

November 9, 2017

Approved: December 14, 2017

**Minutes
Town of Kent Planning Board Meeting
November 9, 2017**

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

In attendance were the following Planning Board members:

Michael McDermott, Chairman
Charles Sisto

Dennis Lowes, Vice Chairman
Philip Tolmach
Stephen Wilhelm

Others in Attendance:

Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineering Consultant

Bill Walters, Kent Building Inspector
Neil Wilson, Planner

• **Approve Planning Board Minutes from October 12, 2017**

Mr. McDermott asked for a motion to consider the minutes for the October 12, 2017 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

Mr. McDermott asked for a motion to adopt the minutes as they stand for the October 12, 2017 meeting. The motion was made by Mr. Tolmach and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The motion carried.

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

This was a continuation of a Public Hearing for an Erosion Control Plan for a single-family residence. Mr. John Karell represented the owner of the property. Mr. Karell advised the Town Board that he had met with Ms. Mangarillo, Mr. Barber and Mr. Rich Othmer, the Kent Highway Superintendent, to discuss details for the drainage plan, which was incorporated into the plans submitted for this meeting.

Mr. Barber's Comments (memo attached)

Mr. Barber said that the creation of a buffer (15 – 20') between the adjoining property was done and the trees in that area will be preserved. The applicant will be planting 5 evergreens by the driveway to provide screening and to attenuate the drainage. The drainage from the driveway to the rear of the property was looked at. Mr. Tolmach asked Mr. Barber if these changes would alleviate the concerns of the neighbor. Mr. Barber said he believed that they would.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that there is an existing asphalt curb along the road and therefore a culvert would not be necessary for the new driveway and Mr. Othmer agreed with her. The runoff in the front of the lot was diverted to the rear of the property and all of her other comments were addressed. Ms. Mangarillo said she had updated the bond estimate to \$12,890.00 and she recommended that it be forwarded to the Town Board. She also recommended that this matter be handled administratively.

Mr. McDermott asked for a motion to close the Public Hearing. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Town of Kent Planning Board Minutes
November 9, 2017

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

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

The motion carried.

Mr. McDermott asked for a motion to accept the bond in the amount of \$12,890.00 and forward the recommendation to the Town Board for their approval. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Cypress Creek/Solar Energy Farm, Mooney Hill, Kent, NY; TM: 12.-3-9**

* At the request of the applicant the Public Hearing on this matter was adjourned from September to October, then again to November and again to the December 14, 2017 meeting.

- **Hartshorn Professional Park, 641 Ludingtonville Road, Kent, NY; TM: 12.-1-88**

Insite Engineering submitted a request from the applicants and supporting documentation to release the funds remaining in the erosion control bond which is being held by the Town of Kent. The amount to be returned should be:

Erosion Control Bond	-	\$ 7,000.00
Stormwater Facilities Bond	-	<u>\$ 8,000.00</u>
Total Amount to be Released		\$15,000.00

Town of Kent Planning Board Minutes
November 9, 2017

Mr. McDermott asked for a motion to ask the Town Board to authorize releasing the bonds as broken down above. The motion was made by Mr. Wilhelm and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

- **Patterson Crossing, Route 311, Kent, NY; TM: 12.-1-88**

Insite Engineering submitted material along with a request from the owner of this property to re-approve Erosion Control/Steep Slope, Site plans and Freshwater Wetland Permits.

Mr. Wilson's Comments (Resolution Attached)

Mr. Wilson reminded the Planning Board that in January of 2017 the applicant had been granted re-approvals for the above mentioned plans granting an additional year along with two 90-day extensions, which will expire on July 9, 2018. According to John Watson, of Insite Engineering, the applicant has experienced some financial delays and are requesting that these plans/permits be reapproved from July 9, 2018. Mr. Wilson prepared a Resolution extending the re-approvals to expire on January 5, 2020 if the Planning Board agrees. Mr. Tolmach asked if the applicant had made any progress. Mr. Wilson said that most of the project is in the Town of Patterson, but the work done by the East of Hudson pertaining to the gully in the Town of Kent has been completed. Mr. Lowes asked if any information had been given by the applicant regarding viable clients for the property and Mr. Wilson said that he had not heard anything regarding this matter.

Mr. McDermott asked for a motion to grant reapprovals, as Mr. Wilson recommended, extending the plans/permits from July 9, 2018 to be extended another year and 180 days to expire January 5, 2020. The motion was made by Mr. McDermott 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>
Charles Sisto	<u>Abstained</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Lewis /Ackerley, 72 Barrett Circle, Kent, NY; TM: 42.12-1-25**

Ms. Fauzia Khanani, of Foz Designs, represented the applicant. This project was before the Planning Board several years ago and there were plans by the owners of the property to construct a single-family residence on this property. The project was put on hold by the owners and they hired Ms. Khanani's firm earlier this year and a slight re-design has been submitted to the Planning Board. The previous plans and permits have expired so new applications for an Erosion Control Permit and a Freshwater/Wetland Permit have been submitted.

Mr. Barber's Comments (memo attached)

Mr. Barber said that Ms. Khanani has met with the Planning Board several times and have submitted very thorough plans and his memo has a few comments pertaining to the EAF and asked that notes be added to the plans. He suggested that a DEC block be added to the plans and be signed by the DEC and the surveyor. He asked for details regarding how the wastewater from an outdoor shower and hot tub will be collected/treated. He also asked for dimensions from the pool to the septic tank and leaching areas in order to ensure that they are outside of the requirements from the Department of Health. He had questions about a driveway where pillars and a gate are to be constructed. He had questions about a shed and gazebo and whether or not they will need variances and some trees which will be removed. Mr. Barber will be inspecting the site.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said the previous plans had been approved and the new revised plan is within the same disturbed area as the previous one and had coverage under the DEC's general permit for stormwater discharges for construction activity and an addendum to the SWPPP prepared by Mr. John Karell needed to be submitted indicating what changes are being planned. Mr. Karell submitted a drawing that needs to be updated. A bond of \$3,600.00 was previously given to the Town of Kent and Ms. Mangarillo felt it should stand. The house is in a private community and a waiver of a Public Hearing was granted previously and Ms. Mangarillo suggested that the waiver should again be granted , providing the applicant was able to get a letter from the Sedgewick Club HOA saying that they did not object to the construction of this house. Once the letter was received from the HOA Ms. Mangarillo recommended that this project be moved to the administrative track. Mr. McDermott asked Ms. Khanani if they would prefer to ask for a waiver of the Public Hearing or to have one. Ms. Khanani said the applicant would prefer to have a Public Hearing and asked that one be scheduled for the December meeting.

Town of Kent Planning Board Minutes
November 9, 2017

Mr. McDermott asked for a motion to open a Public Hearing for the Lewis/Ackerley property on December 14, 2017. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Anthony Reyes/Realbuto, 49 Tiger Trail, Kent, NY; TM: 21.8-1-39**

Mr. Reyes, the owner of the property, attended the meeting. There are plans to construct a single-family residence on this property.

Mr. Barber's Comments (memo attached)

Mr. Barber advised the Planning Board that this project entailed the demolition of an existing structure and to plans to build a new single-family residence. The applicant had brought in fill previously without permits and had been issued a stop-work order by the Building Inspector. The soil was inspected and meets unrestricted residential requirements and may be used on the site. Messrs. Barber, Walters, Othmer and Ms. Mangarillo visited the site on October 26, 2017 and confirmed that there are no DEC or Kent jurisdictional wetlands or wetland buffers within the property or limits of disturbance. The silt fencing need to be restored and the soil is stable. Plans for a new house using the existing footprint and slightly expand it to approximately 5,000 square feet have been submitted to the Planning Board. The driveway travels to a 50' right-of-way section leading to NYC property. Mr. Othmer researched Town records for this section of the road and found that it is a paper road which the Town of Kent does not own or maintain. Mr. Barber advised Mr. Reyes to discuss this matter with his attorney so that, if a title search is done, to confirm that the owner has an interest in the property prior to the Planning Board approving the plans.

Mr. Wilhelm said he had visited the site and asked about some "dumping" in the right-of-way and asked if it would be cleaned up. Mr. Barber said that they had noticed that as well and that the debris will have to be removed and he thought that the rocks may be used for a retaining wall. Mr. Wilhelm also asked about fill looking out at the neighbor's property. Mr. Barber said that the fill section Mr. Wilhelm referred to would have to be evaluated and vegetation would have to be restored.

Ms. Mangarillo's Comments (memo to be submitted later)

Ms. Mangarillo said the fill soil needed to be stabilized and that there are two plans, one from the engineer and one from the architect, which don't match, and said that they need to be clarified. Ms. Mangarillo said that retaining walls will need to be constructed and that if they are more than 4' high they will have to be designed by a structural engineer. Details about the location of the septic field system was requested. Mr. Tolmach asked if the old slab is suitable for the new construction. Ms. Mangarillo said they had not looked at it yet. Mr. Wilhelm asked if the septic had been damaged with all the fill and rock that had been brought in. Ms. Mangarillo said she did not know the answer to that either, but these issues would all be investigated. This project was held over until the December meeting.

- **Holmes Presbyterian, 60 Denton Lake Road, Holmes, NY; TM: 2.-1-47.1**

Ms. Jolanda Jantzen and Kirsten Miller, of Sloan Architects, represented Holmes Presbyterian Conference Center. This project was previously approved with conditional approval pending approvals from other agencies. The previous plans were changed due to funding and the scope was too big and has been modified by Sloan Architects. The current plans are for a 8,000 square feet. Julie Mangarillo and Bruce Barber have reviewed these plans. Approvals from DEP have been given for the stormwater infiltration pond and the four bay that will infiltrate all the water from the parking lot. The septic system proposed for the larger plans will still be constructed and has been approved by the Board of Health. The new building will have 40 rooms; 10 will be built in the beginning of construction and then another 10. The remaining 20 will be built during the second phase of construction. Ms. Jantzen said a reduction in the water system is pending approval from the Department of Health. The Lake Carmel Fire Department has received plans and have yet to offer their opinion on the plans. Details pertaining to the erosion control bond and long-term stormwater bond have been submitted and calculations need to be submitted to Ms. Mangarillo Ms. Jantzen discussed the elevation of the building as well as the material to be used.

Ms. Mangarillo's Comments

Ms. Mangarillo said that we are waiting for a response from the Fire Department regarding a staging pad. She confirmed that the DEP had approved the SWPPP. Ms. Mangarillo would send information relating to the bonds to Ms. Jantzen.

Mr. Barber's Comments (memo attached)

Mr. Barber said he had a few comments regarding the phosphorous loading to the lake and stormwater maintenance. There is a potential for a habitat for Northern Long-Eared Bats and the tree-cutting window, which is November 1st through March 31st. There has been some fill brought onto the site and some rock and he needs information as to how it will be treated. He requested information pertaining to any blasting to be done on site. Mr. Barber also asked about pending federal jurisdictional determination from February 2010 on the EAF and clarification about it. The DEP needs to grant approval for the water system, but the DOH has granted approvals for the septic system and stormwater system.

Mr. Wilson's Comments

Mr. Wilson said the application for amended approval had been submitted two years ago. Mr. Wilson suggested that the Planning Board needed to decide whether or not a Public Hearing. A Public Hearing was held previously and Mr. McDermott said that the Planning Board had visited the site previously and no one had attended the Public Hearing previously. The majority of the Planning Board felt it was not necessary to hold a Public Hearing. Mr. McDermott asked for a motion to waive a Public Hearing for this project. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Wilson will prepare a draft resolution for the December meeting in anticipation of Planning Board approvals.

• **Gipsy Trail Club, 607 Topsy Trail, Kent, NY; TM: 32.-1-25**

Ms. Mangarillo inspected the property in October and found that everything had been stabilized and recommended releasing the bond. She noticed that in July 31, 2015 she had asked for a letter from Gipsy Trail explaining the differences between the approved plans and the one built and field changes which was not received. She asked that it be sent at this time. However, Ms. Mangarillo recommended releasing the \$8,000.00 bond at this time.

Mr. McDermott stated that this property has been inspected and found to be stabilized. He asked for a motion to ask the Town Board to release the Erosion Control Bond of \$8,000.00 which was submitted in October 2012. The motion was made by Mr. Wilhelm and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

• **Vaughn Property, 10 Smokey Hollow Ct., Kent, NY; TM: 43.-2-42**

Ms. Mangarillo advised the Planning Board that this matter began in the Spring of this year and did not trigger the DEC permit and was for a small area. The erosion control bond was in the amount of \$420.00. The property has been inspected and is stabilized. Ms. Mangarillo recommended waiving the two-year waiting period and to return the bond. Mr. McDermott asked for a motion to ask the Town Board to release the Erosion Control Bond of \$420.00. The motion was made by Mr. Tolmach and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The motion carried.

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

There were two phases to this project to construct a single-family residence. The first part of the bond was posted previously. Work on the house has been done and Mr. Bene has submitted a second check in the amount of \$8,109.00?? for work to be done in the Town of Kent right-of-way on this property. Ms. Mangarillo said that the amount should have been \$8,399.60 according to her records, but needs to be checked in the Planning Board files. Only the first phase of the bond was forwarded to the Town Board and now the second bond needs to be forwarded to the Town Board. Mr. McDermott asked for a motion to forward the check in the amount of \$8,399.60 for the second phase of the bond to the Town Board. The motion was made by Mr. Tolmach and seconded by Mr. McDermott. The roll call votes were as follows:

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

The motion carried.

