

Approved: October 13, 2016

**Minutes
Town of Kent Planning Board Meeting
September 8, 2016**

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

In attendance were the following Planning Board members:

Michael McDermott, Chairman	George Brunner
Dennis Lowes, Vice Chairman	Charles Sisto
Janis Bolbrock	Philip Tolmach

Others in Attendance:

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

Absent:

Gary Lam
Neil Wilson, Planner

• **Approve Planning Board Minutes from August 2016 Meeting**

Mr. McDermott asked for a motion to approve the minutes from the August meeting. There were no changes to be made to the August Planning Board minutes. Mr. Lowes noted that there was a mistake on page 5. The motion to approve the minutes with the change to page 5 was made by Ms. Bolbrock and seconded by Mr. Brunner. The roll call votes were as follows:

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

The motion carried.

Town of Kent Planning Board Minutes
September 8, 2016

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

This project involved an erosion control plan/public hearing for construction of a single-family 4 bedroom residence situated on 2.878 acre lot on Dean Road. Mr. Scott Frey, the owner of the property, attended the meeting. Mr. McDermott asked for a motion to open the Public Hearing. The motion was made by Ms. Bolbrock and seconded by Mr. Brunner. The roll call votes were as follows:

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

The motion carried.

Mr. Barber's Comments

Mr. Barber said that the proposed residence was to be 3,300 square feet with an individual well, septic system, driveway and associated site improvements situated in an R-80 zone. A Town of Kent Stormwater Wetland Permit was required because more than 5,000 square feet of land area would be disturbed. The driveway grade was in excess of 10%. Mr. Barber performed a site inspection and did not find any Kent jurisdictional wetlands or wetland buffers, but the property was not staked so he requested an opportunity to return to the property when it was staked. Mr. Barber said that there was a NYSDEC wetland check zone across the street from the property that extends from a wetland and trout spawning stream onto the property. Mr. Barber suggested that the NYSDEC be contacted to see if they wished to pursue any on-site inspections or any applicable permitting. Mr. Barber also noted that there was some metal debris near the site, which should be removed. The driveway slopes down to Dean Road near the wetlands and he wanted pre-construction measures taken to ensure that there will be no discharge from the driveway to Dean Road and into the wetlands.

Mr. Frey advised the Planning Board and consultants that the staking was there, but that it was difficult to see because the driveway goes off of the property and because of the greenery. He told Mr. Barber he'd be happy to meet him at the property. Regarding the metal debris, he said that it was on the neighboring property and that he also wanted it removed. He presented a memo from the DEC dated May 26, 2016 and it addressed comments Mr. Barber had noted. Mr. Frey said that the drawings had notes pertaining to "rocks" and not "rock outcroppings". He said that he didn't think a tree survey was required, which was why one was not provided. Mr. Barber said that the code indicates that if the lot was enacted prior to creation of the lot and the subdivision where the lot is situated in the 1990's and that Mr. Frey could ask for a waiver of the tree survey. Mr. Barber said the lot was heavily treed and that it would be good to reduce the number of trees. Mr. Frey said he would limit the reduction of trees and that they would be doing so 10 feet around the area where the septic would be installed as well as where the septic would be installed. Mr. Frey said there were some culverts at the bottom of the driveway and some hay bales that would be utilized during the construction of the residence to prevent runoff onto Dean Road.

**Town of Kent Planning Board Minutes
September 8, 2016**

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo asked for copies of the three deeds. The applicant's attorney is working on the easement agreement and should forward it to the Planning Board Attorney. Ms. Mangarillo also requested details about existing stormwater concrete basins along the driveway and details about the grate and concrete drywall chambers. Ms. Mangarillo had no objection to granting a driveway waiver. She recalculated the bond estimate (was \$6,007.00) to \$7,764.50 because she added a soil stockpile. Ms. Mangarillo requested additional information if the adjoining property was going to be developed. Mr. Frey said that someone else was in the process of purchasing the lot from the original owner. Ms. Mangarillo said that the rules originated with the DEC and suggested that Mr. Frey check with them regarding this matter.

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

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

The motion carried.

This project was held over until the October meeting.

Mr. Frey asked if his plans could be approved pending the items Ms. Mangarillo and Mr. Barber requested. He also said he agreed to the increase in the bond. Ms. Mangarillo said that this could be referred to the administrative tract if the Planning Board approved the bond. Mr. Barber said that a Resolution had not been prepared and suggested that conditional approval could be granted. Mr. McDermott asked for input from the Planning Board.

Mr. McDermott asked for a motion to have this project be handled administratively subject to conditions discussed and the Resolution discussed by Mr. Barber with the proviso that this matter be referred back to the Planning Board if the conditions are not met. Mr. Brunner made the motion and it was seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

Town of Kent Planning Board Minutes
September 8, 2016

Mr. McDermott asked for a motion to recommend to the Town Board that an Erosion Control Bond in the amount of \$7,764.50 and inspection fee of \$1,000.00 be accepted. The motion was made by Mr. Brunner and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

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

Anne Waling, of Cypress Creek, attended the meeting and requested an approval of an Erosion Control Plan on Mooney Hill. Ms. Waling said that Cypress Creek had responded to comments from Mr. Barber and Ms. Mangarillo. However, they received Mr. Wilson's comments recently and didn't have time to address his comments in time for this meeting. She asked if the preference would be to use the existing access road and cut trees down or if it would be better to move the access road and not clear so much. She also asked about the rocky outcroppings comments. Ms. Waling asked about additional setbacks recommended by Mr. Wilson and wetland buffers. The SWPPP has been returned and Cypress Creek's engineers are currently working on it. Ms. Bolbrock asked who the manufacturers would be and Ms. Waling said that they hadn't finalized that yet. Ms. Bolbrock asked for MSDS sheets and information pertaining to protocols for cleaning the panels. Ms. Waling said that they used panels which did not contain metals and would get the MSDS sheets, as requested.

Mr. Tolmach had concerns about the environmental impact of this project. Ms. Waling said that her company undergoes extensive reviews and complies with the requirements and felt that this was a low impact project other than the tree clearing.

