

Town of Kent
Town Board Meeting
July 11, 2023

Workshop/Meeting 7pm

1. Pledge of Allegiance
2. Roll Call
3. Discussion and/or Vote on the following:
 - a. Highway- Bond, transfer cars
 - b. Budget Transfers
 - c. Municipal Repairs- accept resignation, advertise for open position, transfer vehicles
 - d. Library- appoint new board member
 - e. Code Enforcement-correction of violation
 - f. Excavation Ordinance- set public hearing
 - g. Water Districts- SEQR, authorize submission for grant
 - h. Lake Carmel- hire seasonal worker, resignation
 - i. ARPA- allocate funds
4. Vouchers
5. Announcement
6. Public Comment

Town Board Meeting July 11, 2023

A regular Town Board Meeting was held on Tuesday, July 11, 2023 at 7:00 p.m. at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York. To see the full meeting visit the Town of Kent's website at www.townofkentny.gov under Video's on Demand.

At 7:00 p.m. Supervisor McGlasson called the meeting to order with the Pledge of Allegiance.

Roll Call

Supervisor McGlasson- present
Councilwoman Campbell- present
Councilman Boyd –present

Councilman Tompuri- present
Councilman Ruthven- present

Also present: Deputy Town Clerk Louderback, Accountant Kelly, Highway Superintendent Othmer, Town Counsel Tagliafierro, Police Chief Owens, Building Inspector Walters, Recycling Chair Kotzur, Lake Carmel Park District Co-Chair Ulich, and several members of general public.

Presentation from Accountant Kelly: Budget Transfers

Director of Finance Yulia Kelly explained appropriations are moving from one line to another, overall for the general fund we are expected to use about \$247,000 of fund balance. She said even though some lines are over expended some grants are anticipated and other surpluses and some under expenditures on some lines. She said in the Highway Fund the same situation we are expected to use about \$50,000 of fund balance as of the end of 2022. There were some lines over expended specifically for snow removal overtime and snow removal contractual as well as highway equipment but there were some appropriations underspent. There were also some unexpected revenues that came in during the year. She said Lake Carmel Park District had several expenses that will be covered by grants which includes an engineering study for Lake Carmel Dam. Also damage to the bridge that will be rebuilt will be covered by money by FEMA. Lake Carmel Sanitation contractual costs for the dump fees continue to rise, they have been trying to increase that every year it is over by \$29,000. She explained some of the over expended items in the General Funds pertain to police items which for which we used some of the committed Fund Balance from prior years. ARPA money was spent on digital surveillance. She said overall costs of gas and utilities have gone up significantly. Health Insurance is over expended across all Funds as the increase was not anticipated. She said we did receive mortgage fees from the County that helps balance the budget. From Building Permits \$100,000 over anticipation was generated. The rental fees from the Cell Tower Leases has gone up from additional providers by \$45,000. She said there are additional small line increases adding up to extra revenues of \$482,000 for fiscal year 2022 which brings us to only using a Fund Balance of \$247,000. The Supervisor explained this is just a presentation, the Budget Transfers will be placed on the website and voted upon at the next meeting. Councilman Ruthven asked in anticipation of the next budget process are there formulas in anticipation of utilities going up and this year possibly a surplus in the snow removal overtime lines. Yulia replied we would use 2023 year to date and 2022 as a basis to see if the trends of going upward have slowed down. If they have we would use the average of the two. She said Highway is very difficult because we do have November and December.

Resolution #218 - Authorizing the Construction of Road Improvements, Stating the Estimated Maximum Cost Thereof is \$600,000, Appropriating Said Amount for Such Purpose, and Authorizing the Issuance of Bonds of the Town in the Principal Amount of Not to Exceed \$600,000 to Finance Said Appropriation

Councilman Ruthven offered the following resolution and moved its adoption:
Seconded by Councilwoman Campbell

BOND RESOLUTION OF THE TOWN OF KENT, NEW YORK, ADOPTED JULY 11, 2023, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS OF THE TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$600,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF KENT, IN THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Kent, in the County of Putnam, New York (herein called the "Town"), is hereby authorized to construct road improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Town in the principal amount of not to exceed \$600,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of not to exceed \$600,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds

with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Putnam County Press*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF KENT, NEW YORK

PLEASE TAKE NOTICE that on July 11, 2023, the Town Board of the Town of Kent, in the County of Putnam, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Kent, New York, adopted July 11, 2023, authorizing the construction of road improvements, stating the estimated maximum cost thereof is \$600,000, appropriating said amount for such purpose, and authorizing the issuance of bonds of the Town in the principal amount of not to exceed \$600,000 to finance said appropriation,"

