

TOWN OF KENT PLANNING BOARD MINUTES
July 13, 2017

Approved: August 10, 2017

Minutes
Town of Kent Planning Board Meeting
July 13, 2017

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

In attendance were the following Planning Board members:

Michael McDermott, Chairman
Gary Lam
Charles Sisto

Dennis Lowes, Vice Chairman
Philip Tolmach
Stephen Wilhelm

Others in Attendance:

Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineering Consultant

Bill Walters, Kent Building Inspector
Neil Wilson, Planner

• **Approve Planning Board Minutes from June 8, 2017**

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

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

The motion carried.

• **Staley Company, Bowen Road, Kent, NY; TM: 12.-1-69**

This matter pertained to releasing two erosion control bonds from 1997 and 1998 as well as funds remaining in the review account for this project. Sam Cochran, from Insite Engineering, represented the applicant.

Ms. Mangarillo, Mr. Barber and Neil Wilson inspected the property and reviewed documents which support recommending to the Town Board that the following be released to the applicant (Resolution attached):

- An Erosion Control Bond in the amount of \$1,050.00
- An Erosion Control Bond in the amount of \$1,400.00
- Review funds in the amount of \$1,063.10

Town of Kent Planning Board Minutes
July 13, 2017

Mr. McDermott asked for a motion to recommend to the Town Board that the above mentioned funds be returned to the applicant. The motion was made by Mr. Wilhelm 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> |
| Gary Lam | <u>Aye</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

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

Mr. Harry Nichols represented the applicants and Mrs. Boccia was also present.

This project involved an Erosion Control Permit/Bond and Wetland Permit. Mr. Nichols responded to comments received at the meeting. The recommended bond amount of \$18,300.00 was accepted by the applicant.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the majority of her previous comments had been addressed and had added some items to the erosion control measures, which increased the bond amount from \$17, 537.00 to \$18,300.00. She recommended that the bond agreement be forwarded to the Town Board and said that there were some deed restrictions and had some comments regarding the Notice of Intent (NOI) which needed to be handled, but that they could be handled administratively.

Mr. McDermott asked for a motion to forward the bond agreement in the amount of \$18,300.00 for Erosion Control measures to the Town Board. The motion was made by Mr. Wilhelm and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

- **Pure Timber Harvest/Forestall , Gipsy Trail, Kent, NY; TM: 21.-1-27**

Mr. Brent Feldweg represented the applicant, Mr. Samuel Pure. This project will involve harvesting timber on 48 acres and 30 acres of selected trees will be harvested (approximately 276 trees). The property was logged previously (about 20 years ago) and the existing skid trails will be utilized. Mr. Tomach asked how the trees were selected. Mr. Feldweg said that the trees would be about 16-22" in diameter and included oak, birch, maples and hickory were selected. The trees would be sent to a saw mill. Two streams are on the property, one has a bridge would be expanded and the other one would have a temporary log bridge constructed. Mr. Lowes asked if this harvest was a "basal area cut". Mr. Feldweg said it was not, but that it was a silvicultural thinning and sustainable. Mr. Feldweg said that he will be actively monitoring road conditions, rainfall conditions, stream crossing stability and the beginnings of erosion on the site while the harvest is being conducted by Quality Forest Management, a one-man operation who is very conscientious. Chainsaw felling will be done and the trees will be cut to length in the woods and a forwarder machine will be loaded and the trees will be brought out on a rubber tired vehicle to minimize the erosion on the property. Mr. Feldwick said that he thinks that less than one acre will be disturbed, as noted on the EAF. Mr. Feldweg said that he gives the harvester a "punch list" which includes "top slashing" and the heights of the trees are not to exceed 4 feet. Regrading of the roads and landings are cleaned up when the harvest is completed. The silt fence will also be picked up. A 10% performance is required by Mr. Feldweg from the harvesters he uses. Mr. Feldweg asked Mr. Barber if he had inspected the wetlands. Mr. Barber replied that he has been waiting for Mr. Feldweg to authorize him to do so and set up an appointment. Mr. Feldweg said he is also waiting for written confirmation from National Heritage and said that he has spoken to them and that he doesn't believe that there are any bad habitat listed in this area.

Mr. Barber's Comments (memo attached)

Mr. Barber said he had reviewed the application and it was incomplete. A site inspection authorization was requested earlier, which had not been given. Also, the plan submitted didn't show limits of disturbance – the actual erosion control sediment control permit is not a one acre threshold it is a 5,000 square feet threshold. The DEC/National Heritage is only one step in determining if there are endangered species on the property. This site is located within the "Indiana Bat Potential Range Area" and you have to work with the US Fish and Wildlife Services and the cutting is restricted to October 1st and March 31st. The applicant is presently planning to harvest the timber in the summer, which needs to be discussed. Mr. Barber asked Mr. Feldweg to confirm whether or not the harvesting will be done in the Gipsy Trail Club, and if so an authorization will need to be given by them. Mr. Barber said that he would meet with Mr. Feldweg for the site inspection and to discuss the items mentioned above. Mr. Feldweg said that he had submitted a topographic map and questioned what additional limits of disturbance would be required. Mr. Barber said that NY State and the DEP as well as town ordinances define what land disturbance activity is, which is creating an erodible or visible disturbance on the ground. If it is less than 5,000 square feet an erosion control permit is not required until it is determined whether or not a wetland permit is required. Mr. Feldweg reiterated that the land disturbance will be minimal. Mr. Barber said that many things can cause land disturbance and that he and Ms. Mangarillo will inspect the property with Mr. Feldwick to confirm the limit of disturbance. This was held over until the August meeting.

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

Ms. Ann Waling, an employee of Cypress Creek, represented the applicant, Mr. John Armstrong who also attended the meeting. Ms. Waling also attended the workshop, where the Planning Board members had some questions. Mr. Wilhelm had asked about telecom and Ms. Waling assured him that there won't be any towers – a small communication box is built inside a communication box (a modem) and they will be using underground fiber optic cables. Mr. Wilhelm asked about overhead lines and Ms. Waling said that it is wireless. She said she will get a diagram for Mr. Wilhelm. Ms. Waling advised the Planning Board that she would have responses to Ms. Mangarillo's memo for the next meeting and asked Mr. Barber for his recommendations regarding the planting plan. Ms. Waling said that the Fire District will be notified and Mr. Wilson advised her that the Planning Board will forward the plans submitted to the Lake Carmel Fire Department as well as the Putnam County Planning Department.

