

Minutes  
Town of Kent Planning Board Meeting  
October 13, 2016  
Draft

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	Gary Lam
Dennis Lowes, Vice Chairman	Charles Sisto
George Brunner	Philip Tolmach

**Others in Attendance:**

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

**Absent:**

Janis Bolbrock

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

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

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

The motion carried.

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

Mr. Harry Nichols represented the applicants, Mr. & Mrs. Boccia, who also attended the meeting. Mr. Nichols said he had responded to prior comments, but had not responded to the memo of October 13, 2016. This project was an erosion control plan for a single family residence.

Mr. Barber's Comments (memo attached)

Mr. Barber advised the Planning Board that he, Mr. Nichols and Mrs. Boccia met at the site to discuss elements of the project. Based on the site inspection, Mr. Barber confirmed that the current plan does reflect an accurate wetland delineation and buffer pursuant to the Town of Kent jurisdictional wetlands on the property and the adjoining tax parcel. Mr. Barber recommended moving the septic system as far away from the wetlands as possible. The closest trench for the reserve septic system is now 90 feet away from the wetlands (10 feet into the wetland buffer). Regarding prior tree cutting and removal of trees - The applicant agreed to do a re-vegetation of the wetland and wetland buffer. Mr. Barber recommended that a deed restriction be placed on this property in terms of long-term maintenance of the property. An easement for the proposed house lot was also suggested because the primary septic system is on a separate lot from the house lot in order to provide access for maintenance. Mr. Barber said that, as part of the tree restoration of the wetlands, Mrs. Boccia proposed planting some flowers he agreed with this proposal and asked that this be shown on the plans. He also suggested a path down to the lake be constructed where a dock is proposed. A shed, which is located in the wetland buffer, will be moved at a later date. Mr. Tolmach asked Mr. Barber if he felt that the mitigation was sufficient and Mr. Barber said that he did. Mr. Barber said that the Boccias had also agreed that a maintenance plan would be done twice a year to keep the property in good condition.

Ms. Mangarillo's Comments (memo attached)

An update to Ms. Mangarillo's memo pertained to a meeting with Rich Othmer, Kent Highway Superintendent, at which time he agreed to grant a permit when everything was finalized on the Beach Court right-of-way. Ms. Mangarillo requested a copy of the subdivision maps of the parcels. With the General Permit a new stabilization requirement is that the property should be stabilized within one business day and completed in seven days rather than fourteen days. Ms. Mangarillo referred to her memo of 2014 which stated that an updated Notice of Intent needs to be included in the plan. Mr. Nichols asked Ms. Mangarillo if he could "rough-grade" the road and then introduce the erosion control features to handle the stormwater in order to prevent erosion. Ms. Mangarillo said that those things should go together as the project progresses.

Mr. Wilson's Comments

Mr. Wilson said that, if Mr. Nichols was able to respond to Mr. Barber and Ms. Mangarillo's memos at the November meeting and was able to submit a revised map, he would prepare a Resolution with conditions of approval.

**Town of Kent Planning Board Minutes  
October 13, 2016**

Mr. Wilson asked for Ms. Mangarillo and Mr. Barber's opinion regarding waiving a Public Hearing. Ms. Mangarillo said that when an entire house is being constructed a Public Hearing is recommended. The Public Hearing notice is published in a local paper and is sent to neighbors within 200 feet of the property.

Mr. McDermott asked for a motion to schedule a Public Hearing for this project on Thursday, November 10, 2016. The motion was made by Mr. Tolmach and seconded by Mr. Sisto. The roll call votes were as follows:

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

The motion carried.

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

Mr. Jack Karell represented the applicant. This project regards a piece of property where fill was brought onto the property without obtaining an erosion control plan and the Building Inspector advised the applicant to apply for one with the Planning Board. Mr. Karell said that he had met with Ms. Mangarillo and Richard Othmer, the Kent Highway Superintendent, regarding the fill which was obtained from the Town of Kent Highway Department. Ms. Mangarillo recommended that the soil be tested and Mr. Karell said that he objected to that due to the cost of the sampling. Mr. Othmer sent a letter attesting that the fill was clean and excavated by the Highway Department and that it is given to town residents. Mr. Karell stated that Mr. Kinash would like to seed the property and put topsoil down before the season is over.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo confirmed that the Highway Superintendent did send a note attesting to the quality of the fill. However, she had concerns that the fill had been obtained from any number of sites and she still recommended soil testing, as had been done on similar projects. Ms. Mangarillo said that she recommended waiving a public hearing and accepting the bond estimate provided by Mr. Karell.