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct road improvements, at the estimated maximum cost of \$600,000; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of not to exceed \$600,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of not to exceed \$600,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING that the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 11, 2023
Kent Lakes, New York

Yolanda Cappelli
Town Clerk

Resolution#219 - Transfer Two Retired Kent Police Department Ford SUVs to the Highway Department

On the motion by Councilman Tompuri
Seconded by Councilman Ruthven

WHEREAS, by Resolution dated June 20, 2023, the Town Board of the Town of Kent approved disposing of three Highway Department vehicles deemed unsafe and unfit for their current uses: (1) a 2011 Ford Crown Vic VIN Number 2FABP7BV9BX114451; (2) a 2011 Ford Crown Vic VIN Number 2FABP7BV3BX101159; and (3) a 2014 Smithco Sand Star Zee Model 45-500-A; and

WHEREAS, the Kent Police Department recently retired two Kent Police Department Ford SUV's: (1) PD 58 2014 Ford Utility VIN# 1FM5K8AR0EGB91246; and (2) PD 54 2013 Ford Utility VIN# 1FM5K8AR3DGC26215 (the "Vehicles") which vehicles will be suitable for use by the Highway Department; and

WHEREAS, by email dated June 30, 2023, Richard Othmer, Highway Superintendent, requested that the Vehicles be transferred to the Highway Department. The Highway Department intends to share one of the Vehicles with Municipal Repairs; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent, authorizes the transfer of the Vehicles, as further described above, to the Town of Kent Highway Department.
Motion carried unanimously

Highway

Highway Superintendent explained at the last meeting this came up he is working on it with town counsel. He explained a "Paper Road" is a road that was never built, never existed. An "Abandoned Road" is a road that was built that is no longer needed anymore.

He announced that he received two Bridge Grants from NYSDOT in the amount of 2.6 million dollars for the Nimham Road and the Sagamore Road Bridge. He said we will also be reimbursed for the engineering services.

Resolution #220 - Accepting Resignation of Mechanic Town of Kent Municipal Repairs

On the motion by Councilman Boyd

Seconded by Councilman Tompuri

WHEREAS, the Town of Kent wishes to accept the resignation of Kyle Ulich as a Mechanic with the Town of Kent Municipal Repairs Department, effective June 30, 2023; and

WHEREAS, the Town Board of the Town of Kent wishes to advertise for applicants for the vacant position of Mechanic in Municipal Repairs;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Kyle Ulich as a Municipal Repairs Mechanic, with thanks for his service; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for applicants for a Municipal Repairs Mechanic.

Motion carried unanimously

Resolution #221 - Accepting a New Member to the Kent Public Library Board of Trustees

On the motion by Councilwoman Campbell

Seconded by Councilman Tompuri

WHEREAS, Carol Donick, Director of the Town of Kent Public Library, has recommended the acceptance of James Carey as a new member of the Town of Kent Public Library Board of Trustees; and

WHEREAS, the Town Board of the Town of Kent wishes to accept the recommendation of Carol Donick;

NOW, THEREFORE, BE IT RESOLVED, that Town Board of the Town of Kent hereby accepts and welcomes James Carey as a new member of the Town of Kent Public Library Board of Trustees.

Motion carried unanimously

Resolution #222 - Authorize Correction of Violation, Acceptance of Proposal, and Charge to Property Owner TM # 12.-1-71

On the motion by Councilman Boyd

Seconded by Councilman Ruthven

WHEREAS, the Code Enforcement Officer of the Town of Kent issued an Order to Remedy Violation dated May 9, 2023 (the "Order to Remedy") directing the owner to remove rubbish at the property identified as 46 Bowen Ct, Kent, New York, Tax Map 12.-1-71 (the "Property"); and

WHEREAS, the Order to Remedy requires the owner to correct the violations or respond to the Code Enforcement Office within ten (10) days and, to date, the owner of the Property has not responded; and

WHEREAS, pursuant to Chapter 55A of the Town Code of the Town of Kent regarding "Property Maintenance", upon the failure of any owner to comply, the Building Inspector is authorized to correct a violation subject to the approval of the Town Board; and

WHEREAS, the Town Board of the Town of Kent wishes to authorize the Building Inspector to correct the violation; and

WHEREAS, consistent with the Town's Procurement Policy, the Town of Kent requested three written proposals from contractors to correct the violation on the Property and received one proposal in response, and a copy of said proposal is annexed hereto and incorporated by reference; and

WHEREAS, FI Adams, Inc. submitted the lowest proposal in the amount of \$900.00.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby accepts the proposal of FI Adams, Inc. for the correction of the violation at a cost not to exceed \$900.00; and

BE IT FURTHER RESOLVED, that the actual cost of the correction of the violation, plus the accrued legal rate of interest from the date of completion of the work, shall be charged to the property owner by the Town in accordance with Chapter 55A-12(B).