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

- Dogward Bound 461 Richardsville Road, Kent, NY TM: 30.12-1-1	Erosion Control/ Site Plan	Status Report
--	-------------------------------	---------------

Dogward Bound is working through some site plan changes based on Fire Department approvals and should be submitting material shortly.

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

Nothing new has been submitted. The Planning Board Secretary will send a note asking the status of the project.

- O'Mara Property Mt. Nimham, Kent, NY TM: 10.20-1-1	Erosion Control Plan	Status Report
--	----------------------	---------------

Waiting for bond to be submitted and then the drawings are ready to be signed.

Town of Kent Planning Board Minutes
November 9, 2017

Mr. McDermott asked for a motion to close the November meeting at 9:15. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary
Respectfully Submitted,

cc: Planning Board Members
Building Inspector
Town Clerk

Town of Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

Tel: (845) 225-7802

planningkent@townofkentny.gov

Fax: (845)306-5283

NOVEMBER 2017

KENT PLANNING BOARD AGENDA

Workshop: November 02, 2017 (Thursday, 7:30 PM)

Meeting: November 09, 2017 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from October 12, 2017
- Arell Property (Oct)
Kentview Drive, Kent, NY
TM: 10.20-1-71 Erosion Control Plan/
Public Hearing Continued Review
- Cypress Creek/Solar Energy Farm
Mooney Hill/Kent, NY
(Armstrong Property)
TM: 12.-3-9 Public Hearing for
Site Plan/Erosion Control Plan Review
- * At the request of the applicant the public hearing on this matter was adjourned from September, 2017 to December 14, 2017
- Hartshorn Professional Park
641 Ludingtonville Road, Kent, NY
TM: 12.-1-88 Request for Bond Return Review
- Patterson Crossing
Route 311, Kent, NY;
TM: 22.-2-48 Reapproval of Site Plan/Wetlands Permit/
Erosion Control/SWPPP Review
- Lewis/Ackerley
72 Barrett Circle, Kent, NY
TM: 42.12-1-25 Erosion Control Review
- Anthony Reyes/Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 Erosion Control Plan Review
- Holmes Presbyterian
60 Denton Lake Road, Holmes, NY
TM: 2.-1-47-1 Site Plan/
Erosion Control Plan Review
- Gipsy Trail Club
607 Gipsy Trail, Kent, NY
TM: 32.-1-25 Request for Erosion Control Bond Return Review

- Vaughn Property
10 Smokey Hollow Ct., Kent, NY
TM: 43.-2-42 Request for release of
Erosion Control Bond Review
- Bene Property
Tibet Dr., Kent, NY
TM: 30.20-1-16 Accept Bond Review
- Permit Applications Review (Applicants attendance not required/Workshop Discussion):
- Dogward Bound
461 Richardsville Road, Kent, NY
TM: 30.12-1-1 Erosion Control/
Site Plan Status Report
- Rodriguez/Olson
104 Smalley Corner Road, Kent, NY
TM: 21.-1-10 Subdivision Status Report
- O'Mara Property
Mt. Nimham, Kent, NY
TM: 10.20-1-1 Erosion Control Plan Status Report
- Boccia Property
Beach Court, Kent, NY
TM: 21.-1-16 Erosion Control Plan/Wetland Permit
Approve Bond Status Report
- Von Rosvinge Property
451 Pudding St., Kent, NY
TM: 31.17-1-7 Erosion Control Plan
for In-Ground Swimming Pool Status Report
- O'Mara Property
Peekskill Hollow Road, Kent, NY
TM: 42.07-1-7 Erosion Control Plan Status Report
- O'Mara Property
Lhasa Court, Kent, NY
TM: 31.09-1-6 Erosion Control Plan Status Report

RESOLUTION #21
Year 2017

Date: November 9, 2017

From: The Kent Planning Board

To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson

CC: W. Walters, Building Inspector - w/Att J. Ramos – w/Att.
L. Cappelli, Town Clerk – w/Att Finance Department – w/Att.

Re: Request to Return Erosion Control Bond
AlexSandra Vaughn, 10 Smokey Hollow Ct., Kent, NY; TM: 43.-2-42

Resolved: On November 9, 2017 the Kent Planning Board reviewed material submitted by Ms. Vaughn requesting the two year waiting period be waived to return her erosion control bond in the amount of \$420.00. The property has been inspected and found to be stable. Mr. McDermott asked for a motion to forward a request to the Kent Town Board to take the above action and to waive the two-year waiting period. The motion was made by Mr. Tolmach and seconded by Mr. Wilhelm. The roll call vote was as follows:

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

The motion carried.

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 November 9, 2017.

Dated: November 9, 2017



Vera Patterson

RESOLUTION #22

Year 2017

Date: November 9, 2017
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson
CC: W. Walters, Building Inspector - w/Att J. Ramos – w/Att.
L. Cappelli, Town Clerk – w/Att Finance Department – w/Att.
Re: Request to Accept Erosion Control Bond
Eric Arell, Kentview Drive, Kent, NY; TM: 10.20-1-71

Resolved: On November 9, 2017 the Kent Planning Board reviewed material submitted by Mr. John Karell, who represented Mr. Eric Arell, the owner of the property mentioned above. Mr. Karell requested that the Kent Planning Board accept an Erosion Control bond in the amount of \$12,890.00. This project involves construction of a single-family residence.

Mr. McDermott asked for a motion to forward a request to the Kent Town Board to take the above action. The motion was made by Mr. Tolmach and seconded by Mr. Lowes. The roll call vote was as follows:

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

The motion carried.

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 November 9, 2017.

Dated: November 9, 2017



Vera Patterson
Planning Board Secretary

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

C. Bendt of Sioux Falls,
State of South Dakota, with limited authority, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One EROSION AND SEDIMENT CONTROL TOWN OF KENT

bond with bond number 71975359

for ERIC O. ARELL
as Principal in the penalty amount not to exceed: \$12,890.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by
Vice President with the corporate seal affixed this 4th day of December,
2017

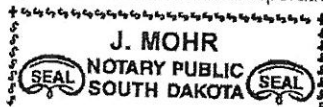
ATTEST

A. Vietor
A. Vietor, Assistant Secretary

WESTERN SURETY COMPANY
By Paul T. Bruflat
Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 4th day of December, 2017, before me, a Notary Public, personally appeared
Paul T. Bruflat and A. Vietor
who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the
voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J. Mohr

Notary Public

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.
Form 872-1-2016

RESOLUTION #22
Year 2017

Date: November 9, 2017
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson
CC: W. Walters, Building Inspector - w/Att J. Ramos – w/Att.
L. Cappelli, Town Clerk - w/Att Finance Department – w/Att.
Re: Request to Accept Erosion Control Bond
Eric Arell, Kentview Drive, Kent, NY; TM: 10.20-1-71

Resolved: On November 9, 2017 the Kent Planning Board reviewed material submitted by Mr. John Karell, who represented Mr. Eric Arell, the owner of the property mentioned above. Mr. Karell requested that the Kent Planning Board accept an Erosion Control bond in the amount of \$12,890.00. This project involves construction of a single-family residence.

Mr. McDermott asked for a motion to forward a request to the Kent Town Board to take the above action. The motion was made by Mr. Tolmach and seconded by Mr. Lowes. The roll call vote was as follows:


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

The motion carried.

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 November 9, 2017.

Dated: November 9, 2017



Vera Patterson
Planning Board Secretary

RECEIPT

DATE Dec. 7, 2017 No. 152550

RECEIVED FROM Eric Grell / T.M. 10.20-1-71 \$12,890.⁰⁰

Surety Bond / Western Surety \$12,890.00 DOLLARS

FOR RENT
 FOR Erosion Control Bond - T.M. 10.20-1-71

ACCOUNT	
PAYMENT	
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM U. Patterson TO E. Grell
BY _____

Bond# 71975359

Effective Date: November 27, 2017

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

Eric Arell

131 Dyckman Road

Carmel, NY 10512

For Property Located on:

Kentview Drive

Kent, NY 10512

TM: 10.20-1-71

Bond given by Eric Arell, 131 Dyckman Road, Carmel, NY 10512, whose property is located on Kentview Drive, Kent, NY 10512/Tax Map: 10.20-1-71 ("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 11/27/2017

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$12,890.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained the 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 the Erosion and Sediment Control Plan, Lot Line Adjustment documents, shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit Applications, the Obligor has submitted to the Obligee, plans and specifications for the land development activity known as the Arell property ("Project Plans") and the Erosion and Sediment Control Plan, prepared John Karell, 121 Cushman Road, Patterson, New York, 12563. All these plans were reviewed and approved on November 9, 2018 by the Obligee. A Resolution of Approval of land development activity in the nature of a Steep Slope and Erosion Control Permit and Site Plan approval of plans to construct a single family house, with driveway, septic system and a well on a vacant lot in zoning district R-80 was approved on November 9, 2018. 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-0-10-001.

WHEREAS, as condition to the issuance and approval of an Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligee with a cash escrow, an irrevocable letter of credit, a surety bond, 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.

WHEREAS, the Planning Board of the Town of Kent has granted the Erosion Control Permit subject to the posting of two checks made out to the Town of Kent, one in the amount of \$12,890.00 as a performance guarantee to be deposited into an escrow account pending the completion of the project for which the erosion control measures are necessary; and a second in the amount of \$1,000.00 as the final inspection fee, and delivered to:

The Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

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 **Eric Arell, 131 Dyckman Road, Carmel, NY 10512**.

In the event the erosion control work allowed shall not have been duly completed by **ERIC ARELL**, 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 **ERIC ARELL**; 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 **ERIC ARELL**; 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 **ERIC ARELL**;

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 ERIC ARELL;

Dated: December 4, ~~2018~~ 2017

ERIC ARELL

By: Eric O. Arell
(signature)

By: _____
(signature)

WESTERN SURETY COMPANY
(print/type signatory's name)

C. Bendt

C. Bendt, Ass't Sec.
(print/type signatory's title)



STATE OF New York)

) ss.:

COUNTY OF Putnam)

On the 1th day of December, 2018¹⁷, before me, the undersigned, a notary public in and for said state, personally appeared Eric Arell, 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.

Tina Marie Byrne
NOTARY PUBLIC

TINA MARIE BYRNE
Notary Public, State of New York
No. 01870105000
Qualified in Putnam County
Term Expires March 20, 2019

ACKNOWLEDGMENT OF SURETY
(Corporate Officer)

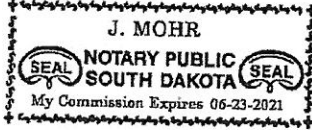
STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 4th day of December, 2017, before me, a Notary Public in

and for said County, personally appeared C. Bendt, Assistant Secretary
personally known to me, who being by me duly sworn, did say that he/she is the aforesaid officer of WESTERN SURETY
COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, that the seal affixed
to the foregoing instrument is the corporate seal of said corporation, that the said instrument was signed, sealed and
executed on behalf of said corporation by authority of its Board of Directors, and further acknowledge that the said
instrument and the execution thereof to be the voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

My commission expires:



J Mohr
Notary Public

Received
mo/date/year

NOV - 2 2017

Planning Department
Town of Kent

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

November 2, 2017

RESPONSE TO COMMENTS ARELL, KENTVIEW DRIVE, KENT (T)
TM # 10.20-1-71

JULIE MANGARILLO, P.E., OCTOBER 12, 2017

- 7. Mr. Othmer has been consulted.
- 10. HD approval is attached.
 - EC-1 attached and vacant removed
 - The bond estimate must be revised to include a 3rd yard drain.

NEW COMMENTS

- 1. Mr. Othmer has been consulted.
- 2. Soil legend added.
- 3.4. Yard drain relocated and an additional yard drain added.
- 5. Stone curb detail provided.
- 6. Note provided.
- 7. Sequence of construction added.
- 8. Calculations have been revised.

Cornerstone Associates, Bruce Barber dated October 12, 2017

- 1. All proposed grading has been shown on the plans. Wall heights are provided.
- 2. The limit of disturbance has been relocated to provide a 15-20 foot buffer to the property to the north. The existing stone wall at the rear of the house will be left in place from the property line to the north to tree # 6. For clarity the proposed stone wall has been darkened.
- 3. Note has been added to the plans regarding long term maintenance of the lawn drains.
- 4. HD approval is attached. The HD does not require removal of trees in the expansion area when fill for the septic area is not required.
- 5. Pipe relocated.
- 6. Soils table provided.
- 7. Tree protection detail provided.
- 8. Tree plantings are shown to partially screen the property to the north.
- 9. Bat note provided.

