016 – Provide a copy of the as-built. If a copy cannot be obtained from the Health Department, the firm that prepared the as-built, presumably Badey & Watson, can provide a copy of the as-built.**
 - ii. **Provide updated septic and well permits. The notes on the right side of the drawings indicate PCDH permits dated March 4, 2016.**

Submitted By:



Julie S. Mangarillo, P.E., CPESC

Copy to: Planning Board via email
Bill Walters via email
Bruce Barber via email
Neil Wilson via email

Bart Lansky via bartlansky@gmail.com
John Delano, PE via info@badey-watson.com
File: 12-261-999-134

PERFORMANCE BOND FOR EROSION AND SEDIMENTATION CONTROL

Bond given by Joseph Bene, having an address of 10 Mount Hope Road, Mahopac, New York 10541 (“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 is held and firmly bound unto the Obligee in the sum of \$8,035.52 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor is seeking 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 erosion and sedimentation controls (“Controls”) are required; and

WHEREAS, on July 14, 2016, the Kent Planning Board adopted a resolution of conditional approval of land development activity located at Tibet Drive, Town of Kent, County of Putnam and State of New York (Tax Map No. 30.20-1-16) requiring the Controls; and

WHEREAS, in conjunction with such approval, the Obligor submitted plans and specifications (“Project Plans”) for the land development activity, and in furtherance of the approvals of the Planning Board, as follows:

- A. Drawing Sheet 1 of 3, Sheet 2 of 3, and Sheet 3 of 3: “Steep Slope & Erosion Control” prepared by Badey & Watson Surveying and Engineering, P.C., last revised March 17, 2016.

WHEREAS, Obligor submitted to the Town Erosion and Sedimentation Control plans forming a part of the Project Plans; and

WHEREAS, the amount of this bond is based upon a recommendation by the Engineer to the Town; and

WHEREAS, as condition to the issuance of approval of a land development activity, the Obligor, prior to construction, provides the Obligee with a cash escrow of \$8,035.52 which guarantees satisfactory completion of the Controls, which security shall remain in full force and effect until the Obligor is released from liability by the Town.

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly construct the aforesaid Controls in accordance with the Project

Plans, and if said improvements are deemed complete by the Town of Kent, and if Obligor 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.

The Obligor shall at all times provide the Obligee with such security as the Obligee shall deem sufficient. In furtherance of this covenant, the Obligor 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 \$8,035.52.

If the event the Controls are not constructed and completed according to the Project Plans by _____, 2017, the Obligee shall have the right to withdraw the aforesaid security and complete the work with full use of said sums as the Obligee requires, or in the alternative at its exclusive option, Obligee shall have the right to apply the security to restore and render stable and environmentally sound the Project site.

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

The Obligee and its agents, employees, engineers and/or planners are hereby expressly authorized to enter upon the property for the purpose of inspecting whether the Controls being performed in accordance with the approved Project 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.

In the event that Obligor interferes with the Obligee's exercise of its rights under this instrument, the Obligee shall be entitled to recover 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.

The obligations of 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.

Dated: _____, 2016

By: _____
Joseph Bene

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 Joseph Bene 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

Planning Kent

From: Neil Wilson [nwilson.lrcplanning@gmail.com]
Sent: Thursday, July 14, 2016 5:05 PM
To: barberbruce@yahoo.com; Building Inspector; Charles Sisto; Dennis Lowes; Gary Lam; George Brunner; Janis Bolbrock; Julie Mangarillo; Michael McDermott; Phil Tomalch; Ron Blass; Planning Kent
Subject: Wagner Millwork EC permit
Attachments: Wagner Millwork EC Permit 071416.pdf; Wagner Millwork EC Neg Dec 071416.pdf
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Green Category

Attached are a Neg Dec and a resolution of approval for the EC permit for tonight's meeting.

