

Approved: July 14, 2016

Minutes
Town of Kent Planning Board Meeting
June 9, 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	Gary Lam
Janis Bolbrock	Charles Sisto
George Brunner	Philip Tolmach

Others in Attendance:

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

Absent:

Michael McDermott, Chairman	Bruce Barber, Environmental Consultant
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• **Approve Planning Board Minutes from May 16, 2016**

Mr. Lowes asked for a motion to approve the Planning Board minutes from the May 16, 2016 meeting. Mr. Lowes said that there was an error on page 7 of the minutes where Ms. Mangarillo's name was misspelled. The motion to approve the minutes with the correction on page 7 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>Aye</u>
Gary Lam	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.

• **D'Tails Dog Groomer, Route 52, Kent, NY; TM: 33.48-1-6**

This applicant previously operated a dog grooming establishment on Route 52, however the property was sold and she relocated.

Ms. Kathy Hidden, the applicant, wishes to open her business again on Route 52 in on the Frangel property in one of their office suites. Ms. Hidden was requesting approval for a Change of Use on the site.

Mr. Wilson's Comments (memo attached)

Mr. Wilson circulated a Resolution to approve the request for a Change of Use on this property earlier in the day. He said that this is a Type II Action and does not require SEQRA. Mr. Wilson asked the applicant where the sign would be placed and Ms. Hidden said the sign was 5' wide and 3' long and would be placed on the board along Route 52. Mr. Wilson recommended that the Planning Board adopt the Resolution he prepared and also approve the sign as depicted in the application for a Change of Use for the record.

Mr. Lowes asked for a motion to adopt the Resolution as written by Mr. Wilson granting approval for a Change of Use on the property noted above. The motion to adopt the Resolution 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.

Mr. Wilson recommended adopting a Resolution, for the record, approving the signage for this business. The motion was made by Mr. Tolmach and seconded by Mr. Brunner. 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.

Mr. Walters, the Town of Kent Building Inspector, said that the dimensions of the sign did meet the specifications for the Town Code. He told Ms. Hidden that, after the Planning Board adopted the Resolution approving the Change of Use and signage, she would need to apply for a building permit. He would then inspect the property and, if everything met the Town of Kent Code requirements, a Certificate of Occupancy would be given to her.

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

Mr. Jack Karell represented the owner of this property, Patrick O'Mara, who also attended the meeting. Mr. Karell said that this project pertained to an erosion control plan which had been before the Planning Board from 2004 through 2010 when Mr. Harry Nichols represented the applicant. Mr. Karell is now representing the applicant and said that the plans have not changed since 2010. Mr. Karell said that the slope of the driveway is 15%, the maximum allowed in 2010.

Mr. O'Mara asked to be heard and had some material to be distributed to the Planning Board. Mr. Wilson advised him that the Board would not hear it at the meeting. He recommended that Mr. O'Mara submit the material by June 23, 2016 in order for it to be reviewed for the July Planning Board meeting. Mr. Wilson also recommended that Mr. O'Mara and/or Mr. Karell attend the Consultants' monthly review meeting on Friday, June 24, 2016.

Ms. Mangarillo said that the Planning Board could grant a waiver allowing the 15% slope to the driveway. She said that the biggest change to the Town Code from 2010 was that no runoff could go onto a town road and it needed to be diverted. She said that some changes may need to be done to do this.

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

This project entailed applications for an Erosion Control Permit as well as a Wetland Permit by the applicant for a guest house on the property. Mr. James Hartford represented the applicant at the meeting.

Mr. Wilson's Comments

Mr. Wilson said that Mr. Barber, who was not able to attend the meeting, asked that this project be held over until the July meeting. Mr. Wilson said that his intention was to prepare a Resolution granting approval for the Erosion Control Permit for the July meeting.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the driveway connecting to the garage should be shown on the drawing and that in July she would discuss rolling over an erosion control bond in the amount of \$8,273.00 and a 4% Inspection fee of \$348.92 (Total = \$8,621.92), which was submitted to the Town of Kent in 2012 be rolled over to this project because the previous project had been completed and the property was stabilized. Ms. Mangarillo also said she would recommend waiving a Public Hearing because this project was for a small addition to an existing house and construction of a garage. Ms. Mangarillo said that a couple of changes needed to be made to the drawings for the July meeting and that Mr. Barber needed more information regarding the plantings and to be discussed at the Consultants' monthly review meeting.

Mr. Lowes asked for a motion to waive a Public Hearing requirement on this project. 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.

• Center for Physical Therapy, 264 Route 52, Kent, NY; TM: 46.6-1-4

Mr. Chris Campilli, the owner of the property, attended the meeting. Mr. Campilli said he believed he had responded to all the comments from the Planning Board consultants. However, he had not been able to get anything in writing from the DEC regarding the wetlands across the street from his property. He did have a letter from his office administrator (attached) which contained the information from a conversation with the DEC stating that he did not need a DEC wetland permit. Mr. Wilson concurred with the comment Mr. Campilli made that if a wetland permit was not required the DEC would not send any letter.

Mr. Wilson's Comments (memo attached)

Mr. Wilson circulated a Resolution for a Negative Declaration and Site Plan Approval. He recommended that the Planning Board adopt the Negative Declaration and grant conditional site plan approval. New plans were submitted on June 9, 2016, which would be reviewed.

Mr. Lowes asked for a motion to accept and approve the Negative Declaration prepared by Mr. Wilson. The motion was made by Mr. Tolmach and seconded by Mr. Lam. 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.

Mr. Lowes asked for a motion to adopt the Resolution for Site Plan Approval along with the conditions of approval prepared by Mr. Wilson. The motion was made by Mr. Lam and seconded by Mr. Brunner.

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.

Mr. Campilli told the audience that he had been a physical therapist for 25 years and had several other practices in the Fishkill area and was looking forward to opening the office in Carmel.

- **Licari/Limitone Property, 14 Lorne Court, Kent, NY; TM: 22,-2-5**

Ms. Limitone and Mr. Licari, the owners of the property, were at the meeting.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo referred to a report, requested by the Planning Board, submitted by a Hydro geologist which said that the soil samples were all within the limits for unrestricted use residential soil cleanup objectives, which was the most restrictive for the types of testing you can have. Ms. Mangarillo said that, according to the report, the following parameters are above the limits:

- Acetone
- Manganese
- Nickel

Ms. Mangarillo asked that the hydrogeologist amend his report and explain why, even though they exceed the limits, they are acceptable in a residential area. Ms. Mangarillo asked Ms. Limitone about previous plans submitted by Putnam Engineering and what her intentions were as far as finishing off the property. She recommended that a swale and level spreader be placed at the downhill side of the slope to divert runoff away from the neighboring property. She said a Notice of Intent for the DEC would be required.

Ms. Limitone said that she would need to consult with her contractor, Mr. Cassidy, and her attorney before deciding whether or not she wished to proceed with this project. If she decides to proceed she asked if would be involved and to get it in writing. If she decides not to proceed she asked if she could just put down topsoil and seed it. Ms. Limitone said that, in her contractor's opinion, if she did not proceed with this project a dwell did not need to be put on the property because the topsoil was set far away from the neighboring property and their property would not be impacted. Ms. Limitone asked if she would have to post an erosion control bond if she decided not to proceed and could still put down the topsoil.