Mr. Barber's Comments (memo attached)

Mr. Barber said that a site inspection was conducted on August 12, 2016 and that he had submitted a memo earlier and another one for this meeting. Mr. Barber stated that in regard to the change of location of the access road, the proposed one is more favorable because it would provide a buffer to the neighboring properties and protect a vernal pool and serve as a habitat corridor. The wetlands were identified and there is a small pond across from the property which may be more than 5,000 square feet and may be regulated by the Town of Kent. However, an updated wetland map needs to be provided. There are substantial areas of rock outcroppings and it is important to include those as part of the analysis because the town code requires that environmental sensitive areas be looked at. He asked for details regarding whether or not blasting would be done which would change the topography of the site. Town Code 77-44.7 calls for protocols for biodiversity studies and Mr. Barber recommended that one be done for this project.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the farm road would be the best one to be used as the access road because it is not near the vernal road and there is more property for the staging area. Mr. McDermott asked about Mr. Wilson's comments about the setback. Ms. Mangarillo said that there are lots of bushes but more plantings need to be done to provide buffers to the neighboring properties. Ms. Waling said that they will provide more details regarding the plantings and will also have the deed for the next meeting. Mr. Barber said that any trees that will be pruned also need to be considered. Ms. Waling said that generally they don't need to do much pruning.

- **Jason Kinash, 71 Cottage Road, Kent, NY; TM: 33.42-2-49, 50 & 51**

This project pertains to an erosion control plan for property where fill was brought onto the property. Mr. Jack Karrel represented the property owner. Mr. Kinash purchased two additional lots to level out his property and did not realize he needed a permit to replace the fill. Mr. Kinash was seeking permission to put down topsoil and seed. The fill was delivered by the Town of Kent Highway Department.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said a bond estimate was needed, notes needed to be updated with regards to the permits where the property needs to be stabilized within 7 days rather than 14, and she asked if the drawings reflect the current conditions and if additional fill would be brought in. Mr. Karrel said that there would not be any additional fill brought in. Ms. Mangarillo said that she would recommend soil testing be done to determine the "chain of custody" showing where the fill came from and what type of debris was in it. Mr. Karrel asked for permission to seed and put down topsoil and the Planning Board said no. Mr. Barber also agreed that soil testing should be done on this property.

- **Holmes Presbyterian, 60 Denton Road, Holmes, NY; TM: 2.-1-47-1**

Ms. Jolanda Johnson and Michael Sloan of Sloan Architects represented the applicants. Previously conditional approvals were granted for a site plan and an erosion control plan. Two extensions were also granted, which expire this month. In the process of receiving DEC and DOH approvals there were some changes made to the site plan. The sewage disposal system for the site for the increased flow resulting from the new buildings is a six foot deep fill system located in an open area. The other change is that the original plans called for Stormwater Treatment close to the buildings, but DEP decided that the area was too steep and they asked for an infiltration pond downhill from the improvements in an area 10-15%. These two new facilities were reviewed by the Town Engineer and Environmental consultants and memos were sent to Ms. Johnson and she would be responding to them.

Mr. Barber's Comments (memo attached)

Mr. Barber said that minor changes were made to the applicant's plans in response to meeting the requirements of other regulatory agencies. The retention pond is a change from an environmental perspective and Mr. Barber will inspect the site to ensure there is no increase in the phosphorous level of Westminster Lake. Mr. Barber asked that details be provided pertaining to propane tanks which were buried on the site.

Ms. Mangarillo’s Comments (memo attached)

Ms. Mangarillo mentioned that the applicant would be installing a storm ceptor unit for pre-treatment for the infiltration basin and she asked if an access road would be shown for trucks to perform routine maintenance. Ms. Mangarillo also asked for details regarding the design of the infiltration basin and elevations of water for the 1 year, 10 year and 100 year storms. Ms. Mangarillo asked about references in the SWPP pertaining to a green roof. The discharge from the infiltration basin system will go into an existing culvert under Denton Lake Road which needs to be looked at to see if any improvements need to be made. Ms. Mangarillo recommended that permanent fencing or plantings be put around the infiltration basin to ensure no one falls into it. She also asked for details about vegetation on the bottom of the basin. Ms. Johnson said she would like to respond to all the comments in writing. Ms. Johnson said that the green roof is no longer part of the plan.

Mr. McDermott said that Mr. Wilson, who was unable to attend the meeting, had advised him that the new plans are essentially the same as the ones previously approved and he had conferred with Mr. Barber and Ms. Mangarillo and they all agreed that it was not necessary to re-open SEQRA and that it was not necessary to have a public hearing. Mr. McDermott asked for a motion to waive the public hearing. Mr. Brunner made the motion and it was seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

Mr. McDermott asked the Planning Board, informally, whether or not they felt this project was ready to be voted on and they said they thought they would be ready to be voted on. Mr. McDermott said he would advise Mr. Wilson to prepare the Resolution of Approval. Ms. Bolbrock asked Mr. Sloan about the “Lead Rating”, which was very high, and if the applicants still planned on using that approach. Mr. Sloan said they would not be pursuing that approach and that the building would be a traditional building. Mr. Tolmach asked why and was told that it was too expensive. This matter was held over until the October meeting.

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

- O’Mara Property Erosion Control Plan Status Report
Lhasa Court, Kent, NY
TM: 31.09-1-6

Mr. Jack Karrel represented the applicant. Mr. Karrel spoke to Mr. Wilson and was told that the issue of access had been addressed. He met with Mr. Othmer, Kent Highway Superintendent, and he had no problem with the hammerhead at the end of the road serving as a cul-de-sac. The only concern Mr. Othmer had pertained to water coming off of the driveway and how it would affect the road and adjacent property. Mr. Karrel said that he would put in infiltrators to serve the house some cutoff swales to serve sections of the driveway to prevent the runoff.

Town of Kent Planning Board Minutes

September 8, 2016

Ms. Mangarillo received notification from Mr. Othmer with his concerns as noted above and he asked that if there's a problem, it be remediated by the owner and not the town. Ms. Mangarillo said that the driveway points down toward the road and that, under the code today, that is not allowed. The driveway must go down and away from the road and the water must be captured away from the road. She recognized that there may be requests from Mr. Karrel for driveway waivers. Mr. Karrel asked for a meeting with Ms. Mangarillo and Mr. Othmer and Ms. Mangarillo said that that was a good idea. A re-submittal will be submitted in the near future. Ms. Mangarillo said that the Fire Department also needs to be consulted regarding the turnaround.

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

Mr. Flood, the owner of Kent Investors/Putnam Stone, was at the meeting. Correspondence from the DEP and DEC were sent to Mr. Barber, per Mr. Flood.

Mr. Barber said that the requirements the Planning Board had in the Resolution pertaining to the clean-up of the site had been met and removal of stone, soil and organic material. The last issue was the necessity or not of a DEC Wetland Permit. The entire site is surrounded by wetlands and the buffer extends onto the interior of the property. The proposed activity in question is in the center section of the property, not within a state wetland or wetland buffer, and a letter from DEC dated August 31, 2016 attested to that fact. The Planning Board previously allowed the applicant 30 days subsequent granting to complete the grinding of the organic material.

