

Minutes
Town of Kent Planning Board Meeting
October 11, 2018
FINAL

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

Absent:

Julie Mangarillo, Engineering Consultant

• **Approve Planning Board Minutes from September 27, 2018**

Mr. Tolmach asked for a motion to approve the minutes for the September 27, 2018 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. 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.

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

Martin Stejskal, of Architectural Visions, represented the applicant, Mr. Rienzi, who also attended the meeting. Revised drawings for construction of a single-family, two-story, 3 bedroom residence in an R-40 district on an acre of property had been submitted prior to the meeting.

Mr. Barber's Comments (memo attached)

Mr. Barber said that the applicant should shift the footprint about 5' closer to the zoning line to allow screening between this property and the neighbor's property.

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Ms. Axelson's Comments (memo attached)

The zoning table needs some adjustments. If there aren't many comments the public hearing should be closed on October 11, 2018.

Mr. Tolmach asked for a motion to open the Public Hearing. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. 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. Mercedes Torres asked about the driveway because her house is next to this property and she has had permission to use the driveway and wonders how she will be affected after the house is built. Mr. Stejalski advised Ms. Torres that the driveway she uses will not be affected.

Mr. Foster lives across the street and is concerned that wells in the area may be impacted. An existing swale will protect the wells.

Mr. Barber asked if there will be rock chipping on the property and said that vibrations could also damage the wells and asked if there would be any blasting done and was told that there would not be any blasting or rock chipping.

Mr. Tolmach asked for a motion to close the public hearing. 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.

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Two bond estimates were submitted – an Erosion Control Bond estimate of \$7,290.00 and a Highway R.O.W. bond estimate in the amount of \$8,398.00 were submitted. Mr. Tolmach asked for a motion to accept the bond estimates and forward it to the Town Board to accept. The Planning Department attorney, Ron Blass, will draw up the bond agreements. 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. Tolmach asked for a motion to move this project to an administrative track. The motion was made by Mr. Gattucci and seconded by Mr. Carey. 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.

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

Mr. John Karell represented Mr. Roncallo. This was another Public Hearing.

Mr. Tolmach asked for a motion to open the Public Hearing for this project. The motion was made by Mr. Carey 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.

No one wished to speak regarding this matter.

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Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. Gattucci 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.

Mr. Barber's Comments (memo attached)

Mr. Barber suggested Mr. Karell contact the National Heritage Society for their comments.

Mr. Tolmach asked for a motion to move this project to the administrative track. The motion was made by Mr. Wilhelm 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 (memo attached)

The bond estimate of \$6,930.00 was submitted at the meeting and held over until the October meeting.

- **REALBUTO PROPERTY, 49 TIGER TR., KENT, NY; TM: 21.8-1-39**

Mr. Barber's Comments (memo attached)

This matter has been before the Planning Board for many years and there were only a few comments. The soil testing was done, but results were questionable due to the depth of the tests. It appears that additional fill may have been brought in after the soil tests, so Mr. Barber recommended that the soil be re-tested in order to follow proper protocols. In the Spring the Planning Board requested soil testing be done at a deeper level and it was not done. Mr. Wilhelm suggested that 15' soil samples be done. Mr. Barber said that the next soil testing would be needed to be witnessed as well and protocols for the testing would be developed by the consultants. Mr. Wilhelm also said that there is not enough screening on the property.

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Mr. Barber said that that was noted in a memo on September 27, 2018. This matter was held over until the November meeting.

Ms. Axelson's Comments (memo attached)

Ms. Axelson referenced memos (October 5th) from Ms. Mangarillo regarding the soil testing (attached). Ms. Axelson suggested that the Public Hearing be adjourned until the November meeting.

Mr. Tolmach asked for a motion to open the Public Hearing for this project. The motion was made by Mr. Wilhelm 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.

Michael Lento, owner of the adjacent property, asked to speak. Mr. Lento said that the fill was brought in without permits and that there had not been any erosion control done to date. Due to the fill brought onto the Realbuto property his property was saturated. He requested the following things from the Planning Board:

- Disallow any further expansion of the rear yard;
- Minimize any additional fill to be brought in or grading on the property;
- Keep all construction on the setback of 20' ;
- Additional screening be done on the property

George Lanfranchi, who resides at 66 Tiger Trail, asked to be heard. Mr. Lanfranchi said he remembered many trucks bringing in the fill for several weeks and doubted that only 600' of fill was brought in and understood that there were no permits given for that operation. He said that he felt the fill should be removed and new fill be brought in which was tested to protect the neighborhood. Mr. Tolmach assured Mr. Lanfranchi that additional testing would be done which would be very thorough.

Mr. Christiansen, President of the Kent Lake Homeowners' Association, asked if anyone on the Planning Board had seen what this property looked like and submitted a picture of the property. He said it was an eyesore and needed to be remedied.