Mr. Wilson recommended that Ms. Limitone attend the monthly Consultants' Review meeting on Friday, June 24, 2016 to discuss this matter further and her options. He advised Ms. Limitone that Mr. Barber and Ms. Mangarillo had prepared memos which give their recommendations. Ms. Mangarillo reiterated that getting the hydrogeologist's report and the test results were a positive step forward.

- **Von Rosenving Property, 451 Pudding Street, Kent, NY; TM: 31.17-1-7**

Mr. Michael Todd, an employee at Rainbow Pools, represented the applicant.

Mr. Barber's Comments (attached)

The planting and restoration plans need work and he needs authorizations or approvals from the affected neighbors. The recommendation made was that Mr. Todd should attend the monthly Consultants' Review meeting on June 24, 2016.

Mr. Tolmach asked Mr. Todd whose idea it was to cross the neighboring property. Mr. Todd said that the on-ly survey they had was from 40 years ago and the stakes on the property had been moved.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo asked that the drawing be revised to show that the access drive does cross the property line, the tax map number be added and that additional labels and notes be placed on the drawing. She also requested an affidavit to be completed by the Agent of the Owner from the neighbor giving permission for the Erosion Control application to go forward as well as a letter from indicating that they are in agreement with the proposed restoration plan.

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

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

Ms. Mangarillo advised the Planning Board that we are waiting for a few more Lead Agency responses and this project will be held over until the July meeting.

- Putnam Stone Erosion Control/ Status Report
301 Route 52, Kent, NY
TM: 44.6-1-7

There were some complaints from neighbors regarding the hours of operation for this project and it was referred to the Building Inspector to handle this matter.

- Basharat/Mann Property Sub Division Application Status Report
Marshall Road, Kent, NY
TM: 11.-15-1-35

Mr. Barber inspected this property and would be sending his report regarding the tree waiver for this project for the July meeting.

- Towners Road Mart (Sclafani Property) Amended Site Plan/Change of Use Status Report
2 Towners Road, Carmel, NY
TM: 33.64-1-6

Ms. Mangarillo said that there was still a problem with the bus shelter and that the applicant needed to still pursue moving the bus shelter.

- Frangel Realty Request for release of Status Report
P. O. Box 1200, 1875 Rte. 6, Carmel, NY Erosion Control Bond
TM: 33.48-1-6

The request to return the erosion control bond is still pending.

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

No new information pertaining to this project.

Workshop: June 02, 2016 (Thursday, 7:30 PM)
Meeting: June 09, 2016 (Thursday, 7:30 PM)

JUNE 2016

- Approve Planning Board Minutes from May 2016
 - D'Tails Dog Groomer
Rte. 52, Kent, NY
TM: 33.48-1-6
Change of Use
Review
 - O'Mara Property
Lhasa Court, Kent, NY
TM: 31.09-1-6
Erosion Control Plan
Review
 - Biben Property
146 South Knapp Court, Kent Lakes, NY
TM: 10.-1-1
Erosion Control/
Wetland permit
Review
 - Center for Physical Therapy
264 Route 52, Kent, NY
TM: 46.6-1-4
Site Plan
Review
 - Licari_Limitone Property
14 Lorne Court, Kent, NY
TM: 22.-2-5
Erosion Control/SWPPP Plan
Review
 - Von Roseninge Property
451 Pudding St., Kent, NY
TM: 31.17-1-7
Erosion Control Plan
for In-Ground Swimming Pool
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
 - Putnam Stone
301 Route 52, Kent, NY
TM: 44.6-1-7
Erosion Control/
Status Report
 - Basharat/Mann Property
Marshall Road, Kent, NY
TM: 11.-15-1-35
Sub Division Application
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
-
- Frangel Realty
P. O. Box 1200, 1875 Rte. 6, Carmel, NY
TM: 33.48-1-6
Request for release of
Erosion Control Bond
Status Report
 - Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48
Amended Site Plan
Status Report
Bond Pending
 - Bene Property
Tibet Drive, Kent, NY
TM: 30.20-1-16
Erosion Control
Status Report
 - Timber Harvest Project/NYSDEP
Barrett Circle Paper Court, Kent, NY
TM: 43.-2-1-7 & 81
Freshwater Wetland Permit/
Erosion Control Permit
Status Report
 - Goldfine/Rynn Project
Daffodil Lane, Kent, NY
TM: 11.12-1-21
Erosion Control Plan/
Bond Pending
Status Report
- Rev. 1-6/3/16

**Town of Kent Planning Board
Change of Use Approval**

Matter of 533 Route 52 D'Tails "Grooming Salon"

Whereas, the Town of Kent Planning Board has received an application from Katherine Hidden of 1 Dutchess Court, Newburgh, New York for "Change of Use Approval to allow the conversion of an existing vacant first floor commercial space for use as a dog grooming service business within an existing commercial plaza located at 533 Route 52, tax parcel 33.48-1-6; and

Whereas, the proposed change of use qualifies the proposed activity as a Type II Action under 6 NYCRR 617.5 for which no further environmental review is required; and

Whereas, the continued use of the remainder of the tenant spaces and the site would remain unchanged; 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 the re-use of an existing vacant first floor commercial space as a dog grooming service business with no expansion of the building footprint or changes to the exterior of the building or the site. The proposed use would be consistent with the amount of land available, access to the site would not be impeded, and the use would not affect or hinder the quiet enjoyment of neighboring lands.
- 2) The service business use is an allowed use in the Commercial District.
- 3) The proposed change of use would be in harmony with the existing and planned development of contiguous lands and adjacent neighborhoods.
- 4) The proposed change of use would have no material adverse effect upon the desirability of adjacent and nearby property for development of other uses allowed within the district.
- 5) The proposed change of use would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.
- 6) The proposed use would conform to the requirements of the Town Zoning Law and all other applicable local laws.

Whereas, the Planning Board has waived a public hearing on the application;

Therefore Be It Resolved, the Planning Board grants Change of Use Approval for conversion of the existing vacant first floor commercial space to a dog grooming service business use for the premises located at 533 Route 52; and

Be It Further Resolved, that this Site Plan Approval is expressly conditioned on the completion and/or adherence to following:

- 1) *The applicant shall pay all Planning Board costs and fees including professional review fees incurred during the review and approval of the application.*

Motion: Janis Bolbrock


Second: Philip Tolmach

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

Gary Lam Aye

Date: June 9, 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

Date: June 8, 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

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.

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:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. There are a number of issues with the property including whether or not the parcel has road frontage and issues with the deed description. These issues are outlined in a memo prepared by Neil Wilson dated April 17, 2007. To our knowledge, those issues have not been addressed.
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.

Memorandum
O'Mara Realty – Lhasa Avenue
TM # 31.9-1-6
June 8, 2016
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5. The driveway will have to meet the standards in the driveway code, Town Code Chapter 57 Article II.
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

LRC Planning Services, LLC

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

MEMORANDUM

TO: Hon. Arthur Singer, Chairman
Hon. Members of the Planning Board

CC: Timothy Curtiss, Esq.
Ronald Blass, Esq.
Janice Gomez-Anderson, Esq.