9/28/17

ARELL

CALCULATION 6" DRAIN PIPE

PER SEALEY

TD#1

R = 383.5 1.1% 6" pipe 0.6 CFS

I 381.5

} PIPE CAPACITY

TD#2

R = 388.2 5.8% 6" pipe 1.4 CFS

I 380.5

IMPERVIOUS HOUSE + DRIVEWAY 3000 SF

design: 1" rainfall in 1 hour

$$3000 \text{ SF} \times .083 (1") = 249 \text{ CF @ } 1" / \text{HR}$$

$$\begin{aligned} \text{CFS} &= 249 \text{ CF} / \text{HR} \div 60 \text{ MIN} / \text{HR} \div 60 \text{ SEC} / \text{MIN} \\ &= 0.07 \text{ CFS} \end{aligned}$$

therefore

BOTH PIPE SECTIONS CAN PASS DESIGN FLOW

10/18/17

JK

design STR 5.1" #1HR

$$3000 \text{ SF} \times 0.49 (5.1") = 1275 \text{ CF @ } 5.1" / \text{HR}$$

$$\begin{aligned} \text{CFS} &= 1275 \div 60 \text{ MIN} / \text{HR} \div 60 \text{ SEC} / \text{MIN} \\ &= 0.35 \text{ CFS} \end{aligned}$$

6" pipe can pass design flow

7/6/17
Received
Date/year

**PUTNAM COUNTY DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

NOV - 2 2017

CONSTRUCTION PERMIT FOR SEWAGE TREATMENT SYSTEM

PERMIT # K-07-05 Planning Department
Town of Kent

Located at Kent View Drive Town or Village Kent (T)

Subdivision name CARMEL PARK ^{SECT A.} Subd. Lot # Tax Map 10.20 Block 1 Lot 71

Date Subdivision Approved 7/2/56 Renewal Revision

Owner/Applicant Name ERIC ARELL Date of Previous Approval 3/24/05

Mailing Address 131 DYCKMAN ROAD, CARMEL, NY Zip 10512

Amount of Fee Enclosed \$500.-

Building Type WOOD FRAME Lot Area 0.9 AC No. of Bedrooms 3 Design Flow GPD 450

Fill Section Only _____ Depth _____ Volume _____ PCHD NOTIFICATION IS REQUIRED WHEN FILL IS COMPLETED

Separate Sewerage System to consist of 1250 gallon septic tank and 300LF 2FT
TRENCH

Other Requirements: _____

To be constructed by TO BE DETERMINED Address _____

Water Supply: _____ Public Supply From _____ Address _____

or: Private Supply Drilled by TO BE DETERMINED Address _____

I represent that I am wholly and completely responsible for the design and location of the proposed system(s) and that the separate sewage treatment system described above will be constructed as shown on the approved amendment thereto and in accordance with the standards, rules and regulations of the Putnam County Department of Health, and that on completion thereof a "Certificate of Construction Compliance" satisfactory to the Public Health Director will be submitted to the Department, and a written guarantee will be furnished the owner, his successors, heirs or assigns by the builder, that said builder will place in good operating condition any part of said sewage treatment system during the period of two (2) years immediately following the date of the issuance of the approval of the Certificate of Construction Compliance of the original system or any repairs thereto.

Signed: [Signature] P.E. R.A. _____ Date 05/04/17
Address 124 Cushman Blvd, Patterson, NY License # 55277

APPROVED FOR CONSTRUCTION: This approval expires two years from the date issued unless construction of the sewage treatment system has been completed and inspected by the PCHD and is revocable for cause or may be amended or modified when considered necessary by the Public Health Director. Any revision or alteration of the approved plan requires a new permit. Approved for discharge of domestic sanitary sewage only.

By: [Signature] P.E. Title: APHE Date: 10/25/17

White copy - HD File; Yellow copy - Building Inspector; Pink copy - Owner; Orange copy - Design Professional
Form CP-97

**PUTNAM COUNTY DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

APPLICATION TO CONSTRUCT A WATER WELL

Please print or type

PCHD Permit # K-07-03

Well Location	Street Address: <u>KENTVIEW DRIVE</u>	Town/Village: <u>KENT (T)</u>	Tax Map # Map <u>10.20</u> Block <u>1</u> Lot(s) <u>71</u>
Well Owner:	Name: <u>ERIC ARELL</u>	Address: <u>CARMEI NY 131 DYCKMAN RD</u>	Phone # <u>845 416 0121</u>
Use of Well 1- Primary 2-Secondary	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Business <input type="checkbox"/> Industrial	<input type="checkbox"/> Public Supply <input type="checkbox"/> Farm <input type="checkbox"/> Institutional	<input type="checkbox"/> Irrigation <input type="checkbox"/> Test/Monitoring
Amount of Use	Yield Sought <u>5</u> gpm	# People Served <u>6</u>	Est. of Daily Usage <u>200</u> gal.
Reason for Drilling	<input type="checkbox"/> Replace Existing Supply <input checked="" type="checkbox"/> New Supply (new dwelling)	<input type="checkbox"/> Test/Observation <input type="checkbox"/> Deepen Existing Well	<input type="checkbox"/> Additional Supply
Detailed Reason for Drilling	<u>new house</u>		
Well Type	<input checked="" type="checkbox"/> Drilled	<input type="checkbox"/> Driven	<input type="checkbox"/> Gravel <input type="checkbox"/> Other
Is well site subject to flooding?..... Yes ___ No <input checked="" type="checkbox"/>			
Is well located in a realty subdivision? <u>Y</u> Yes <input checked="" type="checkbox"/> No ___			
Name of subdivision <u>Carmel Park Section A</u> Lot No. _____			
Water Well Contractor: <u>To be determined</u> Address: _____			
Is Public Water Supply available on site?..... Yes ___ No <input checked="" type="checkbox"/>			
Name of Public Water Supply: _____ Town/Village _____			
Distance to property from nearest water main: _____			
Proposed well location & sources of contamination to be provided on separate sheet/plan. <u>see plan</u>			
Date: <u>05/04/19</u>	Applicant Signature: <u>[Signature]</u>		

PERMIT TO CONSTRUCT A WATER WELL

This permit to construct one water well as set forth above, is granted under provisions of Article 10 of the Putnam County Sanitary Code and Subpart 5-2 of Part 5 of the New York State Sanitary Code and provided that within thirty (30) days of the completion of water well construction, the applicant or their designated representative shall: 1) Pump the well until the water is clear. 2) Disinfect the well in accordance with the requirements of the Putnam County Health Department. 3) Submit a Well Completion Report on a form provided by the Putnam County Health Department. 4) The well driller shall abide by all conditions of the permit. 5) During all well drilling operations the well driller shall take appropriate action to assure that any and all water and waste products from such well drilling operations be contained on this property and in such a manner as not to degrade or otherwise contaminate surface or groundwater.

Additional Permit Requirements: _____

APPROVED FOR CONSTRUCTION: This approval expires two years from the date issued unless construction of the well has been completed and inspected by the PCDOH and is revocable for cause or may be amended or modified when considered necessary by the Commissioner of Health. Any revision or alteration of the approved plan requires a new permit. Well to be constructed by a water well driller licensed by Putnam County.

Date of Issue: 10/25/17 Permit Issuing Official: [Signature]
 Date of Expiration: 10/25/19 Title: APDR
 Permit is Non-Transferable

Received
mo/date/year

OCT - 2 2017

VAN DEWATER AND VAN DEWATER, LLP
COUNSELORS AT LAW

Planning Department
Town of Kent

John B. Van DeWater (1892-1968)
Robert B. Van DeWater (1921-1990)
James E. Nelson
Gerard J. Comatos, Jr.
Ronald C. Blass, Jr.
Kyle W. Barnett
Daniel F. Thomas III

85 CIVIC CENTER PLAZA, SUITE 101
P.O. BOX 112
POUGHKEEPSIE, NEW YORK 12601

(845) 452-5900
Fax (845) 452-5848

Noel deCordova, Jr. (1929-2013)
Edward vK Cunningham, Jr.
John K. Gifford
Jeffrey S. Battistoni
Janis M. Gomez Anderson
Counsel

Rebecca S. Mensch

Danielle E. Strauch
Erin L. O'Dea

WEBSITE ADDRESS:
www.vandewaterlaw.com

GENERAL E-MAIL ADDRESS:
info@vandewaterlaw.com

September 29, 2017

William Shilling, Jr., Esq.
122 Old Route 6
Carmel, New York 10512

Re: Town of Kent (Armstrong Solar, LLC)
Our File No. 11011-0066

Dear Mr. Shilling:

Your letter of August 17, 2017 has been referred to me by the Planning Board for response.

I believe you would agree that the Planning Board does not have the function of interpreting local zoning laws. That is the function of the Code Enforcement Officer, whose determinations are appealable to the Zoning Board of Appeals.

Article XVI of Chapter 77 of the Town Code, Zoning, establishes the zoning district of the Zoning Board of Appeals. Under Section 77-57(A) the ZBA sits to hear appeals from administrative officials charged with enforcement of Chapter 77.

The jurisdiction of the ZBA is appellate. There is no provisions for referral of matters by the Planning Board to the Zoning Board of Appeals.

I am not certain whether the Code Enforcement Officer has addressed your issue or not. If not, the proper path is to obtain a ruling from him, and to appeal to the Zoning Board of Appeals in the event of disagreement.

It is neither the function of the Planning Board to interpret the Code, nor to refer matters to the Zoning Board of Appeals.

Thank you.

Very truly yours,

VAN DEWATER & VAN DEWATER, LLP

By: _____

RONALD C. BLASS, JR.

RCB/jbo

cc: Michael McDermott, Planning Board Chair
Neil Wilson, Planning Consultant

U:\DOCS\11011\00066\CORRES\23T6954.DOCX

Received
mo/date/year

OCT - 2 2017

Planning Department
Town of Kent

Hartshorn Professional Park, LLC

641 Ludingtonville Road
Holmes, NY 12531

Mailing Address: 843 Farmers Mills Rd., Carmel, N.Y. 10512

Fax# 845-228-5597

Cell# 845-705-5596

Home# 845-225-5615

Email: KHarts1965@AOL.COM

September 25, 2017

Maureen Fleming
Town of Kent
25 Sybil's Crossing
Kent Lakes, NY 10512

Dear Maureen,

It has been brought to my attention by Insite Engineering that I need to have a "Stormwater Management Facilities Inspection and Maintenance Agreement" signed and notarized by you and myself. This is the final piece that is needed to finish out all of the requirements for my project.

Please sign, notarize and return to:

Insite Engineering, Attention: John Watson, 3 Garrett Place, Carmel, NY 10512

Thank you for your prompt attention in this matter.

Sincerely,



Kathy Hartshorn

STORMWATER MANAGEMENT FACILITIES
INSPECTION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made this 25th day of September, 2017, by and between HARTSHORN PROFESSIONAL PARK, LLC, a domestic limited liability company, with its principal place of business located at 843 Farmers Mills Road, Carmel, New York, 10512 ("Owner"), and the TOWN OF KENT, a municipal corporation having an office at Town Hall, 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Town").

WITNESSETH:

WHEREAS, Owner is the current fee owner of certain premises located in the Town of Kent, County of Putnam and State of New York having tax map number 12.-1-88 (the "Premises"); and

WHEREAS, Owner pursued one or more approvals from the Town for land development activity at the Premises, in connection with which stormwater management facilities (the "Facilities"), are required in accordance with the Town's Code in effect as of the date of this Agreement (the "Code"); and

WHEREAS, on March 9, 2017, the Kent Planning Board adopted a resolution of amended site plan approval of land development activity in the nature of special use permit and site plan approval of development of a ± 3.17 acre site located on Ludingtonville Road for use as a contractor's business office; contractors yard and warehouse; and

WHEREAS, as a condition to the issuance of such approval(s) the Code further requires Owner to execute this Agreement and record the same in the Office of the Putnam County Clerk.

WHEREAS, the Facilities shall be constructed in accordance with the Project Plans prepared by Insite Engineering, Surveying & Landscape Architecture, P. C., 3 Garrett Place, Carmel, New York, 10512 bearing a latest revision date of August 7, 2012 and amended site plan bearing the latest revision date of February 22, 2017.

NOW THEREFORE, for valuable consideration received, the Owner and the Town hereby agree as follows:

1. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall be bound to and shall perform the maintenance provisions more specifically described in a report entitled "Stormwater Pollution Prevention Plan", prepared by Insite Engineering, Surveying & Landscape Architecture, P. C., 3 Garrett Place, Carmel, New York, 10512, and bearing last revision date of August 7, 2012, and Addendum dated January 27, 2017 and Addendum #2 dated July 5, 2017 (the "SWPPP"), and any standards or notes regarding stormwater facility maintenance otherwise included in the approved Project Plans, as well as all relevant standards under state and local regulations.

2. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall maintain, clean, repair, replace and continue the stormwater control measures for the Facilities described in the SWPPP and depicted on the Project Plans as necessary to ensure optimum performance of the measures to design specifications, in accordance with all applicable Standards.

3. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall be responsible for all expenses related to the maintenance of the stormwater control measures for the Facilities and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities within ninety (90) days after any conveyance or transfer.

4. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall provide for the periodic inspection of the stormwater control measures for the Facilities, not less than once in every five-year (5-year) period, to determine the condition and integrity of the measures. Such inspection shall be performed by a professional engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Stormwater Management Officer of the Town of Kent ("SMO"), within thirty (30) days of the inspection, a written report of the findings, including recommendations for those actions necessary for the continuation of the stormwater control measures for the Facility.

5. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Facilities' stormwater control measures except in accordance with prior written approval of the SMO.

6. The Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall promptly undertake necessary repairs and replacement of the Facilities' stormwater control measures at the direction of the SMO or in accordance with the recommendations of the inspecting engineer.