Neil A. Wilson, Esq.
LRC Planning Services, LLC
8 Morehouse Road
Poughkeepsie, New York 12603-4010
Tele: 845-452-3822
Fax: 845-452-3346

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

Matter of Wagner Millwork, LLC

Whereas, the Town of Kent Planning Board has received an application from Wagner Millwork LLC, regarding the construction and improvement of haul roads to allow selective timber harvesting on a ± 250 acre site located on Long Mountain Road identified as tax parcel number 8.-1-2 (Putnam County) and tax parcel number 6454-00-520805 (Dutchess County); and

Whereas, on June 9, 2016 the Planning Board waived a public hearing on the application; and

Whereas, the Planning Board has determined that the proposed project is an Unlisted Action and conducted a coordinated review during which the Board was designated the lead agency pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617; and

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 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; and

Be It Further Resolved, the approvals granted herein are expressly conditioned on development of the project in accordance with the plans and details as set forth on the project plans prepared by Wagner Millwork, LLC undated but received by the Planning Department on May 2, 2016, consisting of two drawings entitled "Haul Road and Landing Grade" subject to revision to respond to the comments of the Planning Board's Professional Engineer as required herein; and

Be It Further Resolved, that the approvals are expressly conditioned on the completion and/or adherence to following:

- 1) *Address the comments of the Planning Board Professional Engineer as set forth in a memorandum dated July 13, 2016.*
- 2) *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.*
- 3) *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*
- 4) *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.*
- 5) *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*
 - d) *Provide an erosion control bond in an amount as determined by the Planning Board's Professional Engineer.*

- 6) *It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval has been completed and that the response to comments has been completed to the satisfaction of the Planning Board's Professional Engineer. The signature of the Planning Board Chairman, if required, shall be withheld pending receipt of a written memorandum from the Planning Board's Professional Engineer 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.*

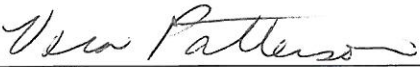
- 7) *This approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.*

Motion: Mr. Brunner

Second: Ms. Bolbrock

Michael McDermott, Chairman	<u>Aye</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>
Phil Tolmach	<u>Aye</u>

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on May 16, 2016.



Vera Patterson, Clerk
Town of Kent Planning Board

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF KENT PLANNING BOARD**, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: **Matter of Wagner Millwork, LLC**

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The project is an application from Wagner Millwork, LLC regarding the construction and improvement of haul roads to allow selective timber harvesting on a ±250 acre site located on Long Mountain Road.

Location:

Tax parcel number 8.-1-2 (Putnam County) and tax parcel number 6454-00-520805 (Dutchess County).

Reasons Supporting This Determination:

1. Steep Slopes; Rock Removal; Surface Water

The project would involve the construction and reconstruction of existing haul roads to accommodate the timber harvest. Best Management Practices as set forth in the publication "New York State Forestry Best Management Practices For Water Quality" published by the New York State Department of Environmental Conservation Division of Lands and Forests would be followed. Accordingly, the potential adverse impacts related to development on steep slopes and rock, including potential impacts to surface waters, would be avoided.

2. Traffic

No significant additional truck or passenger vehicle traffic would be generated by the project. Timber harvesting would occur seasonally during October to March and would involve the harvesting of select, high value, trees. No significant adverse impacts related to additional vehicle traffic related to the project have been identified and no off-site improvements to local roads or intersections are required.

3. Noise and Odors

During construction an increase in noise and odors from is anticipated. However, this would be a short-term unavoidable impact confined to a short period of construction. Accordingly, the potential adverse impacts related to construction noise and odors would be minimized and avoided to the extent practicable.

4. Cultural Resources

As previously noted construction and reconstruction of the haul roads would largely occur in areas previously developed for site access and would have no adverse impact on historic or pre-historic cultural resources of local, state or federal significance.

5. Flora and Fauna

As previously noted construction and reconstruction of the haul roads would largely occur in areas previously developed for site access and the project would have no impact to flora and fauna on the site. Additionally there are no on-site wetlands.

6. Water Supply and Sewage Disposal

On site water supply (well) and sewage disposal (septic) systems would not be required for the project.

7. Impact on Growth and Character of Community or Neighborhood

Timber harvesting would occur seasonally during October to March and would involve the harvesting of select, high value, trees on a ±250 acre site. No population increases having a significant adverse effect on local community services such as police and fire protection, or recreational and educational facilities, have been identified. The potential visual impact of the new construction is not considered significant. The scale of the proposed development is

appropriate for the proposed site at the proposed location. No significant adverse impacts related to an increase in the density of development have been identified.