Mr. McDermott advised Mr. Karell that this project had been discussed at the workshop and that the Planning Board does want the soil tested in the manner Ms. Mangarillo suggested, as has been done on other properties. Mr. Brunner asked how much fill had been delivered. Mr. Karell replied that 500 to 1,000 yards of fill had been delivered to the property.

**Town of Kent Planning Board Minutes**  
**October 13, 2016**

Mr. McDermott asked for a motion to waive the Public Hearing for this property. Mr. Lam 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>Absent</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.

Mr. McDermott asked for a motion to accept the bond recommendation in the amount of \$1,700.00 and to refer it to the Town Board for 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>
Janis Bolbrock	<u>Absent</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.

• **O'Mara Property, Nimham Road Court, Kent, NY; TMP 10.20-1-1**

Mr. Jack Karell represented the applicant, Mr. O'Mara, who also attended the meeting. This was a vacant lot, purchased recently. In 2007 the previous owner had "roughed in" a driveway, put in a foundation, installed a septic tank, fields and a well with Board of Health approvals, which have expired. However, he did not get permits or approvals from the Town of Kent. Mr. Karell submitted an erosion control plan. Mr. Karell referred to Ms. Mangarillo's memo regarding modifying the driveway grade and said that he could modify the slopes to meet the driveway requirements at the house and the road. However, he felt that, since there was an approved septic area, it would be difficult to change the slopes in that area on the sides of the driveway and requested a waiver. Mr. Karell said that a variance was needed and that he would be going to the Kent Zoning Board to apply for one.

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

Ms. Mangarillo clarified her comment pertaining to the slope and said that Mr. Karell's drawing had one note stating that "slopes steeper than two on one need erosion control matting" and everywhere else it said "three on one", so one note needed to be changed and she said that the grading did not need to be changed. Ms. Mangarillo agreed that the lot will need variances from the ZBA because it is under-sized.

- **O'Mara Property, Peekskill Hollow Road, Kent, NY; TM: 42.07-1-7**

Mr. Karell was also Mr. O'Mara's representative for this property. An erosion control plan was submitted and approved for this property in 2006. Mr. O'Mara began construction and "roughed in" a driveway, but he was issued a "stop order" by the previous building inspector. Mr. O'Mara is currently before the Zoning Board to reinstate previous variances for this property. An erosion control bond in the amount of \$9,600.00 was also posted previously. Mr. Karell asked for a waiver from the 5% slope (approved previously) to the town road and said that the driveway slope at the house is acceptable (2,75%) and that he would put notes on the plan regarding this.

Mr. McDermott asked if this matter needed to be referred to the Kent Highway Superintendent and Kent Fire Department due to the request for driveway waivers. Ms. Mangarillo confirmed that the plans should be forwarded by the Kent Planning Board secretary to the Highway Superintendent as well as the Kent Fire Department.

Ms. Mangarillo asked Mr. Karell to show any improvements that already exist on this property as well as on the Nimham Road property on the drawings.

No action was made by the Kent Planning Board at the October meeting.

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

Ms. Anne Waling, representative for the applicants, attended the meeting. Ms. Waling said that additional material would be submitted for the November meeting. Ms. Waling wanted to focus on the grading and new site plan changes. In response to the site visit made previously by the Kent consultants the wetland boundary has been changed and the wetland buffer has been fortified from neighboring properties. There were some concerns about total land disturbance and the impact on water features, so the total land disturbance has been reduced from plus or minus 19 acres to 7.2 acres and some of the panels by the road have been dropped back to reduce visibility. Some areas of critical topography and bedrock have also been avoided. The DEP has also been engaged for concurrence as to whether or not the panels were an impervious surface and they are not. A phasing plan is also proposed to limit disturbance to five acres at any point. There were also concerns about site distance so the access road has been moved to match the existing travel way

**Town of Kent Planning Board Minutes  
October 13, 2016**

Site distance on Mooney Hill Road will also be established around the curves where a future highway is already planned. Instead of using barbed wire on the fence the applicants will be going through the ZBA for a variance to install a 7 foot fence. Regarding the critical species habitat and habitat fragmentation, a biodiversity survey will be done by TRC with conservation measures during design, construction and maintenance of the site. Ms. Locke said that she is aware that there are some steep slopes and that there will be a combination of grading and removing soil to a fill site and they are aiming to a 15% slope.