Mr. Wilson's Comments (memo and supplemental memo attached)

Mr. Wilson advised the Planning Board that this project is ready for a Public Hearing if they agree. One item discussed is the decommissioning plan at the end of the lease term and Mr. Wilson said that he doesn't think 3 months of monitoring is sufficient. He recommended that as part of the approved plans a final restoration plan similar to the one created for Kent Materials be developed. There were also several long-term bonds associated with the project, which also should be considered. A note should be placed on the demolition plan to ensure pre-construction meetings should be held. Mr. Wilson is still concerned about the east and west perimeters where there are houses and the limit of disturbance. Mr. Wilson also referred to a supplemental landscaping plan and more details regarding that. Mr. Wilson suggested that a site walk is in order. He asked for details about what NYSEG needs to do to make the connection. Ms. Waling said that she thought there substation rather than line upgrades involved. An EAF was not included in the package submitted.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that some notes on the drawings needed to be added and updated as well as labeling some things. On the SWPPP there are references to infiltration, but there will be none so that needs to be changed. Because there will be less than two acres the SWPPP needs to be reviewed by the DEP. Ms. Waling said they are waiting for the DEP to respond. The Negative Declaration still needs to be prepared. Ms. Mangarillo said she had some concerns about the limits of disturbance.

Mr. Barber's Comments (memo attached)

Mr. Barber focused on three general items, which are:

- How the long-term plantings will be managed;
- The stormwater management components and how it will be managed; and
- The decommissioning plan

Mr. Barber had questions about visual impacts on the property and asked for more details regarding this. He also had concerns about the tree cutting and asked that this be clarified. Figure 4 of the Bio-Diversity report also needs to be clarified.

Mr. Wilhelm asked to see any interconnection agreements with NYSEG and what impacts on their system will be required.

**Town of Kent Planning Board Minutes
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- Property
Peekskill Hollow Road, Kent, NY
TM: 42.07-1-7
Erosion Control Plan
Status Report
Nothing new
- O'Mara Property
Lhasa Court, Kent, NY
TM: 31.09-1-6
Erosion Control Plan
Status Report
Nothing new
- O'Mara Property
Mt. Nimham, Kent, NY
TM: 10.20-1-1
Erosion Control Plan
Status Report
Working with Jack Karell to move forward.
- Holmes Presbyterian
60 Denton Lake Road, Holmes, NY
TM: 2.-1-47-1
Site Plan/
Erosion Control Plan
Status Report
Working with other agencies.

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

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

The motion carried.

Respectfully Submitted,

Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

**Town of Kent Planning Board Minutes
July 13, 2017**

KENT PLANNING BOARD AGENDA

Workshop: July 06, 2017 (Thursday, 7:30 PM)

JULY 2017

Meeting: July 13, 2017 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from June 8, 2017

- Staley Company
Bowen Road, Kent, NY
TM: 12.-1-69
Release Erosion Control Bonds/
Review Funds
Review

- Boccia Property
Beach Court, Kent, NY
TM: 21.-1-16
Erosion Control Plan/
Wetland Permit
Approve Bond
Review

- Pure Timber Harvest/Forestand
Gypsy Trail, Kent, NY
TM: 21.-1-27
Erosion Control Plan for
Timber Harvest
Review

- Cypress Creek/Solar Energy Farm
Mooney Hill/Kent, NY
(Armstrong Property)
TM: 12.-3-9
Site Plan/
Erosion Control Plan
Review

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

- Dogward Bound
461 Richardsville Road, Kent, NY
TM: 30.12-1-1
Erosion Control/Site Plan
Seeking Variance w/ZBA in July
H/O till August
Status Report

- Rodriguez/Olson
104 Smalley Corner Road, Kent, NY
TM: 21.-1-10
Subdivision
Soil scientist has not yet been out to the site.
H/O till August
Status Report

- More Than Masonry
Route 52, Kent, NY
TM: 44.9-2-20, 44.5-28 & 29
Site Plan/SEQRA Review
Withdrawn

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

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

- O'Mara Property
Peekskill Hollow Road, Kent, NY
TM: 42.07-1-7
Erosion Control Plan
Status Report

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

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

- Holmes Presbyterian
60 Denton Lake Road, Holmes, NY
TM: 2.-1-47-1
Site Plan/
Erosion Control Plan
Status Report

Rev.1



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

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

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

FIELD REPORT

NO.: **DATE:** 6/16/2017
BY: Julie S. Mangarillo, P.E., CPESC **PRESENT AT SITE:**
PROJECT: Staley Company
JOB NO.: TM# 12.-1-69
15-261-221
WEATHER: Cloudy **TEMP** 65 °@ 9:30 AM PM

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

This project included the construction of an addition to the existing building, refuse enclosure and additional site improvements.

Based on the site visit, construction has been completed in substantial conformance with the approved site plan, as-built drawing revised May 18, 2017 and letters prepared by Insite Engineering dated January 19, 2017 and May 18, 2017.

We have no objection to issuance of final certificate of occupancy.

We have no objection to release of any erosion control bonds held by the Town for this property.



Engineer

cc: Planning Board, via email
William Walters, Building Inspector, via email
Bruce Barber, via email
John Watson, PE, Insite, via email

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

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

RESOLUTION #15
2017

Date: July 13, 2017

From: The Kent Planning Board

To: The Kent Town Board
Maureen Fleming, Supervisor. Bill Huestis, Deputy Supervisor
Scott Chin Jaime McGlasson
Paul Denbaum

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

Re: James Staley Company
5 Bowen Court
Kent, NY 10512
TM: 12-1-69

Resolved: On July 13, 2017 the Town of Kent Planning Board discussed a request from Insite Engineering and Mr. Staley asking that the following bonds be released:


11/03/97 - An Erosion Control Bond (Ck. 62084) in the amount of \$1,050.00
12/01/98 - An Erosion Control Bond (Ck. 62478) in the amount of \$1,400.00

The property has been inspected and it was suggested that the Planning Board ask the Town Board to release these bonds and the review fund, which is \$1,063.10. The motion was made by Stephen Wilhelm and seconded by Gary Lam. The votes were as follows:

Michael McDermott, Chairman - Aye
Mr. Dennis Lowes, Vice Chairman - Aye
Mr. Gary Lam - Aye
Mr. Charles Sisto - Aye
Mr. Phillip Tolmach - Aye
Mr. Stephen Wilhelm - Aye

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on July 13, 2017.

