

Minutes
Town of Kent Planning Board Meeting
November 8, 2018
ADOPTED MINUTES

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

In attendance were the following Planning Board members:

Phil Tolmach, Chairman	Dennis Lowes
Simon Carey	Charles Sisto
Giancarlo Gattucci	Stephen Wilhelm

Others in Attendance:

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

• **Approve Planning Board Minutes from October October 11, 2018**

Mr. Tolmach asked for a motion to approve the minutes for the October 11, 2018 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

Phillip Tolmach, Chairman	Aye _____
Simon Carey	Aye _____
Giancarlo Gattucci	Aye _____
Dennis Lowes	Aye _____
Charles Sisto	Aye _____
Stephen Wilhelm	Aye _____

The motion carried.

• **REALBUTO PROPERTY, 49 TIGER TRAIL, KENT, NY; TM: 21.8-1-39**

Mr. John Karell represented the applicant, Mr. Realbuto. who also attended the meeting. Mr. Karell discussed the plantings on the site and the revised plans and soil protocol were submitted earlier in the evening.

Ms. Axelson's Comments (memo attached)

Ms. Axelson stated that more work needed to be done on this project and suggested that the Chairman of the Planning Board open the Public Hearing and that the Public Hearing should remain open until the December meeting.

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Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

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Ms. Axelson stated that more work needed to be done on this project and suggested that the Chairman of the Planning Board open the Public Hearing and that the Public Hearing should remain open until the December meeting.

Town of Kent Planning Board Minutes
November 8, 2018

Mr. Tolmach asked for a motion to open the Public Hearing for this project. The motion was made by Mr. Lowes and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Mr. Lento, a neighbor of the Realbuto property, asked to be heard. Mr. Lento said that there is a discrepancy in the property line and said that he had a survey but that there was not one on file which could be compared to his. Mr. Lento quoted a phrase from the Master Plan which said that the major environmental protection to be avoided were situations where failing septic fields can contaminate water supplies and Mr. Lento said that that is exactly what is happening in this case. Mr. Lento said that the applicant also wants to have a pool constructed on his property and that the property was not large enough for a pool. Drainage from the house is going to the rear of the property. Mr. Lento's field is 17' from a shed on the applicant's property. If the applicant is allowed to build their house in the area they plan to his privacy will be impacted. There are already trees falling down on the property and new ones will not live.

Mr. Karell said the BOH has approved the septic system and that the drainage will be pushed further away from the house. The increase in the size of the house is minimal and infiltration swales will be installed.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he wanted to read some items into the record regarding soil protocols submitted earlier in the day by Mr. Karell (memo attached).

1. Excavation of deep test holes in five locations in the filled area with an excavator as shown on the plan. Holes will be excavated to original grade or refusal (rock).
2. Soil in deep test holes will be examined visually and with olfactory senses (smell) to determine if contamination is present.
3. Samples of soil will be collected by this engineer, 1-2 feet above the original grade level in each hole or as otherwise directed by Town of Kent representative. The five samples will be composited into three samples for delivery by this engineer to a representative of York Laboratories of Stratford, Connecticut for their analysis. The engineer will provide a signed and sealed chain of custody to the Planning Board certifying that the soil samples collected on site were the same unaltered samples delivered to the lab.
4. A NYS certified testing laboratory will test the soil samples to determine compliance with NYSDEC unrestricted residential use criteria.

**Town of Kent Planning Board Minutes
November 8, 2018**

5. The excavation and sampling will be scheduled with the appropriate representative of the Town of Kent in attendance to witness the sampling.

Mr. Barber said he and Ms. Mangarillo felt that the letter addressed their comments and that they would like to go out to the site later to check the site and witness new soil testing.

Mr. Lento said that he was told by the BOH that he would have to give the applicant an easement

Mr. Tolmach asked for a motion to adjourn the Public Hearing for this project to the December meeting. The motion was made by Mr. Sisto and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Liz Axelson asked that Mr. Karell send pdf's of items to be submitted.

Mr. Karell asked if a motion to approve the soil testing protocol was required.

The motion to approve the soil testing protocol was made by Mr. Wilhelm and seconded by Mr. Gattucci. The motion was made by Mr. Sisto and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Mr. Karell asked Mr. Lento to put his comments in writing so that Mr. Karell could respond to them.

- **RONCALLO PROPERTY, TIBET DR., KENT, NY; TM: 30.20-1-15**

Mr. Tolmach asked for a motion to approve the erosion bond control estimate of \$7,730.00 for this project. The motion was made by Mr. Gattucci and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that she had reviewed the bond amount and had added two line items.

- **RANERI PROPERTY, HILLSIDE PAPER RD., KENT, NY; TM: 44.24-1-3**

Mr. Tolmach asked for a motion to approve the soil test protocol provided by Mr. Karell for this project. The motion was made by Mr. Carey and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Ms. Axelson's Comments

Ms. Axelson mentioned that this project had been discussed at the Workshop and the Board and consultants felt more material was needed and a hearing could not be scheduled. No action was to be done at this meeting.

Mr. Barber's Comments (memo attached)

Mr. Barber said that additional soil testing was necessary and the protocol would be the same as that required for the Realbuto property.

• **FREGOSI PROPERTY, KENTVIEW DRIVE, KENT, NY; TM: 10.20-1-69**

Mr. Tolmach asked for a motion to accept the Surety Bond for an Erosion Control Plan in the amount of \$28,867.50 for this project and to forward it to the Town Board for their approval. The motion was made by Mr. Carey and seconded by Mr. Lowes. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **GIERER (CARGAIN) PROPERTY, 43 MARIE ROAD, KENT, NY; TM: 22.-1-42**

Matthew Noviello represented the applicants for this project and Mr. Cargain also attended the meeting. The applicant wants to build a single-family residence on a vacant lot. The revised plan was submitted earlier in the day. Mr. Noviello responded to comments made prior to the meeting and stated that all documents submitted were signed and notarized. Mr. Noviello said the area of disturbance would be shown on new drawings. There will be minimal disturbance on the property. The Town Code states that 20% of land could be disturbed for the house and that there will be 4.3%. The septic system will need fill because there is ledge rock on the property. Mr. Noviello said that a tree survey was not necessary and asked for a waiver. Mr. Noviello would share results of the soil tests to the Planning Board. There will not be much grading for the driveway. There will not be much landscaping required on this property. A short form EAF could be submitted if required. Mr. Noviello asked if he should contact the DEC to have the wetlands checked or the Town would handle that. He also asked if he should contact the National Heritage Society or if the Town would do so. Underground utilities would be noted on the plans.

Ms. Axelson's Comments (memo attached)

Ms. Axelson suggested that wooded areas be noted on the plans. She suggested that another submittal be delivered and no action should be taken by the Planning Board at this meeting.

Mr. Barber's Comments (memo attached)

Mr. Barber said that materials received were not signed or dated and that a short form EAF was required. This property falls within a check zone and the DEC requires that the applicant should contact the DEC to discuss this matter with them. The National Heritage society also needed to be contacted by the applicant. Mr. Barber will also do a site inspection of the property. Zoning Bulk Table, soil test results and a grading plan needs to be submitted.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that she also needs driveway information and other items mentioned in her memo (Chapter 57 gives information pertaining to the driveway requirements).

• **RIENZI PROPERTY, KENTVIEW DR., KENT, NY; TM: 10.20-1-51**

Mr. Martin Stejskal, of Architectural Visions in Mahopac, New York, represented the applicant, Mr. Rienzi, who also attended the meeting.

Ms. Axelson's Comments

Ms. Axelson said that this project is on administrative track but asked that the rear yard pointers be clarified and Mr. Stejskal said he would do this.

Mr. Barber's Comments (memo attached)

Mr. Barber said that a comment response memo dated November 2nd and a revision of the planting plan of November 7th had been submitted and were acceptable.