Mr. Wilson's Comments

Mr. Wilson verified that Ms. Locke had discussed the changes at the review meeting which are noted above and the consultants recommended that Ms. Locke make the Planning Board aware of the changes and to advise them that the new material would be submitted in November.

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

Mr. Wilson represented the applicants for this project. He circulated a draft Resolution for a Freshwater Wetland Permit related to this project, which involves 100' of skid haul road going through a portion of the wetland buffer on this site. Mr. Wilson said that he had questioned why the DEP didn't do a coordinated review involving the towns with agency jurisdiction. The DEP recirculated their material and issued a Negative Declaration in July 2016. Therefore, a draft Environmental Impact Statement will not be required and it cuts off environmental review from any other agencies. The Resolution affirms this information. Mr. Wilson also said that the review of this project is finished.

Mr. McDermott asked for a motion to adopt the Resolution for adoption of the Freshwater Wetland Permit. 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>Absent</u>
George Brunner	<u>Aye</u>
Gary Lam	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>

The motion carried.







**Town of Kent Planning Board Minutes**  
**October 13, 2016**

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

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

The motion carried.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk



**Town of Kent Planning Board  
Freshwater Wetland Permit Approval**

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**New York City Department of Environmental Protection  
Barrett Pond Forest Management Project**

**Whereas**, the Town of Kent Planning Board (“Board”) has received an application from the New York City Department of Environmental Protection (“NYCDEP”) for Freshwater Wetland Permit approval to allow establishment of a skid trail within the 100-foot controlled area of a jurisdictional wetland; and

**Whereas**, the project is related to a forestry management program involving selective timber harvesting on a  $\pm$  45 acre site located within a larger  $\pm$ 1,000 acre forested tract located off Dixon Road in the West Branch Reservoir basin identified as tax parcel numbers 43.-2-1, 43.-2-2, 43.-2-5, 43.-2-6, 43.-2-7, and 43.-2-8; and

**Whereas**, the NYCDEP, acting as the designated Lead Agency, issued a Negative Declaration dated July 21, 2016 thereby concluding the environmental review of the project; and

**Whereas**, in order to prevent erosion from the surface of the skid trail that may adversely affect the adjacent wetland and perennial stream the following mitigation measures have been designed into the proposed project plans:

1. No more than 25% of the existing basal area will be removed.
2. Silt fence will be installed and properly used on both sides of the trail where it travels between the wetland and the stream to minimize trail width and prevent sedimentation.
3. Trail use will be limited to dry or frozen ground conditions, reducing disturbance and the likelihood of rutting.
4. Logging slash will be used to armor the trail’s surface. When use of the trail is complete, slash will be removed to the extent practicable and the surface will be smoothed to remove any ruts if necessary.
5. The trail will be seeded with a native seed mix and mulched at completion of use.
6. Silt fence will be removed after the trail stabilizes with vegetation or organic matter.

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

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

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

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

**Be It Further Resolved**, that the approvals granted herein are expressly conditioned on development of the project in accordance with the plans and details as set forth in the application dated May 27, 2016; and


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

- 1) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The location of erosion control measures may be changed or modified by order of the Planning Board's Professional Engineer or the Planning Board's Environmental Consultant based on field conditions.*
- 2) *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 5:00 PM.*

- 3) *Payment to the Town of Kent the following fees:*
- a) *Any unpaid or outstanding application fees.*
  - b) *Any review fees accrued by the Planning Board during the review application.*
  - c) *Unless waived by the Planning Board, posting of an inspection fee in an amount to be established by the Board to cover the cost of construction and post-construction inspections by the Board's Professional Engineer and Environmental Consultant.*
- 4) *This approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.*

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

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on October 13, 2016.

  
\_\_\_\_\_  
Vera Patterson, Clerk  
Town of Kent Planning Board



# Memorandum

**To:** Planning Board  
Town of Kent

**Attn:** Michael McDermott  
Chairman

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

**Subject:** Erosion Control Plan

**Date:** October 12, 2016

**Project:** O'Mara – Peekskill Hollow Rd  
TM # 42.07-1-17

The following materials were reviewed:

- Combined Application Form, included affidavits
- Stormwater Pollution Prevention Plan, dated May 1, 2016
- Notice of Intent, signed 6/15/2016
- Short Environmental Assessment Form (EAF) signed 6/20/2016
- Drawing prepared by John Karell, Jr, P.E., last revised 9/16/2016

The project proposes construction of a single family house with well and septic. The parcel received variances from the ZBA in 2006. Information provided indicates the lot had Putnam County Health Department approval for well and septic, issued in 2006, which is now expired. Application form indicates re-approval from Health Department has been requested. The project was previously granted an Erosion Control Permit in 2006, which has since expired.