Dated: July 13, 2017



Vera Patterson
Planning Board Secretary



June 13, 2017

Received
mo/date/year

JUN 15 2017

Planning Department
Town of Kent

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

RE: James A. Staley Company
5 Bowen Court
Kent, New York
Tax Map No. 12-1-69

Dear Chairman McDermott and Members of the Board:

All site work and the proposed building addition have been completed in their entirety. It is our understanding that no further site inspections are required by the Planning Board or its consultants and therefore we respectfully request for the Amended Site Plan to be closed and the remaining monies in the client's escrow fund be reimbursed in the amount of \$1,063.10

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

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

By:

A handwritten signature in black ink, appearing to read "John M. Watson", is written over a horizontal line.

John M. Watson, PE
Senior Principal Engineer

JMW/sjc

Enclosures:

cc: James A. Staley Co.

Insite File No. 15104.100

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

Z:\E\15104100\Correspondence\Admin\2017\061317kpb.doc

Staley Co.

5 BOWEN COURT
CARMEL, NEW YORK 10512

June 13, 2017.

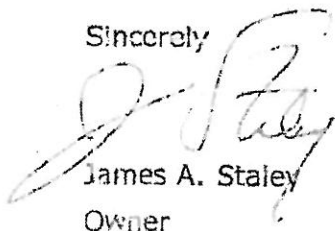
Vera Patterson
Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512
845-225-7802 (T)
845-306-5293 (F)
planningkent@townofkentny.gov

To whom it may concern

Our addition at 5 Bowen Court, Carmel NY 10512 has been completed and we are requesting any bond withholding and review funds be released. In the amount of \$1063.10

if you have any concerns please contact me.

Sincerely



James A. Staley
Owner

Staley 12.-1-69

| Date | | Deposits | Fees | Balance | |
|-------------|---------------------------|-----------------|-------------|----------------|-----------|
| 3/20/2015 | check 1244 | 1,000.00 | | 1,000.00 | |
| 6/8/2015 | LRC 4-2015-9 | | (275.00) | 725.00 | |
| 6/9/2015 | Rohde 28926 April 2015 | | (335.44) | 389.56 | |
| 6/9/2015 | check 1256 | 800.00 | | 1,189.56 | |
| 8/10/2015 | Cornerstone April 2015 | | (500.00) | 689.56 | |
| 8/10/2015 | Rohde 28992 June 2015 | | (23.00) | 666.56 | |
| 8/10/2015 | Staley 28977 May 2015 | | (446.22) | 220.34 | |
| 9/28/2015 | check 1731 | 1,500.00 | | 1,720.34 | |
| 10/2/2015 | LRC 8-2015-5 | | (250.00) | 1,470.34 | |
| 4/30/2016 | Rohde 29367 Dec 2015 | | (67.50) | 1,402.84 | |
| 2/3/2016 | check 1278 | 67.50 | | 1,470.34 | |
| 6/10/2016 | Rohde 29548 Apr 2016 | | (68.70) | 1,401.64 | 7/22/2016 |
| 6/10/2016 | LRC Planning 4-2016-8 Apr | | (100.00) | 1,301.64 | 7/26/2016 |
| 9/30/2016 | Rohde 29657-34 - Sep | | (62.54) | 1,239.10 | |
| 3/6/2017 | LRC-1-2017-10 | | (37.50) | 1,201.60 | |
| 3/13/17 | Rohde - 29657-288 vp | | (13.50) | 1,188.10 | |
| 3/13/17 | Cornerstone - Feb 2017 | | (125.00) | 1,063.10 | |

Planning Kent

Jub

To: lourdes@staleyco.com
Subject: Staley Company TM: 12.-1-69

As discussed earlier today, the addition to the building has been completed and our consultants confirmed that there is no need for them to re-inspect the property.

When the amended site plan for the addition was submitted recently two old bonds were transferred over rather than asking for a new bond. According to our records there are two bonds, which are as follows:

| | | |
|----------|---|------------------------|
| 11/03/97 | - | \$1,050.00 (Ck. 62084) |
| 12/01/98 | - | \$1,400.00 (Ck. 62478) |

There also is money remaining in the review fund, so if you agree with these figures, please send a letter stating that the addition has been completed and ask that the two bonds noted above and any money remaining in the review fund, which is \$1,063.10, be returned.

Thanks very much.

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

Planning Kent

From: Planning Kent
Sent: Tuesday, June 14, 2016 1:39 PM
To: Lourdes Giuffre
Subject: RE: Staley Co. May Invoice

The bonds were transferred over to this project and as soon as this project is completed please send a note to us advising us that it has been completed and an inspection will be conducted and then we can have the bonds returned.

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

From: Lourdes Giuffre [<mailto:lourdes@staleyco.com>]
Sent: Monday, June 13, 2016 2:14 PM
To: Planning Kent
Subject: Re: Staley Co. May Invoice

Thanks also do you know what happen to the bonds that had to be forwarded to this project

From: Planning Kent
Sent: Monday, June 13, 2016 2:08 PM
To: lourdes@staleyco.com
Subject: Staley Co. May Invoice

Please find attached our most recent invoices for the property noted above as well as a summary of the review fund. This is for informational purposes and your files only.

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

Lourdes Giuffre

Page 1 of 0

From: "Planning Kent" <planningkent@townofkentny.gov>
Date: Monday, January 25, 2016 1:36 PM
To: <lourdes@staleyco.com>
Attach: PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL_.docx
Subject: Staley Erosion Control Bond

12-1-69

Please find attached the Erosion Control Bond Agreement to be signed, notarized and returned to our office.

Note that we have the following bonds on our books for Mr. Staley's company:

| <u>Date</u> | <u>Amount</u> |
|-------------|---------------|
| 11/18/97 | \$1,050.00 |
| 12/22/98 | \$1,400.00 |

We recommend that, rather than posting an additional \$1,890.00 bond, a letter be sent asking that we apply these bonds to the new bond (which is \$1,890.00). After the addition is completed and we are notified a site inspection will be conducted and Mr. Staley can request the bonds referenced above be returned. If Mr. Staley agrees, please have him sign the agreement attached and include a letter authorizing us to transfer the two bonds to the new bond account.

Thanks very much.