Ms. Mangarillo's Comments (memo to be sent)

Ms. Mangarillo said that the driveway profile is shown at 10.1%. Driveways and if it is greater than 10% it must be paved. If the driveway is between 10 and 15% it is not a big deal and a waiver must be requested of the Planning Board in conjunction with the Highway and Fire Department. This matter was held over until the December meeting.

• **BENE PROPERTY, 226 TIBET DRIVE, KENT, NY; TM: 30.20-1-16**

Mr. Joseph Bene, the owner of the property, attended the meeting.

Ms. Mangarillo's Comments

Ms. Mangarillo said she has inspected the property and it has been stabilized and she recommended waiving the two-year waiting period and returning \$8,035.52 to the applicant.

Mr. Tolmach asked for a motion to recommend to the Town Board that the remaining funds in the Erosion Control Bond fund be returned to Mr. Bene when the outstanding invoices are covered. The amount in the account is \$8,035.52. The motion was made by Mr. Lowes and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	Aye _____
Simon Carey	Aye _____
Giancarlo Gattucci	Aye _____
Dennis Lowes	Aye _____
Charles Sisto	Aye _____
Stephen Wilhelm	Aye _____

The motion carried.

- **CONNOLLY PROPERTY, 8 GRASSLANDS, ROAD, KENT, NY; TM: 33.73-1-53 & 54**

Ms. Mangarillo recommended returning the review funds to the applicant.

Mr. Tolmach asked for a motion to refund funds remaining in the review account (\$1,141.16) for this property. The motion was made by Mr. Carey and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	Aye _____
Simon Carey	Aye _____
Giancarlo Gattucci	Aye _____
Dennis Lowes	Aye _____
Charles Sisto	Aye _____
Stephen Wilhelm	Aye _____

The motion carried.

- **HOWLES PROPERTY, 5 ROCKWOOD ROAD, KENT, NY; TM: 33.51-1-10**

Ms. Mangarillo recommended returning review funds to Mr. & Mrs. Howles.

Mr. Tolmach asked for a motion to refund funds (\$261.75) remaining in the review account for this property. The motion was made by Mr. Carey and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	Aye _____
Simon Carey	Aye _____
Giancarlo Gattucci	Aye _____
Dennis Lowes	Aye _____
Charles Sisto	Aye _____
Stephen Wilhelm	Aye _____

The motion carried.

- **ROUTE 52 DEVELOPMENT/PEDER SCOTT, RTE 52, KENT, NY; TM: 12.-1-52**

Mr. Peder Scott and Mr. Michael Caruso represented the applicants. A site inspection is scheduled for November 20, 2018 and November 29, 2018. The long term goal is to put in a mulch line in the upper section of the site which will stabilize the haul roads. A letter from JMC was submitted to Mr. Scott regarding a traffic report prepared by Maser. A letter was submitted in response to the letter from JMC. There was a lot of tree damage from the tornado and the applicant wants to seed the property to stabilize the area until the spring. Mr. Scott said the parking has been doubled, to have access ways through the divided boulevard for traffic movement as recommended by the consultants. There are 1,092 proposed parking spaces for this site which will include handicapped parking. Mr. Scott asked if his traffic consultant could work with JMC on the traffic study.

Ms. Axelson's Comments

Ms. Axelson said she, Bruce Barber and Julie Mangarillo would go over material submitted and discuss it with Mr. Pearson of JMC. One copy of everything should be submitted to the Planning Board office and one should be sent to JMC and cd's should be given to each of the Planning Board members and the consultants. She suggested a meeting be scheduled with some of the Planning Board members, the consultants, Peder Scott's office and Mr. Pearson of JMC. Mr. Scott suggested Mr. Barber meet with the wetland consultant initially on site and then have a meeting with the Planning Board members and schedule a second site visit. Ms. Axelson said that Tuesday, November 20th at 12:00 there will be a site visit with a representative from Peder Scott's office, Mr. Nowicki and Mr. Barber, Ms. Axelson and Ms. Mangarillo. Thursday, November 29th at 1:30 PM is the proposed date for the second inspection. Mr. Barber asked if mulching and hydroseeding the property. Mr. Scott said that they will be using hay and installing silt fencing. An annual perennial seed mix will be used. Ms. Axelson asked for an email with the traffic study on it would be helpful. A full EAF Part II was discussed and a draft was requested. Mr. Scott said that a Part II discusses impact and he would respond in written form. Ms. Axelson asked for a timeline and Mr. Scott said they would try to respond by December 6, 2018. Ms. Axelson anticipated that the Planning Board would take action at the January 2019 meeting. Mr. Scott asked for a meeting and work session with the traffic people, the Planning Board and consultants. No action was taken at this meeting.

Ms. Mangarillo's Comments (memo attached)

Most of the information has been provided, but Ms. Mangarillo asked how much acreage was damaged by the tornado and information about the septic testing. \$1,000.00 bond and an inspection fee was required. Mr. Scott said that more than an acre was disturbed. Mr. Scott said he would furnish the information requested.

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

- Kent Self Storage/Farmers Pride Amended Site Plan Status Report
164 Route 311, Kent, NY
TM: 22.-2-33

Mr. Barber stated that this is a modification to an existing operation where produce trucks will no longer be coming to the site. There will be U-Haul trucks leased from this site. There will not be any changes to the parking area because it is in part in a wetland buffer. The applicant contacted the DEC and plan notes will be added that the driveway will not be paved and vehicles will not be washed, maintained or serviced in the wetland buffer.

Ms. Axelson sent an email to Ms. LoGuidice and stated that the applicant did a zoning table as if it were in a zoning district and was in an IOC district. A new submittal needed to be delivered to the Planning Board. There will be a couple of pre-existing non-compliant conditions on this property. No action was taken at this meeting.

- Route 311 Plaza/R. Vriebrock Request for Time Extension of Permits Status Report
Route 311, Kent, NY
TM: 22.-2-17

Mr. Barber said that the applicant requested an extension and the applicant presented a different plan. Instead of an office complex there will be a storage building on this property. The applicant will present the revised plan in February.

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- Putnam Nursing & Rehabilitation Center Addition Erosion Control/Site Plan/
404 Ludingtonville Road, Kent, NY Wetland Permit Status Report
TM: 12.-1-40 & 41

This project has been before the Planning Board for several years. The applicant is in the process of constructing an addition to the existing building. Nothing new has been submitted recently. A site inspection will be done by Mr. Barber

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

A meeting at Town Hall is scheduled for November 13, 2018 at 1:00 PM.

- John Murtaugh Erosion Control Plan/ Status Report
1250 Peekskill Hollow Rd., NY Wetland Permit/Subdivision/
TM: 42.-2-51

Subdivision plans approved with conditions and waiting for additional material. Ms. Axelson said Badey & Watson are working on plan revisions.

- Kent Development Site Plan/Erosion Control Plan Status Report
N. Horsepound Road, Kent, NY Wetlands Permit/Lot Line Adjustment
TM: 12.-1-38

This matter is with the Zoning Board awaiting a decision regarding a change from residential to IOC.

- Cabrera Property Erosion Control Plan Status Report
126 Hortontown Road, Kent, NY
TM: 19.-1-35

Awaiting a re-submittal.

- Robert Davis Lot Line Revision Status Report
1155 Barrett Circle W., Kent, NY
TM: 42.11-1-24

This matter was referred to Putnam County to merge the lots.

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

Nothing new has been submitted.