Ms. Mangarillo said that a recent memo with a DEC letter attached referred to a DEP letter which she didn't have – she will be sending a memo asking for that letter. In the approval resolution developed by Mr. Wilson there is a reference to a memo from Ms. Mangarillo and there are some items that need to be added to the drawings, which will then need to be re-submitted. The final drawings need to be submitted for approval and then the bond amount needs to be submitted and then referred to the Town Board for acceptance. When all of this is done the applicant may proceed with their project. At that time the 30 day clock to complete the grinding of the organic material begins.

Mr. Flood said that they are working with East of Hudson as far as the sediment pond and are close to signing the agreement.

- Boccia Property Erosion Control Plan Status Report
 Beach Court, Kent, NY
 TM: 21.-1-16

Mr. Barber conducted a site inspection and he's waiting for a revised plan with the changes he recommended pertaining to:

- Finalizing wetland delineation and buffer;
- Talking about the house, shed and driveway location;
- Discussing a mitigation plan next to the lake; and
- A conservation easement potential;
- Moving the expansion area further away from the delineated wetlands

Mr. Barber said a lot of progress was made and that he was waiting for updated drawings with the above mentioned changes.

Town of Kent Planning Board Minutes
September 8, 2016

- Biben Property Erosion Control/
146 South Knapp Court, Kent Lakes, NY Wetland permit Status Report
TM: 10.-1-1

The plans for this project are ready for Chairman's signature.

- Wagner Millwork LLC/Timber Harvest Erosion Control Plan/Bond Status Report
Anavil Property,
Long Mountain Rd, Kent, NY
TM: 8.-1-2 (KTB to approve bond on 9/13/16)

The bond will be accepted by the Town Board and then, once the bond is accepted, the drawings are ready for Chairman's signature.

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

A copy of NYSDEP's Negative Declaration has been submitted and the project is proceeding.

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

A re-submittal is pending.

- Licari Limitone Property Erosion Control/SWPPP Plan Status Report
14 Lorne Court, Kent, NY
TM: 22.-2-5

The Erosion Control Bond has been posted and forwarded to the Town Board for their acceptance.

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

The plans are ready for the Planning Board Chairman's signature.

- Bene Property Erosion Control/
Tibet Drive, Kent, NY (Bond rec'd 8/16/16) Status Report
TM: 30.20-1-16

The Erosion Control Bond has been posted and forwarded to the Town Board for their acceptance.

- Von Roseninge Property Erosion Control Plan Status Report
451 Pudding St., Kent, NY for In-Ground Swimming Pool
TM: 31.17-1-7

Nothing new has been submitted.

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

Waiting for the bond to be posted

**Town of Kent Planning Board Minutes
September 8, 2016**

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

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

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

Town of Kent Planning Board Minutes
September 8, 2016
SEPTEMBER 2016

Workshop: September 1, 2016 (Thursday, 7:30 PM) CANCELLED
Meeting: September 8, 2016 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from August 2016
 - Alou Construction
Dean Road, Kent, NY
TM: 10.-2 & 10.-3
Erosion Control Plan/
Public Hearing
Review
 - Cypress Creek/Solar Energy Farm
Mooney Hill/Kent, NY (Armstrong Property)
TM: 12.-3-9
Site Plan/Erosion Control Plan
Lead Agency
Review
 - Jason Kinash
71 Cottage Road
Kent, NY 10512
Erosion Control Plan
Review
 - Holmes Presbyterian
60 Denton Lake Road, Holmes, NY
TM: 2.-1-47-1
Site Plan/Erosion Control Plan
Review
- Permit Applications Review (Applicants attendance not required/Workshop Discussion):
- O'Mara Property
Lhasa Court, Kent, NY
TM: 31.09-1-6
Erosion Control Plan
Review
 - Boccia Property
Beach Court, Kent, NY
TM: 21.-1-16
Erosion Control Plan
Status Report
 - Biben Property
146 South Knapp Court, Kent Lakes, NY
TM: 10.-1-1
Erosion Control/
Wetland permit
Status Report
 - Wagner Millwork LLC/Timber Harvest
Anavil Property, Long Mountain Rd, Kent, NY
TM: 8.-1-2
Erosion Control Plan/Bond
Status Report
 - Timber Harvest Project/NYSDEP
Barrett Circle Paper Court, Kent, NY
TM: 43.-2-1-7 & 81
(KTB to approve bond on 9/13/16)
Freshwater Wetland Permit
Status Report
-
- Basharat/Mann Property
Marshall Road, Kent, NY
TM: 11.-15-1-35
Sub Division Application
Status Report
 - Licari Limitone Property
14 Lorne Court, Kent, NY
TM: 22.-2-5
Erosion Control/SWPPP Plan
Status Report
 - Towners Road Mart (Sclafani Property)
2 Towners Road, Carmel, NY
TM: 33.64-1-6
Amended Site Plan/Change of Use
Status Report
 - Bene Property
Tibet Drive, Kent, NY
TM: 30.20-1-16
Erosion Control/
(Bond rec'd 8/16/16)
Status Report
 - Von Rosenvinge Property
451 Pudding St., Kent, NY
TM: 31.17-1-7
Erosion Control Plan
for In-Ground Swimming Pool
Status Report
 - Putnam Stone
301 Route 52, Kent, NY
TM: 44.6-1-7
Erosion Control/
Status Report
 - Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48
Amended Site Plan
Status Report
Bond Pending



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Plan
August Planning Board Meeting

Date: September 8, 2016

Project: Alou Construction – Dean Rd
TM # 10.-2-10.3

The following materials were reviewed:

- Letter prepared by Badey & Watson Surveying & Engineering, P.C., dated 8/16/2016
- Town of Kent Combined Application affidavits, including
 - Disclosure of Business Interest, Certification of Professional Engineer and Agricultural Data Statement
- Descriptions of easements
- Notice of Intent
- MS4 SWPPP Acceptance Form
- Erosion & Sediment Control Bond Estimate
- Survey of property, prepared by Badey & Watson Surveying & Engineering, P.C., dated August 17, 2016
- Erosion & Sediment Control Plan, Sheets 1 and 2, prepared by Badey & Watson Surveying & Engineering, P.C., revised 8/16/2016

The project proposes construction of a single family house with private well and septic. Access to the house will be via shared driveway. There is an existing house that currently uses the driveway. The portion of driveway that only serves the proposed house was rough graded a number of years ago with some drainage structures installed. The applicant is requesting a waiver for a driveway slope of greater than 10%, but less than 15%. Portions of the driveway steeper than 10% are proposed to be paved.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated August 10, 2016:

1. Refer to the Combined Application Form:
 - a. Provide a copy of the deed per #14.
 - i. The submittal letter indicates a copy of the deed was provided. It could not be located.**
2. Provide copies of Health Department approvals for well and septic.