From: Neil A. Wilson, AICP

Date: April 17, 2007

Re: Matter of O'Mara
Lhasa Avenue, Town of Kent

With respect to the above referenced matter I have reviewed the materials submitted by Patrick O'Mara regarding Tax Parcel No. 31.9-1-6 and offer the following for the Board's consideration.

Background

O'Mara Realty Corp. intends to purchase a ± 1.73 acre lot (i.e. Lot No. 6) owned by the Estate of Eva S. Vandow and develop the lot for single family residential use. It is my understanding that an application for an Erosion Control permit was submitted sometime last year, and that as a result of that application questions were raised as to whether the lot has frontage on and is accessible to a public highway as required by § 280-a(1) of the Town Law. (As an aside, the recorded deed and survey for Lot No. 6 provided by Mr. O'Mara do not match and the survey itself does not close.)

A portion of Lhasa Avenue is maintained by the Town of Kent Highway Department. It is unclear whether this portion of Lhasa Avenue was formally dedicated to the Town or whether the Town simply assumed the maintenance responsibilities, but the paved portion of Lhasa Avenue up to the end of a cul-de-sac is maintained by the town, most likely as a "user road". Notwithstanding the manner by which the Town assumed maintenance responsibilities for this portion of Lhasa Avenue, the improved portion that is maintained by the Town stops before the boundary of Lot No 6. Mr. O'Mara has provided a letter (attached) from his title company stating that the boundary of his proposed building lot extends to the middle of "the bed of a private road" known as Lhasa Avenue, but this letter does not state that Lot No. 6 has frontage on a public highway or enjoys any right of access to a public highway.

Discussion

As noted above Mr. O'Mara's title company describes Lhasa Avenue as a "private road". This statement indicates that Lhasa Avenue at Lot No. 6, as depicted on the tax map (attached), is not improved or maintained as a public road. This is relevant because Town Law § 280-a(1) states:

"No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan, or if there be no official map or plan, unless such street or highway is (a) an existing state, county or town highway, or (b) a street shown upon a plat approved by the planning board as provided in sections two hundred seventy-six and two hundred seventy-seven of this article, as in effect at the time such plat was approved, or (c) a street on a plat duly filed and recorded in the office of the county clerk or register prior to the appointment of such planning board and the grant to such board of the power to approve plats."

The original land subdivision of which Lot No. 6 is a part was reportedly created in or about 1955. Regardless of how the Town assumed the responsibility to maintain a portion of Lhasa Avenue, the improvements were never extended to Lot No. 6, and Mr. O'Mara's proposed plans do not show how he intends to connect to that portion of Lhasa Avenue that is maintained by the Town. Without access to a public highway no building permit for construction on Lot No. 6 can be issued. This is relevant because § 280-a(2) of the Town Law states:

"Before such permit shall be issued such street or highway shall have been suitably improved to the satisfaction of the town board or planning board, if empowered by the town board in accordance with standards and specifications approved by the town board, as adequate in respect to the public health, safety and general welfare for the special circumstances of the particular street or highway."

Therefore, under the Town Law Mr. O'Mara may improve Lot No. 6 for residential use provided he presents a plan for the necessary road improvements to connect the proposed driveway to the portion of Lhasa Avenue maintained by the Town. This assumes, of course, that the ownership of Lot No. 6 also carries with it the right to make the required improvements within the bed of the private road up to the cul-de-sac maintained by the Town.

Conclusion

The information in support of Mr. O'Mara's application for an Erosion Control permit does not show the physical connection of the proposed driveway up to the paved portion of Lhasa Avenue that is maintained by the Town. The map prepared by Mr. O'Mara's consulting engineer only shows the driveway up to the boundary between Mr. O'Mara's Lot No. 6, and Lot No. 5 immediately opposite. In other words the proposed driveway for Lot No. 6 is only shown as extending to the centerline of the private road portion of Lhasa Avenue without showing the additional improvements necessary to connect the proposed driveway to the end of the paved cul-de-sac maintained by the Town.

In order to qualify for an application for a building permit and an Erosion Control permit, Mr. O'Mara must present a boundary and topographic survey showing the driveway improvements required to connect to the end of the paved portion of Lhasa Avenue. This would include, as applicable, all other documents (i.e. easement agreements) showing that the owner of Lot No. 6 has a right to make road and driveway improvements across any other intervening lots on Lhasa Avenue, together with an estimate of the cost of extending Lhasa Avenue in order to allow the Planning Board to establish the required surety for completion of the work.

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

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

MEMORANDUM

TO: Town of Kent Planning Board
From: Neil A. Wilson
Date: June 9, 2016
Re: O'Mara Steep Slope & Erosion Control Permit

With reference to the above matter, we have reviewed application submitted by the applicant's consulting Professional Engineer via application received May 9, 2016 and offer the following for the Board's consideration.

Background

1. This matter was submitted to the Planning Board for a similar application in 2007. During the review of that prior application a number of issues were raised relative to the rights of the owner to make improvements to Lasha Court that would be required to meet the public road frontage requirements of Town Law 280-a and Chapter 77 of the Town Code. These issues are detailed in the attached memo dated April 17, 2007 and, to the best of my knowledge, have not been addressed.



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Plan

Date: June 8, 2016

Project: Biben Residence Guest House
Addition TM # 10.-1-1

The following materials were reviewed:

- Drawings "Biben Residence Guest House Addition," prepared by River Architects, including:
 - C-101, D-101, A-101, A-201 dated 5/20/2016
 - C-102 dated 5/20/2016, revised

The project proposes the addition of a home office and one-bay garage onto an existing single family house. The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed but will disturb less than 5,000 SF of land. Therefore coverage under coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is not required.
2. The additions are within the 100 foot buffer of a Town of Kent wetland, therefore a Town of Kent Erosion Control Permit is also required per §66-5.A(3).
3. The majority of information to be provided for an erosion control permit as required by Town Code Chapter 66-6.B.2 was previously provided in a 2012 application. The previously provided information is sufficient for this application. Provide updated information for the following:
 - a. §66-6.B.2.g – Provide
 - i. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 - ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
 - iii. [7] Provide a maintenance schedule for erosion control measures.
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner

stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."

5. Refer to Drawing C-102:
 - a. A note should be added regarding removal of any sediment that is tracked out of the construction area onto the driveway.
 - b. Indicate on the drawings where the silt fence and erosion control blankets will be placed.
 - c. A physical barrier will be needed along the entire length of the limits of disturbance between the construction area and the brook. Typically silt fence would be used, but silt fence cannot be installed perpendicular to the slope. Silt fence installed perpendicular to the slope can cause runoff to become concentrated and create more erosion problems. Orange construction fence should be used in areas perpendicular to the slope, with a line of silt fence parallel to the slope at the downhill end of the construction area.
 - d. Will the existing driveway be extended to the new garage bay? If so, show it on the site plan.
 - e. Under the "Town of Kent Planning Board - Steep Slope and Erosion Control Notes," under C, replace "GP-02-01" with the current "GP-0-15-002."
6. It is our understanding that there is an existing erosion control bond held by the Town of Kent for the previous project at this property. That work has been completed and the area is fully stabilized.