7. If ever the SMO determines that the Facilities' Owner, or upon Owner's conveyance of the Premises, its successors or assigns, has failed to construct, inspect, operate or maintain the Facilities' stormwater control measures in accordance with the project plans or this Agreement, or has failed to undertake corrective action specified by the SMO or by the inspecting engineer, the SMO is authorized to undertake such steps as reasonably necessary for the construction, inspection, preservation, continuation or maintenance of the Facilities' stormwater control measures. The Facilities' Owner, or upon Owner's conveyance of the Premises, its successors and assigns, shall be responsible to reimburse the Town for any costs incurred, including attorneys fees and other consultant fees and expenses, by the Town as a result of, or arising out of, owner failure to meet its obligations under this Agreement.

8. In the event of failure to reimburse the Town for such costs incurred by the Town pursuant to Paragraph 10, the Town may seek recovery as follows:

- a. The Town may seek recovery of unreimbursed fees by action, in law or in equity, venued in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorneys' fees expended by the Town in prosecuting such action.
- b. Alternatively, and at the sole discretion of the Town, the Town may seek recovery of unreimbursed fees by converting any amount expended or caused to be expended by the Town by charging such sums against the Premises, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Comptroller, to be applied in reimbursing the fund from which the costs were defrayed for the unreimbursed fees.

9. Any damage to the Facilities caused by the Town in inspecting the said stormwater control system shall be restored, repaired or otherwise remedied by the Town.

10. In the event that the New York State Department of Environmental Conservation ("NYSDEC") serves a notice of violation upon the Town, brings an administrative complaint against the Town and/or commences a civil suit against the Town due to a violation of the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems GP-0-15-003, and such notice of violation, administrative complaint or civil suit is a result of, due to a consequence of or the outcome of any action by the Owner, or its successors or assigns, in violation of any of the provisions of this Agreement or of Chapter 66 of the Code of the Town of Kent, the Owner or its successors or assigns shall indemnify and hold harmless the Town for any and all fines, damages or penalties imposed by the NYSDEC upon the Town.

11. Owner shall provide to the Town, prior to construction of any of the Facilities, a performance bond, supported by sufficient security in an amount determined by the Town and in the form of a cash escrow, irrevocable letter of credit, or certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the project and names the Town as the beneficiary. The performance guarantee shall remain in force until the Owner 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 other such certification that the Facilities have been constructed in accordance with the approved plans and specifications and that a two-year inspection has been conducted and the Facilities have been found to be acceptable to the Town as required by Chapter 66 of the Code of the Town of Kent.

12. Owner hereby covenants that the Owner is seized of the Premises in fee simple and has good right to execute this Agreement; shall do nothing in the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement; and shall execute and deliver any further documents reasonably necessary to assure the benefits of this Agreement to the Town.

13. This Agreement shall run with the land in perpetuity and is binding upon the Owner, its successors and assigns.

IN WITNESS WHEREOF, the Owner and the Town have executed this Agreement as of the date first herein above set forth.

TOWN OF KENT

HARTSHORN PROFESSIONAL PARK, LLC

By: [Signature]
Maureen Fleming, Supervisor

By: [Signature]
Print Name: George H. Hartshorn
Print Title: CEO/President

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

On the 4th day of Oct., in the year 2017, before me, the undersigned, personally appeared Maureen Fleming, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or person upon behalf of which individual acted, executed the instrument.

[Signature]
NOTARY PUBLIC
ELAN G. ABRAMSON-RIGU
Notary Public, State of New York
No. 01AB4786620
Qualified in Putnam County
My Commission Expires on December 31, 20 17

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

On the 25 day of SEPTEMBER, in the year 2017, before me, the undersigned, personally appeared GEORGE H. HARTSHORN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or person upon behalf of which individual acted, executed the instrument.

[Signature]
NOTARY PUBLIC
SYLVIA ANN...
Notary Public, State of New York
No. 01A50016991
Qualified in Westchester County
Commission Expires 04/24/20 20

Record & Return to:
VanDeWater & VanDeWater, LLP
P. O. Box 112
Poughkeepsie, NY 12602

U:\DOCS\11011\00054\AGRMT\2076450.DOC



Received
mo/date/year

OCT - 2 2017

Planning Department
Town of Kent

September 25, 2017

Vincent Sapienza
Acting Commissioner

Mr. Eric M. Schlobohm, P.E.
Insite Engineering, Surveying & Landscape Architecture, P.C.
3 Garrett Place
Carmel, NY 10512

Via email: eschlobohm@insite-eng.com

Re: Harshorn Professional Park- Amended SWPPP
Ludingtonville Road
(T) Kent, Putnam County, New York
DEP Log #2012-MB-0124-SP.1

Paul V. Rush, P.E.
Deputy Commissioner
prush@dep.nyc.gov

Dear Mr. Schlobohm:

465 Columbus Ave.
Valhalla, New York
10595

Tel. (845) 340-7800
Fax (845) 334-7175

This letter is to inform you that your application to engage in the above referenced regulated activity pursuant to the "Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources" (Regulations) was approved on September 25, 2017.

The Department reserves the right to modify, suspend or revoke this approval based on the grounds set forth in Section 18-26 of the Regulations. The activity proposed in your application only applies to the terms of this approval and is subject to the Regulations cited above. Failure to comply with the conditions of the approval may be the cause for suspension of this approval and initiation of an enforcement action. Should modification, suspension or revocation of an approval be necessary, the Department will notify the regulated party, via certified mail or personal service prior to modifying, suspending or revoking the approval. The notice will state the alleged facts or conduct which appear to warrant the intended action and explain the procedures to be followed.

The Regulations provide that an applicant may appeal the imposition of a substantial condition in an approval by filing a petition, in writing, with NYCDEP and with the New York City Office of Administrative Trials and Hearings (OATH) within thirty days of the date this determination was mailed.



New York City Department of Environmental Protection

DETERMINATION

STORMWATER POLLUTION PREVENTION PLAN

Pursuant to the authority granted under:

Article 11 of the New York State Public Health Law;
Rules and Regulations For The Protection From Contamination, Degradation and
Pollution Of The New York City Water Supply and Its Sources, 15 RCNY Chapter 18, 10
NYCRR Part 128.

New York City Department of Environmental Protection makes the following determinations
with respect to the stormwater pollution prevention plan described below:

Name of Project: Hartshorn Professional Park Amended SWPPP

Location: Ludingtonville Road/Kent, Putnam County
Tax Map # 12-1-88

Owner: Hartshorn Professional Park, LLC

Address: 843 Farmers Mills Road
Carmel, NY, 10512

Drainage Basin: Middle Branch Reservoir

General Description:

The project initially consisted of one commercial building totaling 9,600 square feet and associated parking. Initially, the total new impervious surface proposed was 39,204 and proposed site disturbance was under two acres. The project was revised to include additional paved areas at the site resulting in an increase of 4,356 square feet for a total of 43,560 square feet of new impervious surfaces. Further, the amount of disturbance was increased to more than two acres located in part on a slope exceeding 15 percent. Therefore, the project as revised during construction requires DEP review and approval of a Stormwater Pollution Prevention Plan (SWPPP) from New York City Department of Environmental Protection under the criteria 18-39(b) (3) (iii) and 18-39(b) (3) (iv) of Watershed Regulations.

Two grass swales, a sedimentation forebay, and an infiltration basin provide stormwater quality treatment and stormwater peak flow attenuation. The runoff reduction requirement was met using the standard stormwater water practice (infiltration basin) built onsite with runoff reduction capacity. The SWPPP has been implemented in accordance with the plans titled Hartshorn

STORMWATER POLLUTION PREVENTION PLAN

*Hartshorn Professional Park Amended SWPPP
Town of Kent, New York*

*September 25, 2017
Page 2 of 6*

Professional Park, Tax Map # 12-1-88, Town of Kent, New York, prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C., New York (see appendix A).

(XX) Approved () Denied

Conditions of Approval:

This approval is granted with the following conditions:

- The regulated activity must be conducted in compliance with the plans as approved, listed in Appendix A, all applicable accepted standards, and all applicable laws, rules and regulations. Any alteration of the plans must be approved by DEP prior to construction.
- Alteration or modification shall require DEP review and approval of an amended SWPPP.
- Failure to comply with any of the conditions of this approval is a violation of this approval and the Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources.
- The stormwater management facilities must be maintained in accordance with the maintenance schedule included in the SWPPP and approved by DEP.
- This approval and all conditions of the approval are binding on the owner of the property where the facility is to be located. Any references to the "applicant" in this approval or in any conditions of this approval shall be deemed to refer to the owner of such property.
- If the applicant sells or otherwise transfers title of 12-1-88 before all construction planned for the property is complete and the site is stabilized, the applicant shall require the new owner ("Buyer") to comply with the SWPPP approved by the New York City Department of Environmental Protection on September 25, 2017 including, but not limited to, all provisions relating to erosion and sediment control during construction and to all maintenance of the stormwater management facilities once construction is complete. In particular, the applicant shall provide the Buyer with a copy of the SWPPP and shall cause the following real covenants and restrictions to be recorded with the deed for **Hartshorn Professional Park** with the following provisions:
 - (1) Buyer hereby acknowledges covenants, warrants, and represents that he/she shall install and maintain any and all erosion controls and stormwater management

STORMWATER POLLUTION PREVENTION PLAN

*Hartshorn Professional Park Amended SWPPP
Town of Kent, New York*

*September 25, 2017
Page 3 of 6*

facilities on the premises in accordance with the SWPPP, such SWPPP being attached hereto as Exhibit __.

- (2) Buyer's installation and maintenance of the erosion control and stormwater management facilities shall be for the benefit of the City of New York as well as for the owners of **Hartshorn Professional Park**.
 - (3) Buyer's obligation to install and maintain any and all erosion controls and stormwater management facilities on the premises in accordance with the attached SWPPP shall be perpetual, shall run with the land, and shall be binding on Buyer's heirs, successors, and assigns.
 - (4) Buyer hereby covenants, warrants and represents that any lease, mortgage, subdivision, or other transfer of **Hartshorn Professional Park**, or any interest therein, shall be subject to the restrictive covenants contained herein pertaining to the installation and maintenance of erosion control and stormwater management facilities, and any deed, mortgage, or other instrument of conveyance shall specifically refer to the attached SWPPP and shall specifically state that the interest thereby conveyed is subject to covenants and restrictions contained herein.
- Prior to conveying title to **Hartshorn Professional Park**, the applicant shall submit to the New York City Department of Environmental Protection a proposed deed containing the aforementioned real covenants and restrictions.

Date: September 25, 2017

**Hartshorn Professional Park- Amended SWPPP
Ludingtonville Road
(T) Kent, Putnam County, New York
Tax Map # 12-1-88**

STORMWATER POLLUTION PREVENTION PLAN

*Hartshorn Professional Park Amended SWPPP
Town of Kent, New York*

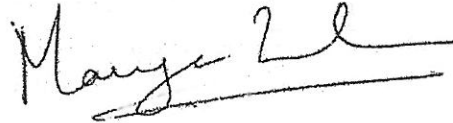
*September 25, 2017
Page 4 of 6*

Determination made by:



Mary P. Galasso
Supervisor
EOH, Stormwater Programs Group
Watershed Protection & Planning

Recommended for approval by:



Mariyam Zachariah
Associate Project Manager
EOH, Stormwater Programs Group
Watershed Protection & Planning

NYCDEP, 465 Columbus Avenue, Valhalla NY 10595

This determination letter must be maintained by the applicant and be readily available for inspection at the construction site.

STORMWATER POLLUTION PREVENTION PLAN

*Hartshorn Professional Park Amended SWPPP
Town of Kent, New York*

*September 25, 2017
Page 5 of 6*

APPENDIX A

The following documents were prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C., New York.

1. Stormwater Pollution Prevention Plan (SWPPP) Report for Hartshorn Professional Park, Tax Map # 12-1-88, Town of Kent, New York, Putnam County, New York, dated March 3, 2017. The report includes:
 - (i) Figure No. 2, Pre-Development Drainage Map, dated February 16, 2012, last revised April 30, 2012.
 - (ii) Figure No. 3, Post-Development Drainage Map, dated February 16, 2012, last revised August 7, 2012.
 - (iii) Figure No. 4, Stormwater Testing Plan, dated April 30, 2012, last revised July 23, 2012.
2. Addendum to the SWPPP for Hartshorn Professional Park Amended Site Plan, dated January 27, 2017.
 - (i) Drawing No.: SP-1, Amended Site Plan, Sheet 1 of 1, dated January 19, 2017, last revised on September 8, 2017.
3. Addendum #2 to the SWPPP for New York City Department of Environmental Protection (NYCDEP) Permitting, dated July 5, 2017 which includes:
 - (i) Figure No. 1, Location Map, dated February 6, 2012.
 - (ii) Figure No. 2, Pre-Development Drainage Map, dated February 16, 2012, last revised June 30, 2017.
 - (iii) Figure No. 3, Post-Development Drainage Map, dated February 16, 2012, last revised June 30, 2017.
 - (iv) Figure No. 4, Stormwater Testing Plan, dated April 30, 2012, last revised July 23, 2012.
4. The following set of plans are included in :
 - 1) Drawing No.: SP-1, Layout and Landscape Plan, Sheet 1 of 6, dated February 16, 2012 and last revised on August 7, 2012.

