

TOWN OF KENT PLANNING BOARD MINUTES

September 14, 2017

Approved: October 12, 2017

Minutes

Town of Kent Planning Board Meeting September 14, 2017

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

In attendance were the following Planning Board members:

Michael McDermott, Chairman
Charles Sisto
Charles Sisto

Dennis Lowes, Vice Chairman
Philip Tolmach
Stephen Wilhelm

Others in Attendance:

Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineering Consultant

Bill Walters, Kent Building Inspector
Neil Wilson, Planner

Absent:

Gary Lam

• Approve Planning Board Minutes from August 10, 2017

Mr. McDermott asked for a motion to consider the minutes for the August 10, 2017 meeting. The motion was made by Mr. Tolmach and seconded by Mr. Wilhelm. The roll call votes were as follows:

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

The motion carried.

Mr. McDermott asked for a motion to approve the minutes for the August 10, 2017 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

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

Mr. McDermott advised the audience that this matter has been adjourned until October at the request of the owner.

- **Arell Property, Kentview Drive, Kent, NY; TM: 10.20-1-71**

Mr. Chris DeBellis, contractor for this project, represented Mr. Jack Karell. Mr. Eric Arell, the owner of the property, was also in attendance. This matter was a Public Hearing.

Mr. Adam Pavletich, a neighbor (90 Kentview Drive) of Mr. Arell, asked to be heard. He had concerns about runoff onto his property. He said that he also had questions about the driveway and thought that a lot of fill would have to be brought in and suggested that the driveway be relocated onto the right side of the house rather than the left side as proposed. (memo attached). Mr. Pavletich said that his privacy would also be impacted and asked that additional screening be done. Mr. Pavletich also stated that he would like the retaining wall to be higher than planned.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that she thought Jack Karell's plan for the alternate driveway locations and said the one chosen was the best plan. Ms. said if the driveway was moved to the right side it would not work because the garage would be on the second floor. Mr. DeBellis agreed with Ms. Mangarillo that the best location was on the left side due to the sloping of the driveway. Drainage at the back corner of the property would prevent runoff onto the neighbor's property. Ms. Mangarillo said that a curb along the driveway would also stop the runoff before it got to any other property lines. Ms. Mangarillo asked Mr. Karell to make a pipe larger, make rip-rap longer and put a berm in to alleviate the neighbor's concerns about runoff. On the side of the house where grading was done another catch basin may need to be constructed. Mr. Othmer, the Highway Superintendent, needed to be consulted about an asphalt curb which may need to be installed. The bond estimate Ms. Mangarillo proposed was for \$11,000 and included the changes she proposed, but said that she wanted to discuss it with Mr. Othmer and Mr. Karell prior to confirming the exact amount. Mr. Pavletich's memo was also forwarded to Mr. Karell.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he did not receive a total amended site plan package and had concerns about when tree cutting should occur and Indiana and Northern Long Eared Bats which were noted in the package received. Mr. Barber also discussed a request from Mr. Karell to waive the tree survey during construction. Mr. Barber asked that a tree inspection be done now and that the limit of disturbance be determined to see if it can be modified to improve screening between the two properties. Mr. Barber suggested that the Board may want additional fir trees be planted to provide screening.

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Mr. Pavletich asked for weekly inspections during the construction. Ms. Mangarillo said that inspections are not usually conducted on a weekly basis, but that Mr. Pavletich should call the Building Inspector and/or the Planning Department if there were any issues during construction. Mr. McDermott asked for a motion to adjourn the Public Hearing until October. The motion was made by Mr. Tolmach and seconded by Mr. Sisto. The roll call votes were as follows:

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

The motion carried.

- **Giannettino, 13-15 Dunwoodie Road, Kent, NY; TM: 33.56-1-3**

Mr. Barber's Comments

Mr. Barber inspected the property on Tuesday, September 12, 2017, and said that there are no jurisdictional wetlands and no environmental issues. The property is developed with two residences on it.

Mr. Wilson's Comments

Mr. Wilson said the cover letter and map submitted by Mr. Shilling asking the Planning Board to refer this to the ZBA for an interpretation. Mr. Wilson said the site plan pertained to remodeling and a code that the matter should be referred to the Planning Board, which is why Mr. Shilling asked that the Planning Board be referred to the ZBA. This matter has been submitted to the ZBA at the present time. Mr. Walters spoke and confirmed that the ZBA will handle this matter. No action was taken by the Planning Board.