Motion carried unanimously

Resolution #223 - Introduce Local Law # /2023 Providing For Public Hearing and Notice on Excavation Ordinance

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

BE IT RESOLVED that that a local law amending and replacing the current Chapter 63, currently entitled "Soils" and to be entitled "Excavation and Mining", is hereby introduced by Councilman Ruthven, as Introductory Local Law #4 of the year 2023 before the Town Board of the Town of Kent in the County of Putnam and State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law, which is attached hereto, be laid upon the desk of each member of the Board; and



CODE ENFORCEMENT

**OF THE TOWN OF KENT, PUTNAM COUNTY, N.Y. 10512
845-306-5598**

June 27, 2023

**From: Zoning Enforcement Officer, Town of Kent:
To: Supervisor McGlasson, Town board members, Town of Kent:
Subject: Violation requiring corrective action:**

**Enclosed please find violation issued by the undersigned and bids for correction.
Site owners have not responded to Notices of Violation with correction.**

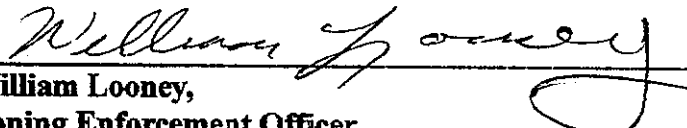
**Locations requiring correction:
46 Bowen Court, Holmes, N.Y. 12531**

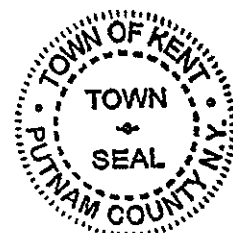
The following proposals have been submitted:

**F.I. Adams Inc: \$900.00
Matty's Excavation failed to submit a requested bid.
Relic Contracting failed to submit a requested bid.**

Notice of Violation and bids are enclosed.

For your consideration and approval.


**William Looney,
Zoning Enforcement Officer,
Town of Kent.**



610 Route 292
Holmes, NY 12531
(845)-855-3733 (914)-760-8969
914-760-8968

FI Adams, Inc.

Estimate

For: Town of Kent
46 Bowen Ct
Holmes, NY, 12531-4510

Estimate No: 472
Date: 06/01/2023

Description	Quantity	Rate	Amount
Clean up garbage around the house located at 46 Bowen road.	1	\$900.00	\$900.00
	Subtotal		\$900.00
	TAX 0%		\$0.00
	Total		\$900.00
	Total		\$900.00

**Town of Kent
Excavation and Mining
Chapter 63**

A. Purpose and Intent.

The purpose and intent of this chapter, its supplementary land development requirements and standards are as follows:

1. To ensure that excavation will be conducted in a manner that will protect residential and local business areas and other land uses, and the value of land from potential adverse impacts.
2. To limit the amount of excavation to the minimum required for site preparation, preserving, insofar as possible, the topography and beauty of the community, including the character of the existing landscape, its soils, hills, and ridgelines and other aspects of the Town's natural environment.
3. To limit the amount of material that will be removed from a site and establish clear standards and requirements for the planned phasing of areas of excavation to avoid the creation of a disturbed, barren area of land that is not consistent with the Town's natural environment and rural, residential character.
4. To prevent the adverse effects of disturbed land, such as stormwater, erosion and sedimentation, and pollution from affecting the community's watershed, watercourses, waterbodies and wetlands, and other natural resources.

B. Definitions

AGRICULTURAL ACTIVITY

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

CLEARING

Any activity that removes the vegetative surface cover.

CONCEPTUAL EXCAVATION AND PHASED DEVELOPMENT PLAN

A drawing, or set of drawings, with general information sufficient to adequately describe the existing conditions of the site and the proposed excavation and development. This information shall include data on existing land characteristics (slopes, wetlands, rocky areas, etc.), available utilities, and the proposed general layout, timing, and phasing of development, including buildings, parking, driveways, pedestrian ways, generalized landscaped areas and other improvements, and general limits of disturbance.