Our records show the bond amount is approximately \$8,000. We recommend the exact amount of the bond be determined. If it is close to \$8000, it will fully cover the newly proposed project. We recommend the property owner request the bond be rolled over to the new project. If the property owner would like a reduction to the bond amount, as the current project is smaller than the previous project, a new bond estimate is to be provided.
7. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
8. Per §66-6.F, we recommend the public hearing be waived as this is a minor project for renovation to a single family house.
9. We recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.
10. We defer to the Planning Board's environmental consultant regarding wetland issues.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
11-261-999-127

Bruce Barber via email
Neil Wilson via email

**Town of Kent Planning Board
Site Plan Approval**

**Matter of
Center for Physical Therapy**

Whereas, the Town of Kent Planning Board (“Planning Board”) has received an application from the Center for Physical Therapy for Site Plan Approval to utilize a former public library building as a physical therapy center on property located at 264 Route 52, tax parcel number 44.06-1-6; and

Whereas, site improvements would include painting of the building exterior, repair and restriping of the existing parking lot and the installation of minor drainage improvements; and

Whereas, the size of the proposed expansion qualifies the proposed activity as an Unlisted Action; and

Whereas, based on the information provided the Board determined that the project would be subject to an un coordinated environmental review under SEQRA, and thereafter on June 9, 2016 a “Negative Declaration – Determination of No Significance”; and

Whereas, by memorandum dated May 25, 2016 the Putnam County Department of Planning has recommended approval of the site plan under GML 239-m; 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 Site Plan Approval to allow the redevelopment of a former public library for use as a physical therapy business. The use is a permitted use within the Commercial District. The Planning Board is satisfied that the proposed site improvements and use of the building would be 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) Information provided by the applicant indicates that the overall appearance, size and dimension of the site improvements would be appropriate to the site and would largely consist of repairs to existing improvements.
- 3) That the project design is consistent with, and meets the requirements of, §77-60 subparagraphs “F”, “G”, and “I”-“T” of the zoning law.
- 4) The project design of the proposed expansion would be in harmony with the existing and planned development of contiguous lands and adjacent neighborhoods.
- 5) The project 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 project is properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.

- 7) The project would have no effect on existing pedestrian and vehicular access, traffic circulation or layout of the site.
- 8) The project is 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) The project 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 project conforms to the requirements of the Town Zoning Law and all other applicable local laws.

Whereas, the Planning Board waived a public hearing on the application;

Therefore Be It Resolved, the Planning Board reaffirms its February 28, 2014 Negative Declaration; and

Be It Further Resolved, the Planning Board grants Site Plan Approval for the Center for Physical Therapy as depicted on a Site Plan Map entitled "Center for Physical Therapy" prepared by James Sanok, RLA dated July 29, 2013 and bearing a latest revision date of April 22, 2016 consisting of sheets: L-200, L-300, subject to revision to respond to the conditions of approval as required herein; and

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

- 1) *Respond to the comments of the Town Environmental Consultant dated May 12, 2016.*
- 2) *Respond to the comment of the Planning Board's Professional Engineer dated May 11, 2016.*
- 3) *The project shall be developed in accordance with the plans and specifications reviewed by the Planning Board as set forth above.*
- 4) *Obtain approval(s) as may be required from the following agencies:*
 - a. *Putnam County Department of Health.*
 - b. *New York City Department of Environmental Protection.*
 - c. *New York State Department of environmental Conservation.*
- 5) *Prior to commencement of any site work all required erosion control measures shall be implemented as shown on the approved plans for the development. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*

- 6) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, 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.*
- 7) *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.*
- 8) *Payment of all Planning Board costs and fees including professional review fees incurred during the review and approval of the application.*
- 9) *It is the responsibility of the applicant/project sponsor to submit to the Town Planning Board proof that each of the conditions of this 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 Professional Engineer verifying that each of the conditions of this Approval have been completed. The proposed final drawings shall not be accepted by the Planning Board without submission of proof of completion.*

Motion: Gary Lam

Second: George Brunner

Michael McDermott, Chairman Absent

Dennis Lowes, Vice Chairman Aye

Janis Bolbrock Aye

George Brunner Aye

Gary Lam Aye

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 June 9, 2016.



Vera Patterson, Clerk
Town of Kent Planning Board

2. Traffic

Information provided by the applicant indicates that there would be up to five (5) employees at the site, treating an estimated four (4) patients per hour. Patient arrivals and departures during the day would occur at a steady rate throughout the work day with no particular peak hour identified. Total arrivals and departures are indicated to be 44 patient vehicles. Given that Route 52 at the site driveway carries an average of 11,688 vehicles per day (2013) the additional traffic generated by the use is easily accommodated by the state highway network. 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. Storm Water

A simple erosion and sediment control plan will be required for the limited drainage work proposed. Since the site is relatively flat storm water runoff is not expected to present a significant flooding or sediment control issue. Accordingly, the potential adverse impacts to surface and ground water from construction and post-construction activities would be avoided or mitigated to the extent practicable.

4. Noise and Odors

The use is not the type of use expected to generate noise or odors during full operation since the business of treating patients would occur inside the building. Accordingly, the potential adverse impacts related to construction noise and odors would be minimized and avoided to the extent practicable.

5. Cultural Resources

As previously noted no construction would occur in areas that have not been previously disturbed, and the site was developed for use as a public library many years ago. Accordingly, there would be no adverse impact on historic or pre-historic cultural resources of local, state or federal significance.

6. Flora and Fauna

As previously noted no construction would occur in areas that have not been previously disturbed, and the site was developed for use as a public library many years ago. The Board notes that the rear of the site abuts a state regulated freshwater wetland and the applicant will

need to verify with the New York State Department of Environmental Conservation any need for work in the wetland buffer.

7. Water Supply and Sewage Disposal

On site water supply (well) and sewage disposal (septic) systems are subject to the approval of the Putnam County Health Department, and the continued maintenance of these facilities would be an on-going obligation of the site owner/operator. Compliance with the regulations for installation and operation of private water supply and subsurface sewage treatment facilities would ensure that the proposed redevelopment would have no adverse impact on surface water or ground water resources, or present a threat to public health.

8. Impact on Growth and Character of Community or Neighborhood

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 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 JUNE 9, 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

Planning Kent

From: Building Inspector
Sent: Thursday, June 02, 2016 2:38 PM
To: Planning Kent; Bruce Barber; Julie Mangarillo - RSA; Neil Wilson (nwilson.lrcplanning@gmail.com); Charles Sisto (csisto4004@comcast.net); Dennis Lowes; Gary Lam; George Brunner (bluehog90@verizon.net); Janis Bolbrock (Janis_Bolbrock@msn.com); Michael McDermott (edituhmike@verizon.net); Phillip Tolmach (bestscapes@verizon.net)
Subject: RE: 264 numbers - choose a font - Center for Physical Therapy

To All,

The 2010 NYS fire code states the building needs to be identified with the E-911 number in this case it appears that this number is **264**.