- a. Submittal letter indicates review is in progress.**
4. Provide draft copies of easements and cross-easements for ingress and egress and maintenance agreement for the shared driveway as required by Town Code Chapter 57-26.A(4)(j) and note #5 under “Notes for plans involving private and common driveways” on the drawing.
 - a. Submittal letter indicates they will be provided by applicant’s attorney. Easement documents will need to be reviewed by Planning Board attorney.**
11. Refer to the Drawings:
 - a. Provide additional detail or description on the existing “drop inlets” along the driveway.
 - i. Revised drawing have a written description “existing 24”x24” cast iron frame & grate over existing flow diffuser dry well (per approved subdivision).” Provide detail on the “dry well”, such as diameter and depth. Are the dry wells installed the same as detailed on the approved subdivision plan?**
12. The Applicant has requested a driveway waiver to have a slope steeper than 10%. Per Town Code Chapter 57-26.A(2)(a) “...The Planning Board may grant a waiver for driveway slope of up to 15% upon a showing by the applicant of practical difficulty meeting these standards. The Board shall seek the input of the Town Highway Superintendent and Fire Department in such cases.” The driveway profile shows approximately 100 foot long section of driveway with slope of 12.9%. The remaining approximately 550 feet of driveway will be at or below 10.0%. We have no objection to this waiver being granted due to the presence of shallow bedrock and location of existing property lines. The section steeper than 10% is proposed to be paved.

New Comments:

1. The applicant provided a bond estimate of \$6,007. We prepared a bond estimate based on the applicant’s quantities with unit costs used for other bonds in the Town of Kent. We also added a soil stockpile. See attached for the calculation of our bond estimate of \$7,764.50. We recommend the bond estimate of \$7,764.50 be accepted for the bond amount and recommended for approval by the Town Board.
2. Refer to the Notice of Intent:
 - a. Page 1 – Provide Federal Tax ID for Alou Corp.
 - b. Page 4, #11 – The project is located in an Appendix C watershed (East of Hudson Watershed). Revise response.

Memorandum
Alou Construction – Dean Road ECP
TM # 10.-2-3
September 8, 2016
Page 3 of 3

3. It is our understanding that there is renewed interest in developing the adjacent lot, TM 10.-2-10.2. As they have shared ownership, development of both parcels pushes the project into a larger common plan of development or sale, would require stormwater treatment for both lots. Additional information on the proposed development of the adjacent lot is requested. Comments above may be altered based on response.



Julie S. Mangarillo, P.E., CPESC

Attachment: Erosion Control Bond Estimate

cc: Planning Board via email
Bill Walters via email
16-261-233

Bruce Barber via email
Neil Wilson via email



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

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

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

To: Planning Board Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: September 8, 2016

Attn: Michael McDermott, Chairman
Subject: Erosion Control Bond Amount
Project: Alou Corp, Dean Road
Tax Map: 10.-2-10.3

The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Inlet protection	6	EA	\$ 500.00	\$ 3,000.00
Soil stockpiles	1	EA	\$ 500.00	\$ 500.00
Seed and mulch	28,575	SF	\$ 0.06	\$ 1,714.50
Stabilized construction entrance	1	EA	\$ 750.00	\$ 750.00
Silt Fence	450	LF	\$ 4.00	\$ 1,800.00
			TOTAL:	\$ 7,764.50

Erosion control bond estimate prepared by applicant:

\$ 6,007.00



Cornerstone Associates

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

September 7, 2016

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Alou Construction
Dean Road
Section 10 Block 2 Lot 10.3

Please be advised the following pertinent documents have been reviewed relative to the above referenced application:

1. Letter executed by Jason Snyder of Badey and Watson dated August 16, 2016, 3 pages.
2. Survey of the property entitled; "Survey of Easements prepared for Alou Corp." prepared by Badey and Watson dated May 23, 2016, 1 sheet.
3. Property Survey entitled; "Survey of Property prepared for Alou Corp." dated May 23, 2016, 1 sheet.
4. Plans entitled; "Alou Corp." prepared by Badey and Watson dated August 16, 2016 (rev.), 2 total sheets.
5. Town of Kent Planning Board Application executed by Scott Frey dated July 21, 2016.
6. Short form EAF (Part I) executed by John Delano of Badey and Watson dated July 21, 2016.

Summary of Application:

Application is to construct a 3,373 +/- square foot, four bedroom, single-family residence with individual water well and sewage disposal system, driveway and associated site improvements on a 2.837 +/- acre parcel in an R-80 zone.

The applicant proposes to disturb greater than 5,000 square feet of land area and therefore a Town of Kent steep slope and erosion control permit is required. The proposed driveway is in excess of 10% grade.

Review Comments:

A: Site Inspection:

1: The subject property is located, in part, in a NYSDEC wetlands check zone (Wetland L C-1). This wetland also contains a NYSDEC protected Class CT(s) trout spawning stream. As a result, the applicant is required to consult with NYSDEC to determine if a state wetland permit is required.

2: A preliminary site inspection was conducted on August 11, 2016. Property boundaries were not staked at the time of inspection. Based on review of the above referenced map, Town of Kent jurisdictional wetland or wetland buffer areas do not appear to be located within the proposed limits of disturbance. Upon field location of the property boundaries a re-inspection will be conducted to confirm preliminary findings.

3: A substantial amount of metal debris such as a panel truck body and tanks was noted on or adjacent to the subject parcel. Further review is recommended.

B: EAF:

1: Page 1, Question 3b: Indicate if Lot 2 is proposed to be developed at the present time which will increase the total area of disturbance calculation.

2: Page 2, Question 13: Please respond; "Pending conformation".

3: Page 2: Question 15: Please indicate source of determination.

C: Plans:

Sheet 1 of 2: Rock outcroppings have not been identified.

A tree survey has not been provided.

It is unclear how pollutant loading from lower sections of the driveway will be prevented from entering Dean Road and adjacent wetlands/trout stream during and after construction.