DISTURBANCE

All land preparation activities involving the movement, placement, removal, transfer or shifting of soil, rock and/or vegetation, including but not limited to, clearing draining, filling, grading, regrading or the building of structures or the placement of improvements on land, including the construction of individual sidewalks, paths, roads, or driveways. The condition of land disturbance shall be deemed to continue until the area of disturbance is returned to its original state or to a state complying with a permit for such disturbance granted in accordance with this chapter.

EXCAVATION

The disturbance or removal of material including soil, rock and/or minerals from land for the purposes of site preparation for land development and construction projects, regardless of whether those materials are retained on the site or removed from the site.

EXCAVATION AND PHASED DEVELOPMENT PLAN

A drawing, or set of drawings, with detailed information as set forth herein, to fully demonstrate the existing conditions of the site and the proposed excavation and phased development. The information and plans shall include data on existing land characteristics (topography,, wetlands, rock outcroppings and ledge areas, etc.), available utilities, and the proposed general layout, timing, and phasing of development, including buildings, parking, driveways, pedestrian ways, generalized landscaped areas and other improvements, limits of disturbance, and corresponding grading, drainage, erosion and sedimentation control and other measures to be demonstrated on phased development plans.

MINERAL

Naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this chapter, peat and topsoil shall be considered minerals.

MINING

The extraction of soils, rock (overburden) and minerals from the earth, and the removal of such materials from the site through sale or exchange or for commercial, industrial, or municipal use. Mining shall not include the creation of water bodies or excavations in aid of agriculture. Activities associated with the processing of such materials, if permitted, must comply with the conditions of any permit granted in accordance with this chapter.

PROCESSING:

Any mechanical manipulation of material including crushing, screening, blending, washing, and any procedure which changes the size of the particles or the particle size distribution or gradation from in-situ characteristics. Processing also includes any mechanical and/or thermal combining or blending of materials from one or more sources in order to manufacture a product with certain specification requirements.

Processing shall not mean simply excavating and loading earth material directly into a transport vehicle.

TOPSOIL

Topsoil shall consist of friable surface soil reasonably free of grass, weeds, sticks, stones, or other foreign materials.

C. Applicability

1. Mining as defined under this code is prohibited in the Town of Kent.
2. The amount of material to be removed from the subject site shall not exceed 1,000 tons or 750 cubic yards, whichever is less, during two (2) successive calendar months.
3. Excavation as defined under this code shall be permitted in accordance with the following:
 4. 2. Any individual or entity proposing to excavate a total, collective area of 80,000 square feet or more of the surface area of a site which will result in a change in the average existing, natural grade (topography) of (four) feet or more in any area defined by a rectangle of 10,000 square feet, minimum dimension of 100 feet per side and involving the displacement of 1,500 cubic yards or more of material within the Town of Kent shall prepare an application as delineated therein below for an excavation permit.
5. Excavation is permitted under the following conditions:
 - a. A special use permit for excavation has been issued by the Town Board according to the procedures outlined below.
 - b. The approved plan shall be for the phased development of the site for uses which are principal permitted uses or permitted special uses in the underlying zoning
 - c. For excavation projects, the approval specifically includes a phased implementation plan which balances phases of excavation and phases of land development so as to avoid excavation of the entire site prior to establishment of the approved use. The phasing plan shall be backed by a performance bond.
 - d. The excavated material shall be the minimum necessary to construct the project, and the material that is removed from the property shall only be in excess of that which can be reused or redistributed on the site provided that this amount is specified in the building permit for such improvement and is less than 1,000 tons or 750 cubic yards, whichever is lower, within 12 successive calendar months.
 - e. The Town Board at its discretion may permit onsite processing of excavated materials subject to such additional conditions as they deem necessary provided that all processed materials are used on site in the proposed phased development and that no processed materials are removed from the property.
 - f. Any regrading, removal or excavation shall be completed within one year of the date of issuance of said permit.
 - g. The excavation permit shall be void if construction is not started within one year of the date of Town Board approval and completed within two years of the date of

such approval. Prior to its expiration, the excavation permit approval may be renewed by written request of the applicant for up to two additional ninety-day periods.