NOVEMBER 2018
KENT PLANNING BOARD AGENDA

Workshop: November 1, 2018 (Thursday, 7:30 PM)

Meeting: November 8, 2018 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from September and October 2018
- Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39
Erosion Control Plan/Bond
Public Hearing Continued
Review
- Roncallo Property
Tibet Dr., Kent, NY
TM: 30.20-1-15
Erosion Control Plan/
Bond Review
Review
- Raneri Property
Hillside Paper Rd., Kent, NY
TM: 44.24-1-3
Erosion Control Plan/
Soil Test
Review
- Fregosi Property
Kentview Dr., Kent, NY
TM: 10.20-1-69
Accept Erosion Control Bond
Review
- Gierer (Cargain) Property
43 Marie Road, Kent, NY
TM: 22.-1-42
Erosion Control Plan
Review
- Rienzi Property
Kentview Dr., Kent, NY
TM: 10.20-1-51
Erosion Control Plan/
Bond Pending
Review
- Bene Property
226 Tibet Drive, Kent, NY
TM: 30.20-1-16
Request to return
Erosion Control Bond
Review
- Connolly Property
8 Grasslands Road, Kent, NY
TM: 33.73-1-53 & 54
Request to return Review Funds
Review
- Howles Property
5 Rockwood Road, Kent, NY
TM: 33.51-1-10
Request to return Review Funds
Review

**Town of Kent Planning Board Minutes
November 8, 2018**

- Route 52 Development/
Peder Scott Project
Route 52, Kent, NY
TM: 12.-1-52
- SEQRA
- Review

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

- Kent Self Storage/Farmers Pride
164 Rte. 311, Kent, NY
TM: 22.-2-33
 - Route 311 Plaza/R Vriebrock
Route 311, Kent, NY
TM: 22.-2-17
 - Putnam Nursing &
Rehabilitation Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41
 - Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48
 - John Murtaugh
1250 Peekskill Hollow Rd., NY
TM: 42.-2-51
 - Kent Development
N. Horsepound Road, Kent, NY
TM: 12.-1-38
 - Cabrera Property
126 Hortontown Road, Kent, NY
TM: 19.-1-35
 - Robert Davis
1155 Barrett Circle W., Kent, NY
TM: 42.11-1-24
 - Boccia Property
Beach Court, Kent, NY
TM: 21.-1-16
 - Dogward Bound
461 Richardsville Road, Kent, NY
TM: 30.12-1-1
- Amended Site Plan
- Request for Time Extension
of Permits
- Erosion Control/Site Plan/
Wetland Permit
- Site Plan Approval
- Public Hearing/
Erosion Control Plan/ Permit/Subdivision/
Wetland Permit/Bond Pending
- Site Plan/Erosion Control Plan
Wetlands Permit/
Lot Line Adjustment
- Erosion Control Plan
- Lot Line Revision
- Erosion Control Plan/
Wetland Permit
- Erosion Control/
Site Plan/Accept Bond
- Status Report
- Status Report
- Status Report
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- Status Report
- Status Report
- Status Report



Cornerstone Associates

Environmental Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

November 8, 2018

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Realbuto Application
49 Tiger Trail East
Section 21.8 Block 1 Lot 39
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised that I have reviewed the following document relative to the above referenced application:

- Letter prepared by John Karell, JR, PE, dated 10/13/18 in reference to Soil and Erosion Control Plan-Fill Sampling and Analysis-Realbuto, 1 page with attached map

Comments:

The Town Engineer and I have reviewed the above document and find it to be acceptable with the following conditions and modifications:

- Sentence one: 1: Remove word “generally”, 2: Change: “existing grade” to “original grade”.
- Sentence three: 1: Change: “existing grade” to “original grade” 2: Change: “single sample” to “three samples”. Add to read: the engineer will provide a signed and sealed chain of custody to the Planning certifying that the soil samples collected on site were the same unaltered samples delivered to the lab.
- Sentence four: Change to read: A NYS certified testing laboratory will test the soil samples to determine compliance with NYSDEC unrestricted residential use criteria.

The applicant shall submit an amended letter reflective of the above modifications to the Planning Board clerk prior to any field testing.

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

Sincerely,

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



Memorandum

To: Planning Board
Town of Kent

Attn: Phil Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: October 5, 2018

Project: Realbuto 49 Tiger Trail East
TM # 21.8-1-39

The following materials were reviewed:

- Response letter prepared by John Karell, Jr, P.E. dated June 28, 2018
- Soil Percolation Test Data (P5) and Test Pit Data (D7), dated 4/17/2018
- Owner's Affidavit – Not signed or notarized
- Agent of Owner's Affidavit – Not signed or notarized
- Certification of Professional Engineer – Not signed or notarized
- MS4 SWPPP Acceptance Form with Sections I and II completed
- Erosion Control Cost Estimate, prepared by John Karell, Jr, P.E. dated August 1, 2018
- Drawings prepared by John Karell, Jr, P.E. dated December 13, 2017 including:
 - S-1 Site Plan & Erosion Control Plan, revised 7/17/2018
 - EC-1 Existing Conditions Plan
 - S-2 Steep Slope Plan, revised 7/17/2018
- Letter from Putnam County Department of Health, dated September 4, 2018

New or supplementary comments are shown in **bold**. Some earlier comments have been shortened and are designated by "...".

The project proposes re-construction of an existing single family house, which is in poor condition. The applicant proposes to demolition the house and build a larger house in its place. The applicant has also brought more than 100 cubic yards of fill and disturbed more than 5,000 SF without a permit. The project is subject to stop work order issued by the Building Department on November 21, 2016.

A site visit was conducted on October 26, 2017 with Richard Othmer, Highway Superintendent and Bruce Barber, Environmental Consultant.

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 November 16, 2017:

1. Existing driveway access to the house is over a 50 FT wide right-of-way or paper road....
 - a. Label the 50' road spur as owned by Town of Kent, and it is for "highway purposes only". Include reference to documents filed with County Clerk.

a. 3/8/2018 We strongly recommend landscape/screening be provided.

b. 10/1/2018 Landscaping/screening is proposed. We defer to Bruce Barber.

16. 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.

a. This has been acknowledged.

The following comments are provided for the Planning Board's consideration from a memo dated March 8, 2018:

1. Provide "Agent of Owner" affidavit and Certification of Professional Engineer for John Karell, Jr., P.E.

a. The affidavit forms have been provided, however they have not been signed nor notarized.

4. Is additional fill proposed to be brought in to re-grade slope? Or will fill that is already on-site be re-graded?

a. Response letter indicates additional fill will be brought in. Provide documentation that additional fill meets the requirements of NYSDEC Unrestricted Use Residential Soil Cleanup Objectives.

7. Refer to the Notice of Intent:

a. Page 3, #7 – Provide a response to phased project.

i. Response letter indicates the NOI has been revised. A revised NOI has not been received by this office.

New Comments:

1. Soil testing was done in June 2017. Based on the report, soil samples were taken approximately six to eight inches below the surface of the fill. At that time, Planning Board consultants were not aware of the full extent (depth) of the fill. The results of the soil test show the fill material meets or exceeds the requirements for NYSDEC Unrestricted Use Residential Soil Cleanup Objectives.

During a discussion at the monthly review meeting on March 20, 2018, Planning Board consultants expressed concern about the composition of the fill material that was reportedly six (6) to seven (7) feet above the existing septic system. At that time, the proposal was to locate a new septic system in that fill above the existing system. It was our understanding that project representatives agreed at the 3/20/2018 meeting to do additional soil testing for possible contaminants at deeper depth when the fill was tested for health department approval.

The revised drawings submitted for the September Planning Board meeting show a new septic system is proposed and approved by the Health Department to the north of the existing SSDS. Additional soil testing at deeper depth has not been provided.

Provide additional soil testing at greater depth to confirm fill brought in conforms to NYSDEC Unrestricted Use Residential Soil Cleanup Objectives. Provide at least one (1)

sample taken within 12" above native soil. A final testing protocol is to be discussed with the Planning Board's environmental consultant.