The number needs to be minimum 4 inches high and minimum 0.5" width and Arabic font

The background needs to be a contrasting color to the number.

Bigger is sometimes better to see in the event of a emergency and for general public to find.

I don't think it needs to be as big as the picture display, but it does meet the minimum requirement of the fire code .

Respectfully
Wm. Walters
Building Inspector

From: Planning Kent
Sent: Thursday, June 02, 2016 1:33 PM
To: Building Inspector; Bruce Barber; Julie Mangarillo - RSA; Neil Wilson (nwilson.lrcplanning@gmail.com); Charles Sisto (csisto4004@comcast.net); Dennis Lowes; Gary Lam; George Brunner (bluehog90@verizon.net); Janis Bolbrock (Janis_Bolbrock@msn.com); Michael McDermott (edituhmike@verizon.net); Phillip Tolmach (bestscapes@verizon.net); Planning Kent
Subject: FW: 264 numbers - choose a font - Center for Physical Therapy

Fyi. Attached are the signs for the building.

Vera Patterson
Planning Board Secretary
Town of Kent
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov
845-225-7802 (T)
845-306-5283 (F)

From: Chris Campilii [<mailto:c4pt@optonline.net>]
Sent: Wednesday, June 01, 2016 5:32 PM

To: Planning Kent
Subject: FW: 264 numbers - choose a font

From: Ken Kull [<mailto:kenkull@optonline.net>]
Sent: Tuesday, May 31, 2016 5:24 PM
To: billingcenterpt@optonline.net
Cc: c4pt@optonline.net
Subject: RE: 264 numbers - choose a font

Sherry and Chris,
Please see attached for preliminary rendering of Carmel location building signage. Let me know what changes you want to make. Also see attached file for parking signs in WF location.
Thank you,
Ken

From: Sherry Foster [<mailto:billingcenterpt@optonline.net>]
Sent: Tuesday, May 31, 2016 1:20 PM
To: 'Ken Kull' <kenkull@optonline.net>
Subject: FW: 264 numbers - choose a font

Ken,

We'd like Copperplate Gothic Bold: **264** font, please.

Sherry Foster

Practice Administrator

Center For Physical Therapy 
2 Delavergne Avenue, Wappingers Falls, NY 12590
(845) 297-4789 x25
Tax ID #16-1535878
centerforphysicaltherapy.com



From: Chris Campilli [<mailto:campilli@optonline.net>]
Sent: Tuesday, May 31, 2016 1:04 PM

To: billingcenterpt@optonline.net
Subject: Re: 264 numbers - choose a font

Copper plate Gothic bold.

Sent from my Verizon Wireless 4G LTE Droid

On May 31, 2016 12:51 PM, Sherri Foster <billingcenterpt@optonline.net> wrote:

Chris,

Ken needs you to select a font for the "264" numbers. An easy way to view your options is to go to this site <http://wordmark.it/>. Type in "264" where it says "wordmark" and click "load fonts" to see zillions of fonts.

I like Cooper Black: **264**

Copperplate Gothic Bold: **264**

and Impact: 264

Please let me know asap.

Sherry

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7598 / Virus Database: 4591/12335 - Release Date: 05/31/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7598 / Virus Database: 4591/12334 - Release Date: 05/31/16

Planning Kent

From: Planning Kent
Sent: Thursday, June 02, 2016 1:33 PM
To: Building Inspector; Bruce Barber; Julie Mangarillo - RSA; Neil Wilson (nwilson.lrcplanning@gmail.com); Charles Sisto (csisto4004@comcast.net); Dennis Lowes; Gary Lam; George Brunner (bluehog90@verizon.net); Janis Bolbrock (Janis_Bolbrock@msn.com); Michael McDermott (edituhmike@verizon.net); Phillip Tolmach (bestscapes@verizon.net); Planning Kent
Subject: FW: 264 numbers - choose a font - Center for Physical Therapy
Attachments: BUILDING SIGNAGE 5-31-16.pdf; small car parking signs 5-31-16.pdf; _Certification_.htm
Follow Up Flag: Follow up
Flag Status: Flagged

Fyi. Attached are the signs for the building.

Vera Patterson
Planning Board Secretary
Town of Kent
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov
845-225-7802 (T)
845-306-5283 (F)

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Sheri and Chris,
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Thank you,
Ken

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To: 'Ken Kull' <kenkull@optonline.net>
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Ken,

We'd like Copperplate Gothic Bold: **264** font, please.

Sherri Foster
Practice Administrator

Center For Physical Therapy 
2 Delavergne Avenue, Wappingers Falls, NY 12590
(845) 297-4789 x25
Tax ID #16-1535878
centerforphysicaltherapy.com



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I like Cooper Black: **264**

Copperplate Gothic Bold: **264**

and Impact: 264

Please let me know asap.

Sherri

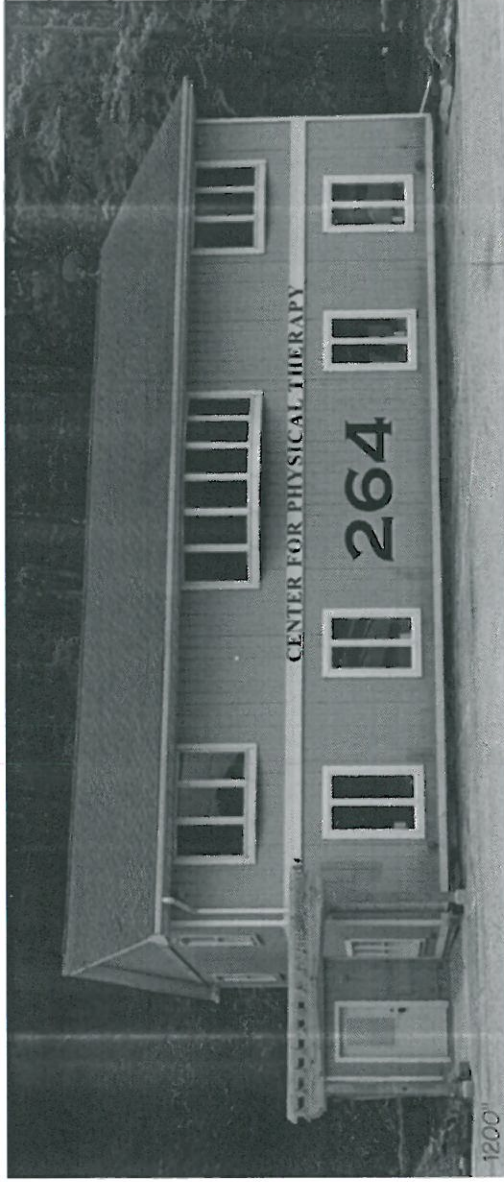
No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7598 / Virus Database: 4591/12335 - Release Date: 05/31/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7598 / Virus Database: 4591/12334 - Release Date: 05/31/16



FROM: KEN KULL
 671 INOXON ROAD
 POUGHKEEPSIE, N.Y. 12603
 845-471-7727
 send replies via e-mail:
 kenkull@optonline.net