- **O'Mara Property, Mt. Nimham, Kent, NY; TM: 10.20-1-1**

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that runoff from the driveway on this property had been discussed with the Highway Superintendent and an infiltration trench was to be constructed. Mr. Karell submitted new plans and conducted field tests and Ms. Mangarillo said that she approved. The Bond needs to be revised/increased to \$7,134.00. Ms. Mangarillo said that she thought that would be adequate.

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Mr. McDermott asked for a motion to accept the bond amount of \$5,534.00 be increased by \$1,600.00 to \$7,134.00 and forward it to the Town Board when the bond was submitted. The motion was made by Mr. Wilhelm and seconded by Mr. Tolmach. The roll call votes were as follows:

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

The motion carried.

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

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

Erosion Control Plan/
Wetland Permit/

Status Report

Waiting for Bond to be submitted

- Pure Timber Harvest/Forestell
Gypsy Trail, Kent, NY
TM: 21.-1-27

Timber Harvest

Status Report

Applicant asked to hold over until October

- Rodriguez/Olson
104 Smalley Corner Road, Kent, NY
TM: 21.-1-10

Subdivision

Status Report

Applicant asked to hold over until October

- Von Rosenvinge Property
451 Pudding St., Kent, NY
TM: 31.17-1-7

Erosion Control Plan
for In-Ground Swimming Pool

Status Report

Bond agreements prepared by Ron Blass, Planning Board Counsel, forwarded to Rainbow Pools.

Mr. Walters asked Ms. Mangarillo if she had been to the Von Rosenvinge property because there is still a dirt road. Ms. Mangarillo said that she had and that after the bond agreements are signed the plantings could be installed and that after that there would be a three year period to ensure the property was stabilized. The neighbor's also needed to sign the agreement.

- Patterson Crossing
Route 311, Kent, NY;
TM: 22.-2-48

Amended Site Plan
Bond Pending

Status Report

Nothing new

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

Nothing new has been submitted

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

Nothing new has been submitted

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

Holmes Presbyterian is still working through other agency approvals.

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

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

The motion carried.

Respectfully Submitted,

Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

**Town of Kent Planning Board Minutes
September 14, 2017**

**SEPTEMBER 2017
KENT PLANNING BOARD AGENDA**

Workshop: September 07, 2017 (Thursday, 7:30 PM)

Meeting: September 14, 2017 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from August 10, 2017
- Arell Property Erosion Control Plan/ Review
Kentview Drive, Kent, NY Public Hearing
TM: 10.20-1-71
- Cypress Creek/Solar Energy Farm Public Hearing for Review
Mooney Hill/Kent, NY Site Plan/Erosion Control Plan
(Armstrong Property)
TM: 12.-3-9
* At the request of the applicant the public hearing on this matter will be adjourned to October 12, 2017 and no testimony will be heard at the September 14, 2017 meeting
- Giannettino Site Plan Review
13-15 Dunwoodie Road, Kent, NY
TM: 33.56-1-3
- O'Mara Property Erosion Control Plan Review
Mt. Nimham, Kent, NY
TM: 10.20-1-1

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

- Boccia Property Erosion Control Plan/Wetland Permit Status Report
Beach Court, Kent, NY Approve Bond
- Pure Timber Harvest/Forestand Erosion Control Plan for Review
Gipsy Trail, Kent, NY Timber Harvest Applicant asked to move from August to Sept.
- Rodriguez/Olson Subdivision Status Report
104 Smalley Corner Road, Kent, NY Applicant asked to move from August to Oct.
TM: 21.-1-10
- Von Rosenvinge Property Erosion Control Plan Status Report
451 Pudding St., Kent, NY for In-Ground Swimming Pool
- Patterson Crossing Amended Site Plan Status Report
Route 311, Kent, NY; Bond Pending
- O'Mara Property Erosion Control Plan Status Report
Peekskill Hollow Road, Kent, NY
TM: 42.07-1-7
- O'Mara Property Erosion Control Plan Status Report
Lhasa Court, Kent, NY
TM: 31.09-1-6
- Holmes Presbyterian Site Plan/ Status Report
60 Denton Lake Road, Holmes, NY Erosion Control Plan
TM: 2.-1-47-1