This office will conduct additional review upon submittal of responses to the above referenced comments

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

Sincerely,



Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant



Cornerstone Associates

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

September 8, 2016

To: Planning Board

From: Bruce Barber, Town Environmental Consultant

RE: Armstrong Solar, LLC Application
Section 12 Block 3 Lot 9
114-116 Mooney Hill Road

Please be advised that this memo amends the original review memo of this project dated August 11, 2016 and is reflective of the site inspection conducted on August 12, 2016. The following documents have been reviewed relative to the above referenced project:

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

Project Summary:

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

Review Comments:

1: Combined Application:

Indicate that steep slope and erosion control approval is requested. A wetland permit may be required pending revision of the proposed limits of disturbance and update of the wetland delineation as determined in the field on August 12, 2016.

2: Project Narrative:

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

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

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

3: EAF:

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

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

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

Page 4: D.2.b: Wetland verification has been completed. Revised wetland boundary line and limits of disturbance are pending.

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

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

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

4: Surveys

Sheet 1 of 3:

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

Sheets 2 of 3 and 3 of 3:

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

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

Please label match lines of the sheets.

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

Please survey located all areas of substantial rock outcropping.

Please provide a soils map

5: Wetland Delineation:

Wetland delineation verification has been completed. Revised wetland boundary map is pending.

A substantial area of the site is located with NYSDEC wetland and wetland check zone areas. The NYSDEC must be consulted to confirm state wetland jurisdictional boundaries to execute a wetland validation block to be included on the plan sheets and determine if a state wetland permit is required for the proposed action.

6: Biodiversity:

A substantial area of the subject parcel is located in a NYSDEC Rare Plants/Rare Animals mapped area. Please see review comments above regarding field reports.

The site contains substantial habitats for developmentally sensitive species including a potential vernal pool, wetlands and undisturbed woodlands. The site is also located in close proximity to Brown's and Stump Ponds as well NYSDEC Class B and CT protected watercourses and may serve an important landscape ecological function. Removal of 20 +/- acres of trees and the installation of solar panels will effect and fragment on-site habitat and may negatively affect biodiversity. It is recommended that a biodiversity study conducted pursuant to the requirements of Section 77-44.7 of the Town of Kent Town Code entitled; "Standard Methodology for Wildlife and Plant Biodiversity Assessments" be conducted to identify potential impacts.

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

Sincerely,

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

Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant



Cornerstone Associates

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

September 8, 2016

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Holmes Presbyterian Camp and Conference Center**
60 Denton Lake Road
Tax Map: 2-1-47.1

Dear Chairman McDermott and Members of the Planning Board:

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

- Letter executed by Michael Sloan of Sloan Architects dated August 17, 2016, 6 pages.
- Town of Kent Planning Board Application executed by Michael Sloan dated August 17, 2016.
- Report entitled; Holmes Presbyterian Camp and Conference Center Restoration and Expansion Environmental Assessment Form" prepared by Sloan Architects dated August 17, 2016.
- Plans entitled; "Holmes Presbyterian Camp and Conference Center" prepared by Sloan Architects dated 8/17/16, 51 total sheets.

Summary of Application:

This project received conditional site plan approval on June 10, 2010 and has received several extensions, the most recent on February 11, 2016 which is due to expire on September 8, 2016.

The applicant has been in the process of receiving approvals from outside regulatory agencies and accordingly there have been minor changes in the currently approved site plan.

Comments:

There have been minor changes to the site plan. Review comments are as follows:

A stormwater detention pond has been added adjacent to Denton Lake Road. This office will conduct a site inspection to confirm that the proposed disturbance are not located with Town of Kent jurisdictional wetland/waterbody or 100' regulated buffer.

The discharge point of the stormwater detention pond is indicated to be Westminster Lake (EAF Page 6, Section D2eiii). It should be confirmed that there are no post-construction pollutant loads (including thermal) to Westminster Lake which is a NYSDEC Class B waterbody.

Please indicate if all post-construction stormwater practices will be completed as part of Phase I.

EAF: Page 5, Sections D2c and D2d: Indicate increased water supply requirement to be 2,700 gpd and new wastewater generation to be 4,800 gpd. Please clarify.

EAF: Page 12, Section E2m: Please provide NYS Natural Heritage Report. In addition, please provide any correspondence from NYSDEC regarding tree cutting and northern and Indiana bats. Please provide any notes from field inspection(s).

Plan Sheet LP-2: The location(s) of the proposed biofiltration basins is not clear.

Plan Sheet CU.00: Please indicate location of proposed buried propane tanks (EAF Page 8, Section D2piii).

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

Sincerely,

A handwritten signature in black ink, appearing to be 'R' followed by a stylized flourish.

Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3000 | F: (845) 255-3042
www.dec.ny.gov

August 31, 2016

Kent Investors, LLC
John Bretti
PO Box 177
Somers, NY 10589

Dear Mr. Bretti:

NYS DEC staff have reviewed the attached site plan submitted to DEC by email on August 4, 2016 outlining the proposed activities at 301 Route 52 in Carmel, New York (the Site). In that email, the proposed activities were described as follows: "We propose to grind 1000 yards of clean wood and 500 yards of wood chips into mulch. We are not disturbing any land areas and we are locating the grinding operation in the center of the property which is more than 100' away from any adjacent wetlands. Please see attached site plan and mark up to find exact location."

The Department's current regulations governing solid waste management facilities do not require a permit to process clean wood. As we previously discussed, the site is surrounded by a New York State regulated freshwater wetland (LC-57). Based on the information submitted to the Department on August 4, 2016, it appears that the activity is planned in the center of the Site and outside of the DEC regulated wetland and adjacent area. However, please be advised that any work in the freshwater wetland or its 100 foot adjacent area may require a permit from the Department.

In addition, regarding a coverage under a SPDES General Permit, the Town of Kent is a regulated MS4 Community responsible for stormwater reviews and I recommend that you consult with the Town regarding any permits required for the proposed activity, including any planned stockpiling on the Site.

Regards,


Kelly R. Turturro
Regional Attorney



cc: D. Pollock
D. Whitehead

Attachment



Department of
Environmental
Conservation



**NEGATIVE DECLARATION
Determination of Non-Significance**

August 31, 2016

Barrett Pond Forest Management Project

CEQR No. 17DEP002U

This Negative Declaration has been prepared in compliance with the requirements of the City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, and Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (DEP), as lead agency, had determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. The Short Environmental Assessment Form (EAF) was issued on July 21, 2016.

Project Description

The proposed Barrett Pond Forest Management Project is a light- to moderate-intensity silvicultural crown thinning of approximately 45 acres of New York City-owned forest land in the West Branch Reservoir basin. The harvest would reduce competition between residual trees, improving growth and vigor of the residual stand. Improvements in growth and vigor increase resistance and resilience to disturbance, helping to ensure long-term forest cover on the site. The project area is bounded on the west by Barrett Pond and on the south by the Kent/Carmel town line. The targeted start date for the project is October 1, 2016. The proposed action requires approval from the Town of Kent and the Town of Carmel.