D. Exemptions

Excavation in the following cases is not subject to the limitations of this section, and no special use permit approval from the Town Board is required:

1. Land disturbance operations in which topsoil is removed from one part of the property and deposited on another part of the same property, provided that it is replaced with a cover of earth in which the vegetable matter may take root and grow and is seeded with grass, permanent pasture mixture or other fast-growing vegetation, repeatedly as necessary until the growth is established.
2. Excavation within the limits of the right-of-way for any Town, county, or state highway or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Planning Board of the Town of Kent are on file in the County Clerk's office in Putnam County, New York.
3. Excavation in connection with agricultural activity, including farm ponds and soil conservation measures, provided that such improvement conforms to the following standards and conditions:
 - a. Final slopes shall be such that a grade no greater than the natural angle of repose, except where supported by a retaining wall or foundation.
 - b. Any lakes or ponds that are created shall have a sufficient depth and inflow of water to prevent eutrophication and to prevent their becoming stagnant in dry periods.
 - c. Topsoil may be disturbed and relocated in connection with any permitted excavation but shall be replaced with earth in which vegetable matter may take root and grow and shall be seeded with grass, permanent pasture mixture or other fast-growing vegetation, repeatedly as necessary until the growth is established.
 - d. In the event that the construction of improvements for which preparatory excavation is performed does not commence within six months of the commencement of such excavation, the permittee shall be required to immediately begin reclamation operations to restore the land to a condition that will minimize erosion and any unsightly conditions.
4. Excavation required to construct single-family home foundations and basements.

E. Application Procedure.

The application procedure for approval of a special use permit for excavation shall involve a three-stage process:

1. The applicant shall submit an application supported by a conceptual excavation and phased development plan to the Planning Board. The Planning Board shall review the plan and determine if excavation and land disturbance thresholds under this code will be met or exceeded requiring referral to the Town Board. The Town Board shall receive the referral from the Planning Board and evaluate the plan relative to the conformity of

the proposal with the Town Comprehensive Plan and this chapter. The Town Board shall:

- a. provide feedback to the Applicant regarding additional information that must be submitted as part of the conceptual excavation and phased development plan for reconsideration by the Town Board; or
 - b. upon acceptance of the conceptual excavation and phased development plan, the Town Board may direct the applicant to submit a full and complete excavation and phased development plan application as set forth herein; or
 - c. deny the conceptual excavation and phased development plan.
2. Upon direction of the Town Board, the applicant shall submit a full and complete excavation and phased development plan application to the Town Board, which shall be referred to the Planning Board for a detailed review and report. The Planning Board shall serve as Lead Agency and conduct the New York State Environmental Quality Review Act (SEQRA) review unless otherwise superseded by another involved agency. The Planning Board shall as part of the SEQRA review conduct a public hearing on the matter. Upon the conclusion of the SEQRA review, the Planning Board will issue a determination of environmental significance, and all associated approvals and permits. The Planning Board shall refer the entire application package back to the Town Board.
3. Upon receipt of the entire application package from the Planning Board, the Town Board shall consider the comments of the Planning Board and their SEQRA determination. Within 62 days of receipt of the application from the Planning Board, the Town Board shall give due notice and may hold a public hearing on the special use permit for excavation.

F. Town Board Action.

Within 30 days of the close of the public hearing, the Town Board shall act either to approve, approve with conditions or disapprove the special use permit for excavation.

1. With respect to the excavation permit and phasing, the Town Board shall make the following findings:
 - a. That the location, character and scope of the excavation activity, and the access and any temporary buildings, structures, facilities, or processing equipment, will reasonably safeguard the character of the neighborhood and surrounding property values will not hinder, or discourage the appropriate development and use of adjacent property and, when completed, will conform to the appropriate and orderly development of the Town and neighborhood.
 - b. That the lot on which the excavation activity is to be conducted is of sufficient size and adequate dimension to permit the excavation activity in a manner that will not be detrimental to the neighborhood or adjacent property.
 - c. That reasonable provision will be made for screening the excavation activity including processing from view from adjacent streets and property, and that buffer transition areas will be provided to protect adjacent properties.
 - d. That the streets serving the proposed excavation activity are adequate to carry prospective traffic, that provision will be made for entering and leaving the lot in

such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities will be provided for conduct of the excavation activity.

- e. That the proposed excavation activity when completed, will not result in creation of soil erosion, sedimentation or fertility problems or drainage, sewerage or groundwater problems, or pollution which would impair the reasonable reuse and development of the lot and/or be detrimental to the neighborhood or adjacent property and that the excavation and phased development plan is consistent with the Town of Kent Comprehensive Plan.
 - f. That the proposed excavation activity, any buildings, structures, facilities or processing equipment and hours of operation will make provision for control of dust and lighting and otherwise will not be detrimental to the public health, safety and general welfare of the neighborhood and the community.
2. Such conditions and safeguards shall be attached to the special permit as the Town Board deems necessary and appropriate to assure continuous conformance to all applicable standards and requirements.