Rev. 1



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

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

Subject: Erosion Control Plan

Date: September 14, 2017

Project: Arell ECP – Kentview Drive
TM # 10.20-1-71

The following materials were reviewed:

- Letter prepared by John Karell, Jr., P.E., dated August 16, 2017
- Short Environmental Assessment Form (EAF) signed 7/5/2017
- SWPPP, prepared by John Karell, Jr., P.E., no cover sheet, no revision date
- Notice of Intent, signed 7/11/2017, revised since last submittal
- MS4 SWPPP Acceptance Form, with Sections I and II completed.
- Erosion Control Cost Estimate prepared by John Karell, Jr., P.E., revised August 13, 2017
- Alternate driveway locations and profiles.
- Drawings prepared by John Karell, Jr., P.E., including
 - S-1 Site Plan, 6/26/2017, revised 8/16/2017
 - S-2 Erosion Control, Steep Slope Plan, Sight Line Plan, revised 8/16/2017
 - EC-1 Erosion Control & Steep Slope Details/Notes, revised 8/16/2017
 - D-1 Details, dated June 26, 2017

The project proposes construction of a single family house, driveway, septic and well. Information provided indicates the lot has Putnam County Health Department approval for well and septic, however copies of the permits have not been provided. This project previously received approval in 2006.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a comment memo dated August 10, 2017:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
7. A site visit was conducted on Tuesday August 1, 2017. The following was noted:

- c. Kentview Drive is steep at this location (15%). A culvert may be beneficial to allow road drainage to pass. Richard Othmer, Highway Superintendent should be consulted regarding this. – **Acknowledged.**
8. Refer to the Drawings:
- b. Show on the drawing if there are any existing driveways opposite this parcel on Kentview Drive.
 - i. **Response letter indicates driveways across Kentview Dr are shown. None could be located on the drawings. Please review.**
 - e. For footing and roof drains - Consider longer riprap stabilization at outlet or provide calculations that stabilization shown is sufficient. **Provide detail of riprap stabilization.**
 - i. **Detail of riprap stabilization could not be located on the drawings.**
 - f. Provide detail on retaining wall. Retaining walls higher than 4 feet require design calculations.
 - i. **Retaining wall detail has been provided. Provide a note on the drawing detail that maximum height is four feet, as indicated in the response letter.**
10. Provide copies of Health Department approvals for septic and well.
 - a. **Response letter indicates this is in progress.**
11. The new driveway will require approval by Town of Kent Highway Superintendent.
 - a. **Acknowledged.**
12. 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. **Acknowledged.**

New Comments:

1. On Drawing EC-1, Area Map, remove "vacant" from neighboring lot, TM 10.20-1-70.
2. Provide additional sediment barrier protection along northeasterly property line (downhill) during construction. Some recommendations include a double line of silt fence, temporary swale to direct runoff away from property line until retaining wall is installed, construct retaining wall at beginning of construction sequence, or combination of those suggestions. Adjust site plan and notes as needed.
3. Applicant's engineer has looked at alternative driveway scenarios. The option selected does appear to require the least fill and maximize sight distance.
4. Drainage away from the house at the eastern corner (front corner, not driveway-side) should be considered. The grading also shows steeper than 3:1 slopes, therefore erosion control blanket will be required for stabilization.
5. Provide a detail for the yard basin proposed at the end of the driveway. The yard drain will also require inlet protection during construction. A yard basin should be considered

Memorandum
Arell ECP
TM # 10.20-1-71
September 14, 2017
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where the driveway pipe and roof/footing pipe intersect as a clean-out. Calculations should be provided to show the 6" pipe will be large enough to carry runoff from the driveway and roof. The combined flow may need larger pipe size.