The Bureau of Environmental Planning and Analysis has concluded that the proposed action is classified as an Unlisted Action.

STATEMENT OF NO SIGNIFICANT EFFECT

DEP has determined that the proposed action would not result in any significant adverse impacts on the environment. The proposed project does not involve any new land uses, new construction, or increase of activity following harvesting so it is not expected to result in any potentially significant adverse impacts to natural resources, open

Vincent Sapienza, P.E.
Acting Commissioner

Angela Licata
Deputy Commissioner of
Sustainability

59-17 Junction Blvd.
Flushing, New York 11373

Tel. (718) 595-4398
Fax (718) 595-4422
alicata@dep.nyc.gov

space, historic or archaeological resources, noise, visual character or other impact categories.

Supporting Statements

The above determination is based on an environmental assessment issued on July 21, 2016 which finds that the project, as proposed, would not result in significant effects on the environment which would require the preparation of an Environmental Impact Statement (EIS).

For further information, please contact:

Susan Darling
Office of Water Supply Infrastructure and Watershed Assessment
NYC Department of Environmental Protection
Bureau of Environmental Planning and Analysis
59-17 Junction Boulevard, 11th Floor
Flushing, New York 11373
Phone (718) 595-4614

Sincerely,



Mark N. Page, Jr.
Managing Director, NYCDEP – Environmental Impact Analysis & Technical Review

cc: Hon. Maureen Fleming, Town Supervisor, Town of Kent
Hon. Kenneth Schmitt, Town Supervisor, Town of Carmel
Daniel Whitehead, NYSDEC Region 3
Amanda Locke, NYCDEP
Ira Stern, NYCDEP
Fred Gliesing, NYCDEP
Sangamithra Iyer, NYCDEP
Susan Darling, NYCDEP

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

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

MEMORANDUM

TO: Town of Kent Planning Board
From: Neil A. Wilson
Date: August 26, 2016
Re: Armstrong Solar Farm Site Plan
114-116 Mooney Hill Road
Tax Parcel No. 12.-3-9

With reference to the above matter, we have reviewed the latest set of plans and materials submitted via application received by the Planning Department on July 21, 2016 and offer the following for the Board's consideration:

Summary

1. The project is the development of a solar electric generating facility (i.e. a solar farm) on a ±41.9-acre parcel. The solar farm would take up approximately ±20.5-acres, or a little less than half, of the property. The site is forested and includes areas of regulated freshwater wetlands.
2. The project is classified as a "public utility" within the meaning of §77-65 of the Town Code, specifically:

Any person, firm, corporation or governmental agency, duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage treatment, steam or communication service. This definition shall not bestow any special status or standing not already provided by state or federal law.

3. Although the company that would install and operate the solar farm is a privately owned Limited Liability Company the rates charged to customers are regulated by the Public Service Commission thereby bringing the use within the meaning of "public utility".
4. Public Utility structures are allowed subject to Site Plan Approval in the R-80 District.

SEQRA

1. The project would result in the disturbance of more than ten (10) acres of land and is therefore a Type I Action. The amount of land disturbance also brings the project within the jurisdiction of the State Pollutant Discharge Elimination System (SPDES) program and a Storm Water Pollution Prevention Plan (SWPPP) will be required.

2. The facility would be unmanned and would be visited by personnel approximately once a month for routine maintenance or as necessary in the event of an emergency. It would not generate any demand for water, sewage treatment, or traffic, and is not expected to generate any appreciable demand for emergency services. The project would be exempt from real property taxes due to recent changes to the State tax code adopted as an incentive for creation of sustainable energy projects such as the one proposed. The property does not appear to be part of a managed forest program, but any forestry exemptions that may apply to the property would be lost along with possible recapture of any forestry tax benefits.
3. The primary effects of the project are related to short-term and long-term water quality and impacts to wetland resources, and the removal of trees and vegetation due to extensive regrading of the site, and construction related noise and air quality impacts associated with the operation of equipment. The long-term impact of the project is primarily visual related to the removal of forest and the introduction of an expanse of solar panels across approximately 20 acres of previously forested land.
4. A Part 1 EAF has been provided and the Planning Board has commenced the process for designation of a lead agency at the August 11, 2016 meeting. The designation of a lead agency would be complete within 30 days of the date of mailing of the EAF and the application to the involved agencies and no objection received within that time.

Site Plan Application

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

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

Comment: This item is complete.

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

Comment: This item is complete.

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

Comment: This item is complete.

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

Comment: The property is forested and with the exception of stone walls does not contain any buildings. The stone walls are depicted on the existing conditions map. This item is complete.

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

Comment: An aerial map of the site with proposed improvements and showing improvements on neighboring and adjoining properties has been provided. This item is complete.

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

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

- g. *Existing topography and proposed grade elevations at a contour interval of not more than two feet, unless waived by the Planning Board, soil types, wetlands and watercourses, one-hundred-year floodplains, bedrock outcrops, slopes in excess of 10%, and the location of trees with a diameter of eight inches dbh and greater.*

Comment: The primary, and perhaps most important, piece of missing information is a preliminary grading plan, although the applicant has provided a concept plan depicting the possible location of some storm water control measures. This item is incomplete.

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

Comment: This item is complete, although it should be noted that per the recommendations below, the design of the driveway and the turnaround should be revised. Pending verification of compliance with Chapter 57 of the Town Code this item is incomplete.

- i. *The location of outdoor storage areas.*

Comment: It does not appear that the use requires outdoor storage. However, pending verification of that this item is incomplete.

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

Comment: Pending review by the Lake Carmel Fire District this item is incomplete.

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

Comment: Pending receipt of a preliminary grading plan this item is incomplete as to storm water controls. The project is an unmanned public utility so

information as to sidewalks, curbing, and reservation of area for parks, open spaces and recreation is not required. Details of security and other fencing should be provided. Pending receipt of revised plans this item is incomplete.

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

Comment: Water and sewage disposal facilities are not required for this facility. This item is not applicable.

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

Comment: A conceptual plan for storm water control has been provided but a preliminary grading plan is not included in the plan set. Pending receipt of a preliminary grading plan this item is incomplete. We defer to the Planning Board engineer as to any other specific comments.

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

Comment: A signage plan has not been provided but it is not clear what type of signage, if any, may be requested or required. Pending verification as to the type and location of signage this item is incomplete.