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Mr. Tolmach asked for a motion to adjourn the Public Hearing until the November 8th meeting. The motion was made by Mr. Wilhelm 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.

The Public Hearing was adjourned until the November meeting.

Mr. Karell said that the soil testing was done prior to his taking on this project and eight samples had been done which were 6-8' and the fill came from the rock crushing operation on Route 52 and was beautiful soil used for a septic system. He didn't feel it was reasonable to do the testing again. Mr. Karell said that he would do additional landscaping as requested by the Planning Board.

Mr. Barber asked the applicant to submit protocols for the soil testing to the consultants

Mr. Tolmach asked for a motion to advise the applicant to respond to comments from the Planning Board, consultants and the public. The motion was made by Mr. Gattucci and seconded by Mr. Tolmach. 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.

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

Mr. Karell represented the applicant. This project was to construct a single-family residence on a paper road. Comments were sent to Mr. Karell prior to the meeting. He asked that this project be scheduled for a Public Hearing in November.

Ms. Axelson's Comments

Axelson said that she needs to do a review and she and the applicants preferred that the Board not take any action until November.

Mr. Barber's Comments

Mr. Barber said that the applicant conducted a wetland delineation and some wetlands were flagged and he needed to inspect the site. Elements of asphalt, concrete and other material was found in fill brought in and he recommended that soil testing be done on the site.

Mr. Barber said that Ms. Mangarillo had comments regarding access to the road and would discuss them at the November meeting. Mr. Karell said that Mr. Raneri had allowed the Kent Highway Department to distribute the fill on his property. He agreed to submitting protocol and asked that Mr. Barber inspect the site with him.

Mr. Lowes referred to a letter submitted by the Highway Superintendent and suggested that any documentation about the title and subdivision plat be submitted to the Planning Board. Mr. Karell said that there was documentation stating that Mr. Raneri and the two other property owners had been granted permission to use the road.

- **PUTNAM NURSING & REHABILITATION CTR ADDITION, LUDINGTONVILLE RD., KENT, NY; TM: 12.-3-40 & 41**

Mr. Schlosser, of Shopfer Architects and Mr. Getz represented the owners of Putnam Nursing and Rehabilitation Center. This facility was built in the 1970's and is 5,500 square feet and is deficient to the resident's quality of life. The expansion will add 30 beds and open additional therapy and activity space. The private residences will be increased from 10 percent to 40 percent. There are two parcels which total 10.5 acres of property with a single curb cut off of Ludingtonville Road. The wetlands to the north have been flagged and surveyed. DEC surveyed it as well and signed off on the location of the wetlands. The facility has its own sanitary system for filtration which is uphill. The addition will be in the parking area and not in the wetlands. An additional 2,500 square feet will be added and parking will be expanded to the south and there will be 70 parking spaces. A new entrance will be created. The ground floor will have a new entrance and lobby; therapy space will be expanded to 3,500 square feet. The 30 beds on the second floor will be private and sub-acute. There will be additional dining space in the existing building. Extensive drawings have been submitted showing stormwater controls and landscaping plans. Responses to the consultants' memos will be submitted within a week.

Ms. Axelson's Comments

Ms. Axelson said that she realized that the code had not included nursing homes in the R80 zone and that this had been referred to the Town Board several years ago but nothing had been done to address this matter and she would look into it further. She felt it was an appropriate use in this situation. She did not recommend that any action be taken at this meeting.

Mr. Barber's Comments

Mr. Barber said that he did a preliminary review of this matter several years ago and the application had not changed much. He will revisit the site to verify that the wetlands had not changed. There is a proposed mitigation plan that he wants to take a better look at. A tree survey will be required as will a Natural Heritage report. Further comments will be provided at a later date. Mr. Wilhelm asked how beams will be protected because cars will be traveling under the addition. Mr. Schlosser said ballards will be placed around the columns.

Mr. Walters said that he had reviewed the plans previously and was not speaking on behalf of the fire department but felt there were some concerns and asked that the plans be referred to the fire department and suggested the fire protection consultant be contacted.

Mr. Schlosser said he would be contacting the fire department and would address all comments in future plans.

Mr. Barber said that the wetlands code had been modified recently.

Ms. Axelson said that there are two lots and the applicant should consider merging the lots. Mr. Schlosser said that the applicant is in the process of consolidating the lots at this time.

• **KENT SELF STORAGE/FARMERS PRIDE, 164 RTE 311, KENT, NY; TM: 22.-2-33**

Ms. LoGuidice, of Insite Engineering, represented the applicant. The applicant will not be disturbing anything on site but is looking for a change of use. Produce trucks will no longer be on the site, but the applicant wants to lease U-Haul trucks instead.