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

1. Provide current ZBA waiver(s).
2. Provide a copy of the deed per #14 of the Combined Application Form.
3. 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.
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. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
6. Provide erosion control bond estimate.
7. Refer to the Notice of Intent: Provide Federal Tax ID for "Above Contracting."

8. The SWPPP refers to an existing driveway under Section IV.A.1. Show the extent of the existing driveway on the drawing. The stabilized construction entrance is to be provided at the end of the existing driveway, assuming the driveway is in good condition.
9. Refer to the Drawings:
  - a. Refer to note "Existing privy and building foundation to be removed, backfilled and topsoil & seeded." Add the following language to the note, "prior to issuance of Building Permit. Notify Planning Department and Building Inspector one week prior to start of work." This additional language was a requirement of erosion control permit granted in 2006.
  - b. Refer to the Driveway Section detail: per current driveway code in Town Code Chapter 57, §57-26.A(4), the minimum subbase thickness is 8 inches and minimum top course is 3 inches. Revise drawing to comply.
  - c. Per Town Code Chapter 57, §57-26.A(2)(a): "Finished grades for all parts of any proposed driveway shall not exceed 10% and shall not be less than 1 ½% nor exceed 5% within 30 feet of the intersection of the driveway with the Town road... The slope shall not exceed 3% within 30 feet of a garage or parking pad."
    - i. The proposed driveway is shown as 15%. A waiver from the Planning Board will be required to exceed 10%, with input from Town Highway Superintendent and Fire Department.
    - ii. The proposed driveway is shown as greater than 5% within 30 feet of the Town road. Adjust the driveway grading or request a waiver from the Planning Board.
    - iii. Show on the profile that the driveway slope complies with the requirement not to exceed 3% within 30 feet of the garage.
  - d. Connection of lot drainage to the Town road stormwater system requires approval of the Highway Superintendent.
  - e. Refer to "Soil Erosion Control & Sequence of Construction Notes". Under #11, revise "slopes steeper than 2:1" to "slopes steeper than 3:1" to be consistent with Town Code and other note on the drawing.
  - f. Add a note to the drawing referencing the SWPPP.
10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
11. We defer to the Planning Board's environmental consultant regarding wetland issues.

  
Julie S. Mangarino, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
04-261-999-82

Bruce Barber via email  
Neil Wilson via email



# Memorandum

To: Planning Board  
Town of Kent

Attn: Michael McDermott  
Chairman

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

Subject: Erosion Control Plan

Date: October 12, 2016

Project: O'Mara – Mt. Nimham Rd  
TM # 10.20-1-1

The following materials were reviewed:

- Combined Application Form, included affidavits
- Stormwater Pollution Prevention Plan, dated May 1, 2016
- Notice of Intent, signed 6/15/2016
- Short Environmental Assessment Form (EAF) signed 7/18/2016
- Drawing prepared by John Karell, Jr, P.E., last revised 9/16/2016

The project proposes construction of a single family house with well and septic. The parcel may have previously received variances from the ZBA. Information provided indicates the lot had Putnam County Health Department approval for well and septic, issued in 2010, which is now expired. Application form indicates re-approval from Health Department has been requested.

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

1. Provide current ZBA waiver(s).
2. Provide a copy of the deed per #14 of the Combined Application Form.
3. 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.
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. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
6. Provide erosion control bond estimate.
7. Refer to the Notice of Intent:
  - a. Provide Federal Tax ID for "Genius Development Group LLC."