STORMWATER POLLUTION PREVENTION PLAN

*Hartshorn Professional Park Amended SWPPP
Town of Kent, New York*

*September 25, 2017
Page 6 of 6*

- 2) Drawing No.: SP-2, Grading and Utilities Plan, Sheet 2 of 6, dated February 16, 2012 and last revised on August 7, 2012.
- 3) Drawing No.: SP-3, Erosion and Sedimentation Control Plan, Sheet 3 of 6, dated February 16, 2012 and last revised on August 7, 2012.
- 4) Drawing No.: D-1, Site Details, Sheet 4 of 6, dated February 16, 2012 and last revised on August 7, 2012.
- 5) Drawing No.: D-2, Site Details, Sheet 5 of 6, dated February 16, 2012 and last revised on August 7, 2012.
- 6) Drawing No.: D-3, Site Details, Sheet 6 of 6, dated February 16, 2012 and last revised on August 7, 2012.

Planning Kent

From: Planning Kent
Sent: Friday, October 20, 2017 11:24 AM
To: barberbruce; Julie Mangarillo - RSA; Neil Wilson; Charles Sisto (Csisto4004@comcast.net); Dennis Lowes (dmls@verizon.net); edituhmike@verizon.net; Gary Lam (Glam0809@gmail.com); Phil Tolmach; spwilhelm@gmail.com; Planning Kent
Subject: FW: Hartshorn Professional Park - NOT
Attachments: NYS DEC Paper Oct. 2017.pdf

For November meeting.

Vera Patterson
Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512
845-225-7802 (T)
845-306-5293 (F)
planningkent@townofkentny.gov

From: John Watson [<mailto:JWatson@insite-eng.com>]
Sent: Friday, October 20, 2017 10:50 AM
To: Julie Mangarillo
Cc: Planning Kent
Subject: Hartshorn Professional Park - NOT

Hi Julie –
Attached is the signed NOT for Hartshorn. Please process this as part of our project closeout.
Thanks
JW

John M. Watson, PE
Senior Principal Engineer

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place
Carmel, New York 10512
(845) 225-9690 x131
(845) 225-9717 Fax
www.insite-eng.com



This email is intended for the sole use of the addressee(s). Any attached file(s) have been issued for convenience only and at the specific request of the client or their agent. It is specifically understood that any attached file(s) are not certified by Insite Engineering, Surveying, and Landscape Architecture, P.C. (Insite). No use or reproduction of the information provided is permitted without the written consent of Insite.

Planning Kent

From: John Watson [JWatson@insite-eng.com]
Sent: Friday, October 20, 2017 10:50 AM
To: Julie Mangarillo
Cc: Planning Kent
Subject: Hartshorn Professional Park - NOT
Attachments: NYS DEC Paper Oct. 2017.pdf

Hi Julie –

Attached is the signed NOT for Hartshorn. Please process this as part of our project closeout.

Thanks

JW

John M. Watson, PE
Senior Principal Engineer

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

3 Garrett Place
Carmel, New York 10512
(845) 225-9690 x131
(845) 225-9717 Fax
www.insite-eng.com



This email is intended for the sole use of the addressee(s). Any attached file(s) have been issued for convenience only and at the specific request of the client or their agent. It is specifically understood that any attached file(s) are not certified by Insite Engineering, Surveying, and Landscape Architecture, P.C. (Insite). No use or reproduction of the information provided is permitted without the written consent of Insite.

New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

(NOTE: Submit completed form to address above)

NOTICE OF TERMINATION for Storm Water Discharges Authorized
under the SPDES General Permit for Construction Activity

Please indicate your permit identification number: NYR 1 Q V 8 2 9

I. Owner or Operator Information

1. Owner/Operator Name: HARTSHORN PROFESSIONAL PARK, LLC.

2. Street Address: 843 FARMERS HILL ROAD

3. City/State/Zip: CARMEL, NEW YORK 10512

4. Contact Person: MS. KATHEYN HARTSHORN 4a. Telephone:

4b. Contact Person E-Mail: KHARTS1965@AOL.COM

II. Project Site Information

5. Project Site Name: HARTSHORN PROFESSIONAL PARK

6. Street Address: LUDINGTONVILLE ROAD

7. City/Zip: KENT, NEW YORK 10512

8. County: FUTNAM COUNTY

III. Reason for Termination

9a. All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. *Date final stabilization completed (month/year):

9b. Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR _____
(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. Other (Explain on Page 2)

IV. Final Site Information

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? yes no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? yes no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

HARTSHORN PROFESSIONAL PARK, LLC.

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? yes no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.

Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).

For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.

For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility, policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e., roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? 1.1 ACRES (acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? yes no

(If Yes, complete section VI - "MS4 Acceptance" statement.)

V. Additional Information/Explanation:

(Use this section to answer questions 9c. and 10c., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked - transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:

Title/Position:

Signature:

Date:

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name: JOHN M. WATSON, PE

Title/Position: PROJECT ENGINEER

Signature: [Handwritten Signature]

Date: 10/19/17

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name: JOHN M. WATSON, PE

Title/Position: PROJECT ENGINEER

Signature: [Handwritten Signature]

Date: 10/19/17

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name: George H. Hartshorn Jr.

Title/Position: President/Owner

Signature: [Handwritten Signature]

Date: 10/26/2017



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Bond return request

Date: November 9, 2017

Project: Hartshorn Professional Park
TM # 12.-1-88

The following material was reviewed:

- Letter prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 19, 2017
- Drawing, prepared by Insite, dated December 6, 2016, last revised 9/13/2017 including:
 - AB-1, "AS-Built Plan"
- Revised drawings and SWPPP as submitted to NYCDEP
- Letter from Hartshorn Professional Park, dated September 25, 2017, with "Stormwater Management Facilities Inspection and Maintenance Agreement"
- NYCDEP approval letter dated September 25, 2017.
- Notice of Termination (NOT)

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

The following is offered for consideration by the Planning Board from a previous memo dated February 16, 2017:

5. Indicate the locations of the handicapped parking spaces and standard parking spaces. Striping for individual standard parking spaces does not need to be shown, just general location. Include required accessible parking space signage. Also indicate loading zones.
 - a. **3/8/2017 Per ICC/Building Code of New York State supplement 1106.1.1 "Accessible parking spaces shall be in conformance with ICC A117.1 except that spaces shall be provided with access aisles at least 8 feet (2440 mm) in width." The accessible aisle shown should be revised to conform to 8 foot width.**
 - b. **11/9/2017 – The 9/19/2017 letter from Insite indicates the accessible aisle is 8 feet. Based on the as-built drawing and the 10/26/2017 site visit, the accessible aisles remain only 4 feet wide. Additionally, the accessible aisle on the north side of the building (facing Ludingtonville Road) does not have the required "No Parking" sign. The signage for the accessible parking space and accessible aisle should be added to the as-built.**

New Comments:

1. The revised as-built does not include the gravel trench at the south side of the storage shed for roof runoff.

- a. While this is more of a Health Department issue, the owner should consider providing a gutter at the end of the sloped roof of the storage shed to direct the roof runoff towards the stormwater management area instead of the septic field.
2. An unknown concrete box structure with a drain has been constructed next to propane tanks. The purpose of this should be identified and included on the as-built.
3. Bond reductions:

In March 2017, the Planning Board approved the following bond reductions:

Stormwater bond: releasing \$40,297 and Town maintaining \$10,000.

Erosion control bond: releasing \$7,844.50 and Town maintaining \$7,000.

Wetland mitigation bond: releasing \$6,000.00 and Town maintaining \$0.

Regarding the stormwater bond, per Town Code §66-24.A "...The performance guarantee shall remain in 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 facility(ies) have been constructed in accordance with the approved plans and specifications and that a two-year inspection has been conducted and the facilities have been found to be acceptable to the Town..."

There were some minor disturbances to the site as part of the recently amended site plan. Based on a conversation with John Watson, P.E. of Insite Engineering on November 8, 2017, the stormwater management facilities did not have to be disturbed as part of the amended site plan and subsequent required NYC DEP approval. There was sufficient excess capacity to handle the additional impervious area of the amended site plan.

We do not recommend the release of the entire remaining stormwater bond. We concur with the applicant's engineer that the construction of the stormwater basin has been completed and final stabilized for some time, possibly for more than 2 years by now. However, a "final inspection" could not be done due to the changes to the site in the amended site plan. We recommend the stormwater bond and agreement remain in place until the two year inspection is satisfactorily completed. We will consider the inspection date of October 26, 2017 as the date of the "final acceptance".

Our recommendation is to keep \$2,000 of the \$10,000 stormwater bond in place, with \$8,000 being returned to the applicant.

With site work completed, and only a relatively small amount of site disturbance was required to complete the amended site plan, the Planning Board could consider release of the erosion control bond. We would not object to the remaining \$7,000 erosion control bond being returned to the applicant.

Memorandum
Hartshorn Professional Park
TM # 12.-1-88
November 9, 2017
Page 3 of 3

Summary: If the Planning Board wishes to approve an additional bond reduction, we have no objection to the following:

Stormwater bond: releasing \$8,000 and Town maintaining \$2,000.

Erosion control bond: releasing \$7,000 and Town maintaining \$0.

We consider the site to be final stabilized and eligible for Notice of Termination sign-off. The executed Notice of Termination will be provided under separate cover.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
William Walters via email
Neil Wilson via email
Bruce Barber via email
John Watson, PE, Insite Engineering, via email
11-261-193



Received
mo/date/year

OCT 19 2017

Planning Department
Town of Kent

October 18, 2017

Town of Kent Planning Board
25 Sybil's Crossing
Kent, New York 10512

RE: Patterson Crossing Retail Center
NYS Route 311
Tax Map No. 22-2-48

Dear Chairman McDermott and Members of the Board:

With regard to the above-referenced project, enclosed are the fourteen (14) copies of the Summary of Approvals, dated October 18, 2017.

Also enclosed are the associated fees:

- Site Plan Application Fee in the amount of \$150.00.
- Erosion and Sediment Control Application Fee in the amount of \$500.00.
- Wetland Permit Application Fee in the amount of \$500.00.
- SWPPP Review Fee in the amount of \$100.00.

The applicant, Patterson Crossing Realty Company LLC is requesting re-approval of the subject project with no changes to the previously approved application materials or project drawings. As you are aware, the project obtained the Amended Site Plan Approval, Wetland Permit Approval and Steep Slopes and Erosion Control Permit Approval on January 12, 2017. Said approval will expire July 9, 2018.

Our client is asking that we apply for this re-approval a few months earlier than we have done in the past. This is due to the fact that he is working with a lender who has requested that he address this issue before the end of the year. He further informs us that bank regulations and project funding has become increasingly cumbersome and difficult. We have been applying for extensions and re-approvals to towns, agencies, and municipalities earlier than previously done in response to this. Accordingly, my client is asking that the Planning Board grant the re-approval at this time to address his lender's request.

We respectfully request that this project be placed on the November 9, 2017 Planning Board agenda to discuss the project re-approval. Should you have any questions or comments regarding the above information, please do not hesitate to contact me.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By: 
Jeffrey J. Contelmo, P.E.
Principal Engineer

JJC/jll/amk

Enclosures

cc: Fred Koelsch, CRI

Insite File No. 01124.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

Z:\E\01124100\Correspondence\Admin\2017\1018171kpb.doc

Gipsy Trail Club
Carmel, New York 10512
Tel. 845 225-3666
Fax 845 225-0200



FM. 32.-1-25
GIPSY TRAIL CLUB

September 29, 2017

Received
mo/date/year

OCT - 2 2017

Planning Department
Town of Kent

Vera Patterson
Planning Board Secretary
25 Sybil's Crossing
Kent, NY 10512

Dear Ms. Patterson,

I am writing to request that the Town of Kent Planning Board please refund the \$8,000.00 cash deposit made by Gipsy Trail Club, Inc. on October 16th, 2012 for erosion and sediment control relating to the construction project known as the Gipsy Trail Club Lower Lodge. Your email of August 11th, 2015 stated "the bond should be returned in June 2017" so we are following up with this request.

Copies of the original cashier's check written for the deposit and the Performance Bond For Erosion Control are attached for your reference.

Thank you for your assistance with this and please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Hendon".

Ron Hendon
General Manager

cc: Tracey Johnson, Chair, Lower Lodge Construction Committee
Lisa Margosian, Treasurer

RECEIPT

TOWN OF KENT-PLANNING BOARD
25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3102

DATE October 16, 2012

RECEIVED FROM Gypsy Trail \$ 8,000.00
Eight Thousand and 00/100 DOLLARS
FOR Erosion Control Bond

AMOUNT OF ACCOUNT		<input type="checkbox"/>	CASH
THIS PAYMENT		<input checked="" type="checkbox"/>	CHECK
BALANCE DUE		<input type="checkbox"/>	M.O.

6788800448

BY Richard Terry

THANK YOU

PRINTED ON LINEMARK PAPER HOLD TO LIGHT TO VIEW FOR ADDITIONAL SECURITY FEATURES SEE BACK

0067886 11-24
Office AU # 1210(8)

CASHIER'S CHECK

6788800448

Operator I.D.: ny001861 ny001861

October 16, 2012

PAY TO THE ORDER OF ***TOWN OF KENT***

Eight thousand dollars and no cents

***\$8,000.00**

WELLS FARGO BANK, N.A.
259 ROUTE 52
CARMEL, NY 10512
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 8,000.00
Richard Terry
CONTROLLER

Details on Back. Security Features Included.