2. For the proposed septic system:
 - a. Show and label fencing to keep future construction traffic out of the area.
 - b. There is a narrow passage between the back of the house and the proposed septic system. Provide a construction sequence to complete work on the south side of the rear yard (grading, retaining walls, landscaping) before the laterals are installed to minimize the likelihood that the new septic system will be damaged by construction vehicles.
3. For the existing septic system:
 - a. There is a note "Existing SSDS area will be abandoned in place. The syst. has been covered with 3-5 FE of R.O.B. Fill" [sic]. It was our understanding the material brought in was miscellaneous fill with possible C&D instead of run of bank. Provide sieve analysis/gradation to prove ROB or revise the label to state miscellaneous fill.
4. Provide stabilized overflow for swale.
5. Provide a north arrow on the drawings.
6. §66-6.B.2.g [6] Update the erosion control bond estimate with the swale and erosion control matting on slopes 3:1 and steeper.



Julie S. Mangarillo, P.E., CPESC


cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
17-261-999-154



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP 
DATE: September 27, 2018
RE: Realbuto Erosion Control Plan, 49 Tiger Trail, Tax Parcel No. 21.8-1-39 / CPL# 14784.00

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal involves the erosion control plan for the removal and replacement of a single-family dwelling and other improvements to be made to a 35,284 square foot (SF, <1-acre) lot (see tax parcel listed above) in the R-40 (One Family Residence) zoning district.
2. My review is limited to the Zoning Requirements comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

SEORA

3. My copy of the submittal did not include a Short EAF, yet prior comments by the Planning Board's Environmental Consultant may have been addressed.

Zoning Requirements

4. Revise the zoning table of lot and bulk requirements to the plat corresponding to the R-40 district as follows:
 - a. Add an asterisk next to the proposed lot area with a note at the bottom of the table indicating this is a pre-existing, noncomplying condition, since it is less than 40,000 SF.
 - b. Correct the delineated front yard setback to be 40 feet (40'), which is the correct requirement.
 - c. Revise the table to reflect that the proposed front yard setback appears to be 60' from the porch.
 - d. Add a note to the plans to state that utilities shall, unless unfeasible, be placed underground.

Recommendation

5. The Planning Board should direct the applicant to:
 - a. address the comments above; and
 - b. provide additional information for a more complete application.
6. Since the application is not be complete, no action is required by the Planning Board at this time.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Application materials for Steep Slope and Erosion Control approval, submitted by John Karell, PE, with a cover letter June 28, 2018 with attached affidavits; certifications; and SWPPP form; and
- Plans prepare by John Karell, PE, entitled and dated as listed below:
 - o Site Plan and Erosion Control Plan, dated December 13, 2017, revised July 17, 2018;
 - o Existing Conditions Plan, dated December 13, 2017; and
 - o Steep Slope Plan, dated December 13, 2017, revised July 17, 2018.



Cornerstone Associates

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

October 9, 2018

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Reyes-Realbuto Application
49 Tiger Trail East
Section 21.8 Block 1 Lot 39
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised that as the above date, the applicant has only provided the following response via email on October 1, 2018 to the prior memo prepared by this office dated September 27, 2018 (see below):

"attached please find copies of the original invoice for 600 yards of fill which was delivered to the site in 2016 along with the report and bill from the lab analyzing the fill material which was done in 2017.

The owner indicates that no fill was placed upon the site after the stop work order was issued in 2017.

We believe we have satisfied the Town's requirement to sample the fill that was delivered to the site in 2016 and do not wish to resample the fill at this time"

Comments:

1. In response to a stop work order issued by the Town of Kent, soil sampling on imported fill was conducted at the subject site.
2. The soil testing report dated July 10, 2017 prepared by Hydro Environmental Solutions Inc., (HES), indicated that soil sampling had been conducted on the subject site on June 12, 2017. The report indicates that; "the soil samples were collected using a hand auger and the grab method; each sample was collected approximately six to eight inches below the surface of the fill material". The report concludes that; "based on laboratory analytical results, HES believes that the imported fill represents suitable material for unrestricted residential use. Thus, no additional environmental investigation or work will need to be completed at the site related to the importation of the fill material".
3. In conducting the soil sampling, there is no record of consultation with the Planning Board regarding testing protocols and standards to be utilized. The

Town Engineer or a representative of this office was not present on the site during soil collection. In prior, similar circumstances of fill installation on properties in the Town of Kent, the Planning Board has 1: directed the applicant to provide a plan including testing protocols indicating the location and depth of test holes to be dug and testing parameters/standards to be reviewed and approved by the Board, 2: written agreement for the Town Engineer and/or a member of this office to be present during soil sampling, 3: a written report indicating the findings of the soil sampling based on the agreed parameters/standard(s) and 4: recommendations.

4. The Planning Board received an email from Michael Lenzo dated December 13, 2017 which represents that most of the fill was installed at the subject site in August 2016 .This individual indicates that a total of “over 4,000 cubic yards of fill has been installed on the site to a depth of “15’-20””.
5. The applicant has applied for a steep slope and erosion and sediment control permit from the Planning Board under Chapter 66 of the Town of Kent Town Code. The applicant is requesting that the fill be permitted to be left in place and graded as per engineering plans. In addition to the review of this application, the Board must make a determination that the soil left in place meets the requirements set out in Chapter 55A: Property Maintenance and Chapter 43: Illicit Discharges to Storm Sewers of the Town of Kent Town Code.
6. At the March 2018 Planning Board meeting, the applicant informed the Board that the Putnam County Department of Health will require a new septic system be installed at this property. The soil test report was discussed and the Board recommended to the applicant that additional soil sampling be conducted at the same time that the soil testing for the proposed septic system was conducted. The Board indicated that the additional testing was needed to obtain a more representative sample of soils including material deeper than 6”-8” below the surface.
7. The applicant has indicated in the above email dated 10/1/18 that they “have satisfied the Town’s requirement to sample the soil that was delivered to the site in 2016. The applicant has provided a bill of sale for 600 cubic yards of fill, the soil testing report and an invoice for the services of the soil sampling company.

This is the prior memo prepared by this office:

September 27, 2018

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Reyes-Realbuto Application
49 Tiger Trail East

Section 21.8 Block 1 Lot 39

Please be advised I have reviewed the following documents submitted relative to the above referenced application:

- Comment response memo executed by John Karell, Jr., PE dated 06/28/18, 2 pages (unsigned).
- Plan entitled; "Stephen Realbuto-Site Plan and Erosion Control Plan" prepared by John Karell, Jr., PE dated 7/17/18 (rev.), 3 sheets, S-1, S-2.
- Plan entitled; "Stephen Realbuto-Existing Conditions Plan" prepared by John Karell, Jr., PE dated 12/13/17, 1 sheet.

Summary:

Application is to demolish an existing single-family residence on the property and construct a new single family residence in which part will be built on the existing foundation and the remaining area will be constructed on a new foundation.

The subject site is 0.81+/- acres in size and is located in an R-40 zoning district.

Review:

It is this office's recollection that the Planning Board requested additional soil testing (deeper sampling locations) at the most recent meeting in which this application was discussed. Updated soil tests have not been provided.

The landscaping plan consists of six (6) "8' tall evergreens placed 20' on center". Additional detail in the format of a planting key is required. It is unclear at present if the size and spacing of the trees will provide adequate screening to the neighboring property.

EAF:

Please provide updated, executed EAF.

This office defers to the Planning Board Engineer regarding septic system adequacy, site and drainage design.