- b. Page 2 – A second tax map # of TM 20.08-1-15 is provided. Provide more information on this second parcel.
8. Refer to the SWPPP:
- a. Update cover to refer to "Genius Development Group LLC" instead of "Above Contracting."
  - b. There is a reference to an existing driveway under Section IV.A.1. Show the extent of the existing driveway on the drawing. The stabilized construction entrance is to be provided at the end of the existing driveway, assuming the driveway is in good condition.
9. Refer to the Drawings:
- a. Refer to the Driveway Section detail: per current driveway code in Town Code Chapter 57, §57-26.A(4), the minimum subbase thickness is 8 inches and minimum top course is 3 inches. Revise drawing to comply.
  - b. Per Town Code Chapter 57, §57-26.A(2)(a): "Finished grades for all parts of any proposed driveway shall not exceed 10% and shall not be less than 1 ½% nor exceed 5% within 30 feet of the intersection of the driveway with the Town road... The slope shall not exceed 3% within 30 feet of a garage or parking pad."
    - i. The proposed driveway is shown as greater than 5% within 30 feet of the Town road. Adjust the driveway grading or request a waiver from the Planning Board.
    - ii. The proposed driveway is shown as 3% within 20 feet of the house, instead of 30 feet. Adjust the driveway grading or request a waiver from the Planning Board.
  - c. Connection of lot drainage to the Town road stormwater system requires approval of the Highway Superintendent.
  - d. Refer to "Soil Erosion Control & Sequence of Construction Notes". Under #11, revise "slopes steeper than 2:1" to "slopes steeper than 3:1" to be consistent with Town Code and other note on the drawing.
  - e. Adjust note on driveway reflecting current requirement for "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" in accordance with current general permit, instead of the previous 14 day requirement.
  - f. Add a note to the drawing referencing the SWPPP.
  - g. Update Town of Kent Notes to current requirements.
10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
11. We defer to the Planning Board's environmental consultant regarding wetland issues.

Memorandum  
O'Mara Mt. Nimham Road  
TM # 10.20-1-1  
October 12, 2016  
Page 3 of 3



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Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
04-261-999-83

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:** Kinash Property  
Erosion Control Plan

**Date:** October 12, 2016

**Project:** Kinash ECP  
TM # 33.42-2-49, 50, 51

The following materials were reviewed:

- Town of Kent Combined Application Form affidavits, including
  - Certification of Professional Engineer; Agent of owner affidavit
- Response letter dated 9/22/2016
- Construction Cost Estimate, dated 9/22/2016
- MS4 SWPPP Acceptance Form, with Sections 1 and 2 completed.
- Deeds
- Drawing "Erosion Control Plan," prepared by John Karell, Jr., P.E., dated 7/26/2016, revised 9/18/2016
- Letter dated September 15, 2016 from Town of Kent Highway Superintendent

The project proposes filling of sloped side yard to create a flatter area. Our understanding is that fill has already been brought onto the property.

New or supplemental 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 9/8/2016:

1. It is our understanding that the three parcels included in the application may be owned by separate individuals. If so, each owner will have to provide an Owner's affidavit.
  - a. **Response letter indicates additional owner affidavits have been provided. The additional owner affidavits could not be located in the submittal package. Please provide additional owner affidavits.**
9. Provide information on the source of the fill material. Is there a possibility for contamination? Depending upon the source of the fill material, the Planning Board may request soil testing to determine if there any pollutants of concern.
  - a. **A letter regarding the fill has been provided by the Highway Superintendent. The letter includes "...This fill was of a good clean quality without any pollutants. It was soil taken from its natural state during our road widening operations in rural western Kent." While we understand the**

Memorandum  
Kinash ECP  
TM # 33.42-2-49, 50, 51  
October 12, 2016  
Page 2 of 2

**fill may be free of visible contaminants, it is more difficult to determine if there are chemical pollutants that may pose a problem. Fill material taken from roadsides can be subject to illegal dumping or inadvertent spills. As the Planning Board has required in other similar applications, we recommend soil testing be done to confirm the fill meets the NYSDEC Unrestricted Residential Use criteria.**

10. We defer to the Planning Board's environmental consultant regarding any possible wetland issues.

**New Comments:**

1. A bond estimate of \$1,700.00 was prepared by John Karell, Jr., P.E.. We recommend this bond estimate be accepted for the bond amount and recommended for approval by the Town Board.
2. Per §66-6.F, we recommend the public hearing be waived as this is a minor project for a single family house.

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

cc: Planning Board via email  
Bill Walters via email  
16-261-999-149

Bruce Barber via email  
Neil Wilson via email



October 7, 2016

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

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

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

- Plan entitled; "Joseph and Sabina Boccia" prepared by Harry W. Nichols, Jr., P.E., dated 09/20/16 (rev.), 3 sheets: EC-1, EC-2, SS-8.
- Letter executed by Harry Nichols, P.E. dated 9/18/16 3 pages.

A site inspection with the applicant (Mrs. Boccia) and the applicant's engineer was conducted on August 25, 2016.