⑈6788800448⑈ ⑆121000248⑆4861 513604⑈

0067886 11-24
Office AU # 1210(8)

CASHIER'S CHECK

SERIAL #: 6788800448

ACCOUNT#: 4861-513604

Purchaser: GIPSY TRAIL CLUB INC
Purchaser Account: 2000013507145
Operator I.D.: ny001861 ny001861

October 16, 2012

PAY TO THE ORDER OF ***TOWN OF KENT***

Eight thousand dollars and no cents

***\$8,000.00**

WELLS FARGO BANK, N.A.
259 ROUTE 52
CARMEL, NY 10512
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED YOU MAY REQUEST CANCELLATION
AND REISSUANCE AS A CONDITION TO CANCELLATION AND
REISSUANCE WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 8,000.00
NON-NEGOTIABLE

Purchaser Copy

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

Bond given by Trail Properties, Inc. (Gypsy Trail Club), Mr. Michael Spain, President, with its business address located at 607 Gypsy Trail Road, Kent, NY 10512. ("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 October 16, 2012. The project is the construction of a ±2,838 square foot lodge including ±1,455 square feet of area under a covered deck and an outside stone patio. There were no planning issues involved because Gypsy Trail Club is a private residential development and the lodge is not intended for public use. The Board focused on storm water issues related to the proposed construction.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$8,000.00 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS John Karell, Jr., P.E. ("Engineer") is seeking a Steep Slope and Erosion Control Permit on behalf of Gypsy Trail Club, from the Obligee for construction of a lodge/clubhouse entailing a disturbance on steep slopes, as that term is defined in Town of Kent Town Code (the "Code") Chapter 66, on certain real property located in the Town of Kent, in connection with which an erosion and sediment control plan (the "Erosion and Sediment Control Plan") shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit application, the Obligor has submitted to the Obligee, plans and specifications for the project known as the "Gypsy Trail Club- Lower Lodge" and the Erosion and Sediment Control Plan, prepared by CCS Architecture and John Karell, Jr., P.E., dated August 20, 2012, and last revised September 25, 2012, and such Project Plans and Erosion and Sediment Control Plan have been reviewed and approved by the Obligee; and

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 Obligee 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 specification forming the basis of such approved permit, and to pay an inspection fee in an amount as set from time to time by the Town of Kent Town Board; and

WHEREAS, the Planning Board of the Town of Kent has granted the Steep Slope and Erosion Control Permit subject to posting a check in the amount of \$8,000.00 as a performance guarantee, made out to the Town of Kent.

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly construct the aforesaid Project Plans in accordance with the Steep Slope and Erosion Control Permit approved by the Obligee and in accordance with the Erosion and Sediment Control Plan, and if said improvements are deemed complete and accepted by the Obligee, and 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 or surety as the Obligee shall deem sufficient. In furtherance of this covenant, the Obligor has obtained and hereby delivers to the Obligee the following security for faithful performance of this obligation:

Cash deposit in the form of an Official Bank Check drawn upon Wells Fargo Bank, N.A. and delivered to the Town of Kent Town Clerk on October 18, 2012.

In the event the work according to the Erosion and Sediment Control Plan shall not have been fully completed as required by conditions and specifications of the Steep Slope and Erosion Control Permit, the Obligee shall have the right to withdraw the aforesaid cash deposit and complete the work with full use of said sums as the Obligee requires.

The Obligor agrees to execute and/or endorse and deliver to the Obligee and/or the aforesaid Bank any documents required for the Obligee to call upon said cash deposit.

When the work according to the Erosion and Sediment Control Plan shall have been fully completed, either by the Obligor or Obligee, and the Obligor is released from its liability by the Obligee, the aforesaid cash deposit or the balance of the funds remaining after the work has been completed by the Obligee, if any, shall be returned or refunded to the Obligor.

The Obligee and its agents, employees, engineers and/or planners are hereby expressly authorized to enter upon the Owner's property for the purpose of inspecting the erosion and sediment control system and the site work being performed in accordance with the approved Project Plans, Erosion and Sediment Control Plan and Steep Slope and Erosion Control Permit and to complete the work in the event the Obligee fails to do so.

This performance bond may not be assigned or transferred without the prior written approval of the Town Board of the Town of Kent.

Dated: 10/16/, 2012

Trail Properties, Inc. (Gypsy Trail Club)

By: Michael Spain
(signature)

(print/type signatory's name)

Michael Spain, President

(print/type signatory's title)

STATE OF NEW YORK)

) ss.:

COUNTY OF PUTNAM)

On the 16th day of Oct, 2012, before me, the undersigned, a notary public in and for said state, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

SHEILA HARKER
Notary Public, State of New York
No. 4891674
Qualified in Putnam County
Commission Expires May 11, 2015

Sheila Harker
(Name)
Sheila Harker
(signature)

Notary Public, State of NY
(print/type signatory's title)

STATE OF New York)
) ss.:
COUNTY OF Putnam)

TOWN OF KENT
25 Sybil's Crossing
Kent Lakes, New York 10512

Yolanda D. Cappelli
Town Clerk

Administrative Office
Tel. (845) 225-2067
Fax. (845) 306-5282



RESOLUTION

Planning- Accept Performance Bond for Erosion Control Bond - Gipsy Trail Club Lower Lodge
TM#32.-1-25

On a motion by Councilwoman Osborn

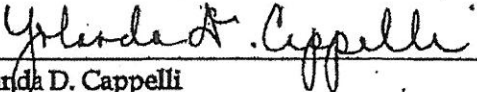
Seconded by Supervisor Doherty

Resolved: On the recommendation of the Kent Planning Board the Erosion Control Bond for the Gipsy Trail Club - Lower Lodge Tax Map #32.-1-25 in the amount of \$8,000.00 was accepted.

Motion carried unanimously

I, Yolanda D. Cappelli, Town Clerk of the Town of Kent, do hereby certify that the above is a true and exact copy of a Resolution adopted by the town board of the town of Kent at a meeting of said Board on November 27, 2012.

November 30, 2012


Yolanda D. Cappelli

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

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

Memo

DATE: October 15, 2012
TO: Supervisor Doherty and The Kent Town Board
FROM: Russell Fleming, Chairman and The Town of Kent Planning Board
CC: J. Butler, Building Inspector
L. Cappelli, Town Clerk
T. Conners
L. DiPierro, Finance Department
RE: Gipsy Trail Club – Lower Lodge
Kent, NY 10512
TM: 32.-1-25
Performance Bond Agreement for Erosion Control Bond

Please be advised that the Town of Kent Planning Board received an Erosion and Sediment Control Plan from Mr. Taylor Lawson, from CCS Architecture. Please note that Ms. Julie Mangarillo, Planning Board Engineer, reviewed and approved this plan.

Attached is the Bond Agreement and backup material supporting it, as well as the Resolution passed at the Planning Board meeting held on October 11, 2012 recommending that it be forwarded to the Town Board for their approval.

Mr. Michael Spain, President of Gipsy Trail Club (AKA Trail Properties, Inc.) has submitted the following (copies attached):

- Performance Bond Agreement for Erosion & Sediment Control and a Wetland Disturbance Permit, dated September 25, 2012
- Wells Fargo Check # 6788800448, dated October 16, 2012 in the amount of \$8,000

Two Bond Agreements and the check will be held until the Kent Town Board passes a resolution accepting the agreements and checks.

The Kent Planning Board reviewed, approved on October 11, 2012 to accept this Plan and Bond Agreement and would greatly appreciate it if the Town Board could review these documents and, if acceptable, approve them. The resolution to approve and accept this project and bond was made by George Brunner and seconded by Janis Bolbrock. It was also resolved to forward this resolution to the Town Board for their approval. The motion carried.

The vote was as follows:

Mr. Russell Fleming, Chairman	-	<u>Absent</u>	Mr. George Brunner (Alternate)	-	<u>Aye</u>
Mr. Michael McDermott, Vice Chairman	-	<u>Aye</u>	Mr. Michael Rose	-	<u>Absent</u>
Mr. George Baldwin (Alternate)	-	<u>Absent</u>	Mr. Charles Sisto	-	<u>Aye</u>
Mr. Janis Bolbrock	-	<u>Aye</u>	Mr. Phil Tolmach	-	<u>Aye</u>
			Ms. Glenna Wright	-	<u>Aye</u>

Very truly yours,



Russell P. Fleming, P.E.
Planning Board Chairman



Vincent Sapienza
Acting Commissioner

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

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

Received
mo/date/year

OCT 12 2017

Planning Department
Town of Kent

David A. Getz, P.E.
Lehman & Getz, P.C.
17 River Street
Warwick, New York 10990

Via email: Getz@lehmangetz.com

Re: Putnam Nursing and Rehabilitation Center
404 Ludingtonville Road
Section 12, Bloc 3, Lots 40 & 41
DEP Log # 2001-MB-0044-SP.2
Middle Branch Reservoir Drainage Basin

Dear Mr. Getz:

The New York City Department of Environmental Protection (DEP) reviewed the plan set for the above captioned project received on September 22, 2017 and conducted a site visit on July 26, 2017 to inspect for potential watercourses on the south side of the existing 3-story brick hospital, from Ludingtonville Road to the end of the gravel path. Based on our review and pursuant to regulatory thresholds detailed in Section §18-23(a)(5) of the *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources (Watershed Regulations)*, DEP did not witness any watercourses present on that particular area of the site. Should work be proposed in other areas of the site, DEP should be contacted for additional watercourse delineation.

This Determination is valid for a period of five (5) years to a future date of July 26, 2022 and is based on the July 26, 2017 site visit and the following plans prepared by Lehman & Getz Consulting Engineers, P.C. titled:

1. Watercourse Plan dated September 15, 2017.

If you have any questions, I may be reached at (914)749-5356.

Sincerely,

Andreea A. Oncioiu
Associate Project Manager II
EOH, Regulatory Review & Engineering
Watershed Protection Program

September 28, 2017
Planning Department
Town of Kent

OCT 12 2017

Received
mo/date/year



October 27, 2017

Vincent Sapienza
Acting Commissioner

Mrs. Jolanda Jansen, P.E.
Sloan Architects, P.C.
P O Box 373, Millbrook, NY 12545

Re: Holmes Presbyterian Camp & Conference Center
Town of Kent, Putnam County, NY
DEP log # 2010-EB-0120-SP.2

Dear Mrs. Jansen:

This letter is to inform you that your application to engage in the above referenced regulated activity pursuant to the "Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources" (Regulations) was approved on October 27, 2017.

The Department reserves the right to modify, suspend or revoke this approval based on the grounds set forth in Section 18-26 of the Regulations. The activity proposed in your application only applies to the terms of this approval and is subject to the Regulations cited above. Failure to comply with the conditions of the approval may be the cause for suspension of this approval and initiation of an enforcement action. Should modification, suspension or revocation of an approval be necessary, the Department will notify the regulated party, via certified mail or personal service prior to modifying, suspending or revoking the approval. The notice will state the alleged facts or conduct which appear to warrant the intended action and explain the procedures to be followed.

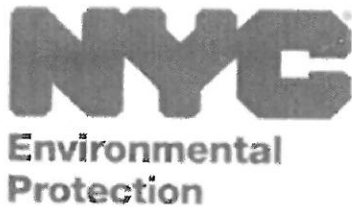
The Regulations provide that an applicant may appeal the imposition of a substantial condition in an approval by filing a petition, in writing, with NYCDEP and with the New York City Office of Administrative Trials and Hearings (OATH) within thirty days of the date this determination was mailed.

NYCDEP may inspect and monitor the erosion control practices at the project site during construction. Therefore, a pre-construction meeting must be held at least two days prior to the start of any work. The owner, design professional Contractor and NYCDEP personnel must attend. Please contact

Paul V. Rush, P.E.
Deputy Commissioner
prush@dep.nyc.gov

465 Columbus Ave.
Valhalla, New York
10595

Tel. (845) 340-7800
Fax (845) 334-7175



New York City Department of Environmental Protection

DETERMINATION

STORMWATER POLLUTION PREVENTION PLAN

Pursuant to the authority granted under:

Article 11 of the New York State Public Health Law;
Rules and Regulations For The Protection From Contamination, Degradation and
Pollution Of The New York City Water Supply and Its Sources, 15 RCNY Chapter 18, 10
NYCRR Part 128.

New York City Department of Environmental Protection makes the following determinations
with respect to the stormwater pollution prevention plan described below:

Name of Project: Holmes Presbyterian Camp & Conference Center Expansion

Location: 60 Denton Lake Rd, Town of Kent,
Tax Map# 2.-1-47.-1

Owner: Rev. Peter Surgenor

Address: 60 Denton Lake Rd
Holmes, NY, 12531

Drainage Basin: East Branch Reservoir

General Description:

The project comprises of a new building called Agape II which will be built in 2 phases and a new parking area for 25 new spaces. The storm water treatment is via an infiltration basin to infiltrate the stormwater runoff from the new impervious areas, a pretreatment forebay as well as pipes and swales to convey runoff to the forebay and infiltration basin and from the infiltration basin to the roadside swale. The project requires the approval of the SWPPP in accordance with Section 18-39(b) (3) (iv) of the Watershed Regulations.