For Further Information:

Hon. Michael McDermott, Chairman
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, New York 10512
Tele: 845-225-7802

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON JULY 14, 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, Clerk
Town of Kent Planning Board



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Plan – Review
July 2016 Agenda

Date: July 12, 2016

Project: Morini Property
TM # 42.8-1-2

The following materials were reviewed:

- Cover letter prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 24, 2016
- Notice of Intent (NOI) for GP-0-15-002, signed 6/24/2016
- MS4 SWPPP Acceptance Form
- Erosion Control Bond agreement, signed June 15, 2016
- Drawings "Morini Property," prepared by Insite Engineering, revised 3/6/2014, including:
 - EC-1 Erosion & Sediment Control Plan
 - D-1 Details & Notes

The project proposes construction of a new single-family house, septic system, well and driveway. In order to access the parcel, the minimally improved private road will require additional improvements. The parcel is located in the R-80 zoning district.

The following comments are provided for consideration by the Planning Board:

1. Comments from the March 12, 2014 comment memo have been addressed.
2. The bond estimate of \$5871.24 prepared by Insite Engineering, revised 1/23/2014 was approved by the Planning Board at the 2/28/2014 meeting and forwarded for acceptance by the Town Board. We recommend this bond amount be re-affirmed.
3. Refer to the Notice of Intent:
 - a. Provide responses to #5 and 7 (page 3) and #24 (select preparer on page 6).
4. The signed MS4 SWPPP Acceptance Form will be provided after the Town Board has accepted the erosion control bond and the Planning Board Chairman has signed the plans.
5. Please note that while the project was approved under stormwater general permit GP-0-10-001, the general permit has since been replaced by GP-0-15-002, effective January 29, 2015. The design does not have to be revised, however "...non-design provisions of GP-0-15-002" must be followed (GP-0-15-002 Part II.D.1). For example, soil stabilization "...must be initiated by the end of the next business day..." (GP-0-15-002 Part I.B.1.b).

Memorandum
Morini ECP
TM # 42.8-1-2
July 12, 2016
Page 2 of 2



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board Secretary via email
Bruce Barber via email
John Watson, P.E., Insite Engineering, via email

Bill Walters via email
Neil Wilson via email
11-261-999-124



Memorandum

To: Planning Board, Town of Kent **Attn:** Michael McDermott, Chairman
From: Julie S. Mangarillo, P.E., CPESC **Subject:** Licari-Limitone Rear Yard Grading
TM: 22-2-5
Date: July 12, 2016 **Project:** Steep Slopes and Erosion &
Sediment Control Plan Review

The following documents were reviewed:

1. Report prepared by HydroEnvironmental Solutions, Inc., dated June 24, 2016, including Technical Reports from York Analytical Laboratories, Inc, for Sample No 1, No 2 and No 3, dated 3/18/2016.

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

The following comments are offered on the above from a memo dated June 8, 2016:

4. Provide updated and signed Notice of Intent (NOI)
5. We recommend the bond estimate of \$4095.00, prepared by Putnam Engineering, PLLC be accepted for the bond amount and recommended for approval by the Town Board.

New Comments:

1. The updated HydroEnvironmental Solutions, Inc. report is satisfactory.
2. Based upon a meeting with the applicants at the June 24, 2016 review meeting,
 - a. The project will proceed as shown in the drawing prepared by Putnam Engineering, dated January 20, 2016.
 - b. Additional fill brought in will be suitable for unrestricted residential use.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email Bill Walters via email Bruce Barber via email
Neil Wilson via email File: 15-261-999-146



Memorandum

To: Planning Board, Town of Kent **Attn:** Michael McDermott, Chairman

From: Julie S. Mangarillo, P.E., CPESC **Subject:** NYCDEP Timber Harvest
Barrett Pond Area TM: 43-1,2,5,6,7,81

Date: July 12, 2016 **Project:** Erosion & Sediment Control Plan and
Steep Slope Review

The following documents were reviewed:

1. Town of Kent Combined Application, signed 5/27/2016
2. Barrett Pond Forest Management Project #5041 Project Plan and Environmental Assessment, May 2016, with drawings
3. Other Agency letters
4. Photos of the forest area

The following is offer for the Planning Board's consideration:

1. A Town of Kent wetland permit is required for work within the buffer of a Town of Kent wetland/waterbody. Typically when a wetland permit is required, a Town Erosion Control Permit is also required per Town Code Chapter 66-5.A.(3).
2. In this case, a Town Erosion Control permit is not required because the activity taking place within Town of Kent is a silvicultural activity, per Chapter 66-11.B.
3. We defer to the Town's wetland consultant regarding work within the wetland buffer.

Submitted by:

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
File: 15-261-999-147

Bruce Barber via email
Neil Wilson via email



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Bond Return
Request

Date: July 12, 2016

Project: Frangel Realty Corp. – Sewer
Installation TM #33.48-1-6

The following documents were reviewed:

- Letter prepared by Costello & Folchetti, LLP dated 2/23/2016, requesting return of the erosion control bond.

The following is offered for consideration:

1. Since the review memo dated April 11, 2016, the Notice of Termination (NOT) has been received. A final stabilization inspection was conducted on May 12, 2016. The MS4 Acceptance has been completed on the NOT and returned to the Applicant to submit to NYSDEC.
2. A question had been raised regarding bond money being provided to the Town of Kent sewer district. This question was investigated by Nancy Tagliafierro, Esq., the Town Board attorney. She was in contact with NYCDEP. NYCDEP will handle any monies to be given to the Kent sewer district through its retainage policy. The Planning Board nor Town Board have to be involved with that distribution of funds.
3. Please note, per Town Code §66-7.A(2) "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work permitted by the steep slope and erosion control permit has been constructed and completed in accordance with the approved permit and all plans and specifications forming the basis of the approved permit."
4. The property has been substantially stabilized since summer 2015. A final stabilization was conducted on May 12, 2016. In other cases, the Planning Board has reduced the bond return waiting time.
5. We recommend the Planning Board reduce the bond return wait time and make a recommendation to the Town Board to return the erosion control bond, in the amount of \$10,500. The bond is to be returned to the original obligor, The Milnes Co., Inc., as stated in the erosion control bond agreement.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
William Walters, via email
13-261-151-02

Neil Wilson via email
Bruce Barber via email

Received
mo/date/year

FEB 24 2016

COSTELLO & FOLCHETTI, LLP
ATTORNEYS AT LAW
P.O. BOX 1200
1875 ROUTE SIX
CARMEL, NY 10512
(845) 225-1900

Planning Department
Town of Kent

Westchester Office
219 Westchester Avenue
Port Chester, NY 10573

Thomas J. Costello
Gregory L. Folchetti*
*Admitted NY and CT

February 23, 2016

Ms. Vera Patterson
Secretary
Town of Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

Re: Frangel Realty
TM # 33.48-1-6

Dear Ms. Patterson:

I represent Frangel Realty, the owner of the above referenced parcel. On behalf of Frangel Realty and The Milnes Co. Inc., I hereby request return and refund of the Performance Bond for Erosion and Sediment Control posted by The Milnes Co., Inc for the site in the amount of \$10,500.00. A copy of the bond is enclosed.

The bond was accepted by the Town Board by Resolution #238 on May 20, 2014. If you require anything further, please advise.

Thank you for your assistance.

Very truly yours,


Thomas J. Costello

cc: Frangel Realty
The Milnes Company
M. Fleming, Town Supervisor

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

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

RESOLUTION #6
Year 2014

Date: April 10, 2014
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att.
Paul Denbaum
Bill Huestis
Penny Osborne
Michael Tierney
CC: W. Walters, Building Inspector - w/Att
L. Cappelli, Town Clerk - w/Att
T. Curtiss
Amir.Mashhad@hdrinc.com
J. Ramos - w/Att.
Finance Department - w/Att.
RE: Erosion and Sediment Control Bond funded by:
The Milnes Company, Inc.
(on Behalf of Frangel Realty)
12 Frear Hill Road
Tunkhannock, PA 18657
For property located at:
529-533 Route 52
Kent, NY 10512
Tax Map: 33.48-1-6

Resolved: On April 10, 2014, the Town of Kent Planning Board recommended that an Erosion Control Bond in the amount of \$10,500.00 and inspection fee in the amount of \$1,000.00 (previously deposited in review account) be referred to the Kent Town Board for their acceptance and approval. The motion was made by Mr. George Brunner and seconded by Mr. Anthony Mastrangelo.