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**Comments:**

The applicant has provided satisfactory responses to the majority of the comments in the review memo prepared by this office dated August 11, 2016. The following are remaining comments:

1. At the site inspection, preservation of the lake shoreline as well as mitigation for prior tree cutting in the wetland and wetland buffer were discussed. The applicant indicated that they would plant small trees and shrubs in this area. The applicant should provide a planting plan indicated the sizes, number and approximate location of the trees and shrubs to be planted as well as maintenance plan to ensure survival of the mitigation plantings and the removal of invasive species.
2. The applicant has proposed a conservation easement in the northerly shoreline area which encompasses the wetland and wetland buffer. In response to discussion with the Planning Board, it has been determined that the placement of deed restrictions to maintain this as a protected area would be of greater benefit. As a result, the applicant is requested that the area marked as "conservation easement" on the plans be marked "deed restricted area". The deed restriction language

should be prepared in form and content to be reviewed by the Planning Board Attorney and Town Planner prior to approval by the Planning Board.

3. The pathway leading from the house to the proposed dock should be shown. Indicate dimensions/size, materials of construction and anchorage of the dock.
4. Some trees are shown on the plan. It is unclear if an actual tree survey has been conducted and which trees are proposed to be removed.
5. Due to the steeply sloping nature of this site, it is recommended that the plan indicate all slopes that are greater than 15%.
6. The existing shed on the property is proposed to be relocated. Indicate proposed location.
7. Required improvements to the access driveway should be shown. Maintenance of current wetland hydrological connections between Lot 1.2 and Lot 16 should be indicated.
8. The wetland buffer should be shown and clearly labeled on the plans. The date of wetland boundary confirmation (8/25/16 should be indicated).
9. The primary septic system for Lot 16 is proposed to be located on Lot 1.2. The applicant should provide some legal mechanism such as an easement on Lot 1.2 to allow the continued rights to use, access and maintain the primary septic system. Approval of the septic system by the Putnam County Department of Health is pending. Board of Health approval documentation should be provided.
10. A revised EAF has not been submitted which reflects proposed work on the lot to the south of the access road.
11. Provide survey of entire parcels.
12. This office defers to the Planning Board Engineer regarding review of stormwater, grading and site improvement design.
13. This office defers to the Town Planner regarding review of access and applicable planning issues.

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

Sincerely,

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

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

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1770 CENTRAL STREET YORKTOWN HEIGHTS, NY 10598  
Telephone: 914.299.5293



## Cornerstone Associates

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

October 7, 2016

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Bashart/Mann Application**  
Marshall Drive and Jeffery Court  
Section 11.15 Block 1 Lot 38

Please be advised a site inspection was conducted with the applicant on October 5, 2016.

### **Summary of Inspection:**

The applicant indicated that the following revisions to the current plans will be made:

Complete site plan (both lots) will be submitted.

The site plan will indicate all areas of steep slopes (greater than 15%) and all areas of rock outcropping.

A plan note will be added that will indicate that no regulated trees shall be cut within areas of steep slopes or areas of rock outcropping.

Protected trees to be cut within the limits of disturbance shall be field located and approximate sizes and locations marked on the plans. Tree cutting at the front and sides of the lots shall be minimized.

A plan note will be added which shall indicate that a minimum of 1:1 replacement of trees that are cut shall be planted on the site. Note shall indicate caliper and species of replacement trees.

Upon satisfactory review of the above plan revisions, this office recommends that the applicant's request to waiver the steep slope and tree survey be granted.

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

Sincerely,

Bruce Barber  
Town of Kent Environmental Consultant





## Cornerstone Associates

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*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 29, 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 that a site inspection was conducted with the applicant at the above referenced property on September 16, 2016. The purpose of the site inspection was to determine if Town of Kent jurisdictional wetlands and/or wetland buffer are located on the subject property.

### **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.

### **Comments:**

Inspection did not reveal Town of Kent jurisdictional wetland or wetland buffer area on the subject property and as a result a wetland permit is not required for the proposed action.

The majority of the trees on the site are below the Town of Kent jurisdictional size and therefore waiver of the tree survey is appropriate.

Sincerely,

Bruce Barber, Certified Ecologist  
Town of Kent Environmental Consultant



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

*www.putnamcountyny.com*

Sandra M. Fusco  
Deputy Commissioner

841 Fair Street  
Carmel, NY 10512

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

**SECTION 239 CASE REFERRAL**

Case Received:  Report Required:  Completed:

Application Name:  Referral #:

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

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

Location of Project:

Present Zone:  Tax Map #:

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

**DECISION BY COUNTY:**

Approved as Submitted:  Modification:  Disapproved:

Basis for Decision Other than Approval:  
See attached letter

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



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

*www.putnamcountyny.com*

841 Fair Street  
Carmel, NY 10512

Phone: (845) 878-3480

Fax: (845) 808-1948

September 30, 2016

Michael McDermott, Chairman  
Town of Kent Planning Board  
25 Sybil's Crossing  
Kent Lakes, NY 10512