The Stormwater Pollution Prevention Plan (SWPPP) shall be implemented in accordance with the plans and report titled Holmes Presbyterian Camp & Conference Center Expansion, Holmes, New York, dated March 13, 2017 and revised on October 18, 2017, prepared by Sloan Architects, P.C. (see appendix A).

STORMWATER POLLUTION PREVENTION PLAN

*Holmes Presbyterian Camp & Conference Center Expansion SWPPP
Town of Kent, New York*

*October 27, 2017
Page 2 of 6*

Date of Site Inspection:

November 17, 2016

Approved

Denied

Conditions of Approval:

This approval is granted with the following conditions:

- The regulated activity must be conducted in compliance with the plans as approved, listed in Appendix A, all applicable accepted standards, and all applicable laws, rules and regulations. Any alteration of the plans must be approved by DEP prior to construction.
- A copy of the approved SWPPP must be available at the project site during construction.
- The applicant is required to submit as-built drawings for all stormwater management and water quality facilities.
- Alteration or modification shall require DEP review and approval of an amended SWPPP.
- All erosion and sediment controls must be properly installed and maintained until the site has been stabilized and the risk of erosion eliminated. Final stabilization is defined in the General Permit as all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 80% cover for the area has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed.
- The applicant must schedule a pre-construction conference prior to the start of construction. Present at the meeting should be the applicant, the engineer, the contractor, and DEP staff.
- The applicant must notify DEP at least forty-eight (48) hours prior to the commencement of construction activity so that inspections can be scheduled by DEP.
- This approval shall expire and thereafter be null and void unless construction is completed within five (5) years of the date of issuance or within any extended period of time approved by DEP upon good cause shown.
- In the event that the material submitted is inaccurate or misleading, this approval is not

STORMWATER POLLUTION PREVENTION PLAN

Holmes Presbyterian Camp & Conference Center Expansion SWPPP
Town of Kent, New York

October 27, 2017
Page 3 of 6

valid and construction of this project is in violation of DEP Regulations.

- Failure to comply with any of the conditions of this approval is a violation of this approval and the Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources.
- The stormwater management facilities must be maintained in accordance with the maintenance schedule included in the SWPPP and approved by DEP.
- This approval and all conditions of the approval are binding on the owner of the property where the facility is to be located. Any references to the "applicant" in this approval or in any conditions of this approval shall be deemed to refer to the owner of such property.
- If the applicant sells or otherwise transfers title of Holmes Presbyterian Camp & Conference Center Expansion before all construction planned for the property is complete and the site is stabilized, the applicant shall require the new owner ("Buyer") to comply with the SWPPP approved by the New York City Department of Environmental Protection on October 27, 2017 including, but not limited to, all provisions relating to erosion and sediment control during construction and to all maintenance of the stormwater management facilities once construction is complete. In particular, the applicant shall provide the Buyer with a copy of the SWPPP and shall cause the following real covenants and restrictions to be recorded with the deed for Holmes Presbyterian Camp & Conference Center Expansion with the following provisions:
 - (1) Buyer hereby acknowledges covenants, warrants, and represents that he/she shall install and maintain any and all erosion controls and stormwater management facilities on the premises in accordance with the SWPPP, such SWPPP being attached hereto as Exhibit 1.
 - (2) Buyer's installation and maintenance of the erosion control and stormwater management facilities shall be for the benefit of the City of New York as well as for the owners of Holmes Presbyterian Camp & Conference Center Expansion.
 - (3) Buyer's obligation to install and maintain any and all erosion controls and stormwater management facilities on the premises in accordance with the attached SWPPP shall be perpetual, shall run with the land, and shall be binding on Buyer's heirs, successors, and assigns.
 - (4) Buyer hereby covenants, warrants and represents that any lease, mortgage, subdivision, or other transfer of Holmes Presbyterian Camp & Conference Center Expansion SWPPP, or any interest therein, shall be subject to the restrictive covenants contained herein pertaining to the installation and maintenance of erosion control and stormwater

STORMWATER POLLUTION PREVENTION PLAN

*Holmes Presbyterian Camp & Conference Center Expansion SWPPP
Town of Kent, New York*

*October 27, 2017
Page 5 of 6*

APPENDIX A

The following documents were prepared by Sloan Architects, P.C., P. O. Box 373 Millbrook, New York, 12545.

1. Stormwater Pollution Prevention Plan (SWPPP) Report for Holmes Presbyterian Camp & Conference Center Expansion, Town of Kent, Putnam County, New York, dated March 13, 2017 and revised on October 18, 2017.
2. The following set of plans are included in :
 - 1) Drawing No.: C-001, Cover Sheet, dated May 16, 2016 and last revised on August 25, 2017.
 - 2) Drawing No.: CG-103, Existing Watershed Plan, dated May 16, 2016 and last revised on August 25, 2017.
 - 3) Drawing No.: CG-104, Proposed Watershed Plan, dated May 16, 2016 and last revised on August 25, 2017.
 - 4) Drawing No.: CG-105, Drainage Area Map, May 16, 2016 and last revised on June 22, 2017.
 - 5) Drawing No.: VT.03, Slope Plan, dated May 16, 2016 and last revised on August 25, 2017.
 - 6) Drawing No.: CE.01, Soil Erosion and Sediment Control Plan, dated May 16, 2016 and last revised on August 25, 2017.
 - 7) Drawing No.: CE.52, Soil Erosion and Sediment Control Plan Details, dated May 16, 2016 and last revised on August 25, 2017.
 - 8) Drawing No.: CG.00, Overall Grading Plan, dated May 16, 2016 and last revised on August 25, 2017.
 - 9) Drawing No.: CG.01, Grading Plan- Agape Area, dated May 16, 2016 and last revised on August 25, 2017.
 - 10) Drawing No.: CG.02, Grading Plan- SSTS & Hayden Area, dated May 16, 2016 and last revised on September 29, 2017.
 - 11) Drawing No.: CU.00, Utility Plan, dated May 16, 2016 and last revised on August 25, 2017.
 - 12) Drawing No.: CU.01, Utility Plan- Agape Area, dated May 16, 2016 and last revised on August 25, 2017.

STORMWATER POLLUTION PREVENTION PLAN

*Holmes Presbyterian Camp & Conference Center Expansion SWPPP
Town of Kent, New York*

*October 27, 2017
Page 6 of 6*

- 13) Drawing No.: CU.01, SSTS Plan, dated May 16, 2016 and last revised on August 25, 2017.
- 14) Drawing No.: CS.51, Civic details, dated May 16, 2016 and last revised on September 29, 2017.
- 15) Drawing No.: CS.52, Civic details, dated May 16, 2016 and last revised on August 25, 2017.



KENT VOLUNTEER FIRE DEPARTMENT

2490 Route 301 Kent Cliffs, NY 10512

Phone: 845-225-2223 Fax: 845-225 0562

www.kentvfd.com

Received
mo/date/year

OCT - 2 2017

Planning Department
Town of Kent

August 22, 2017

Town of Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512
Attn: Mr. Michael McDermott/
Planning Board Chairman

Re: Dogward Bound Kennels
461 Richardsville Road
Kent, NY 10512
TM: 30.12-1-1

Dear Mr. McDermott,

I attended the August 10th, 2017 Planning board meeting and spoke regarding the changes to the property at 461 Richardsville road. In this letter, I will detail the changes that would be necessary to meet code for emergency vehicle access.

For reference, I direct you to Residential Code of New York State- Driveways/Private roads, Section 511 Emergency Vehicle access for detached one and two-family dwellings

The first issue I would like to address is the width of the driveway, I noticed while driving up the driveway that it seemed a little narrow. Under section 511.2.1 it states that the driveway shall be a minimum unobstructed width of 12 feet. This is especially important due to the width of our vehicles being between 8 and 9 feet. This leaves very little room to maneuver the vehicles.

The second issue is that I noticed that the right side of the driveway appears to be weakening and collapsing. This would be a problem for our apparatus, especially due to the right side having a steep drop off. Under section 511.2.4 Stability, it states Driveways and other supporting structure of the driveways, shall be constructed to support fire apparatus in all weather conditions.

The third issue is the length of the driveway. Due to the length, it is required to have either turn offs or a turnaround according to sections 511.2.2 and 511.2.3

"NEIGHBORS HELPING NEIGHBORS"



KENT VOLUNTEER FIRE DEPARTMENT

2490 Route 301 Kent Cliffs, NY 10512

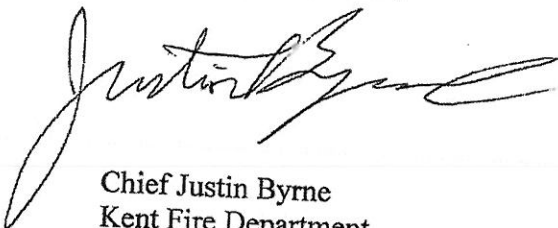
Phone: 845-225-2223 Fax: 845-225 0562

www.kentvfd.com

I also highly recommend that a Knox Box be installed on the building being constructed. It would facilitate our entry into the building without causing undue damage should we be called there for an emergency and the owner is not present.

If there are any questions about what has been stated above I would be happy to discuss and explain why they should be adhered to. I can be contacted at the number posted above.

Respectfully submitted,



Chief Justin Byrne
Kent Fire Department

"NEIGHBORS HELPING NEIGHBORS"

Town of Kent Planning Board
Resolution of Re-Approval Of An Amended Site Plan
Amended Steep Slope and Erosion Control Permit
and Amended Freshwater Wetland Permit

RECEIVED
KENT TOWN CLERK
16 PM 12:02
2017 NOV 15 AM 9:45

Matter of Patterson Crossing Retail Development
Town of Kent / Town of Patterson

Whereas, the Town of Kent Planning Board has received an application from Patterson Crossing Realty, LLC, 1699 Route 6, Suite 1, Patterson, New York 10512 for re-approval of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were approved on January 12, 2017 to allow the development of a 382,560 square-foot retail center for a project known as Patterson Crossing Retail Development ("Project"); and

Whereas, the Planning Board originally granted Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for the Project on September 9, 2010; and

Whereas, due to the complexity of the project and the number of other agency approvals that are necessary for work to commence, including poor economic conditions that have prevailed since 2008, the Planning Board re-approved all of the project permits and approvals on May 10, 2012, May 9, 2013, and October 9, 2014, along with several time extensions, including a re-approval granted on March 10, 2016 that extended all of the approvals forward to March 10, 2017, and approval of amended plans and permits for the Project that were granted on January 12, 2017 forward to July 8, 2018; and

Whereas, the Board is required to consider whether re-approval of the previously granted permits and approvals raise new or previously unanticipated planning impacts or concerns and whether such impacts or concerns necessitate reconsideration of the Board's prior SEQRA determinations; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project site or to the neighborhood surrounding the project site such that the Board might otherwise be compelled to re-consider the Findings Statement that was adopted on September 9, 2010; and

Whereas, after such re-consideration the Board finds that there has been no substantive or material change to the proposed project design from the plans that were originally approved on September 9, 2010, as amended and approved on January 12, 2017, that raise new or previously unanticipated environmental concerns that might warrant re-opening the Board's previous environmental review; and

Whereas, the Board has examined the project site and the character of the neighborhood adjacent to the project site and finds that, with the exception of storm water improvements installed by the New York State Department of Transportation along the adjacent state highway, and the work performed on the site by the East of Hudson Corporation to remediate a large gully near Brentwood Road and Greenridge Court which had been a significant source of erosion and

4. Pedestrian and vehicular access, traffic circulation and the general layout of the site would be properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
5. The improvements proposed for the Kent portion of the project are properly oriented so as to take advantage of solar access 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.
6. The location of the access driveway and storm water management facilities reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the maximum extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.
7. The proposed use and improvements conform to the requirements of the Chapter 77 of the Town of Kent Code.

Whereas, pursuant to §39A-7(D)(1) of the Town Code the Planning Board has reviewed the application for re-approval of the Freshwater Wetland Permit and has determined that the requirements of Chapter §39A, "Freshwater Wetlands" of the Town Code have been met as noted in the Findings Statement adopted by the Involved Agency:

"Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their "controlled areas". For purposes of wetlands the "controlled area" extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the "controlled area" extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit."

"As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311 right of way that extends into the "controlled area" of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ±2850 square feet, or ±0.065 acres." The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

"The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel."

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the application for re-approval of the Amended Site Plan meets the requirements for issuance of a Freshwater Wetland Permit, specifically:

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

Now Therefore Be It Resolved, the Planning Board hereby affirms its September 9, 2010 Findings Statement for the Patterson Crossing Retail Development in its entirety; and

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein, forward from July 9, 2018 including, pursuant to §77-61(C) of the Town Code, two additional 90-day extensions to the re-approvals so that all approvals granted herein shall expire on January 5, 2020; and

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and grants re-approval of the Steep Slope and Erosion Control Permit for the project as described herein; and

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

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals granted herein are expressly conditioned completion of, and compliance with, the following:

- 1) *The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:*
 - a) *Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:*
 - i) *VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ii) *EX-1K, Existing Conditions Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iii) *SS-1K, Soils & Slopes Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iv) *SP-1K, Overall Site Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - v) *SP-2K, Layout & Landscape Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vi) *SP-3K, Grading & Utilities Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vii) *SP-4.1K, Overall Phasing Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - viii) *SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ix) *SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016 and bearing a latest revision date of December 15, 2016.*
 - x) *SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xi) *PR-1K, Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xii) *PR-2K, Drainage Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xiii) *L-1K, Lighting Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xiv) *DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xv) *D-1K, Site Details, dated January 21, 2016 and bearing a latest revision date of*

December 15, 2016.