6. With the concentration of the roof runoff and driveway runoff to a single discharge point, (and possible from the front corner of the house) consideration should be given to providing a berm or level spreader to keep as much runoff on-site and reduce the likelihood of concentrated runoff flowing onto downhill properties.
7. We have prepared a bond estimate of \$11,631.39, attached. However, at this time we do not recommend approving this bond estimate until the Highway Superintendent can provide his review.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
05-261-999-95

Bruce Barber via email
Neil Wilson via email



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

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

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

To: Planning Board Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: September 14, 2017

Attn: Michael McDermott, Chairman
Subject: Erosion Control Bond Amount
Project: Arell - Kentview Drive
Tax Map: 10.20-1-71

The erosion control bond is as follows:

| ITEM | QUANTITY | UNIT | UNIT COST | TOTAL COST |
|----------------------------------|----------|------|---------------|---------------------|
| Inlet protection | 2 | EA | \$ 500.00 | \$ 1,000.00 |
| Erosion blanket | 44 | SY | \$ 2.00 | \$ 88.89 |
| Soil stockpiles | 1 | EA | \$ 500.00 | \$ 500.00 |
| End sections w/ riprap pads | 1 | EA | \$ 500.00 | \$ 500.00 |
| 12" dia drainage pipe | 120 | LF | \$ 20.00 | \$ 2,400.00 |
| 6" dia drainage pipe | 125 | LF | \$ 10.50 | \$ 1,312.50 |
| Catchbasins/drain inlets | 2 | EA | \$ 1,500.00 | \$ 3,000.00 |
| Seed and mulch | 18,000 | SF | \$ 0.06 | \$ 1,080.00 |
| Stabilized construction entrance | 1 | EA | \$ 750.00 | \$ 750.00 |
| Silt Fence | 250 | LF | \$ 4.00 | \$ 1,000.00 |
| | | | TOTAL: | \$ 11,631.39 |

Planning Kent

From: brianpavletich@gmail.com
Sent: Wednesday, September 13, 2017 9:07 PM
To: Planning Kent
Subject: Public Hearing on September 14th for Erosion Control Approval for Tax Map 10.-20 1-71

Hi Vera my name is Brian Pavletich I stopped into your office last week regarding the upcoming meeting and some issues that I have with the construction of a new house next door to my property. I live at 90 Kentview Drive. I have been a resident here for 4 years and my house was also built from new construction 4 years ago. Since I went through this whole process with my house I saw first hand how the construction process went and I do have some concerns regarding the construction of this new house. I will list them below.

1. Runoff Concerns

Whenever it rains or the snow melts in the spring I have runoff that comes from the property that is currently being proposed for new construction. The water comes across my front yard and used to cross my driveway and freeze in the winter. I had to install a small sewer which is attached to my liter drains to catch the water before it crosses my driveway. I don't know if this construction will make that problem better or worse. I am also worried about runoff of water and dirt into my yard during construction. A four foot high silt fence is in the plans to be installed but I do not think that is good enough. When my house was being constructed I also had the same silt fence run to the downside of my property and I did notice dirt and rain water wash over the fence on a consistent basis when I visited the property. I want to make sure this do not happen to me since I am on the downside to the new construction and the house is being placed on a very steep slope. I want to make sure that regular maintenance and checks are done to reassure that I do not have any runoff onto my property.

2. Placement of House and driveway

I did see in the plans that the house is to be placed ten feet in front of an old stone wall that currently exists on the property. I would like to know if this can be pushed further towards the road and run in line with my house. If the house was to be built at its current location the side of the house would be looking into my backyard. The foundation to my house is pinned into a slab of bedrock that runs into this new yard. The current plans call for this house to go over the same bedrock. I'm hoping that any type of drilling of that rock does not cause any cracking to my foundation or walls of my house. I also see that the driveway is to be built on the left side of the house and the other two ridiculous proposals come in from the center of the front yard. If he changes the floor plan for the bottom of the house and puts the driveway coming in from the right side of the property he will greatly reduce the amount of backfill he would need to level the driveway which would mean less runoff. The right side of the property is better for a driveway because it would require little to no backfill because it is more level.

3. Privacy Concerns

When the new construction begins I will lose most of the privacy I do have to my backyard. The trees currently on the yard do serve as a barrier for privacy for vehicles and pedestrians coming down Kentview Drive. I would like to ask if Evergreen Trees could be planted along the property line to provide some sort of privacy to my backyard and provide a barrier for any type of future erosion from water.

Thank you for helping me out last week when I stopped into your office. Thank you also for taking the time to read this email regarding my concerns over this new construction. I will be attending the meeting on Thursday and would like to express these same concerns to the Planning Board. See you at the meeting thanks again.