H. Regulatory Compliance

Each application for a special use permit shall be in compliance with all pertinent regulations, including:

1. All applicable provisions of the Code of the Town of Kent, including but not limited to regulations for flood damage prevention, freshwater wetlands, tree removal, steep slope protection and storm water management, subdivision of land, watercourses, soil hydrology, environmentally sensitive lands, zoning, and any other pertinent provisions.
2. New York City Department of Environmental Protection (NYCDEP), New York State Department of Environmental Conservation (NYSDEC) and all other applicable regulations.

I. Application Requirements

Each application for a special use permit shall be accompanied by the following:

1. A proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drives and parking areas, and all streets within 200 feet of the lot. The site plan shall use as a base map a recent, accurate boundary and topographic survey of the property depicting all existing improvements and grades prepared by a New York State licensed land surveyor. The plan shall depict all proposed site alterations and improvements and shall be prepared by a professional engineer, a landscape architect, or an architect licensed by the State of New York and shall include the following information:
 - a. A location map, at a convenient scale, showing the applicant's entire property and all boundaries, easements, and streets within 500 feet thereof.
 - b. Show existing improvements, utilities, wells, and septic systems.

- c. The location and limits of the area of disturbance on the lot to be subject to the excavation activity and any lines delimiting areas not to be disturbed.
- d. Existing topography and proposed grade elevations at a contour interval of not more than two feet, unless waived by the Town Board, with existing topography to be shown on the subject parcel and within 200 feet of the area to be subject to the excavation operation, drawn to a scale of not less than 100 feet equals one inch.
- e. Show existing and proposed drainage within the limits of disturbance and within a distance of 200 feet outside of the limits of disturbance.
- f. Show existing wetlands, watercourses, and waterbodies and associated buffers delineated in compliance with pertinent provisions of the Code of the Town of Kent, including Chapter 39A, within the limits of disturbance and within a distance of 200 feet outside of the limits of disturbance.
- g. Show proposed truck and equipment access to the lot, including roadway and access improvements proposed.
- h. Show the location of wooded areas, existing buildings and structures and the location of any proposed buildings and structures within the limits of disturbance and within a distance of 200 feet outside of the limits of disturbance.
- i. Any proposed temporary or permanent screening of the excavation operation, such as by berms, fences, and landscaping.
- j. The location, size, use and architectural design of all existing buildings and structures.
- k. The location of all property lines and structures within 200 feet of the property boundary.
- l. Existing soil types, wetlands, and watercourses, one-hundred-year floodplains, bedrock outcrops in excess of 10%, and the location of trees with a diameter of snags (6" or greater as measured 4.5' from the ground level (Direct Breast Height, or dbh)).
- m. The location and capacity or number of all existing and proposed roads, driveways, parking and loading areas, including access and egress drives.
- n. The location of outdoor storage areas.
- o. The location of fire access roads and fire protection features.
- p. The location, description, and design of all existing and proposed site improvements including building footprints, pavement, walkways, curbing, drains, culverts, retaining walls, fences, parks, open spaces, and recreation areas.
- q. The location, design and description of water supply and sewage disposal facilities.
- r. The location, design, and description of stormwater management facilities, including proposed grading plan.
- s. The location, height, and species of landscape plantings on a landscape plan.
- t. The character and location of all power distribution and transmission lines.
- u. The location and description of all subsurface site improvements and facilities.
- v. The location of any processing equipment and stockpiles.

- w. The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles of typical development areas, building footprints, walkways, parking lots, driveways, and roads.
 - x. The total amount of cut and fill in cubic yards.
 - y. The average existing grade and the average proposed grade and depth of excavation.
 - z. Adequate provisions for the handling of stormwater runoff, including retention/detention, piping, or channeling to existing or proposed drainage systems during and after construction.
 - aa. Proposed phasing of development.
 - bb. A rock removal or blasting plan as determined to be required.
 - cc. If blasting is found to be required, a baseline potability and pollutant study and monitoring plan during and post-construction of surrounding wells. Test parameters and the location of the wells to be tested will be determined.
 - dd. Restoration or reclamation plan as determined to be required.
 - ee. A signature block for Town Board endorsement of approval.
 - ff. The name and address of the owner of the property proposed for development, along with the signature of said owner.
 - gg. The name and address of the applicant, if different, along with the signature of said applicant.
 - hh. At the request of the Town or Planning Board, any other pertinent information or materials determined to be necessary to assist in the review and evaluation of the proposed special use permit for excavation and provide for the proper enforcement of this chapter.
2. A Full Environmental Assessment Form (Full EAF) together with any supporting documents or other materials intended to expand or clarify information contained in the Full EAF intended to assist the Town in the review of this project.
 3. A complete copy of all application materials submitted to the NYSDEC pursuant to Article 23, Title 27 of the Environmental Conservation Law, if applicable.
 4. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Town of Kent Town Code Chapter 66. The SWPPP shall meet the performance and design criteria and standards in Chapter 66, Article IV. The approved special use permit shall be consistent with the provisions of Chapter 66.
 5. A narrative address of the following and such additional information deemed appropriate by the Town Board:
 - a. An evaluation of the proposed excavation activity relative to surrounding land uses, including an evaluation of potential environmental impacts, including but not limited to noise, dust, and visual impacts on surrounding land uses.
 - b. The duration of the operation through to site restoration, proposed hours and days of operation and the program for staging the site preparation, excavation and restoration in time and geographic sections.
 - c. The program of measures to be undertaken for control of noise, dust, soil erosion and sedimentation, water pollution, and the mitigation of visual impacts,