ATTN: CHRIS CAMPILLI
 PHONE: 297-47139
 E-MAIL: cp@optonline.net
 DATE: 5-31-16 DRAFT#: 1
 # PAGES: 1
 RE: SIGNAGE AT CARMEL LOCATION



385" (32')

14" CENTER FOR PHYSICAL THERAPY

147" (12'3")

47" **264**

MINNESOTA LETTERS
 14" TALL
 BLACK, STUD MOUNT TO WALL
 QTY - 1 SET

QTY - 1 SET COPPERPLATE GOTHIC BOLD NUMBERS
 BRIGHT BRUSHED GOLD FACE
 1/8" THICK
 STUD MOUNT TO BUILDING

TAXES (IF APPLICABLE) ARE NOT INCLUDED
 PLEASE INSPECT THIS PROOF CAREFULLY
 IF YOU APPROVE THIS PROOF
 AND ERRORS REMAIN, WE CAN NOT BE
 HELD RESPONSIBLE!!!
 THIS DESIGN IS THE SOLE PROPERTY OF
 K.K. SIGNS & GRAPHICS INC. NOT TO BE
 USED IN ANY FORM OR FASHION UNTIL
 PURCHASED FROM K.K. SIGNS

FILE NAME: CFPT / CARMEL LOCATION / BUILDING SIGNS
 ANY QUESTIONS PLEASE CALL.
 PLEASE CHECK ONE AND SIGN:
 APPROVED AS IS
 APPROVED AS CORRECTED/REVISED
 SUBMIT CORRECTED/REVISED PROOF
 SIGNATURE/INITIALS _____
 send replies via e-mail: kenkull@optonline.net



**Putnam County
Department of Planning, Development,
and Public Transportation**

www.putnamcountyny.com

Sandra M. Fusco
Deputy Commissioner

841 Fair Street
Carmel, NY 10512

Phone: (845) 878-3480
Fax: (845) 808-1948

SECTION 239 CASE REFERRAL

Case Received: Report Required: Completed:

Application Name: Referral #:

TOWN: Carmel: Philipstown: VILLAGE: Brewster:
 Kent: Putnam Valley: Cold Spring:
 Patterson: Southeast: Nelsonville:

Referred by: PB: ZBA: Town Board: Historic District Review Board:

Location of Project:

Present Zone: Tax Map #:

Type of action: Variance: Zoning Ordinance: Master Plan:
 Subdivision: Special Use Permit: Subdivision Regulations:
 Site Plan: Rezoning: Certificate of Appropriateness:
 Zoning Amendment:

DECISION BY COUNTY:

Approved as Submitted: Modification: Disapproved:

Basis for Decision Other than Approval:

Reviewed by Barbara Barosa Barbara Barosa, Planner
 (Signature) (Title)

rc 1-14/word



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: June 8, 2016 **Project:** Steep Slopes and Erosion &
Sediment Control Plan Review

The following documents were reviewed:

1. Report prepared by HydroEnvironmental Solutions, Inc., dated May 13, 2016, including Technical Reports from York Analytical Laboratories, Inc, for Sample No 1, No 2 and No 3, dated 3/18/2016.

The following comments are offered on the above:

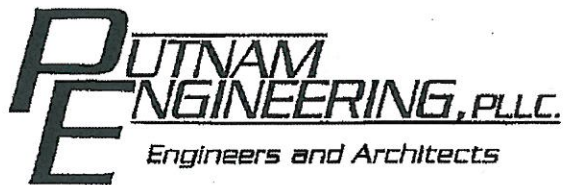
1. The report prepared by the hydrogeologist has answered many of the questions regarding the imported fill material.
2. For all of the parameters tested, there are only three that exceed the limits set for Unrestricted Use Residential Soil Cleanup Objectives (UUSCOs).
 - a. Acetone in Sample No 1.
 - b. Manganese in Sample No 2.
 - c. Nickel in Sample Nos 1 and 2.

Provide a discussion regarding these parameters and why this fill soil is still suitable for residential use.

3. Will the project be completed as shown in the drawing last revised January 20, 2016? Or will modifications be made? At a minimum, the swale and level spreader at the bottom of the slope will need to be constructed.
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.

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



Limitone/Licari
14 Lorne Court
Tax Map #22.-2-5

EROSION CONTROL BOND ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
Earthwork (Swale)	46 cu. yds.	\$ 5.00 cu. yd.	\$ 230.00
Seeding & Mulching	1522 sq. yds.	\$ 1.25 sq. yd.	\$ 1,902.00
Silt Fence	406 lin. ft.	\$ 1.75 lin. ft.	\$ 710.00
Construction Fence	453	\$ 1.00 lin. ft.	\$ 453.00
Stabilized Construction Entrance	1	\$ 350.00 ea.	\$ 350.00
Level Spreader	1	\$ 450.00 ea.	\$ 450.00
		TOTAL	<u>\$ 4,095.00</u>

(FM1601)



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Plan

Date: June 8, 2016

Project: Von Rosenvinge Pool
TM # 31.17-1-7
451 Pudding Street

The following materials were reviewed:

- A drawing of the property showing the construction access, undated

The project proposes construction of a new in-ground pool. A permit was issued by the Building Department for the pool. However, a construction access drive was constructed without an Erosion Control Permit. The submittal documents indicate the construction access is to be temporary. It is also our understanding that the construction access drive encroaches on the adjoining property.

This memo is supplementary to the memo issued by Bill Rohde, dated March 1, 2016.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated March 9, 2016:

1. The project disturbs more than 5,000 SF of land and includes more than 100 cubic yards of fill. A Town of Kent Erosion & Sediment Control Permit is required in accordance with Town of Kent Town Code Chapter 66.

The project is outside the NYCDEP East of Hudson watershed and will disturb less than 1 acre of land. Therefore coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is not required.

3. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
4. Refer to the Drawing:
 - c. Any sediment tracked onto the road is to be removed as soon as possible. Provide a note on the drawing stating this.
5. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.

Memorandum
Von Rosenvinge ECP
TM # 31.17-1-7
June 8, 2016
Page 2 of 2

6. Per §66-6.F, we recommend the public hearing be held as the project disturbed land on an adjacent property.

New Comments:

1. Refer to the drawing:
 - a. Provide clearer labels that the access drive is to be removed.
 - b. Adjust the location of the boundaries of the access drive to more accurately reflect its encroachment on the adjacent property.
 - c. Add tax map numbers for the subject parcel and neighboring parcel to the drawing.
 - d. Add a drawing date or revision date to the drawing.
 - e. Provide a detail for the proposed erosion control matting.
2. Provide an "Affidavit to be completed by agent of owner" (included in application packet) completed by the neighboring property owner, granting permission for the erosion control permit application for work on the neighbor's property.
3. Provide a letter from the neighboring property owner indicating acceptance of the proposed restoration.
4. We defer to the Planning Board's environmental consultant regarding plant selection.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
16-261-999-148

Bruce Barber via email
Neil Wilson via email



June 9, 2016

Mr. Michael McDermott, Chairman
Town of Kent Planning Board
25 Sybil's Crossing
Kent, New York 10512

Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, NY 10595
T: (914) 742-2001
F: (914) 742-2027

**Re: Notice of Intent to be Lead Agency
Anavil/Wagner Millwork Timber Harvest
Long Mountain Road
Town of Kent, Putnam County
Tax map#: 8.-1-2
DEP Log#: 2016-OUT-0302-SQ.1**

Dear Mr. McDermott and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Kent Planning Board's (Board) Notice of Intent to act as Lead Agency and short Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The proposed project site is located mostly outside of New York City's (NYC) Water Supply Watershed; however a portion of the above referenced parcel is situated within the Boyd's Corner Reservoir drainage basin of the NYC's Watershed. Boyds Corner is operated as part of the Catskill/Delaware system and is subject to various ongoing water quality initiatives. In addition, the Delaware Aqueduct traverses the width of the subject parcel.