Sincerely,
Brian Pavletich

90 Kentview Drive

Carmel, NY 10512

Phone Number: 914-391-1719

Sent from Mail for Windows 10

Planning Kent

From: Planning Kent
Sent: Tuesday, August 29, 2017 8:55 AM
To: Nancy Tagliaferro (ntag@hoganandrossi.com); Veronica McMillan; Bill Huestis; Jaime Mcglasson; Maureen Fleming; Paul Denbaum (pauledenbaum@yahoo.com); Scott Chin
Cc: Neil Wilson; Julie Mangarillo - RSA; Bruce Barber; Building Inspector; Charles Sisto (Csisto4004@comcast.net); Dennis Lowes (dmills@verizon.net); edituhmike@verizon.net; Gary Lam (Glam0809@gmail.com); Phil Tolmach; spwilhelm@gmail.com; Planning Kent
Subject: FW: Solar Exemption
Attachments: NY RPT Law 487 Exemption from taxation for certain solar or wind energy systems or farm waste energy systems.pdf

As suggested by Neil Wilson in the attached note, the Planning Board asked me to forward this note and attachment to all of you and ask if you're aware of this and whether or not you want to take any action related to it. If so, perhaps the Town Attorney should look into whether CCSD has taken any action on this matter, and, if not, whether it might want to. School taxes are the biggest chunk of everyone's property taxes.

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

From: Neil Wilson [<mailto:nwilson.lrcplanning@gmail.com>]
Sent: Sunday, August 27, 2017 8:48 PM
To: Building Inspector; Bruce Barber; Charlie Sisto; Dennis Lowes; Gary Lam; Julie Mangarillo; Michael McDermott; Stephen Wilhelm; Planning Kent
Subject: Solar Exemption

Good evening to all. Following up on a comment from my November 10, 2016 and July 13, 2017 memos regarding the Armstrong Solar project, I thought it might be helpful for the Board to have a copy of section 487 of the Real Property Tax Law. This section provides a 15 year tax exemption or solar and other alternative energy projects unless the local municipality and school district either "opts out" of the tax exemption, or requires a that a payment in lieu of taxes (PILOT) agreement is entered into between the taxing jurisdiction and the utility. I don't know if the Town Board is aware of this provision and recommend that the Board consider sending a note to the Supervisor and the Town Attorney along with a copy of the statute advising them of the tax exemption.

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

487 Exemption from taxation for certain solar or wind energy systems or farm waste energy systems.

§ 487. Exemption from taxation for certain solar or wind energy systems or farm waste energy systems. 1. As used in this section:

(a) "Solar or wind energy equipment" means collectors, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the process by which solar radiation or wind is (i) collected, (ii) converted into another form of energy such as thermal, electrical, mechanical or chemical, (iii) stored, (iv) protected from unnecessary dissipation and (v) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by law.

(b) "Solar or wind energy system" means an arrangement or combination of solar or wind energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar or wind energy and its conversion, storage, protection and distribution.

(c) "Authority" means the New York state energy research and development authority.

(d) "Incremental cost" means the increased cost of a solar or wind energy system or farm waste energy system or component thereof which also serves as part of the building structure, above that for similar conventional construction, which enables its use as a solar or wind energy or farm waste energy system or component.

(e) "Farm waste electric generating equipment" means equipment that generates electric energy from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming waste and food processing wastes with a rated capacity of not more than one thousand kilowatts that is (i) manufactured, installed and operated in accordance with applicable government and industry standards, (ii) connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities, (iii) operated in compliance with the provisions of section sixty-six-j of the public service law, (iv) fueled at a minimum of ninety percent on an annual basis by biogas produced from the anaerobic digestion of agricultural waste such as livestock manure materials, crop residues and food processing wastes, and (v) fueled by biogas generated by anaerobic digestion with at least fifty percent by weight of its feedstock being

livestock manure materials on an annual basis.

(f) "Farm waste energy system" means an arrangement or combination of farm waste electric generating equipment or other materials, hardware or equipment necessary to the process by which agricultural waste biogas is produced, collected, stored, cleaned, and converted into forms of energy such as thermal, electrical, mechanical or chemical and by which the biogas and converted energy are distributed on-site. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling or insulation system of a building.