Sincerely,



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



PUTNAM COUNTY DEPARTMENT OF HEALTH

1 Geneva Road, Brewster, NY 10509 ■ 845-808-1390
www.putnamcountyny.gov/health

A PHAB-ACCREDITED HEALTH DEPARTMENT

MaryEllen Odell
COUNTY EXECUTIVE

Michael J. Nesheiwat, MD
INTERIM COMMISSIONER OF HEALTH

September 4, 2018

Stephen Realbuto
12 Bedell Road
Amawalk, NY 10509

Re: Addition – Approval – Realbuto
Reconstruction of a single family home with new SSTS
49 Tiger Trail East
(T) Kent, T.M. 21.08-1-39

Dear Mr. Realbuto:

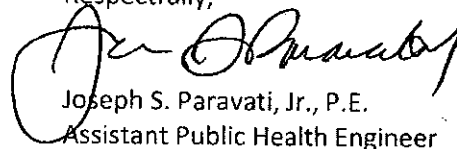
This Department has received and reviewed the plans for the proposed addition to the above mentioned residence. The proposal for the addition has been approved as per plans bearing the approval stamp from this Department dated September 4, 2018. The addition is approved with the following conditions:

1. The total number of bedrooms must remain at **four** without prior approval by this Department.
2. All plumbing fixtures must be updated with water saving devices (i.e., new low flush toilets, restrictors for shower heads and faucets, etc . . .).
3. Approved SSTS must be constructed according to the approved plans certified by John Karell Jr. P.E. Any deviation from the plan requires a revision be submitted to this Department.
4. SSTS must be inspected by this Department before any backfilling.
5. A satisfactory water sample for bacteria only is to be provided before compliance is issued.
6. The house must be inspected for bedroom count before the compliance is issued.
7. Once SSTS has been inspected and backfilled, a construction compliance package must be submitted for review and approval before operation of the new SSTS.
8. The approval is for the proposed changes only. This approval does not validate any construction shown as existing that has not obtained proper approvals.
9. This approval is valid for two (2) years and expires on September 4, 2020.

Any permits or variances required under the jurisdiction of the Town of Kent are the responsibility of the applicant.

If you have any questions, please contact me at (845) 808-1390 ext. 43157.

Respectfully,



Joseph S. Paravati, Jr., P.E.
Assistant Public Health Engineer

JSP:cml

cc: BI (T) Kent
John Karell Jr., P.E.

8/11

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

CONSTRUCTION PERMIT FOR SEWAGE TREATMENT SYSTEM

PERMIT # A-019-16

Located at 49 TIGER TRAIL EAST Town or Village KENT (T)
Subdivision name WHANG HOLLOW CLUB Subd. Lot # 44 Tax Map 21.8 Block 1 Lot 39
Date Subdivision Approved _____ Renewal _____ Revision X
Owner/Applicant Name Stephen Realbuto Date of Previous Approval 1/25/71
Mailing Address 12 Bedell Road, Amawalk NY Zip 10501
Amount of Fee Enclosed \$ 500.00
Building Type WOOD FRAME Lot Area 0.8 AC No. of Bedrooms 4 Design Flow GPD 600

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

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

Other Requirements: _____

To be constructed by TBD Address _____

Water Supply: _____ Public Supply From _____ Address _____

or: Private Supply Drilled by EXISTING Address _____

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

Signed: [Signature] P.E. R.A. _____ Date 5/10/18
Address 121 Cushman Road, Paterson, NY 12563 License # 53277

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

By: [Signature] Title: PHE Date: 9/4/18

Planning Kent

From: jmangarillo@rsaengrs.com
Sent: Wednesday, October 31, 2018 4:34 PM
To: Planning Kent; Liz Axelson; Building Inspector; 'Bruce Barber'
Subject: FW: Raneri & Realbuto
Attachments: realbuto sample letter.doc; Ranieri II sample letter.doc; Kent sampling plans and parameters.pdf

Vera,

Attached are documents submitted by Jack Karell with proposed soil testing protocols for Raneri (Hillside Rd) & Realbuto (Tiger Trail East).

Please circulate to the Planning Board members.

Bruce and I have reviewed them. We have a couple comments we'd like to discuss with the Planning Board on Thursday evening.

Thanks so much,
Julie

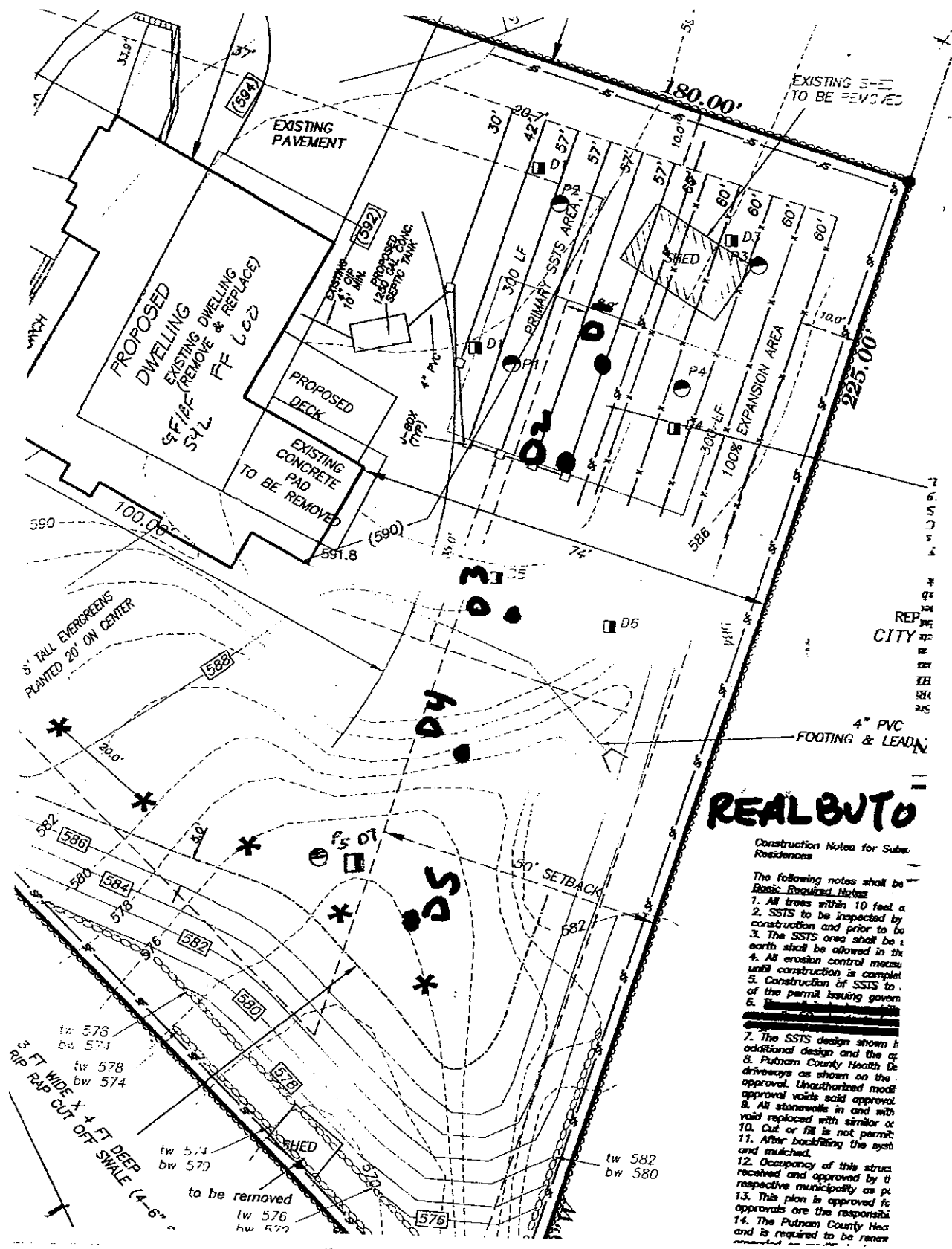
Julie S. Mangarillo, P.E., CPESC
Rohde, Soyka & Andrews Consulting Engineers, P.C.
40 Garden Street, Poughkeepsie, NY 12601
845-452-7515 (phone)
845-452-8335 (fax)

From: john karell <jack4911@yahoo.com>
Sent: Saturday, October 13, 2018 6:15 PM
To: Bruce Barber <barberbruce@yahoo.com>; Julie Mangarillo - RSA <jmangarillo@rsaengrs.com>
Subject: Raneri & Realbuto

See attached drafts of the sampling protocols for the above projects for your preliminary review before i submit them formally to the Planning Board.