The proposed action involves the timber harvest of 250 acres from a 536 acre parcel. Equipment to be utilized for the harvest includes skidders, possibly a timbco harvester and logging trucks. Access to the project site will be via Long Mountain Road to which improvements are proposed. There is an existing landing.

DEP does not maintain any discretionary regulatory authority over the proposed activity. As such, DEP would be considered an interested agency pursuant to SEQRA.

Based upon the review of the submitted documents, DEP respectfully submits the following for the Board's consideration:

1. The intended project proposes to cross the Delaware Aqueduct. As you are aware, the aqueduct is critical infrastructure and an essential

component of the New York City water supply. Blasting, pile driving or the use of heavy machinery or equipment that could endanger the aqueduct is prohibited without prior review and approval from DEP; however, given the depth of the aqueduct at this location, the use of heavy equipment is not an issue.

2. Harvest layout, including landing, skid, trails, haul road, and erosion control measures, should be consistent with the 2011 edition of the *New York State Forestry Best Management Practices for Water Quality*.

DEP submits this letter to you as lead agency as part of a coordinated SEQRA review. Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia
SEQRA Coordination Section

X: D. Whitehead, NYSDEC

**RESPONSE TO REQUEST THAT THE
THE TOWN OF KENT PLANNING BOARD
SERVE AS LEAD AGENCY FOR**

Anavil/ Wagner Millwork Timber Harvest,

Long Mountain Road, Town of Kent, County of Putnam, State of New York.

On behalf of Putnam County Department of Planning, Development and Transportation, I acknowledge receipt of the Lead Agency notice in this matter.

The above names involved agency hereby CONSENTS that the Town of Kent Planning Board serve as lead agency in this application, and requests that the undersigned continue to be notified of SEQR determinations, proceedings, and hearings in this matter.

DATE: 6/8/16

Signature: Barbara Balsa

Printed: Barbara Balsa, AICP, County Planner

Agency: Putnam County Planning

Planning Kent

From: Julie Mangarillo - RSA [JMangarillo@rsaengrs.com]
Sent: Friday, June 03, 2016 12:31 PM
To: 'Jordan Heller'; Planning Kent
Cc: 'Bruce Barber'; 'Eric LaClair'
Subject: RE: Kent Planning Board June 2016 agenda
Attachments: 2016-05-11 Anavil Wagner Timber Harvest ESC.pdf

Jordan,

There are a few more steps that need to be completed before the erosion control permit can be issued.

The reason for the Lead Agency circulation is that the property is in close proximity to the Town and County border. The 30 day clock does not start until the Lead Agency documents are mailed to the other agencies. The Lead Agency documents could not be mailed until we received the revised and signed Environmental Assessment Form (EAF) from you. The signed EAF was received Friday May 20th and the documents were mailed Monday May 23rd. The other agencies have 30 days from May 23rd.

Vera has volunteered to call the other agencies to try to get written responses before the 30-day limit. The other agencies may or may not provide written responses sooner than the 30 day limit.

There are some other items that need to be taken care of before the erosion control permit can be granted:

1. Provide corrected "Disclosure of Business Interest" form per my 4/13 and 5/11/2016 memos.
2. Provide documentation from NYS DEC that the harvesting time frame of Oct 31 to March 31 has been accepted and a "take permit" is not required as indicated in the NYS DEC Division of Environmental Permits Region 3 letter dated November 16, 2015.
3. The erosion control bond and bond agreement need to be provided and accepted by the Town Board at a regularly scheduled Town Board meeting. Vera can provide you with the form and the Town Board meeting schedule.
4. Provide the initial inspection fee as included in my 5/11/2016 memo and discussed at the 5/12/2016 Planning Board meeting.

While we are within the 30 day time limit, there is no action to be taken by the Planning Board at the 6/9/2016 meeting. While you are always welcome to attend Planning Board meetings, your attendance is not required. Assuming no other agencies have any comments that need to be addressed, the remaining administrative items listed above can be handled without going before the Planning Board again. If another agency requires changes to the project, then the project will have to go before the Planning Board again at the July meeting.

We hope this clarifies the steps that remain before the erosion control permit can be issued. If you have any questions, please feel free to email or call 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)

From: Jordan Heller [mailto:jheller@wagnerlumber.com]
Sent: Wednesday, June 01, 2016 11:43 AM
To: Planning Kent <planningkent@townofkentny.gov>
Cc: Bruce Barber <barberbruce@yahoo.com>; jmangarillo@rsaengrs.com; Eric LaClair <eric_laclair@wagnerlumber.com>
Subject: Re: Kent Planning Board June 2016 agenda

Good morning Vera,

I was hoping you could clarify some things for me. The agencies notified of the Town of Kent Planning Board as the lead agency for this project have to respond within 30 days of the May 12, 2016 planning board meeting? It is my understanding that Wagner Millwork LLC will have an approved permit in hand after the June 9, 2016 meeting, is this still the course of action?

Wagner Millwork LLC has set expectations for their client based on previous board meetings. There was no mention of a notification to "Interested Agencies" that would extend this process another month at the April meeting. This process has been going on since February and our client is becoming impatient. We have been cooperative with the planning board and expect to have a permit on the 9th.

Thank you

Jordan Heller
Forester

The Wagner Companies
4060 Gaskill Road
Owego, NY 13827
Office: 607-687-5362
Mobile: 607-760-7595
Fax: 607-687-2633
jheller@wagnerlumber.com
www.wagnerlumber.com

From: Planning Kent <planningkent@townofkentny.gov>
Sent: Tuesday, May 31, 2016 9:53:17 AM
To: Jordan Heller
Subject: FW: Kent Planning Board June 2016 agenda

You gave us so much material regarding your project and I'm not sure if you already gave us the map Ms. Garcia is requesting. Please send me a copy of it so I can forward it to Ms. Garcia if possible. If not, let me know that as well.

Thanks very much.

Vera Patterson
Planning Board Secretary
Town of Kent
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov
845-225-7802 (T)

845-306-5283 (F)

From: Garcia, Cynthia [<mailto:CGarcia@dep.nyc.gov>]
Sent: Friday, May 27, 2016 11:41 AM
To: Planning Kent
Subject: RE: Kent Planning Board June 2016 agenda

Hello Vera,

With regard to the Timber Harvest project, would it be possible to get a harvest map showing the layout of the harvest including the landing, skid trails, wetlands, streams, waterbodies and contours? This would assist DEP in the review process.