RE: GML 239 m & n Referral for the Cypress Creek Renewables - Armstrong Solar, LLC

Dear Mr. McDermott,

I have reviewed the Cypress Creek Renewables Armstrong Solar, LLC site plan application that was referred to our office pursuant to N.Y. GMU law §239. The application is denied for the following reasons:

- The project site is located in the R-80 zoning district. The proposed use, a solar electric generating facility, is not an allowable use within the zoning district. In addition, the maximum lot coverage appears to be exceeded by the proposed site plan, and the minimum front yard setback is also not met by the proposed site plan.
- The wetlands and wetlands buffer depicted on the site plan do not appear to be accurate. According to the NYSDEC wetlands map, the wetlands appear to extend farther north than shown on the site plan.
- Clear cutting and placing a security fence around the site may put endangered species in the area at risk, including the Indiana bat and bog turtle.

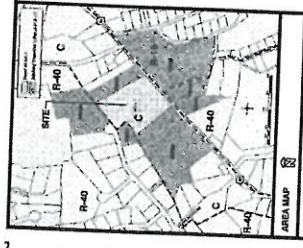
If you have any questions or comments, please feel free to call me at 845-878-3480 x 48107.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Barosa".

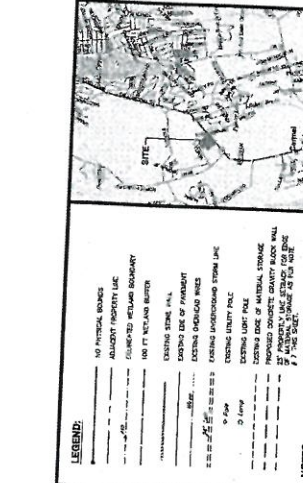
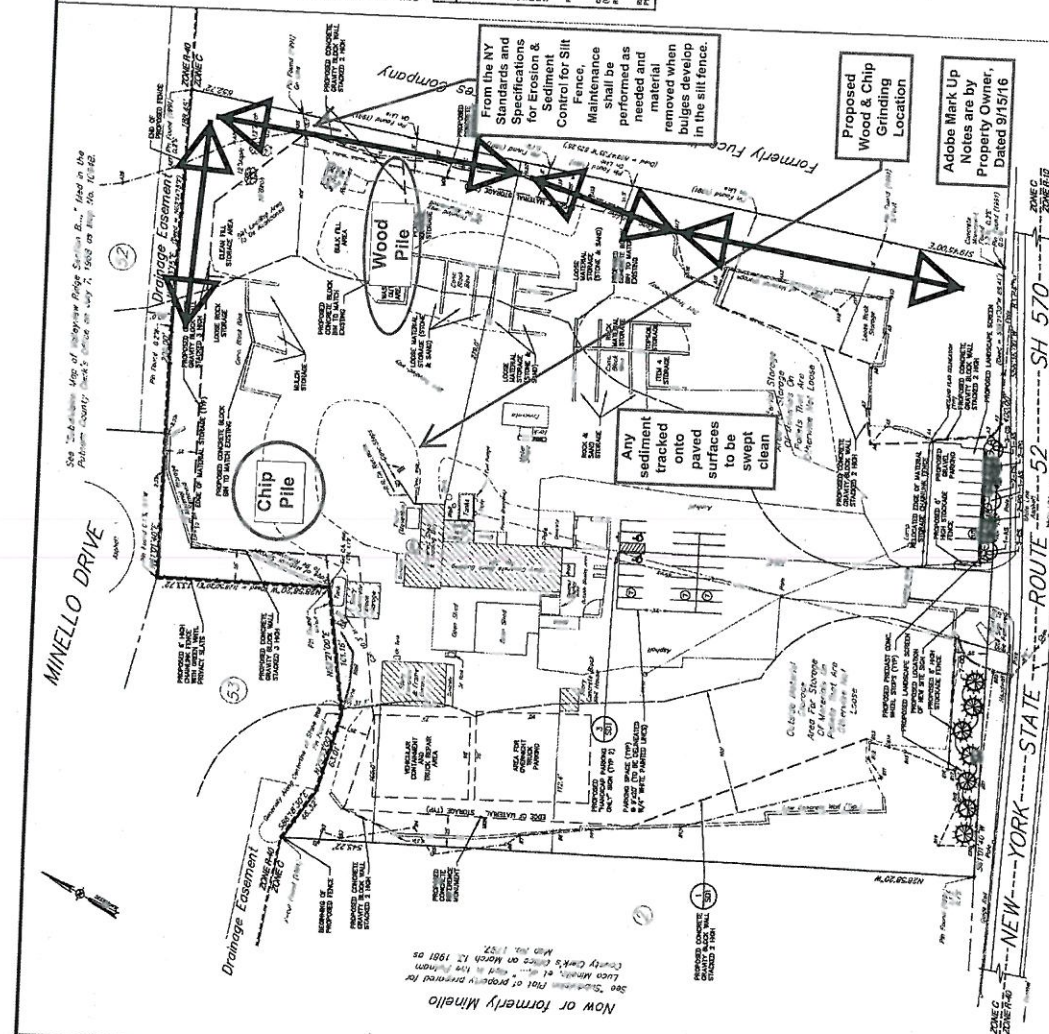
Barbara Barosa, AICP  
Planner