1/25/2016

TOWN OF KENT

Planning Board

25 Sybil's Crossing

Kent Lakes, New York 10512

planning@townofkentny.gov

Fax (845) 306-5283

Tel: (845) 225-7802

RESOLUTION # 2
Year 2016

Date: February 26, 2016
From: The Kent Planning Board
To: The Kent Town Board
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson



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

RE: Request to transfer cash bond for two erosion control bonds to be used for a new Erosion Control Bond and Escrow fund by:
Mr. James Staley
5 Bowen Court
Kent, NY 10512
TM: 12.-1-69

Resolved: On February 11, 2016 at the Town of Kent Planning Board meeting it was unanimously agreed to ask the Kent Town Board to allow the following erosion control cash bonds to be used in place of a new bond in the amount of \$1,890.00. The applicant is working on an addition and when the project is completed and inspected and found to be stabilized the \$1,890.00 and any other money remaining on the earlier bonds will be returned to the applicant.

Erosion Control Bond, dated 12/17/98 - \$1,400.00
Erosion Control Bond, dated 12/05/97 - \$1,050.00

Please find attached the supporting documentation pertaining to this property. Note that the Planning Board reviewed this material at the meeting held on February 11, 2016. A motion to ask the Town Board to approve the transfer for these bonds was made by Mr. Tolmach and seconded by Mr. Lowes.

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

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on February 11, 2016.

Dated: February 11, 2016


Vera Patterson
Planning Board Secretary



JAMES A. STALEY CO.

5 BOWEN COURT
CARMEL, NEW YORK 10512
WEBSITE: WWW.STALEYCO.COM

January 29, 2016.

Town of Kent
25 Sybil's Crossings
Kent Lakes NY 10512

To whom it may concern,

We are requesting to transfer some old bonds to the new bond.

| | |
|----------|-----------|
| 11/18/97 | \$1050.00 |
| 12/22/98 | \$1400.00 |

If you have any further concerns please contact me at 845-878-3344

Sincerely,


James A. Staley

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

James Staley
Staley Company
5 Bowen Court
Kent, NY 10512
Tax Map: ~~33-73~~ 12.-1-69

Bond given by James Staley, President of Staley Company, located at 5 Bowen Court, Kent, NY 10512/Tax Map: 12.-1-69 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated JANUARY 29, 2016.

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

WHEREAS, Obligor is seeking a Steep Slope and Erosion Control Permit from the Obligee for permission to allow the installation of a $\pm 4,800$ square foot utility building as an addition to an existing $\pm 20,670$ square foot warehouse and manufacturing building on property located at 5 Bowen Court, tax parcel number 12.-1-69. This entails a disturbance of more than 5,000 square feet of land, as that term is defined in Town of Kent Town Code (the "Code") Chapter 66, on certain real property located in the Town of Kent, in connection with which an erosion and sediment control plan (the "Erosion and Sediment Control Plan") shall be required in accordance with the Code in effect as of the date of this Bond; and

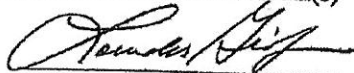
WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit application, the Obligor has submitted to the Obligee, plans and specifications for the project known as the "James A. Staley Company Facility Addition" ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Insite Engineering, 3 Garrett Place, Carmel, New York 10512; and such Project Plans and Erosion and Sediment Control Plan have been reviewed and approved by the Obligee; and

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

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

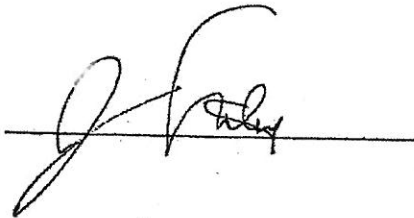
1. The said bank checks shall be delivered to the Town of Kent and be deposited in an escrow account pending the completion of the project for which the erosion control measures are necessary;
2. No funds may be withdrawn from the said escrow account until a resolution has been duly made by the Town Board of The Town of Kent, authorizing such surrender or cashing.
3. Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the Planning Board of The Town of Kent, the said escrow monies shall be returned to JAMES STALEY; STALEY COMPANY, 5 BOWEN ROAD, KENT, NY 10512.
4. In the event the erosion control work allowed shall not have been duly completed by JAMES STALEY as per the conditions and specifications of the Planning Board of The Town of Kent, the Town Board shall have the right to withdraw the aforesaid escrow monies and complete the required work for JAMES STALEY with full use of said sums as the Town requires;
5. When the work shall have been fully completed as required by the conditions and specifications of the Planning Board either by JAMES STALEY or by the Town of Kent, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to JAMES STALEY.

On the 29 day of JANUARY, 2015, before me, the undersigned, a notary public in and for said state, personally appeared James A. Staley, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



NOTARY PUBLIC

James Staley



(signature)

Owner / obligee
(print/type signatory's title)

STATE OF New York)

) ss.:

COUNTY OF Putnam)

LOURDES GIUFFRE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01G16184381
Qualified in Putnam County
My Commission Expires April 07, 2016

6. This bond may not be assigned or transferred without the prior written approval of the **Planning Board of The Town of Kent**.

7. The applicant hereby expressly authorizes the **Town of Kent**, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the **Town of Kent** provides at least 24 hours notice to **JAMES STALEY**.

Dated: January 29, 2015
JAMES STALEY

By: 
(signature)

By: _____
(signature)

JAMES STALEY

(print/type signatory's name)

James Staley

Owner/Obligee

(print/type signatory's title)

STATE OF New York

) ss.:

COUNTY OF Putnam

LOURDES GIUFFRE
NOTARY PUBLIC-STATE OF NEW YORK
No. 07G16T84381
Qualified in Putnam County
My Commission Expires April 07, 2016

6180
3/21

TOWN OF KENT
531 Route 52, Office One
Carmel, New York 10512

EDITH M. SCHANIL
Town Clerk

Administrative Office
Tel. (914) 225-2067
Fax (914) 225-5130



RESOLUTION

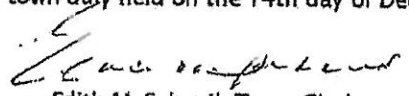
On the motion by Councilman illuminate
Seconded by Councilwoman Woolley

Resolved: The erosion control bond submitted by Staley, TM#12.-I-69, certified check for the sum of \$1,400.00 be approved by the town board and is also approved as to form, sufficiency and manner of execution.

Motion carried unanimously.

I, Edith M. Schanil, Town Clerk of the Town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Town Board of said town duly held on the 14th day of December, 1998; and of the whole thereof.