It is noted that the protocol is the same as was used for Kinash two years ago.

Your comments will be appreciated.



REALBUTO

Construction Notes for Sub-Residences

- The following notes shall be Basic Required Notes
1. All trees within 10 feet of
 2. SSIS to be inspected by construction and prior to be
 3. The SSIS area shall be earth shall be allowed in the
 4. All erosion control measures until construction is complete
 5. Construction of SSIS to of the permit issuing govern
 6. ~~Unauthorized modification~~
 7. The SSIS design shown is additional design and the of
 8. Putnam County Health Department as shown on the approval. Unauthorized modification approval voids said approval
 9. All stone walls in and with void replaced with similar or
 10. Cut or fill is not permitted
 11. After backfilling the system and mulched.
 12. Occupancy of this structure received and approved by the respective municipality as per
 13. This plan is approved for approvals are the responsibility
 14. The Putnam County Health and is required to be renewed

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

October 13, 2018

Town of Kent Planning Board
Kent Town Hall
Route 52
Kent Cliffs, New York, 10512

Soil and Erosion Control Plan – Fill Sampling and Analysis
Re: Realbuto, 49 Tiger Trail
Kent (T); TM # 21.8-1-39

Gentlemen:

Pursuant to direction by the Planning Board below is our proposal to conduct additional investigations to determine if the fill placed on the above captioned property is suitable to remain in place on a residential property. The investigation will consist of the following:

1. Excavation of deep test holes generally in five (5) locations in the filled area with an excavator as shown on the attached plan. The holes will be excavated to existing grade or refusal (rock).
2. Soils in the deep test holes will be examined visually and with olfactory senses (smell) to determine if contamination is present.
3. Samples of soil will be collected by this engineer, 1-2 feet above the existing grade level in each hole or as otherwise directed by the Town of Kent representative. The five (5) samples will be composited into a single sample for delivery by this engineer to a representative of York Laboratories of Stratford, Connecticut for their analysis.
4. Analysis will consist of the parameters on the attached York Laboratories quotation.
5. The excavation and sampling will be scheduled with the appropriate representative of the Town of Kent to witness the sampling.

Your approval of the sampling protocol will be appreciated.

Very truly yours,

John Karell, Jr., P.E.



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: November 11, 2018

Project: Roncallo – Tibet Drive
TM # 30.20-1-15

The following materials were reviewed:

- Response letter prepared by John Karell, Jr., PE, dated October 12, 2018
- Erosion control cost estimate prepared by John Karell, Jr., PE, dated June 15, 2018
- Page 2 of Short Environmental Assessment Form (EAF)
- Drawings prepared by John Karell, Jr., PE, including:
 - S-1 Site Plan dated March 28, 2018, last revised 10/20/2018 with Health Department signature of 9/11/2018

This property received a Steep Slope and Erosion Control Permit in 2001 under the name "Cavallo". Construction on the project began and was suspended at some point. Currently there is a roughed-in driveway and a foundation. The approvals for the project have since expired. With the expiration of the prior approvals, a new application under the current code for Steep Slope and Erosion Control is being made.

The project is for a single family home with driveway, well and septic.

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 July 12, 2018:

1. The proposed project is not within the NYCDEP East of Hudson watershed and will disturb less than 1 acre of land. Coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is not required.
2. A Town of Kent Steep Slope & Erosion & Sediment Control Permit is required.
5. Refer to the Drawings:
 - b. The proposed "Temporary siltation basin" – Identify the circular hatch areas. If they are rock out croppings, they may interfere with the siltation basin. What is the long-term plan for the basin? It appears footing and roof drains are directed to it. Recommend creating a stabilized overflow to the 12" CMP under Tibet Drive.

- i. 9/27/2018 - Label the circular hatch areas. Based on response letter it seems the temporary siltation basin will remain. Add a label or note indicating it is to remain.
- ii. 11/8/2018 – The October 12, 2018 response letter states “The circular hatched areas are extraneous from the auto cad program. They are not rock outcrops. They are not germane [sic] to this project and have been removed. The siltation basin will remain and is so noted.”

Referring to the topographical survey prepared by Badey & Watson, dated May 26, 2010, which serves as the base map for the drawing set, the circular hatched areas are labeled as “boulders”. There are three (3). The last revised S-1 has two (2) removed and one (1) remaining. These circular hatched areas should be restored and labeled as “boulders.” Additionally, the survey has other information/labels that should be included on the S-1 drawing. For example, the hatched polygon next to the concrete foundation is labeled as “ledge” on the survey, but not labeled on S-1. The survey has “bottom of slope” and “top of slope” labeled for disturbed slopes. The survey has individual trees labeled.

11. 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. – **acknowledged.**

New Comments:

1. Revised drawing S-1 submitted has a Health Department approval signed 9/11/2018. The drawing also has a revision date of 10/20/2018. Presumably the revisions made after 9/11/2018 are regarding the erosion control permit review process. Provide a copy of the original, unaltered S-1 with Health Department approval signed 9/11/2018 with a separate drawing revised to address Erosion Control comments. Alternatively, have the Health Department re-sign the drawing after the 10/20/2018 revisions.
2. The applicant's engineer provided a bond estimate of \$6,930.00. We prepared a revised bond estimate to include the riprap swale at the overflow of the silt basin and end section with riprap pad for the discharge of the footing and roof drain. We recommend the bond estimate of \$7,730.00 dated 11/8/2018, prepared by this office be accepted for the bond amount and recommended for approval by the Town Board.


Julie S. Mangano, P.E., CPESC

Attachment: Erosion Control Bond Estimate, dated 11/8/2018

cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
01-261-999-002



Cornerstone Associates

Environmental Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

November 8, 2018

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: Raneri Application

Hillside Avenue

Section 32.18 Block 1 Lot 28

Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised that I have reviewed the following document relative to the above referenced application:

- Letter prepared by John Karell, JR, PE, dated 10/13/18 in reference to Soil and Erosion Control Plan-Fill Sampling and Analysis-Raneri, 1 page with attached map

Comments:

The Town Engineer and I have reviewed the above document and find it to be acceptable with the following conditions and modifications:

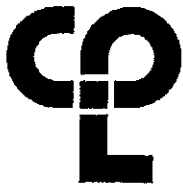
- Sentence one: 1: Remove word “generally”, 2: Change: “existing grade” to “original grade”.
- Sentence three: 1: Change: “existing grade” to “original grade” 2: Change: “single sample” to “three samples”. Add to read: the engineer will provide a signed and sealed chain of custody to the Planning certifying that the soil samples collected on site were the same unaltered samples delivered to the lab.
- Sentence four: Change to read: A NYS certified testing laboratory will test the soil samples to determine compliance with NYSDEC unrestricted residential use criteria.

The applicant shall submit an amended letter reflective of the above modifications to the Planning Board clerk prior to any field testing.

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


Sincerely,

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



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP 
DATE: October 24, 2018
RE: Raneri Erosion Control Permit & SWPPP; & Single-Family Lot Development Zoning Requirements, Hillside Paper Road, Tax Parcel No. 44-24-1-3; 33.18-1-28; & 33.80-1-1 / CPL# 60094.00

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapter 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal involves construction of a single-family dwelling on an 8.1-acre site consisting of 3 lots (see tax parcels listed above) in the R-10 (One Family Residence) zoning district. The proposed improvements for a single-family lot include a driveway to an "Unimproved Road".
2. The lack of frontage for the lot on which the home is proposed; and the lack of an improved road for access thereto pose problems for the lot development. Please refer to the zoning comments below, which detail zoning compliance issues; and recommended potential remedies.