including outdoor illumination, and elements of a reclamation plan for the area of the lot to be subject to the excavation activity.

- d. An estimate of the number of vehicles expected to enter and exit the lot on a daily basis and at peak hours, and description of any roadway capacity and safety improvement proposed on the streets giving access to the lot.
- e. Description of the nature and capacity of any processing equipment proposed to be established on the lot.

J. Waiver of Requirements and Standards

- 1. Where the Town Board and/or Planning Board finds that certain application requirements, data and information, set forth in section I, above, are not required or are unnecessary to review the application for a special use permit and the potential effects of proposed excavation, it may waive specific requirements or standards upon written request of the applicant; provided that such waiver will not have the effect of nullifying the intent and purpose of this chapter or any chapter of the Town Code, or the State Environmental Quality Review Act.
- 2. Where the Board finds that, due to the special circumstances of a particular application, the provision of certain required improvements or adherence to a certain specific standard is not required to further the interest of the public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site of the special use permit, it may waive such requirements or standards, subject to appropriate conditions as deemed appropriate by the Town Board and/or Planning Board. The Board shall state on the record the reasons supporting any waiver that may be granted.
- 3. In granting waiver(s), the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

K. Performance Standards

The excavation activities shall conform to the following standards and conditions:

- 1. There shall not be any vegetation removal, clearing of the land or alteration of the site without first obtaining a special use permit for excavation from the Town Board.
- 2. There shall not be any vegetation removal, clearing of the land or hydrological alteration of any Town of Keene jurisdictional wetland, watercourse, and/or waterbodies and associated buffers without first obtaining a special use permit for excavation from the Town Board.
- 3. All excavation activities shall conform to the information, report, maps, plans and conditions approved by the Planning Board and Town Board.
- 4. The lot will be excavated and graded within the limits shown on the approved plans and in conformity with the proposed contour plan as approved.
- 5. The measures for noise, visual, soil erosion and sediment control will be installed, maintained, and completed in accordance with all approvals and permits.
- 6. The slopes will not exceed one foot of rise for two feet of horizontal distance or such lesser slope that the Planning Board may specify as necessary for the public health and

safety, soil stability or for the reasonable use of the property after completion of the operation.

7. There will be no excavation, processing or grading or removal within 50 feet of any property or street line, or a greater or lesser distance if approved by the Town Board.
8. There shall be no sharp declivities, pits or depressions, and proper drainage will be provided to avoid stagnant water, soil erosion and water pollution during and upon completion of operations.
9. The permittee shall maintain and repair all streets and roads affected by the conduct of the excavation operations and by the transport of any and all materials to and from the site and within the site; and such work shall be completed within the time provided for in the permit.
10. The lot will be cleared of all debris within the period for which the excavation permit is granted.
11. Except in the location of wetlands and watercourses and exposed ledge rock, the topsoil for a depth of twelve inches will be set aside and retained on the lot and will be respread over the excavated or graded area as the work progresses, that an approved ground cover will be planted and grown to an erosion-resistant condition upon the completion of the excavation or removal in accordance with the approved contour lines and that such work be completed within the period for which the local excavation permit is granted.
12. If required by the Town Board, the area to be excavated or a portion thereof shall be enclosed within a fence of such type, height and location as the Board approves.
13. A schedule shall be established setting forth the following:
 - a. Limitations on the day of the week and the hours of the day during which any work, including on rock chipping, drilling, processing, or hammering, or blasting may be performed on the lot, in compliance with Town of Kent noise regulations.
 - b. The place and manner of disposal of the lot of excavated material.
 - c. Requirements as to the control of dust, noise, and lighting.
14. The applicant shall submit weekly reports, prepared by and bearing the seal of an engineer, showing the status and progress of the excavation activity.