Dated: December 17, 1998
Kent, New York


Edith M. Schanil, Town Clerk

Planning Board
(914) 225-7802
Fax (914) 228-0019

TOWN OF KENT
Planning Board
770 Route 52
Carmel, New York 10512

Town Hall
(914) 225-3943

MEMORANDUM

*Approved
12/14/98*

TO: Mr. Tim Curtiss, Town Attorney
FROM: Jeanne Ryan, Planning Board Clerk
RE: Staley Erosion Control Agreement
Bowen Road - TM #12.-1-69
DATE: December 2, 1998

Please be advised that Mr. Staley submitted his erosion control plan to the Planning Board and that Mr. Michael Soyka, Planning Board Engineer, reviewed and approved this plan.

Mr. Staley has paid the 4% inspection fee of \$56.00. Attached is a copy of a certified check from the Bank of New York in the sum of \$1,400.00 and a copy of the Bond Agreement signed by Mr. Staley. Three original agreements are being held by Ms. Gravante, Supervisor Baisley's Secretary, until the Town Board passes a resolution accepting the certified check.

Please note that this certified check is in addition to \$1,050.00 already held in an escrow account for the same site work. The original amount was deemed insufficient to complete the specifications necessary for erosion control.

Please review these documents for accuracy, and if acceptable, make a recommendation to the Town Board for acceptance. Thank you.

cc: Mrs. E. Schanil, Town Clerk
Mrs. Baisley, Supervisor
Ms. Gravante, Secretary

62478

T.M.# 12-1-69

JAMES A. STALEY CO.
BOWEN ROAD
CARMEL, NY 10512

50-235-768
219

DECEMBER 1 19 98

PAY TO THE ORDER OF TOWN OF KENT

ONE THOUSAND FOUR HUNDRED AND NO CENTS \$1400.00

~~THE BANK OF NEW YORK~~

50 MAIN STREET, BREWSTER, N.Y. 10509

MEMO crossed ex. bond

0078241969

[Signature]

#062478# 1021902352# #674999908# 595554#

CERTIFICATION LABEL
DO NOT REMOVE

62479

T.M.# 12-1-69

JAMES A. STALEY CO.
BOWEN ROAD
CARMEL, NY 10512

50-235-768
219

Dec 1 19 98

PAY TO THE ORDER OF Town OF KENT

Fifty - Six Dollars > No cents \$ 56 ⁰⁰/₁₀₀

~~THE BANK OF NEW YORK~~

50 MAIN STREET, BREWSTER, N.Y. 10509

MEMO ex. control inspection fee

DOLLARS

[Signature]

#062479# 1021902352# #0078241969#

Planning Board
(914) 225-7802
Fax (914) 228-0019

TOWN OF KENT
Planning Board
770 Route 52
Carmel, New York 10512

Town Hall
(914) 225-3943

MEMORANDUM

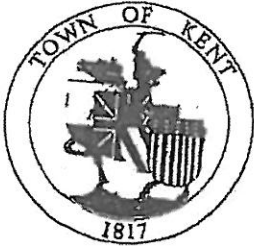
TO: Annmarie Baisley, Town Accountant
FROM: Jeanne Ryan, Planning Board Clerk
RE: Staley Erosion Control Agreement - Certified Check
TM #12.-1-69
DATE: November 5, 1997

Please find attached a copy of the Bond Agreement between Mr. Staley and the Town of Kent, along with Mr. Staley's certified check for \$1,050.00 and his inspection fee check for \$42.00. This Bond Agreement is a Town Board agenda item for its November 10, 1997 meeting.

cc: Tim Curtiss, Esq.
Town Board
Edith Schanil

TOWN OF KENT
531 Route 52, Office One
Carmel, New York 10512

EDITH M. SCHANIL
Town Clerk



Administrative Office
Tel. (914) 225-2067
Fax (914) 225-5130

R E S O L U T I O N

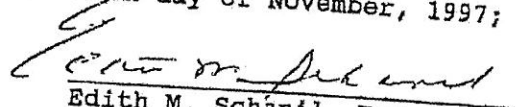
On the motion by Councilman Tripi
Seconded by Councilwoman Woolley

Resolved: On the recommendation of the Planning Board the Erosion Control Bond Agreements between the Town of Kent and Charles Breed, TM# 11.13-1-51.2, bank check in the amount of \$5,220.00 and the Town of Kent and James A. Staley, TM# 12.-1-69, check of James A. Staley Co., in the amount of \$1,050.00 be accepted.

Motion carried.

I, Edith M. Schanil, Town Clerk of the Town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the town board of said town duly held on the 10th day of November, 1997; and of the whole thereof.

Dated: November 11, 1997
Kent, New York


Edith M. Schanil, Town Clerk

BOND AGREEMENT

Certified Check In Lieu of Fiduciary Bond

AGREEMENT made this _____ day of _____, 1997 by and between the Town of Kent and James Staley, Bowen Road, Carmel, NY 10512 ("Staley");

WHEREAS the said "Staley" has requested permission of the Planning Board of the Town of Kent to remove rock and final grading to site in said Town on Bowen Road (Tax Map #12.-1-69) Owner: Staley; and

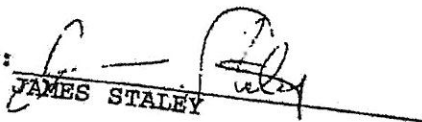
WHEREAS the Planning Board of the Town of Kent has granted permission to do this work on site after posting a certified check in the amount of \$1,050.00; and

WHEREAS "Staley" is desirous of posting a certified check from the Bank of New York in the total sum of \$1,050.00 which certified check will be in the name of "Town of Kent" in lieu of said erosion control bond; now therefore the parties hereto agree as follows:

1. "Staley" shall deposit the aforesaid sum of \$1,050.00 with the Bank of New York in a certified check in aforesaid amount payable to the Town of Kent;
2. The said certified check shall be delivered to the Town of Kent and be deposited in an escrow account pending the final completion of the allowed erosion control measures;
3. No funds may be withdrawn from the said escrow account until a resolution has been duly made by the Town Board of the Town of Kent, authorizing such surrender or cashing;
4. Upon full completion of the work allowed pursuant to the condition and specifications herefore imposed by the Planning Board of the Town of Kent, the said escrow monies shall be returned to "Staley;"
5. In the event the erosion control work allowed shall not have been fully completed by "Staley" as per the conditions and specifications of the Planning Board of the Town of Kent, the Town Board shall have the right to withdraw the aforesaid escrow monies and complete the required work for "Staley" with full use of said sums as the Town requires;

6. When the work shall have been fully completed as required by the conditions and specifications of the Planning Board, either by "Staley" or by the Town of Kent, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to "Staley."