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

Comment: A supplemental landscaping plan has not been provided. Based on concerns for screening of the facility from adjoining residential properties a landscaping plan is a critical item. In addition, as recommended below the setback of proposed improvements should be increased above the minimum required for the R-80 District and the increased setback area heavily landscaped for visual screening. This item is incomplete.

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

Comment: It does not appear that the facility requires lighting or communication facilities. Pending verification this item is incomplete.

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

Comment: This is not the type of facility that would generate waste so as to require refuse enclosure or storage facilities. This item is not relevant to the application.

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

Comment: The details as to the location and type of connection to the power grid have not been provided. This item is incomplete.

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

Comment: It is not clear as to whether, with the exception of underground electric cables, this application involves the installation of subsurface improvements. Pending verification this item is incomplete.

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

Comment: The information has not been provided. This item is incomplete.

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

Comment: A preliminary grading plan has not been provided. Such a plan is a prerequisite to development of a storm water management plan for the site. This item is incomplete. We defer to the Planning Board engineer with respect to any other comments.

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

Comment: A phasing plan has not been provided although the extent of site work and land disturbance would appear to require one. This item is incomplete.

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

Comment: Not provided. This item is incomplete.

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

Comment: Owner signature not provided. This item is incomplete.

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

Comment: This item is complete.

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

Comment: To be determined.

Comments

1. Although the EAF describes land disturbance as being ±20.5 acres a grading plan will need to be provided to verify this. Additionally, it is unclear whether additional trees not in the area of the proposed solar panels or access road would need to be removed to ensure a clear line-of sight for seasonal sun angles to the panels. In other words, is the area of tree removal greater than the area of disturbance for the solar panels?

2. A field visit was conducted on August 12, 2016. Among the purposes of that field visit was to ascertain the need for additional plantings along the property boundaries of adjacent residential properties to provide appropriate visual screening of the project. The field investigation indicates the following:
 - a. The areas of greatest visual sensitivity are along the entirety of the site where it abuts a residential property. The proposed site plan (see sheet Z1.0) would provide a buffer of 20 feet along the entirety of the perimeter. This proposed 20-foot buffer is the minimum required side yard setback for the R-80 District. However, field observations indicate that once the large trees are removed from the central part of the site views of the solar panels from many of the homes on Saddle Ridge Road, the Aquaro, Collado, and Vitiello properties to the west and south, and the Nelson property to the east, and the would have largely unshielded views of the solar panels. This would occur due to the height of the mature trees (i.e. the top of the canopy is 70 to 80 feet in height and there are no low hanging branches growing out of the tree trunks) within the 20-foot setback and the lack of significant natural understory vegetation to provide a significant visual buffer. Additionally, the areas of the site in which the solar panels would be located range from 20 to 30 feet higher in elevation than the proximate elevations of the adjoining homes to the west and south, and would be roughly at the same elevation as the homes to the east.
 - i. Recommendation: the Planning Board should consider requiring a much larger side yard setback for the solar panels along any adjoining residential property. This setback would need to be planted with a mix of trees and fill-in vegetation as mitigation for adverse visual impacts to adjoining properties. We recommend increasing the depth of the required setback to a minimum of 80 feet in any area where the site abuts a residential property in order to create a reasonable physical separation of the proposed solar panels to those adjacent properties and to ensure a sufficient depth of buffer for planting of a mix of low and high growing trees and vegetation. The exception would be the small wetland area located along the western property line approximately 200 feet south of Mooney Hill Road. This wetland is a depressed area that cannot be landscaped without destroying its wetland function. Instead, the setback area should extend around the wetland and the vegetative screening installed to the north, east, and south of the wetland.
 - b. Access driveway and turn-around: the design and location of the access driveway at the intersection with Mooney Hill Road is probably the most ideal from the standpoint of sight-line and safe stopping distances. However, the location of the cul-de-sac at the end of the driveway would place it at an elevation approximately 10 feet above the elevation of the public road and would require extensive grading to meet the standards of Chapter 57 of the Town Code.
 - i. Recommendation: the applicant should provide a plan depicting a driveway and turnaround that meets the requirements of Chapter 57. This may include extending the driveway and the terminus further into the site.
3. In addition to the 5-acre limitation on exposed land area during construction as required by the SWPPP, the application should be revised to depict areas in which equipment and materials would be stockpiled as construction proceeds across the site. This would also

include a preliminary phasing plan depicting the direction and duration of construction across the site.

4. The revised plans should include details as to the location, type and style of any on-site electrical connection points.
5. We defer to Bruce Barber with respect to wetland, stream, and steep slope impact issues.
6. We defer to Julie Mangarillo with respect to site engineering, sewer, water supply, and storm water management impact issues.

Recommendation

1. We may provide additional comments upon receipt of revised plans.
2. A copy of the application should be sent to the Putnam County Planning Department for review pursuant to GML 239-m.
3. A copy of the application should be sent to the Lake Carmel Fire District for review.
4. Pending receipt and review of responses to the comments above, and comments from the Planning Board's Professional Engineer and Environmental Consultant, the application is incomplete and is not yet ready for public hearing.



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Plan
Completeness Review

Date: August 26, 2016

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

The following materials were reviewed:

- Drawings "Biben Residence Guest House Addition," prepared by River Architects, including:
 - C-102, revised 8/11/2016

The project proposes the addition of a home office and one-bay garage onto an existing single family house.

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

The following comments are provided for the Planning Board's consideration:

1. Previous comments have been addressed.
2. If not already done so, prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.

Julie S. Mangarillo, P.E., CPESC

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

Bruce Barber via email
Neil Wilson via email



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Site Plan & Erosion Control
August 2016 Planning Board
meeting

Date: August 10, 2016

Project: Armstrong/Cypress Creek
Renewables – Solar Farm
TM # 12.-3-9

The following materials were reviewed:

- Transmittal letter prepared by Cypress Creek Renewables, Dated 7/19/2016
- Combined Application Form dated 7/18/2016 including:
 - Site Plan Checklist
 - Owner's affidavit
 - Certification of Professional Engineer
 - Certification of Licensed Land Surveyor
 - Agricultural Data Statement
- Project Narrative, prepared by Cypress Creek Renewables
- Full Environmental Assessment Form (EAF), Part 1, unsigned, undated
- Preliminary Stormwater Pollution Prevention Plan, prepared by Hudson Land Design, dated July 19, 2016
- Survey drawings prepared by TEC Land Surveying, dated 7/6/2016
- Figure 6: Wetland Delineation, prepared by ERM, dated 7/20/2016
- Drawings prepared by Cypress Creek Renewables, including
 - Z1.0 "Zoning Site Plan" dated 7/20/2016
 - Z1.0 "Erosion & Sediment Control Plan" dated 7/20/2016
 - Z1.0 "Stormwater Site Plan" dated 7/18/2016
 - Z2.0 "Erosion and Sediment Control Details" undated
 - Z2.0 "Stormwater Details" undated

The project proposes construction of a solar farm on a 41+ acre parcel on Mooney Hill Road.