The Planning Board respectfully asks that, if the Town Board is in agreement, they pass a resolution decreeing that the above actions be taken.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on April 10, 2014.

Dated: April 10, 2014



Vera Patterson
Planning Board Secretary

**Town of Kent Planning Board
Amended Site Plan Approval
Steep Slope and Erosion Control Permit Approval**

Matter of Frangel Realty Corporation Site Restoration Alternate Sewer Upgrade Plan

Whereas, the Town of Kent Planning Board has received an application from Frangel Realty Corporation (hereinafter "Frangel") for Amended Site Plan Approval and Steep Slope and Erosion Control Permit Approval to allow the construction of a sewer line connection to a newly created sewer district that would result in improved sewage treatment and effluent quality for the multiple tenant site located at 533 Route 52 in the Town of Kent; and

Whereas, the sewer line connection also includes the removal of an existing on-site waste water treatment system and restoration of the site after said removal; and

Whereas, size and type of the sewer upgrade qualifies the proposed activity as a Type II Action under 6 NYCRR 617.5 subparagraphs (1), (5), and (11); and

Whereas, after review of the application and consideration of the criteria set forth in §77-60 of the Town Zoning Law, the Planning Board hereby finds:

- 1) The project is an application for Amended Site Plan Approval and Steep Slope and Erosion Control Permit Approval to decommission an existing on-site wastewater treatment plant facility in favor of a connection to a newly created sewer district trunk line located on Route 52. Total site disturbance is estimated to be approximately 0.7 acres. The Board is satisfied that the proposed site improvements and use are consistent with the amount of land available, and that access to the site would not impede or adversely affect the use and enjoyment of neighboring lands.
- 2) The use is an allowed accessory use in the Commercial District, and information provided by the applicant indicates that the overall appearance, size, and dimension of the site improvements are appropriate to the site. After removal of the existing waste water treatment facility and installation of the sewer line connection the site would be restored to repair disturbed pavement area, and to re-establish lawn area in the location of the existing wastewater treatment facility.
- 3) That the proposed sewer line connection and restoration work is consistent with, and meets the requirements of, §77-60 subparagraphs "K" through "W".
- 4) The proposed sewer line connection and restoration work would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods.

*Town of Kent Planning Board
Resolution of Amended Site Plan Approval
Steep Slope and Erosion Control Permit Approval
Matter of Frangel Realty Corporation
Site Restoration Alternate Sewer Upgrade Plan
April 10, 2014*

- 5) The proposed sewer line connection and restoration work would have no material adverse effect upon the desirability of adjacent and nearby property for development of other uses allowed within the district.
- 6) The proposed sewer line connection and restoration work is properly related to the uses, goals and policies for land development as expressed in the Town Master Plan.
- 7) The existing pedestrian and vehicular access, traffic circulation and the general layout of the site would not be changed by the proposed project.
- 8) To the extent relevant the sewer line connection and restoration work are sited to take advantage of solar access insofar as practical, including the orientation of the proposed building with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
- 9) To the extent relevant the site plan reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and preserves and enlarges upon these assets for recreation, scenic or conservation purposes to the extent practicable.
- 10) The proposed use, buildings and outdoor storage areas, landscaping, and off-street parking and loading, conform to the requirements of the Town Zoning Law and all other applicable local laws.