IN WITNESS whereof the parties hereto have set their hands and seals the day and date first above written.

BY: 
JAMES STALEY

By: _____
JOSEPH BELVEDERE, SUPERVISOR



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Site Plan & Erosion Control
May 13, 2017 Planning Board
meeting

Date: July 13, 2017

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

Documents submitted:

1. Binder with drawings dated 5/18/2017
2. SWPPP Binder, revised May 18, 2017

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

The following comments are offered to the Planning Board for consideration:

1. Refer to the Civil Drawing Set

- a. C-2 Preliminary Site Plan – Show hatched areas of tree removal similar to Existing Conditions drawing.
- b. C-7 Site Access Plan & Details – Label Mooney Hill Road right-of-way on north side of road. Permission from the property owner across the street will be needed in order to do the vegetation removal to provide adequate sight distance.
- c. Show a boundary on the driveway between the paved apron and the rest of the gravel driveway.
- d. Detail "Driveway Section Detail" requires a top course of 4 inches of Item 4 or 3 inches of asphalt on top of the 8 inches of Item 4 base course per Town Code Chapter 57, §57-26.A(4). A waiver can be requested from the Planning Board.
- e. C-10 Erosion & Sediment Control Plan – Provide date of soils of information.
- f. C-11 Erosion and Sediment Control Details & Notes – Under "Additional Erosion and Sediment Control Notes" #5, remove language regarding 15 day and 90 day stabilization. All stabilization timeframes should be in accordance with current general permit.
- g. Detail "Topsoil Seed and Mulch Detail" – Revise "14 days" to "7 days". Provide a temporary seed mix.
- h. General comment – Some of the drawings include soil type boundary, but with no label or line type in the legend. Provide a label.

- i. Provide location and details regarding connection to NYSEG's system.
2. Refer to the SWPPP
 - a. Page 11, Section 6.5 Stormwater Management System, – "Infiltration" is stated, but no additional information is provided. Project drawings and the NOI do not include infiltration. Provide additional information on design & sizing of infiltration practices or revise if no longer applicable.
 - b. Page 14, Table – Indicate if the "Total Wqv" is water quality volume required or provided.
 - c. Page 16, Section 6.4.2.3 Treatment Practices – Indicates infiltration trenches and drywells have been incorporated into the design. However they are not included in the NOI and project drawings. Provide additional information on design & sizing of infiltration practices or revise if no longer applicable.
 - d. Page 18, Table – Indicates 0 cf of RRv by runoff reduction techniques. This is in contrast to page 15, Section 6.8.2.2 Vegetated Swales with 20% RRv. These should be coordinated.
 - e. Page 18, * below Table includes reference to infiltration basin.
 - f. Page 27 & 28 Section 7.7.2 During Construction – References to notification of "Regional Office" should be revised to "Local MS4."
 - g. Page 30, Section 7.7.4 End of Term – Include requirement for MS4 inspection and sign-off on Notice of Termination.
 - h. Page 34, Section 12.0 Conclusions indicates, a screening process was undertaken to ensure no historic property will be affected as required by GP-0-15-002, Part I.F.8. Include relevant documentation in the SWPPP.
 - i. Provide calculations for temporary sedimentation basins based on a higher curve number for bare soil. Temporary sediment basins are to be designed based on contributing area and soil characteristics.
 - j. As more than 2 acres are proposed to be disturbed, review and approval of the SWPPP by NYC DEP is required.
 3. Refer to the Notice of Intent
 - a. Provide Owner/Operator contact information and Federal Tax ID. This information is in conflict with the information provided on the MS4 SWPPP Acceptance Form.
 - b. Page 7, #26 "other" states "The entire disturbed are [sic] will be restored to a meadow." Some areas will not be restored to meadow, such as the driveway and stormwater management facilities. This statement should be reconsidered.
 - c. Page 9, Table 1 – Provide the total contributing area for Micropool Extended Detention.

Memorandum
Armstrong/Cypress Creek Renewables Solar
TM # 12.-3-9
July 13, 2017
Page 3 of 3

- d. Final version of NOI will have to include signatures.
4. Provide a copy of the most recent EAF.
5. As the project continues to develop, additional comments may be provided.
6. In future re-submittals, please provide written responses to all comments to aid in locating revised information.



Julie S. Mangarillo, 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

November 9, 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 I have revised the following pertinent documents relative to the above referenced application:

- Report entitled; "Armstrong Solar, LLC 2 MW Community Solar Facility dated June 19, 2017.
- Stormwater Pollution Prevention Plan (Exhibit N) prepared by Hudson Land Design dated May 18, 2017. .

Review Comments:.

1: Stormwater Pollution Prevention Plan (SWPPP):

Indicate how the applicant will ensure required maintenance to the stormwater structures will be conducted in the future. Is there a language in the lease that places the responsibility on Cypress Creek? What will happen upon default or termination of the lease?

Please provide detail cold weather erosion and sediment control and stormwater practices.

2: Site Plan Review Application Package:

Executive Summary:

Item 6, Page 8: Applicant should provide greater specific detail regarding proposed mitigation measures such as installation of meadow grasses to improve wildlife habitat.

Application Section:

2.7.2: Applicant should detail long-term vegetation management plan which will ensure successful and viable growth of screening (landscape trees) as well as meadow grasses. The Planning Board may consider bonding the planted materials to ensure viability. Will IPM practices be utilized and will pesticide/herbicide applicators be licensed.

2.7.3: The applicant should provide restoration plan details in the event of decommissioning. The Planning Board may consider bonding decommission.

2.11: Please provide specific data to support increased tax revenues for the Town of Kent. Does the tax increase cover the indicated “minimal” increase in cost of community services.

Town of Kent Combined Application: Page 2: Please correct dual response to Question 9. SEQRA Tab: Please include long-form EAF (Parts I, II and III).

Maintenance Services Tab: Please provide greater detail on meadow creation management, tree maintenance and replacement of trees/plantings which are no longer viable.

Decommissioning Plan Tab: Provide greater detail regarding Item #2. Does this mean the plant would remain viable if power is only generated once per year or more? What would happen if Armstrong Solar (Cypress Creek) no longer remains a viable company or is sold.

Visual Assessment Tab: It is unclear if the analysis is site specific. Please provide site map showing the location and direction of the photographs that were taken. The Visual Simulation Tab provides photographs from the road only and does not consider impacts to adjoining residences.