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

1. Refer to the Combined Application Form
 - a. Check off "Steep Slope and Erosion Control" for requested approvals. An erosion control permit is required as more than 5,000 SF of land is proposed to be disturbed.

- b. Per #14 of the application, provide the deed. Include any easements, including the "Reserved for future highway purposes" shown on the survey.
 - c. Fill in the information requested under Section D "For steep slopes and erosion control permit applications" on page 5.
 - d. Provide a "Disclosure of Business Interest" form.
 - e. From the Site Plan Checklist, provide the following:
 - i. Sight distance from proposed driveway
 - ii. Post-construction topography (for driveway and any staging areas or drainage work)
 - iii. Total limit of disturbance line
 - iv. Erosion and sediment control plan
 - v. Cost estimate (breakdown) to implement erosion and sediment control plan
2. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
- a. §66-6.B.2.c – Provide "proposed final contours at a maximum contour interval of two feet, locations of proposed structures, underground improvements, proposed surface materials or treatment, and dimensional details of proposed erosion and sediment facilities, as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversion and other similar structures."
 - i. Grading will be required for the driveway, any staging areas and drainage/stormwater facilities.
 - b. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map."
 - i. Provide slopes map.
 - c. §66-6.B.2.f – Provide "the depth to bedrock and depth to water table shall be identified in all areas of disturbance" (Except for applications involving one single-family dwelling).
 - d. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control

measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"

- i. [1] Describe or depict the temporary and/or permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project, from land clearing to the finished stage.
 - ii. [2] Delineate the area of the site that will be disturbed and shall include a calculation of the acreage or square footage so disturbed.
 - iii. [3] Include a map drawn at a scale of not less than one inch equals 40 feet showing the location of erosion and sediment control measures, swales, grassed waterways, diversions and other similar structures.
 - iv. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions and other similar structures.
 - v. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 - vi. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan. (Basis for Erosion Control Bond.)
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
5. Refer to the preliminary SWPPP report:
- a. Page 1 – "This project qualifies for SPDES coverage under provision 3 as stated above." Based on the written descriptions, provision "3" should be changed to provision "1".
 - b. Update references to current New York State Stormwater Management Design Manual as January 2015, instead of August 2010. (See page 1).
 - c. Page 7, Section 6.3 "Post-Development Watershed Conditions" indicates NYSDEC will not count the solar panels as impervious surfaces. This is in contrast to NYCDEP's position for other solar panel projects. Please keep us updated as NYCDEP conducts their review.
 - d. Update references to the current General Permit GP-0-15-002 (see page 14).
 - e. Additional comments will be provided as the SWPPP continues to develop.
 - f. Please note – With issuance of new NYSDEC General Permit GP-0-15-002, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end*

of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased..." (emphasis added).

- i. The SWPPP and Drawing notes should be reviewed to ensure compliance with 7 day time limit.
6. Provide a Notice of Intent (NOI) for review.
7. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
8. Refer to the Drawings:
 - a. Provide a limits of disturbance line and area calculation.
 - b. As the design progresses, provide more detailed information and details on erosion & sediment control and stormwater management.
9. Provide additional details on the driveway into the site. It will have to meet the requirements of the driveway code, Town Code Chapter 57. Provide a driveway profile. Provide a sight distance analysis at the intersection with Mooney Hill Road. As there is significant road frontage, a different driveway location may provide better sight distance.
10. We defer to the Planning Board's environmental consultant regarding wetland issues.
11. We defer to the Planning Board's planning consultant regarding zoning and SEQRA issues.
12. We will provide additional comments as the project continues to develop and after the site visit scheduled for August 12, 2016.



Julie S. Mangano, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
16-261-230

Bruce Barber via email
Neil Wilson via email



Cornerstone Associates

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

August 11, 2016

To: Planning Board

From: Bruce Barber, Town Environmental Consultant

RE: Armstrong Solar, LLC Application
Section 12 Block 3 Lot 9
114-116 Mooney Hill Road

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

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

Project Summary:

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

Preliminary Review Comments:

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

1: Combined Application:

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

2: Project Narrative:

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

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

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

3: EAF:

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

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

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

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

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

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

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

4: Surveys

Sheet 1 of 3:

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

Sheets 2 of 3 and 3 of 3:

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

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

Please label match lines of the sheets.

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

Please survey located all areas of substantial rock outcropping.

Please provide a soils map

5: Wetland Delineation:

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

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

Sincerely,

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

Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant



Memorandum

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

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

Date: August 17, 2016 **Project:** Bene Residence, Tibet Drive
TM # 30.20-1-16

The following documents were reviewed:

1. Letter prepared by Badey & Watson, dated August 2, 2016
2. Erosion Control Bond Estimate, prepared by Badey & Watson, revised July 18, 2016
3. Putnam County Department of Health
 - a. Well permit – effective dates March 4, 2016 to March 4, 2018
 - b. Sewage Treatment System permit - effective dates March 4, 2016 to March 4, 2018
 - c. Specific Waiver Application
 - d. PCDH Specific Waiver
4. Drawing “Subsurface Sewage Treatment System” prepared by Badey & Watson, revised 12/21/2015 and signed by Putnam County Department of Health on March 4, 2016
5. Drawings 1, 2 and 3: Steep Slope & Erosion Control prepared by Badey & Watson, revised July 18, 2016.

The purpose of this Completeness Review is to determine if the conditions of approval have been satisfied in preparation for Planning Board Chairman’s signature of the plans.

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

The following is offered for consideration by the Planning Board from a memo dated July 13, 2016:

2. Refer to the Erosion Control Bond Estimate:
 - a. The line item for Construction Fence can be removed.
 - b. Add a line item for water bars.
 - i. **8/17/2016 – The bond estimate revised July 18, 2016 addresses this comment. However, per a telephone conversation with Bart Lanksy, Esq. on July 14, 2016, he indicated the applicant would prefer to keep the bond estimate per the March 17, 2016 estimate. The revised bond estimate to address the above comment made a minor reduction in the erosion control bond amount. However, having the reduced bond amount accepted by the Planning Board**