- xvi) D-2K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
- xvii) D-3K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
- xviii) D-4K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
- 2) Prior to the obtaining Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:
- a) The site plan set shall be amended to include the location and a design detail for the security gate to be installed at the Brentwood Road and Greenridge Court entrance as previously described herein.
 - b) Planning Board Professional Engineer and Wetland Consultant approval of the Storm Water Pollution Prevention Plan and Steep Slope Permit (Chapter 66 of the Town Code).
 - c) Planning Board Professional Engineer, Attorney, and Wetland Consultant approval of any agreements required under Chapter 66 of the Town Code to ensure the performance of the Project obligations regarding that Chapter, and any Storm Water Pollution Prevention Plan and Steep Slope Permit issued thereunder.
 - d) Town Board approval of the agreement(s), as set forth in §E(1) of the Involved Agency's Findings Statement, to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities, and acceptance and execution of said agreement(s) by the Town Board of the Town of Kent, the Town Board of the Town of Patterson, and the applicant/owner, unless the Town Board elects to pursue other or alternative forms of security.
 - e) NYS Department of Transportation approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - f) Putnam County DPW approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - g) Town of Kent Highway Department approval for the specific traffic mitigation improvements within town highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.

- h) Any required approvals from the NYC Department of Environmental Protection.
 - i) Any required approvals from the Putnam County Department of Health.
 - j) Any required U.S. Army Corps of Engineers (ACOE) permit(s).
- 3) Implementation, maintenance, and/or completion, as may be the case, of any mitigation and conditions set forth in sections "C", "D", and "E" of the Involved Agency's Findings Statement adopted September 9, 2010 is an express condition of the Site Plan Approval, the Steep Slope and Erosion Control Permit Approval, and the Freshwater Wetland Permit Approval granted herein.
- 4) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required mitigation as set forth in the Lead Agency's Findings Statement and the Involved Agency's Findings Statement.
- 5) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required conditions of this approval and the Town of Patterson Planning Board's Site Plan Approval.
- 6) At all times the applicant shall maintain the site in accordance with the approved Site Plan and any on-going conditions of Site Plan Approval as set forth herein or as required by any other permitting or approving agency, including the MS4 approved SWPPP.
- 7) There shall be no vehicles parked and offered for sale on the site.
- 8) At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification sealed and signed 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 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 improvements.
- 9) 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 and the Town 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.

- 10) Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated September 9, 2010 and March 10, 2016.
- 11) Address to the satisfaction of the Planning Board the comments of the Planning Board Wetland Consultant as set forth in a memorandum dated August 2010 and February 11, 2016.
- 12) 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 memorandum from the Planning Board Planning Consultant verifying that the conditions of this approval have been completed.
- 13) Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development and shall be maintained in a good and functional condition during the course of site work and construction.
- 14) Except for "field changes" as may be approved by the Planning Board Professional Engineer or Wetland Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented.
- 15) Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and shall be prohibited Saturdays, Sundays and legal holidays. For blasting operations in the Town of Patterson the Applicant shall adhere to the requirements set forth in the Lead Agency's Findings Statement subject to the review and approval of the Town of Patterson.
- 16) 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.
- 17) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance and repair of the storm water management facilities located in the Town of Kent portion of the Project.
- 18) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance, repair, and replacement of water and wastewater facilities situated within the Town of Kent portion of the Project.
- 19) The applicant will prepare and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in

degradation of surface water quality including landscaping and a new gate at the entrance at Brentwood Road and Greenridge Court used by East of Hudson Corporation to access the gulley work site, there have been no material change to the project site or to the neighborhood that might warrant a full site plan review; and

Whereas, because the Project has not materially changed from the one approved on January 12, 2017 the Planning Board hereby waives a public hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Whereas, the Board previously referred the applications to the Putnam County Department of Planning for review and recommendation pursuant to GML 239-m, and said Department has previously recommended approval of the project without change; and

Whereas, the Planning Board has reviewed the application for re-approval of the Amended Site Plan approval and has determined that the requirements of §77-60 and §77-61 of the Town Zoning Law have been met; and

Whereas, pursuant to §77-61(B) and §66-6 of the Town Code the Planning Board finds that the proposed Amended Site Plan meets the requirements of the Zoning Law, specifically:

1. The layout of the proposed driveway access and storm water management facilities of the Project in Kent would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods. As noted in the adopted Findings Statement the Board's review of the project plans indicates that proper provisions have been made for the capture and treatment of storm water runoff so that flooding of adjacent properties would be avoided. In addition, the project plans include landscaping of the access driveway and in certain areas of the storm water management facilities to reduce the visual impact of the improvements to adjacent and nearby properties.
2. The proposed access driveway and storm water management facilities would have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter. As noted in the adopted Findings Statement the Project must, as a condition of those findings and of this resolution of approval, comply with Chapter 66 of the Town Code in regard to the construction, operation and maintenance of storm water management facilities, including the posting of securities sufficient to ensure the completion of any required improvements, and the providing of such agreements, remedies and security as the Town shall require for the continued maintenance and repair of such facilities. In addition, any required blasting would be subject to the permit requirements of Chapter 38 of the Town Code, and construction activities 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 as set forth in Chapter 48 of the Town Code.
3. The proposed access driveway and storm water management facilities would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.

both the Town of Kent and Town of Patterson. The applicant will distribute the approved handout to all residents within a 1,000 foot radius of the point of blasting.

Motion: Michael McDermott

Second: Dennis Lowes

Michael McDermott, Chairman

Aye

Dennis Lowes, Vice Chairman

Aye

Charles Sisto

Abstained

Phil Tolmach

Aye

Stephen Wilhelm

Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board on November 9, 2017 at a regular meeting of the Board.

Vera Patterson

Vera Patterson, Clerk
Town of Kent Planning Board

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

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

Memorandum

DATE: October 27, 2017
TO: Finance Department
CC:
FROM: Vera Patterson
RE: Patterson Crossing TM: 22-2-48

Please find attached the following checks for the above mentioned property:

Mahopac National Bank Checks:

1584	-	\$ 150.00	- Site Plan reapproval
1585	-	500.00	- Erosion & Sediment Control reapproval
1586	-	500.00	- Wetlands reapproval
1587	-	100.00	- SWIPP

RECEIPT DATE Oct. 19, 2017 No. 152541

RECEIVED FROM P. Canada / Patterson Crossing \$ 150.00
One Hundred fifty and 00/100 DOLLARS

FOR RENT
 FOR Site Plan reapproval TM: 22-2-48

ACCOUNT CASH 1584
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

FROM V. Patterson TO P. Canada
 BY _____

RECEIPT DATE Oct. 19, 2017 No. 152542

RECEIVED FROM P. Canada / Patterson Crossing \$ 500.00
Five Hundred and 00/100 DOLLARS

FOR RENT
 FOR Erosion Control Reapproval - TM: 22-2-48

ACCOUNT CASH 1585
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

FROM V. Patterson TO P. Canada
 BY _____

RECEIPT DATE Oct. 19, 2017 No. 152543

RECEIVED FROM P. Canada / Patterson Crossing \$ 500.00
Five Hundred and 00/100 DOLLARS

FOR RENT
 FOR Wetlands Reapproval TM: 22-2-48

ACCOUNT CASH 1586
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

FROM V. Patterson TO P. Canada
 BY _____

RECEIPT DATE Oct. 19, 2017 No. 152544

RECEIVED FROM P. Canada / Patterson Crossing \$ 100.00
One Hundred and 00/100 DOLLARS

FOR RENT
 FOR SWPPP TM: 22-2-48

ACCOUNT CASH 1587
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

FROM V. Patterson TO P. Canada
 BY _____

RECEIPT DATE Oct. 19, 2017 No. 152541

RECEIVED FROM P. Canada / Patterson Crossing \$ 150.00
One Hundred fifty and 00/100 DOLLARS

FOR RENT
 FOR Site Plan reapproval TM 22-2-48

ACCOUNT CASH
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

1584
 FROM V. Patterson TO P. Canada
 BY _____

RECEIPT DATE Oct. 19, 2017 No. 152542

RECEIVED FROM P. Canada / Patterson Crossing \$ 500.00
Five Hundred and 00/100 DOLLARS

FOR RENT
 FOR Erosion Control Reapproval - TM: 22-2-48

ACCOUNT CASH
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

1585
 FROM V. Patterson TO P. Canada
 BY _____

RECEIPT DATE Oct. 19, 2017 No. 152543

RECEIVED FROM P. Canada / Patterson Crossing \$ 500.00
Five Hundred and 00/100 DOLLARS

FOR RENT
 FOR Wetlands Reapproval TM: 22-2-48

ACCOUNT CASH
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

1586
 FROM V. Patterson TO P. Canada
 BY _____

RECEIPT DATE Oct. 19, 2017 No. 152544

RECEIVED FROM P. Canada / Patterson Crossing \$ 100.00
One Hundred and 00/100 DOLLARS

FOR RENT
 FOR SWLPP TM: 22-2-48

ACCOUNT CASH
 PAYMENT CHECK
 BAL. DUE MONEY ORDER
 CREDIT CARD

1587
 FROM V. Patterson TO P. Canada
 BY _____

T.M. 22-2-48
PATTERSON CROSSING REALTY CO., LLC
1699 ROUTE 6, STE. 1
CARMEL, NY 10512

MAHOPAC
NATIONAL BANK
Modern Day Banking With A *Hamptons* Touch

158

PAY TO THE ORDER OF Town of Kent

50-1139/219

10/18/2017

One Hundred Fifty and 00/100 ***** \$ **150.00

DOLLARS

Town of Kent
25 Sybil's Crossing
Kent, NY 10512

MEMO Site plan

[Signature]
AUTHORIZED SIGNATURE

⑈001584⑈ ⑆021911398⑆ 055⑈92010⑈⑈

T.M. 22-2-48
PATTERSON CROSSING REALTY CO., LLC
1699 ROUTE 6, STE. 1
CARMEL, NY 10512

MAHOPAC
NATIONAL BANK
Modern Day Banking With A *Hamptons* Touch

1585

PAY TO THE ORDER OF Town of Kent

50-1139/219

10/18/2017

Five Hundred and 00/100 ***** \$ **500.00

DOLLARS

Town of Kent
25 Sybil's Crossing
Kent, NY 10512

MEMO Erosion and Sediment Control

[Signature]
AUTHORIZED SIGNATURE

⑈001585⑈ ⑆021911398⑆ 055⑈92010⑈⑈

Security features. Details on back.

TM: 22-2-48

PATTERSON CROSSING REALTY CO., LLC
1699 ROUTE 6, STE. 1
CARMEL, NY 10512

MAHOPAC NATIONAL BANK
Modern Day Banking With A Homestead Touch

1586

50-1139/219

10/18/2017

AY
TO THE
ORDER OF Town of Kent

Five Hundred and 00/100*****
\$ **500.00

DOLLARS

Town of Kent
25 Sybil's Crossing
Kent, NY 10512

MEMO
Wetlands


AUTHORIZED SIGNATURE

⑈001586⑈ ⑆021911398⑆ 055⑈92010⑈1⑈

Security features. Details on back.

PATTERSON CROSSING REALTY CO., LLC
1699 ROUTE 6, STE. 1
CARMEL, NY 10512

MAHOPAC NATIONAL BANK
Modern Day Banking With A Homestead Touch

1587

50-1139/219

10/18/2017

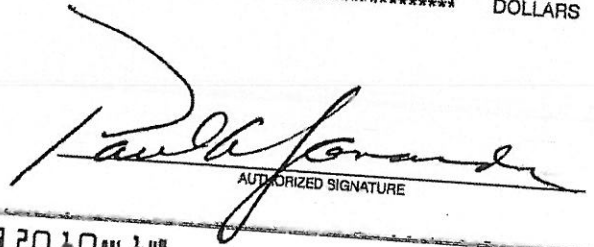
PAY
TO THE
ORDER OF Town of Kent

One Hundred and 00/100*****
\$ **100.00

DOLLARS

Town of Kent
25 Sybil's Crossing
Kent, NY 10512

MEMO
SWIPP


AUTHORIZED SIGNATURE

⑈001587⑈ ⑆021911398⑆ 055⑈92010⑈1⑈

Security features. Details on back.



**PATTERSON CROSSING RETAIL CENTER
SUMMARY OF APPROVALS**

October 18, 2017

APPROVAL

EXPIRATION

Town of Kent: Site Plan, Steep Slopes, Erosion Control and Wetlands Permit	July 9, 2018
Town of Patterson: Amended Site Plan Approval	July 14, 2018
Putnam County Department of Health: SSTS and Sewer System Permits (Renewal in Process)	May 8, 2019
New York City Department of Environmental Protection: SWPPP Approval	November 2, 2019
New York State Department of Environmental Conservation: Sewer SPDES Permit	February 28, 2025
New York State Department of Environmental Conservation: Stormwater SPDES Permit	Coverage Acknowledged Permit # NYR10T365

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

Z:\E\01124100\Correspondence\Admin\2017\101817 Summary of Approvals.doc