44-67-7



**NOTES**

1. THE USE OF THE SUBJECT PROPERTY INCLUDES THE STORAGE OF LUMBER, CHIPS AND WOOD PILES. THE PROPOSED STORAGE AREAS SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.
2. THE PROPOSED STORAGE AREAS SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.
3. ANY MATERIALS STORED TO BE UTILIZED AS AUTO PARTS SHALL BE STORED IN A CONTAINMENT AREA AS SHOWN ON THIS PLAN.
4. THE SUBJECT LAND USE AND RELATED PROVISIONS FOR THE STORAGE OF LUMBER, CHIPS AND WOOD PILES SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.
5. THE PROPOSED STORAGE AREAS SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.
6. THE PROPOSED STORAGE AREAS SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.
7. THE STAGED HEIGHT OF ANY STACKED MATERIAL SHALL BE LIMITED TO 15 FEET IN HEIGHT.
8. THE PROPOSED STORAGE AREAS SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.
9. THE PROPOSED STORAGE AREAS SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.
10. THE PROPOSED STORAGE AREAS SHALL BE CONFORMANT WITH THE ZONING REGULATIONS AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.



**TAX PARCEL NUMBER**  
 743 7 4181

**OWNER/APPLICANT**  
 CHARLES SEVERINO  
 1000 W. 10TH ST.  
 NEW YORK, NY 10014

**TOTAL AREA:**  
 743 7 4181

**LOT & BULK REQUIREMENTS**

REQUIREMENT	EXISTING	PROPOSED
MIN. LOT AREA	10,000 SQ. FT.	10,000 SQ. FT.
MIN. LOT WIDTH	100 FT.	100 FT.
MIN. LOT DEPTH	100 FT.	100 FT.
MIN. FRONT YARD SETBACK	10 FT.	10 FT.
MIN. SIDE YARD SETBACK	5 FT.	5 FT.
MIN. REAR YARD SETBACK	5 FT.	5 FT.
MIN. FRONT SETBACK	10 FT.	10 FT.
MIN. SIDE SETBACK	5 FT.	5 FT.
MIN. REAR SETBACK	5 FT.	5 FT.
MIN. FRONT SETBACK	10 FT.	10 FT.
MIN. SIDE SETBACK	5 FT.	5 FT.
MIN. REAR SETBACK	5 FT.	5 FT.

**OFF-STREET PARKING**

1000 BY  
 2000 BY  
 3000 BY  
 4000 BY  
 5000 BY  
 6000 BY  
 7000 BY  
 8000 BY  
 9000 BY  
 10000 BY

**OWNER Installed SILT Fence**

**PLANT SCHEDULE**

PLANT NAME	QUANTITY	DATE
...	...	...

**SITE PLAN PREPARED FOR**  
 CHARLES SEVERINO  
 NYS RT. 52

TOWN OF WEST, PUTNAM COUNTY, NEW YORK

SP1

See Subdivision Map of Putnam County, New York, dated May 1, 1968, as amended, in the Putnam County Clerk's Office on May 1, 1968, as amended.

From the NY Standards and Specifications for Erosion & Sediment Control For Silt Fence Maintenance shall be performed as needed and material removed when bulges develop in the silt fence.

Proposed Wood & Chip Grinding Location

Adobe Mark Up Notes are by Property Owner, Dated 9/15/16

Any sediment tracked onto paved surfaces to be swept clean

MINELLO DRIVE

NEW YORK STATE ROUTE 52

SH 570

CHIZEN ENGINEERING & LAND SURVEYING CO., P.C.

THE CHIZEN COMPANIES

Professional Engineer