Mr. Barber's Comments (memo attached)

There will be a change in the parking area and rental trucks will be on the site. There are no proposed changes to the site and the wetland buffer will not be affected. An applicant must demonstrate that there will not be any change in the gravel area which will pollute anything and this should be noted on the plans. DEC also needs to be notified of the change. Mr. Barber said he does not need to visit the site, but that he would meet with Ms. LoGuidice to go over the changes.

Ms. Axelson's Comments

Ms. Axelson recommended this matter be held over until the November meeting. She said that Town Code 77-61(e) allowed waivers to be granted regarding amended site plan review and public hearings if the Planning Board chose to do so. She recommended making a motion to waive site plan review and a public hearing.

Ms. LoGuidice said that there will be 10 trucks and they will be located in the same area as the produce trucks. The farm stand will be kept on the property. A public hearing should not be necessary.

Mr. Vriebrock, owner of the property, said the truck traffic will be a lot less than when the produce trucks were on the site.

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Mr. Tolmach asked for a motion to waive a public hearing and full site plan review and move it to the administrative review track. Mr. Wilhelm made the motion and it was 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.

- **PATTERSON CROSSING, RTE 311, KENT, NY; TM: 22.-2-48**

This matter was held over until the November meeting.

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

Mr. Peder Scott, the engineer and architect of the project, attended the meeting as did Mr. Caruso. He will address comments sent a few days ago. All testing on site has been completed and the property has not been stabilized due to the weather. He requested permission to distribute SEQRA packages. He discussed modifications to the site.

Ms. Axelson's Comments

Ms. Axelson said that she reviewed the packet as did Ms. Mangarillo and Mr. Barber. The three of them felt that SEQRA review could now be sent out to the interested parties stating that the Planning Board would like to serve as Lead Agency. The packages would be prepared by PW Scott and delivered to the Planning Board office. A Resolution was prepared (attached) which Ms. Axelson read to the Planning Board.

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Mr. Tolmach asked for a motion to adopt the Resolution as read. 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.

Mr. Caruso thanked the consultants for their hard work and said that he would like to schedule a site walk to inspect the property as soon as possible. The packets would be done before the end of the next week. Members of the Board also wanted to go on the site walk if possible and would be notified when a date was set.

Mr. Scott said the site plan had been raised by 40 feet and all engineering and site planning has been done. He showed the original site plan and the new plan to the Planning Board. The new plan has many of the same elements, but there will be more grading in a corner of the site and the ponds will be at the upper level of the site. There will no longer be a big bend in the road and the grade will be 1.4 percent. There will be a large bioretention system at the bottom of the site and there will be more green areas to buffer the site from the street. Mr. Scott asked that there be another work session to go over the revised plans.

• **ROUTE 311 PLAZA/R VRIEBROCK PROPERTY, ROUTE 311, KENT, NY; TM: 22.-2-17**

Mr. Riina, of Site Designs, represented the applicant, Mr. Vriebrock who also was present. The applicant, who purchased the property last year, requested a two 90 day time extensions for this project in order to work on an amended site plan. The proposal is to work with the previously footprint. The entrance and road are the same as the one shown on the original plan. There will be additional parking in the rear of the building. The building will be larger than the one previously proposed. Instead of the building being 7,800 square feet it will now be 16,000 square feet. There will now be 32,000 in total square footage – 2000 will be dedicated to service in the building and there will be one tenant. Access will be on the lower level in the front and the second level will have access in the back of the building. The impervious area will be the same as the original plan. The septic area will be a minor system with two public facilities in the building. The well is already installed and all testing on it has been done. A full application will be submitted later. Mr. Vriebrock showed the Planning Board what the proposed building may look like, but it's not definite at this time. The time line for this project is to submit plans in December and to construct the building as soon as possible after the plans are approved.

**OCTOBER 2018
KENT PLANNING BOARD AGENDA**

Workshop: October 04, 2018 (Thursday, 7:30 PM)

Meeting: October 11, 2018 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from September 2018
- Rienzi Property
Kentview Dr., Kent, NY
TM: 10.20-1-51 Erosion Control Plan/
Public Hearing Review
- Roncallo Property
Tibet Dr., Kent, NY
TM: 30.20-1-15 Erosion Control Plan/
Public Hearing Review
- Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 Erosion Control Plan/
Public Hearing Review
- Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 Erosion Control Plan Review
- Putnam Nursing &
Rehabilitation Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41 Erosion Control/Site Plan/
Wetland Permit Review
- Kent Self Storage/Farmers Pride
164 Rte. 311, Kent, NY
TM: 22.-2-33 Amended Site Plan Review
- Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48 Site Plan Approval Review
- Route 52 Development/
Peder Scott Project
Route 52, Kent, NY
TM: 12.-1-52 Erosion Control Review