NYSDEC Wetland Verification Block Tab: Information should also be included which documents that the wetlands were delineated in accordance with requirements of Chapter 39A of the Town of Kent Town Code and verified on the date of inspection. Greater detail of the hatched areas on the plan should be provided including a planting restoration plan. Please indicate if there are jurisdictional federal jurisdictional wetlands on the site.

Biodiversity Tabs: Please provide the following:

Section 4.3: Field survey log sheets and person(s) conducting field work. Include c.v. of individuals performing field work. Indicate methods for vernal pool identification and interior breeding bird identification.

Section 10.0 Conclusions: Applicant should fully describe impacts to upland and wetland wildlife due to tree clearing and installation of panels. Provide mitigation plan which and include scientific research regarding the viability of meadow grass plantings under the solar panels and the long-term benefits to wildlife. The applicant has not provided information regarding the landscape ecology impacts to wildlife in the area including off habitats including streams and wetlands. Wildlife corridors have not been identified. The impacts of glare and the proposed installation of fencing have not been developed.

Figure 4: Indicated area of “forest lost” does not comport with the site plan and extends beyond the property lines and into the wetlands. Please clarify and provide a clear tree cutting plan included areas of tree removal, areas of tree cutting but stumps to remain and areas of management/pruning. Functional analysis due determine impacts due to wetland and wetland buffer vegetation changes and losses has not been provided.

Water Budget Tab-Water budget requires additional consideration into order to examine pre and post construction impacts (for example monthly rainfall amounts, drought condition consideration, evapotranspiration loss. Please utilize recognized methodology (such as Pearce).

Additional:

Landscape Plans: Sheets L-01 and L-02 (planting plan and planting plan details) were not provided. Applicant is requested to provide full plan sheets for review.

Provide information regarding any disturbance (including tree cutting and pruning) outside of the subject property borders.

This office defers to review of the engineering components of the SWPPP and site plan to the Planning Board Engineer and review of zoning components to the Town Planner.

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



Cornerstone Associates

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

July 13, 2017

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Pure Timber Harvest/Forefall**
Gipsy Trail Road
Tax Map: 21-1-27

Dear Chairman McDermott and Members of the Planning Board:

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

- Plan entitled; "Sam Pure Logging Plan" prepared by William j. Moreau, P.E. dated 6/12/17, 1 sheet.
- Short-form EAF (Part I) executed by Brett Feldweg dated 6/23/17..
- Letter entitled; "Harvest and Recreation Plan-Pure Property, Gipsy Trail Road, Kent, NY" prepared by Forest All,2 pages plus 1 page attachment. undated and unsigned.
- Town of Kent Combined Application executed by Brent Feldweg dated 06/21/17.
- Copy of National Wetlands Inventory sheet, 1 page.
- Copy of Environmental Resource Mapper sheet, 1 page.

Summary of Application:

Application is to harvest 276 trees from a 48+/- acre located on Gipsy Trail Road.

Comments:

The application is incomplete.

- All application documents must be submitted and properly executed.
- A site inspection to determine if a Town of Kent wetland permit is required for the proposed inspection is required.
- A plan which shows slopes greater than 20%, the on-site soils, the access road, the staging area, stockpile locations and logging roads to be used or created is required. A limit of disturbance line should be shown where the proposed action will result in land disturbance. The total area of disturbance (in square feet) must be provided (EAF indicates < 1 acre).
- EAF-provide written documentation from NYSDEC Natural Heritage and US Fish and Wildlife to support responses to question 15 on page 2. The timing of the harvest is indicated to be Summer of 2017. Potential tree cutting restrictions due

to the potential presence of threatened or endangered species should be determined and information provided in writing to the Planning Board.

- Provide information regarding truck traffic and phasing of operations.
- Indicate if this site is located within the Gipsy Trail Club and if approvals are required from this organization.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Barber', with a stylized, cursive script.

Bruce Barber, Certified Ecologist
Town of Kent Environmental Consultant

Planning Kent

From: Neil Wilson [nwilson.lrcplanning@gmail.com]
Sent: Thursday, July 13, 2017 11:14 AM
To: Building Inspector; Bruce Barber; Charlie Sisto; Dennis Lowes; Gary Lam; Julie Mangarillo; Michael McDermott; Phil Tolmach; Planning Kent; spwilhelm@gmail.com
Subject: Armstrong Solar
Attachments: Armstrong Solar Site Plan 071317.pdf

Attached is my review memo for the proposed solar facility.

Neil A. Wilson, Esq., President
LRC Planning Services, LLC
8 Morehouse Road
Poughkeepsie, New York 12603-4010
Tele: 845-702-3542
Fax: 855-410-3503

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

8 MOREHOUSE ROAD
POUGHKEEPSIE, NEW YORK 12603-4010
TELE: 845-702-3542
FAX: 855-410-3503

MEMORANDUM

TO: Town of Kent Planning Board
From: Neil A. Wilson
Date: July 13, 2017
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 received by the Planning Department on June 22, 2017 and offer the following for the Board's consideration:

Summary

1. As noted in our memorandum of August 26, 2016 and November 16, 2016 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-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, and is therefore a permitted use subject to site plan approval, 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". Public Utility structures are allowed subject to Site Plan Approval in the R-80 District.

SEQRA

1. Our hardcopy of the revised application and report did not include an updated Long Form EAF, and we verified that no updated electronic submission was received. An updated Long Form EAF should be provided.
2. As noted in our prior memos the project would result in the disturbance of more than ten (10) acres of land and is therefore a Type I Action. Although the thresholds for requiring a Draft Environmental Impact Statement (DEIS) for a Type I Action are low it does appear that this latest iteration of the project plans and supporting data have addressed many of our prior

comments concerning potential impacts to wetlands, flora and fauna, visual environment, and erosion and sediment runoff such that we do not believe a Positive Declaration is necessary. However, the decision to issue a Positive Declaration or a Negative Declaration is ultimately one that the Planning Board must make. It should also be noted that the Planning Board is the designated lead agency for this project since no objection was received following issuance of the Board's "Notice of Intent" at the August 11, 2016 meeting.