SEORA

3. The proposed action appears to be a SEQRA Type 2 action as per Part 617, section 617.5 (c)(10) as it is the construction of a residential structure and related improvements. The other potential approvals needed may make the proposal an Unlisted action.

Single-family Lot Development Zoning Requirements

4. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit & SWPPP.
5. The Planning Board should consult with the Planning Board's Consulting Attorney about access and frontage concerns noted in the code-related comments below.
6. The site apparently consists of 3 tax parcels, which make up an 8.1-acre or a 9.1-acre site, yet the Site and Erosion Control Plan must be revised to properly list the correct parcels as follows:
 - a. The large central lot of 7.744 acres is tax parcel 33.18-1-28. It was apparently recently merged with former tax parcel 33.80-1-1, a 40-foot by 106-foot (40'X106') strip of land connecting the large parcel to Unimproved Sunset Road. Label the parcel as tax parcel 33.18-1-28. Please confirm whether there was a merger; and provide any documentation. Revise the design data notes accordingly.
 - b. Tax parcel 33.80-1-3, which is an 0.56-acre or 0.813-acre lot running along Unimproved Sunset Road adjacent to the large lot. This area is listed in the submitted deed. Label the

- parcel as tax parcel 33.80-1-3. The entirety of the lot should be shown on the plans if it is part of the subject site. Confirm the acreage of 0.813 or 0.56.
- c. Tax parcel 44.24-1-3, which is an 0.55-acre lot running along Unimproved Hillside Road. Label the parcel as tax parcel 44.24-1-3.
 - d. Label the lines between tax parcels 33.18-1-28; 33.80-1-3; and 44.24-1-3 as lot lines to be removed. Alternatively, revise the plans to clearly show which lots are part of the subject parcel and lines to be removed.
7. More information was provided about the subject parcel. However, in order to better understand the extent of the subject property and the proposed lot merger, address the following:
- a. Provide a copy of the “filed maps relative to this property” as mentioned in the response letter.
 - b. Provide a copy of the “official Town Map” mentioned in the response letter.
 - c. Provide a copy of the “attached deed” mentioned in the response letter.
 - d. Provide a copy of the “ ‘Fourteenth Map of Lake Carmel’ filed in the Putnam County Clerk’s Office on August 18, 1930 as Filed Map No.130-D” described in the letter from Premier Abstract, LTD.
 - e. A copy of a deed submitted in April 2018 for this application (Liber 1598 Pg 372) also mentions “ ‘Fourteenth Map of Lake Carmel’ filed in the Putnam County Clerk’s Office on August 18, 1930...” yet refers to “Map No. 130-L”, not Map No. 130-D. Please explain and provide additional deed information: and a copy of Map No. 130-L.
 - f. It is not clear where the deed describes the large central parcel. Please clarify or provide another deed for this portion of the subject site.
 - g. I note the Premier Abstract letter lists the “Lots” that form the southernmost boundary of the subject property, which are just the portion of the site located on the apparent boundary of “Hillside road (Unimproved)”. The large central parcel; and the “lots” along Unimproved Sunset Road are not listed in the Premier Abstract letter. Clarify why the “Lots” making up the rest of the site and listed in the submitted deed (Liber 1598 Pg 372) are not mentioned in the letter.
8. Label the existing and proposed materials or improvements that would serve the lot where the proposed driveway construction entrance ends.
9. A zoning table of lot and bulk requirements was added to the plan set corresponding to the R-10 district as set forth in zoning section 77-16, A. through H. Revise the Zoning Schedule on sheet D-3 to demonstrate compliance with all of the requirements and proposed conditions as follows:
- a. Show the lot area in acres.
 - b. Add an asterisk and a corresponding note at the bottom of the table listing each of the tax parcels and corresponding areas for each in square feet and acres.
 - c. Label the lot width and yard setbacks in the plan view for clarity.
 - d. Provide a proposed building height value that complies with the 30’ maximum requirement.
 - e. Provide actual proposed building coverage and impervious coverage values.
 - f. Given the definitions of “highway frontage” and “street”, it appears the large lot on which the home is proposed to be built would not have frontage. See 77-16, C. Even if the 3 subject lots are merged, the resulting large lot may still not comply with the frontage requirement. Please refer to the comment below about access.
 - g. The proposal does not appear to comply with the requirement for a “buildable lot” as referenced in section 77-16, H.; and the supplementary lot requirement in Article IX, section 22-34.3. Accordingly, a development plan for the improvement of the unimproved street may be required.



10. Zoning section 77-51, Land use and building permits, subsection B.(1) states that no building permit shall be issued for "The construction or alteration of any building upon a lot without access to a street or highway except upon application to and approval by the Board of Appeals, as set forth in section 280-a of the Town Law." Accordingly, an application to the Town of Kent Zoning Board of Appeals will be required.
11. Information about the "paper" streets' ownership, status and disposition is needed to determine how a development plan for the improvement of the unimproved street, if required, would be handled. Officially filed plats for the project area may include such information. According to Code Chapter 57, Roads and Driveways, the preparation and review of a road plan may be needed. It is suggested that such a road plan would be limited to portions of Unimproved Sunset Road and Unimproved Hillside Road to where existing roadway improvements are located. This may involve review by the Planning Board and Town Board.

Recommendation

12. In order to determine the ownership, status and disposition of the existing "paper" streets, I recommend the following steps:
 - a. Review of any available Town Official Map; and
 - b. Review of any other plats or maps pertaining to the site and environs.
13. It is recommended that the Planning Board's Attorney be consulted about the comments herein. Also, the Attorney should review the application, particularly the attached document entitled "Bargain and Sale Deed with Covenant Against Grantor's Acts". This deed appears to refer to parcels A and B only. The copy of the application I received did not include any other copy of a deed.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Response letter from John Karell, PE, dated August 30, 2018;
- Letter from Ted Kozlowski, Certified wetland Delineator, dated July 20, 2018;
- Design Data sheet dated May 4, 2018;
- Short EAF Part 1, signed August 30, 2018;
- Letter from the NYSDEC dated August 9, 2018;
- Memorandum from Richard Othmer, Town of Kent Highway Superintendent, dated June 5, 2018;
- Letter from Georgianne Berte, Premier Abstract, LTD, dated August 30, 2018; and
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
 - o Site & Erosion Control Plan, revised August 9, 2018;
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details, revised August 9, 2018;
 - o Erosion Control Details, revised August 9, 2018; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018.

Materials Previously Reviewed

- Application for Steep Slope & Erosion, signed 2/13/18 with attached affidavits; certifications; agricultural data statement; and Request for Wetland Delineation Confirmation;
- Stormwater Pollution Prevention Plan, prepared by John Karell, Jr. PE, dated March 2, 2018 with attached NOI;
- Short EAF, unsigned, dated March 5, 2018;
- Copy of document entitled "Bargain and Sale Deed with Covenant Against Grantor's Acts" apparently executed on or about June 20, 2002;

- Plans entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
 - o Site & Erosion Control Plan;
 - o Steep Slope Plan;
 - o Existing Conditions;
 - o Health Department Details;
 - o Erosion Control Details; and
 - o Erosion Control & Steep Slope Notes, dated March 10, 2018.