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

*Town of Kent Planning Board
Resolution of Amended Site Plan Approval
Steep Slope and Erosion Control Permit Approval
Matter of Frangel Realty Corporation
Site Restoration Alternate Sewer Upgrade Plan
April 10, 2014*

Therefore Be It, that the Planning Board grants Amended Site Plan Approval for the Frangel Site Restoration Alternate Sewer Upgrade Plan on property located at the Lake Carmel Business Center at 553 Route 52; and

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; and

Be It Further Resolved, that the approvals granted herein are expressly conditioned on the following:

1. *The project shall be constructed in substantial accordance with the site plan maps and specifications prepared by Hennigson, Durham & Richardson Architecture and Engineering P.C. and HRD Engineering, Inc. dated May 4, 2012 and bearing a latest revision date of April 7, 2014:*
 - a. *Sheet G-01 "Cover Index and General Notes"*
 - b. *Sheet V-01 "Existing Conditions Plan"*
 - c. *Sheet C-01 "Demolition Plan"*
 - d. *Sheet C-02 "Grading and Pavement Plan"*
 - e. *Sheet C-03 "Final Utility Plan"*
 - f. *Sheet C-03A "Building and Connection Detail Plan"*
 - g. *Sheet C-04 "Soil Erosion and Sediment Control Plan"*
 - h. *Sheet C-05 "Proposed Sanitary Sewer Profiles (Sheet 1 of 2)"*
 - i. *Sheet C-06 "Proposed Sanitary Sewer Profiles (Sheet 2 of 2)"*
 - j. *Sheet C-07 "Civil Details"*
 - k. *Sheet C-08 "Soil Erosion and Sediment Control Details"*

*Town of Kent Planning Board
Resolution of Amended Site Plan Approval
Steep Slope and Erosion Control Permit Approval
Matter of Frangel Realty Corporation
Site Restoration Alternate Sewer Upgrade Plan
April 10, 2014*

2. *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development. The erosion control measures may be changed or modified at any time by order of the Planning Board Engineer or the Town Building Inspector based on field conditions and the applicant and any of the applicant's representatives and contractors shall immediately institute such changes when so ordered.*

3. *Prior to commencement of construction the applicant shall obtain all required approvals of the New York City Department of Environmental Protection, the New York State Department of Environmental Conservation, and the Putnam County Department of Health.*

4. *At the completion of construction the applicant shall provide a certification to the Town Building Inspector and to the Planning Board, prepared by and bearing the seal and signature of a New York State Licensed Professional Engineer, that all site work has been carried out and completed in substantial compliance with the approved Amended Site Plan for the project. Additionally, the applicant shall provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed site improvements.*

5. *Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated April 9, 2014.*

6. *It is the responsibility of the owner/applicant to submit to the Planning Board proof that the conditions of this Site Plan Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memoranda from the Planning Board's consulting Planner verifying that the conditions of this approval have been completed.*

7. *At all times during construction, the applicant shall maintain the on-site erosion control measures in good repair so as to avoid siltation of the on-site stream and wetland.*

8. *This site plan 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.*

9. *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.*

*Town of Kent Planning Board
Resolution of Amended Site Plan Approval
Steep Slope and Erosion Control Permit Approval
Matter of Frangel Realty Corporation
Site Restoration Alternate Sewer Upgrade Plan
April 10, 2014*

10. *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 and Environmental Consultant.*

Motion: Philip Tolmach

Second: Anthony Mastrangelo

Michael McDermott, Chairman Aye

Janis Bolbrock, Vice Chairman Aye

George Brunner Aye

Dennis Lowes Aye

Anthony Mastrangelo (Alternate #1) Aye

Charles Sisto Absent

Philip Tolmach Aye

Glenna Wright Aye

Date: April 10, 2014

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

RECEIPT DATE May 19, 2014 No. 462122

RECEIVED FROM The Milnes Co. / Frangel Realty \$ 10,500.00

Ten Thousand Five Hundred and $\frac{00}{100}$ — DOLLARS

FOR RENT
 FOR Erosion Control Bond TM: 33.48-1-6


ACCOUNT		<input type="radio"/> CASH	<u>200525</u>
PAYMENT		<input checked="" type="radio"/> CHECK	FROM <u>V. Patterson</u> TO <u>Milnes Co.</u>
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	BY _____

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

OFFICIAL CHECK

49-55
1031

200525

PSBank  P.O. BOX 217
WYALUSING, PA 18853

May 7, 2014

PAY TO THE ORDER OF Town of Kent \$ 10,500.00

\$10,500.00 DOLLARS

Erosion Control Bond / Frangel Realty
TM: 33.48-1-6
The Milnes Co.