3. The revised plans indicate that a total of 19.26 acres of land would be disturbed for project development. This amount of land disturbance 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.
4. 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.
5. As a side-bar, pursuant to §487 of the Real Property Tax Law unless the Town were to "opt-out" 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. Alternatively, the Town may require the owner to enter into a Payment In Lieu of Tax (PILOT) arrangement. The Planning Board may want to provide notice to the Town Board on this issue.
6. The primary effects of the project are related to short-term and long-term water quality and impacts to wetland resources from tree removal and grading, visual impacts to neighboring properties due to the removal of trees and vegetation, 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.
7. While the revised project plans provide better definition as to the limit of disturbance (LOD) and other project details we remain concerned that the LOD line extends to the property line along the westerly and easterly property boundary. A note on the proposed Site Plan states that no vegetation is to be removed within the 20 foot setback, but if that is the case the LOD should be placed along the inside of the 20 foot setback rather than along the property line.

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. Some sections of the existing would be removed. 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: This item is complete.

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

Comment: The design of the driveway and the turnaround has been revised. Pending verification of compliance with Chapter 57 of the Town Code by the Planning Board's consulting Professional Engineer this item appears complete.

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

Comment: It does not appear that the use requires outdoor storage. This item is complete.

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

Comment: This item appears to be complete, however, we recommend that a copy of the proposed development plan be submitted to the local Fire District for review and comment.

- 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: This item appears to be complete, however, we defer to the Planning Board's Professional Engineer as to storm water controls.

- 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: This item appears to be complete, however, we defer to the Planning Board's Professional Engineer as to storm water controls.

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

Comment: This item is complete.

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

Comment: This item is complete, although as noted above we remain concerned about the extent of tree and understory clearing proposed for the westerly and easterly edges of the site.

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

Comment: It does not appear that the facility requires lighting or communication facilities. This item is complete.

- 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. 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 been provided. This item is complete.

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

Comment: The applicant has verified that utilities will be placed underground. This item is complete.

- 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: This item appears to be complete, however, we defer to the Planning Board's Professional Engineer as to the adequacy of the response.

- 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: This item appears to be complete, however, we defer to the Planning Board's Professional Engineer as to the adequacy of the response.

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

Comment: A phasing plan has been provided. This item is complete.

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

Comment: This item is complete.

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

Comment: Owner signature on the site plan has not been 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. The current plan reduces the number of proposed solar panels and provides a better definition of the limits of disturbance. The plan also identifies the additional tree clearing that would occur in order to minimize shadowing across the panels that may diminish panel performance.
2. While the proposed planting plan along the perimeter of the site is much improved over previous plans we remain concerned that the limit of disturbance still extends to the property line along the westerly and easterly perimeters. While the proposed site plan includes a note indicating that no existing vegetation is to be removed within the 20 foot setback the LOD should be moved to coincide with the setback rather than the boundary line. In addition, implementation of the landscape plan may require the removal of some of the vegetation within the 20 foot setback to ensure it would be established and remain viable during the life of the project. Accordingly, we recommend the Board require that the following note (or equivalent) be added to sheets C1 ("Existing Site Conditions & Demolition Plan"), C2 (Preliminary Site Plan), and L-01 (Planting Plan):

"Prior to commencement of any site work and cutting of trees and vegetation, the applicant and representatives of the Town shall conduct a field inspection of the westerly perimeter abutting the residential lots on Mooney Hill Road and Saddle Ridge Court to determine and reach agreement as to specific trees and understory growth located within the 20 foot yard setback that would remain undisturbed. In the event the applicant and representatives of the Town are unable to reach agreement the matter shall be presented to the Planning Board for final resolution."

3. We defer to Bruce Barber with respect to wetland, stream, and steep slope impact issues.
4. We defer to Julie Mangarillo with respect to site engineering, sewer, water supply, and storm water management impact issues.

Recommendation

1. The Board should discuss whether a Positive Declaration to require a Draft Environmental Impact Statement should be issued. As noted above we believe that the revised application addresses the previously identified matters of concern such that a Positive Declaration is not necessary.
2. A copy of the amended application should be sent to the Putnam County Planning Department for review pursuant to GML 239-m.
3. A copy of the amended application should be sent to the Lake Carmel Fire District for review.
4. Pending comments from the Planning Board's Professional Engineer and Environmental Consultant, the application appears ready to schedule a public hearing.



June 13, 2017

Received
mo/date/year

JUN 15 2017

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

RE: James A. Staley Company
5 Bowen Court
Kent, New York
Tax Map No. 12-1-69

Planning Department
Town of Kent

Dear Chairman McDermott and Members of the Board:

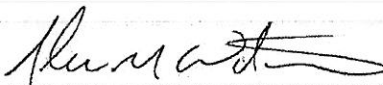
All site work and the proposed building addition have been completed in their entirety. It is our understanding that no further site inspections are required by the Planning Board or its consultants and therefore we respectfully request for the Amended Site Plan to be closed and the remaining monies in the client's escrow fund be reimbursed in the amount of \$1,063.10

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

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

By:


John M. Watson, PE
Senior Principal Engineer

JMW/sjc

Enclosures:

cc: James A. Staley Co.

Insite File No. 15104.100

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

Z:\E\15104100\Correspondence\Admin\2017\061317kpb.doc

Staley Co.

5 BOWEN COURT
CARMEL, NEW YORK 10512

June 13, 2017.

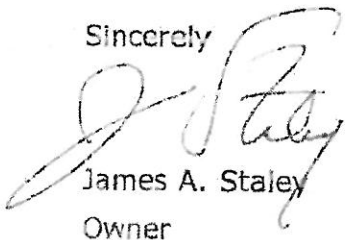
Vera Patterson
Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512
845-225-7802 (T)
845-306-5293 (F)
planningkent@townofkentny.gov

To whom it may concern

Our addition at 5 Bowen Court, Carmel NY 10512 has been completed and we are requesting any bond withholding and review funds be released. In the amount of \$1063.10

if you have any concerns please contact me.

Sincerely



James A. Staley
Owner

Planning Kent

Juk

To: lourdes@staleyco.com
Subject: Staley Company TM: 12.-1-69

As discussed earlier today, the addition to the building has been completed and our consultants confirmed that there is no need for them to re-inspect the property.

When the amended site plan for the addition was submitted recently two old bonds were transferred over rather than asking for a new bond. According to our records there are two bonds, which are as follows:

| | | |
|----------|---|------------------------|
| 11/03/97 | - | \$1,050.00 (Ck. 62084) |
| 12/01/98 | - | \$1,400.00 (Ck. 62478) |

There also is money remaining in the review fund, so if you agree with these figures, please send a letter stating that the addition has been completed and ask that the two bonds noted above and any money remaining in the review fund, which is \$1,063.10, be returned.

Thanks very much.

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