Received
mo/date/year

NOV - 8 2018

Planning Department
Town of Kent

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

October 13, 2018, revised November 8, 2018

Town of Kent Planning Board
Kent Town Hall
Route 52
Kent Cliffs, New York, 10512

Soil and Erosion Control Plan – Fill Sampling and Analysis
Re: Raneri, Hillside Avenue
Kent (T); TM # 33.18-1-28

Gentlemen:

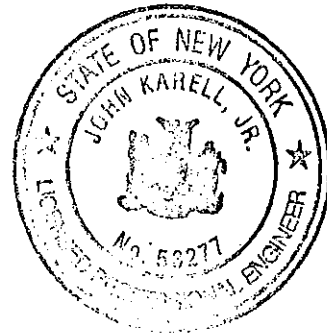
Pursuant to direction by the Planning Board below is our proposal to conduct additional investigations to determine if the fill placed on the above captioned property is suitable to remain in place on a residential property. The investigation will consist of the following:

1. Excavation of deep test holes in five (5) locations in the filled area with an excavator as shown on the attached plan. The holes will excavated to original grade or refusal (rock).
2. Soils in the deep test holes will be examined visually and with olfactory senses (smell) to determine if contamination is present.
3. Samples of soil will be collected by this engineer, 1-2 feet above the original grade level in each hole or as otherwise directed by the Town of Kent representative. The five (5) samples will be composited into three samples for delivery by this engineer to a representative of York Laboratories of Stratford, Connecticut for their analysis. The engineer will provide a signed and sealed chain of custody to the Planning Board certifying that the soil samples collected on site were the same unaltered samples delivered to the lab.
4. A NYS certified testing laboratory will test the soil samples to determine compliance with NYSDEC unrestricted residential use criteria..
5. The excavation and sampling will be scheduled with the appropriate representative of the Town of Kent to witness the sampling.

Your approval of the sampling protocol will be appreciated.

Very truly yours,


John Karell, Jr., P.E.





Laboratory Analysis Quotation

Client Contact: **John Karell**
 Prepared for: **Karell Engineering**
 Prepared By:

Prepared on:
 Effective:
 Expires:

Client Project ID: Fall Sub-Part 375 Parameters

Pricing Summary (Commonly Requested Items-Call for Other Requests)

Parameter	Method	Quantity	TAT (days)	Unit Price	Extended Price
Soil					
Chromium, Hexavalent by 7196A	EPA 7196A	1	5	\$15.00	\$15.00
Chromium, Trivalent	Calculation	1	5	\$0.00	\$0.00
Cyanide, Total	EPA 9014/9010C	1	5	\$15.00	\$15.00
Herbicides, NYSDEC Part 375 Target List	EPA 8151A	1	5	\$80.00	\$80.00
Metals, NYSDEC Part 375 Target List	varies	1	5	\$80.00	\$80.00
Pesticides, NYSDEC Part 375 Target List	EPA 8081B	1	5	\$65.00	\$65.00
Polychlorinated Biphenyls (PCB)	EPA 8082A	1	5	\$50.00	\$50.00
Semi-Volatiles, NYSDEC Part 375 List	EPA 8270D	1	5	\$165.00	\$165.00
Total Solids	SM 2540G	1	5	\$1.00	\$1.00
Volatile Organics, NYSDEC Part 375 List	EPA 8260C	1	5	\$75.00	\$75.00
Additional Items					
5035 VOA Vials		1		\$15.00	\$15.00
Surcharge 2.50% of analyses		1			\$13.65
Bid Total:					\$574.65

Metals, NYSDEC Part 375 Target List consists of:
 Metals, NYSDEC Part Mercury by 7473
 375

- Notes:**
1. Rush Turn-Around is available at a premium. Typical Rush fees are next day @ 100%; 2 Day @ 50%; 3 Day @ 35% and 4 Day @15% increase.
 2. Prices include all appropriate sampling containers, labels, chain-of-custody forms and sample pick-up
 3. York's Standard Terms and Conditions are attached and are hereby made part of this bid.
 4. The 2.5 % Surcharge listed reflects a small offset to the continued significant cost increases in chemicals, high-purity gases, sample disposal, and licensing fees, etc.. This surcharge was instituted in July, 2007 in lieu of price increases.

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 19
FOR
FREGOSI PROPERTY
Year 2018

Date: November 8, 2018
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att. Bill Huestis, Deputy Supervisor
Paul Denbaum Christine Woolley
CC: W. Walters, Building Inspector - w/Att Finance Department - w/Att.
T. Harrison - w/Att. N. Tagliaferro - w/Att.
L. Cappelli, Town Clerk - w/Att
Re: Request to Accept an Erosion Control Bond
Joseph Fregosi
82 Anton Drive
Carmel, NY 10512
For Property located on:
Kentview Drive
Kent, NY 10512
TM: 10.20-1-69

Resolved: On November 8, 2018 the Kent Planning Board reviewed material submitted by Mr. Joseph Fregosi, the owner of the property mentioned above. This project pertains to construction of a single-family residence and an Erosion Control Bond in the amount of \$28,867.50. Attached is supporting documentation for this project as well as the Bond Agreement and a Surety Bond #72087694 from Western Surety Company dated October 18, 2018.

Mr. Tolmach asked for a motion to recommend to the Town Board that this Erosion Control Bond be accepted. The motion was made by Simon Carey and seconded by Dennis Lowes. The roll call votes were as follows:

The roll call votes were as follows:

Philipp Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

The Planning Board would appreciate it very much if this matter could be placed on the next Town Board meeting.

Sincerely,



Vera Patterson, Secretary
Kent Planning Board

Effective Date: October 18, 2018

Western Surety Company

LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 72087694

That we, Joseph Fregosi

of Carmel, State of New York, as Principal, and WESTERN SURETY COMPANY, a corporation duly licensed to do surety business in the State of New York, as Surety, are held and firmly bound unto the

Town of Kent, State of New York, as Obligee, in the penal

sum of Twenty-Eight Thousand Eight Hundred Sixty-Seven DOLLARS (\$28,867.50), lawful money of the United States, to be paid to the Obligee, for which payment well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the Principal has been licensed Erosion and Sediment Control

by the Obligee.

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply with the laws and ordinances, including all amendments thereto, pertaining to the license or permit applied for, then this obligation to be void, otherwise to remain in full force and effect until October 18th, 2019, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the expiration of thirty five (35) days from the mailing of said notice, this bond shall ipso facto terminate and the Surety shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said date. Regardless of the number of years this bond shall continue in force, the number of claims made against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total liability for all claims exceed the amount set forth above. Any revision of the bond amount shall not be cumulative.

Dated this 18th day of October, 2018.

Principal

Principal

WESTERN SURETY COMPANY

By Paul T. Bruflatt

Paul T. Bruflatt, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

ACKNOWLEDGMENT OF SURETY
(Corporate Officer)

On this 18th day of October, 2018, before me, the undersigned officer, personally appeared Paul T. Bruflat, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



M. Bent
Notary Public — South Dakota

My Commission Expires March 2, 2020

ACKNOWLEDGMENT OF PRINCIPAL
(Individual or Partners)

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, before me personally appeared _____, known to me to be the individual _____ described in and who executed the foregoing instrument and acknowledged to me that _____ he _____ executed the same.

My commission expires _____

Notary Public

ACKNOWLEDGMENT OF PRINCIPAL
(Corporate Officer)

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, before me personally appeared _____ who acknowledged himself/herself to be the _____ of _____, a corporation, and that he/she as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

My commission expires _____

Notary Public



License or Permit No. _____

LICENSE AND PERMIT
BOND
As

of _____

State of _____

Name of Applicant _____

Address _____

Filed _____

Approved this _____

day of _____

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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

Paul T. Bruflat of Sioux Falls
State of South Dakota, its regularly elected Vice President
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Erosion and Sediment Control City of Kent

bond with bond number 72087694

for Joseph Fregosi

as Principal in the penalty amount not to exceed: \$28,867.50

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

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

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by Vice President with the corporate seal affixed this 18th day of October 2018

ATTEST

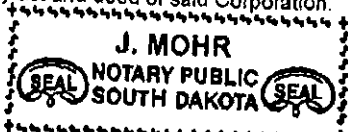
L. Nelson
L. Nelson, Assistant Secretary

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



STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 18th day of October, 2018, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J. Mohr
Notary Public