DRAWER: PS BANK
Webster Ide

ISSUED BY: MONEYGRAM PAYMENT SYSTEMS, INC., P.O. BOX 9476, MINNEAPOLIS, MN 55480
 DRAWEE: BOKF, NA, EUFAULA, OK

⑈ 200525⑈ ⑆ 103100551⑆ 0160012189184⑈

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

THE MILNES CO., INC.
(on Behalf of Frangel Realty)
12 Frear Hill Road
Tunkhannock, PA 18657
For property located at:
529-533 Route 52
Kent, NY 10512
Tax Map: 33,48-1-6

Bond given by The Milnes Co., Inc. (12 Frear Hill Road, Tunkhannock, PA 18657 on behalf of Frangel Realty, whose property is located on Route 52, Kent, NY 10512 Tax Map: 33.48-1-6 ("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 May 1, 2014.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$10,500.00, along with a transfer of \$979.55 from the previous Frangel Realty inspection fee account to create a new inspection fee account for this project for the construction inspections whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor is seeking one or more approvals from the Obligee for land disturbance 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 erosion and sedimentation controls ("Controls") are required; and

WHEREAS, on April 10, 2014, the Kent Planning Board adopted a resolution of conditional approval of land development activity in the nature of Steep Slope and Erosion Control Permit and Site Plan approval of alteration of a developed site located at 533 NYS Route 52, which consists of removal of an existing wastewater treatment plant (WWTP) including septic tanks, sand filter, chlorine contact tank and other appurtenances and installation of new sewer service connections. The new sewer connections will connect the existing buildings' sewer pipes to the new Route 52 sewer main and Kent Manor sanitary collection system; and

WHEREAS, in conjunction with such approval, the Obligor has submitted to the Obligee, plans and specifications for the land development activity known as Frangel Realty ("Project Plans") and in furtherance of the approvals of the Planning Board, as follows:

The facility shall be constructed in accordance with the plans and specifications prepared by Henningson, Durham & Richardson, Architecture and Engineering, P.C. In Association with HDR Engineering, Inc. ("HDR"), dated May 4, 2012 and bearing a latest revision date of April 30, 2014, as follows:

- Sheet G-01, "Cover – Index and General Notes".
- Sheet V-01, "Existing Conditions Plan".
- Sheet C-01, "Demolition Plan".
- Sheet C-02, "Grading and Pavement Plan".
- Sheet C-03, "Final Utility Plan".
- Sheet C-03A, "Building Connection Detail Plan".

- Sheet C-04, "Soil Erosion and Sediment Control Plan".
- Sheet C-05, "Proposed Sanitary Sewer Profiles (Sheet 1 of 2)".
- Sheet C-06, "Proposed Sanitary Sewer Profiles (Sheet 2 of 2)".
- Sheet C-07, "Civil Details".
- Sheet C-08, "Soil Erosion and Sediment Control Details".

WHEREAS, Obligor submitted to the Town Erosion and Sedimentation Control plans forming a part of the Project Plans; and

WHEREAS, Obligor submitted to the Town Stormwater Pollution Prevention Plan ("SWPPP"), prepared by HDR, dated November 2013 and bearing a latest revision date of April 2014,

WHEREAS, as condition to the issuance and approval of a Steep Slope and Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligees with a cash escrow, an irrevocable letter of credit or a certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the Erosion and Sediment Control Plan, which security shall remain in full force and effect until the Obligor is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work permitted by the Steep Slope and Erosion and Control Permit has been completed in accordance with such Permit and all plans and specifications forming the basis of such approved Permit.