2. Real property which includes a solar or wind energy system or farm waste energy system approved in accordance with the provisions of this section shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar or wind energy system or farm waste energy system for a period of fifteen years. When a solar or wind energy system or components thereof or farm waste energy system also serve as part of the building structure, the increase in value which shall be exempt from taxation shall be equal to the assessed value attributable to such system or components multiplied by the ratio of the incremental cost of such system or components to the

total cost of such system or components. The exemption provided by this section is inapplicable to any structure that satisfies the requirements for exemption under section four hundred eighty-three-e of this title.

3. The president of the authority shall provide definitions and guidelines for the eligibility for exemption of the solar and wind energy equipment and systems and farm waste energy equipment and systems described in paragraphs (a) and (b) of subdivision one of this section.

4. No solar or wind energy system or farm waste energy system shall be entitled to any exemption from taxation under this section unless such system meets the guidelines set by the president of the authority and all other applicable provisions of law.

5. The exemption granted pursuant to this section shall only be applicable to solar or wind energy systems or farm waste energy systems which are (a) existing or constructed prior to July first, nineteen hundred eighty-eight or (b) constructed subsequent to January first, nineteen hundred ninety-one and prior to January first, two thousand twenty-five.

6. Such exemption shall be granted only upon application by the owner of the real property on a form prescribed and made available by the commissioner in cooperation with the authority. The applicant shall furnish such information as the commissioner shall require. The application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village. A copy of such application shall be filed

with the authority.

7. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption as computed pursuant to subdivision two of this section in a separate column. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

8. (a) Notwithstanding the provisions of subdivision two of this section, a county, city, town or village may by local law or a school district, other than a school district to which article fifty-two of the education law applies, may by resolution provide that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January first, nineteen hundred ninety-one or the effective date of such local law, ordinance or resolution, whichever is later. A copy of any such local law or resolution shall be filed with the commissioner and with the president of the authority.

(b) Construction of a solar or wind energy system or a farm waste energy system shall be deemed to have begun upon the full execution of a contract or interconnection agreement with a utility; provided however, that if such contract or interconnection agreement requires a deposit to be made, then construction shall be deemed to have begun when the contract or interconnection agreement is fully executed and the deposit is made. The owner or developer of such a system shall provide written notification to the appropriate local jurisdiction or jurisdictions upon execution of the contract or the interconnection agreement.

9. (a) A county, city, town, village or school district, except a school district under article fifty-two of the education law, that has not acted to remove the exemption under this section may require the owner of a property which includes a solar or wind energy system which meets the requirements of subdivision four of this section, to enter

into a contract for payments in lieu of taxes. Such contract may require annual payments in an amount not to exceed the amounts which would otherwise be payable but for the exemption under this section. If the owner or developer of such a system provides written notification to a taxing jurisdiction of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a contract for payments in lieu of taxes, such taxing jurisdiction must notify such owner or developer of its intent to require a contract for payments in lieu of taxes within sixty days of receiving the written

notification.

(b) The payment in lieu of a tax agreement shall not operate for a period of more than fifteen years, commencing in each instance from the date on which the benefits of such exemption first become available and effective.



Cornerstone Associates

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Phone: (914)-299-5293

August 14, 2017

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

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

Dear Chairman McDermott and Members of the Planning Board:

Please be advised that a site inspection was conducted at the above referenced property on July 30, 2017. The purpose of the inspection was to determine if there are Town of Kent jurisdictional wetlands, waterbodies and/or watercourses within the limits of the proposed timber harvest as indicated on the following plan:

- Plan entitled; "Sam Pure Logging Plan" prepared by William j. Moreau, P.E. dated 6/12/17, 1 sheet.

Inspection Results:

Inspection revealed Town of Kent jurisdictional wetlands, waterbodies and watercourse within the limits of the proposed action. Based on review of the above documents, the proposed land disturbance, installation of the stream crossings and potentially the timber harvest will require a wetland permit as per Chapter 39A of the Town Code.

The applicant is requested to provide a sketch of the proposed stream crossings in order for the Building Inspector to determine if they are classified as structures. If determined to be structures, the applicant will be required to obtain at Steep Slope and Stormwater Permit.

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

Sincerely,

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