Thank you and have a good long weekend.

Cynthia Garcia | Bureau of Water Supply, SEQRA Coordination Section
(O) 914 773 4455 | (F) 914 773 0342 | cgarcia@dep.nyc.gov

From: Planning Kent [<mailto:planningkent@townofkentny.gov>]
Sent: Thursday, May 26, 2016 3:33 PM
To: Building Inspector; Bruce Barber (barberbruce@yahoo.com); Julie Mangarillo (jmangarillo@rsaengrs.com); Neil Wilson (nwilson.lrcplanning@gmail.com); Charles Sisto (csisto4004@comcast.net); Dennis Lowes; Gary Lam; George Brunner (bluehog90@verizon.net); Janis Bolbrock (Janis_Bolbrock@msn.com); Michael McDermott (edituhmike@verizon.net); Phillip Tolmach (bestscapes@verizon.net); Planning Kent
Cc: James Hartford; john karell; John Watson; deke878@aol.com; Robert Cameron (rcameron@putnameng.com); john karell; William Besharat; jheller@wagnerlumber.com; Lana Cappelli; Ann Fanizzi; Barbara Barosa; Bill Nulk; Charity (charity@wakellyco.com); Curt Fuchs; Garcia, Cynthia; Deputy 2; Dr Feldman; Fire Inspector; jasmine ramos; Kent Historian; Michelle Sclafani (msclafani@nycourts.gov); Ronald Blass (rbllass@vandewaterlaw.com); Tom Maxson; Bill Huestis; Jaime Mcglasson; Maureen Fleming; Paul Denbaum; Scott Chin
Subject: Kent Planning Board June 2016 agenda

Please note that the Planning Board will be having a workshop on Thursday, June 2, 2016 at 7:30 PM at the Town Hall in the lobby conference room. The meeting will be held on Thursday, June 9, 2016 at 7:30 PM in the court room at Town Hall. Attached is the agenda for your information.

Note that the people on the cc list are receiving this note as a courtesy and it is for informational purposes. The workshop is open to the public as is the meeting. The people involved with the items above the "Permit Applications Review" should attend the meeting and, if they wish, the workshop.

If you have any questions, please feel free to contact me.

Vera Patterson
Planning Board Secretary
Town of Kent
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov

845-225-7802 (T)

845-306-5283 (F)



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Plan
May 2016 Planning Board Meeting

Date: May 11, 2016

Project: Anavil/Wagner Millwork Timber
Harvest TM # 8.-1-2

The following materials were reviewed:

- Marked-up version of April 13, 2016 review memo
- Forest Management Plan, prepared by Wagner Millwork LLC, revised, including:
 - Letter from NYSDEC Natural Heritage Program dated 10/19/2015
 - Letter from NYSDEC Division of Environmental Permits Region 3, dated 11/16/2015.
- Short Environmental Assessment Form (EAF), dated 4/20/2016
- Revised drawings, undated

The project proposes selective timber harvest of 250 acres of a 536 acre parcel.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated April 13, 2016:

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

2. We recommend the requirements for providing the following information from Town Code Chapter 66-6.B.2 be waived due to the size and nature of the proposed project:
 - a. §66-6.B.2.b – Provide "existing topography of the proposed area of disturbance at a contour interval of not more than two feet." Existing topography is shown at a contour interval of 20 feet taken from a USGS map. This is sufficient for this project.
 - b. §66-6.B.2.d – "Except for applications involving one single-family dwelling, existing topography of the entire watershed tributary to the proposed area of disturbance, presented at a scale of not more than 500 feet per inch. An inset map at a scale of not more than 2,000 feet per inch may be used to show the entire watershed, if needed."
 - c. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be

delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map.”

- d. §66-6.B.2.f – Provide “the depth to bedrock and depth to water table shall be identified in all areas of disturbance” (Except for applications involving one single-family dwelling).

6. Refer to the Forest Management Plan:

- d. Refer to the letter from NYSDEC Division of Environmental Permits Region 3, dated 11/16/2015, under ‘State-Listed Species.’ “In order to avoid impacts... and the need for a take permit, all tree removal of trees over 4 inches DBH...should be done during... October 31 through March 31. Plans modified with this time frame must be submitted to the DEC before this project can proceed.”

The Forest Management Plan on page 2 indicates tree “harvesting will be limited to the time period of October 31st-March 31st.” Have modified plans been submitted to NYSDEC with this limited time period? Provide follow-up documentation from NYSDEC indicating the project can proceed with the modified time period.

- i. **The response letter indicates “waiting to hear back from DEC.” This will need to be provided prior to final approval.**

7. Refer to the Combined Application Form:

- b. The “Disclosure of Business Interest” form is used if someone working on the project also works for the Town of Kent or vice versa. If the property owner, Aroonsri Anavil, does not work for the Town of Kent, then ‘not applicable’ should be indicated on this form. If the property owner does work for the Town of Kent, then the position held is to be included on the form.

- i. **Provide corrected form.**

New Comments:

1. We defer to the Planning Board’s planning consultant regarding SEQRA lead agency.
2. The applicant indicates an estimated cost for erosion and sediment control measures between \$700.00 and \$2,100.00. We recommend a bond amount of \$1400.00 be accepted for the bond amount and recommended for approval by the Town Board.
3. Per §66-6.F, we recommend the public hearing be waived as this is for a silvicultural activity regulated by NYSDEC.
4. We recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.
5. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.

Memorandum
Anavil/Wagner Millwork Timber Harvest ECP
TM # 8.-1-2
May 11, 2016
Page 3 of 3

6. If not already done so, prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the erosion control bond, initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
16-261-234

Bruce Barber via email
Neil Wilson via email



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

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

Wilfred A. Rohde, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To: Planning Board, Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: June 8, 2016
Attn: Michael McDermott, Chairman
Subject: Completeness Review for Chairman's signature
Project: Towners Road Mart, Inc, TM 33.64-1-6


The following documents were reviewed:

- Putnam Engineering cover letter May 24, 2016
- Putnam County Department of Health Letter, dated May 16, 2016
- Email from Bill Rohde, RSA, dated December 2, 2015
- Memo from Bruce Barber, dated December 9, 2015
- "Full Service Only" signage sheets
- Photos of bus shelter
- Amended Site Layout Plan, Drawing C-110, revised May 18, 2016

Review comments are as follows:

1. The latest drawing shows the bus shelter to be relocated in order to remedy a sight distance problem. The May 24, 2016 cover letter with photos attached indicates the sight distance problem has been remedied by removing the sign panel of the bus shelter. Removing the sign panel will not remedy the sight distance issue when there are people waiting for the bus in the bus shelter. Additionally, the current location of the bus shelter can interfere with vehicles backing out of the parking space.

We continue to recommend the bus shelter be re-located as shown on the Amended Site Layout Plan.


Julie S. Mangarillo, P.E., CPESC

Copy to: Planning Board via email
Bill Walters via email
Bruce Barber via email
Neil Wilson via email
File 15-261-225

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