NOW, THEREFORE,

- The said bank checks shall be delivered to the **Town of Kent** and be deposited in an escrow account pending the completion of the project for which the erosion control measures are necessary;
- No funds may be withdrawn from the said escrow account until a resolution has been duly made by the **Town Board of The Town of Kent**, authorizing such surrender or cashing.
- Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the **Planning Board of The Town of Kent**, the said escrow monies shall be returned to ;
- In the event the erosion control work allowed shall not have been duly completed by **THE MILNES CO., INC.**; as per the conditions and specifications of the **Planning Board of The Town of Kent**, the **Town Board** shall have the right to withdraw the aforesaid escrow monies and complete the required work for **THE MILNES CO., INC.**; with full use of said sums as the Town requires;

- When the work shall have been fully completed as required by the conditions and specifications of the **Planning Board** either by **THE MILNES CO., INC.**; or by the **Town of Kent**, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to **THE MILNES CO., INC.**;
- This bond may not be assigned or transferred without the prior written approval of the **Planning Board** and **Town Board of The Town of Kent**.
- The applicant hereby expressly authorizes the **Town of Kent**, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the **Town of Kent** provides at least 24 hours notice to **SARA KAPLAN, FRANGEL REALTY**.

Dated: May 1, 2014

By: Sara Kaplan
(signature)

SARA KAPLAN

(print Type signatory's name)
Sara Kaplan

Owner/Obligee, Frangel Realty
(print Type signatory's title)

STATE OF New York

) ss.:

COUNTY OF Putnam

On the 5th day of May, 2014, before me, the undersigned, a notary public in and for said state, personally appeared Sara Kaplan, 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.

Elain G. Abraham-Rigo
NOTARY PUBLIC

ELAIN G. ABRAHAM-RIGO
Notary Public, State of New York
No. 01AB4786620
Qualified in Putnam County
My Commission expires on December 31, 20 17

- When the work shall have been fully completed as required by the conditions and specifications of the Planning Board either by THE MILNES CO., INC.; or by the Town of Kent, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to THE MILNES CO., INC.;
- This bond may not be assigned or transferred without the prior written approval of the Planning Board and Town Board of The Town of Kent.
- The applicant hereby expressly authorizes the Town of Kent, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the Town of Kent provides at least 24 hours notice to SARA KAPLAN, FRANGEL REALTY.

Dated: MAY 8, 2014

By: *Robert Killian*
(signature)

ROBERT KILLIAN

(print Type signatory's name)
Robert Killian

Owner/Obligee.
Project Manager THE MILNES CO., INC.
(print Type signatory's title)

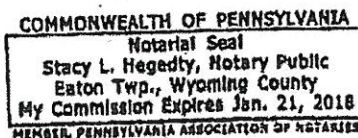
STATE OF Pennsylvania

) ss.:

COUNTY OF Wyoming)

On the 8 day of May, 2014, before me, the undersigned, a notary public in and for said state, personally appeared Robert Killian, 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.

Stacy L Hegedty
NOTARY PUBLIC





FIELD REPORT

NO.: _____ **DATE:** 5/12/2016 Thursday
BY: Julie S. Mangarillo, P.E., CPESC **PRESENT AT SITE:** _____
PROJECT: Frangel Realty
 533 Route 52, Town of Kent
 TM# 33.48-1-6
JOB NO.: 13-261-151-02
WEATHER: Sunny **TEMP** 65 °@ **AM** 7:15 **PM**

This is to document a field visit conducted by me on the date indicated above. The following was noted:

It is our understanding that work for the Alternate Sewer Upgrade Project was completed sometime last summer. Generally, this work included connection of the buildings to the sewer main along Route 52 and removal of the sand filter.

A stabilization inspection is required prior to close-out of the Town of Kent Erosion Control Permit and MS4 sign-off of the Notice of Termination (NOT) for the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-10-001 and more recent GP-0-15-002.

The previously disturbed area is considered fully stabilized in accordance with GP-0-10-001 and the more recent GP-0-15-002.

Notice of Termination (NOT):

A NYSDEC Notice of Termination (NOT) form was submitted by the applicant to the Town. The 'Qualified Professional' signed the NOT to fulfill the requirements of Town of Kent Town Code, Chapter 66, §66-6.K(5) for a certification of completion of work.

The MS4 sign-off on the NOT will be provided. It is the applicant/developer's responsibility to submit the NOT to NYSDEC.



Engineer

cc: Planning Board, via email
 William Walters, Building Inspector, via email
 Bruce Barber, via email