L. Performance Bond and Insurance

1. Performance Bond

In order to ensure the full and faithful completion of all construction activities related to compliance with all conditions set forth by the Town in its issuance of special use permit for excavation, the owner or applicant shall provide, as a condition of approval, a performance bond, supported by sufficient security in the form of cash bond, surety bond, a cash escrow account, irrevocable letter of credit or certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined based on submission of final design plans. The amount of the performance bond shall be based on the submittal of a detailed cost estimate, which shall be reviewed by the Town Engineer, who shall report said recommendations to the Town Board.

- a. The bond shall be conditioned that any affected land shall be restored in conformity with the approved excavation permit and plans and the standards set forth by this section.
- b. In the event of default in compliance with the excavation permit and plans or the terms of this section, the letter of credit or surety bond shall be forfeited to the Town.
- c. The Town shall return to the operator any bonded amount that is not needed to cover the expenses of restoration, administration and any other expenses reasonably incurred by the Town as a result of the applicant's failure to comply with the terms of the excavation permit and plans of this section.
- d. The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work covered under the permit and/or any phased development plan associated therewith and all improvements have been constructed and completed in accordance with all plans, specifications and approvals.
- e. In the event of a proposed transfer of an excavation permit and plans, the Town Board shall require the filing of a certificate from the surety company issuing the bond then in effect certifying the same bond as to the new permit holder or certifying that a new bond has been issued. In the absence of such certificate, no transfer of a permit will be allowed.
- f. The required bond amount pursuant to this section shall be reviewed on a yearly basis to assure that a fair and reasonable bond is available to the Town should any default in performance of the requirements of the permit or this section occur.

At its discretion, the Town may accept cash or certified check, negotiable bonds of the United States government, United States Treasury notes, United States Treasury certificates of indebtedness, United States Treasury bills, bonds or notes of the State of New York, bonds of any political subdivision in the agency or of other New York State agencies or authorities, or bonds of public corporations of the State of New York, and irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town Clerk for the duration of the bond period. Any cash received pursuant to this section shall be maintained in an interest-bearing account, which interest shall accumulate during the life of the account and shall be refunded to the depositor when the cash is refunded.

2. Insurance

After approval of the application and before issuance of any permit, the applicant shall present to the Town certificates of insurance evidencing liability insurance coverage. The minimum acceptable liability coverage for any permitted excavation and phased development plan shall be \$2,000,000. The liability coverage shall be maintained throughout the period of permit activity. The certificates of insurance shall provide for a thirty-day minimum notice period to the Town before cancellation of coverage.

M. Enforcement; penalties for offenses.

1. Notice of violation. When the Town determines that excavation and/or land disturbance is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - a. The name and address of the landowner, developer, or applicant.
 - b. The address, when available, or a description of the building, structure, or land upon which the violation is occurring.
 - c. A statement specifying the nature of the violation.
 - d. A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action.
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed by the Town.
 - f. A statement that the determination of violation may be appealed to Town Board by filing a written notice of appeal within 15 days of service of notice of violation.
2. Stop-work orders. The Town may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all excavation and/or land disturbance, except those activities that directly remedy the violations leading to the stop-work order. The stop-work order shall be in effect until the Town confirms that the excavation and/or land disturbance is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
3. Violations. Any excavation and/or land disturbance that is commenced or is conducted contrary to this chapter shall be restrained by injunction or otherwise abated in a manner provided by law.
4. Indemnification. Town or the NYSDEC shall serve a notice of violation upon the Town, bring an administrative complaint against the Town, and/or commence a civil suit against the Town due to a violation of State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4) GP-02-02, as may be amended from time to time, and such notice of violation, administrative complaint, or civil suit is a result of, due to, a consequence of, or the outcome of the actions of a person who has violated the provisions of this chapter, then said person shall indemnify the Town for any and all fines, damages or penalties imposed by the NYSDEC upon the Town.
5. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine as indicated in the most recent schedule adopted by the Town Board, or imprisonment for a period not to exceed six months, or both.
6. Withholding of certificate of occupancy. If any excavation and/or land disturbance conducted in violation of this chapter, the Town may prevent the occupancy of said building or land.

7. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

N. Term of Special Use Permit termination, expiration, and revocation

1. Special use permits may terminate with any change of use, expansion of use, failure to abide by the conditions of the special use permit or misrepresentation on an application.
2. A special use permit approval shall be void if construction is not started within one year of the date of Town Board approval and completed within two years of the date of such approval. Prior to its expiration, the special use permit approval may be renewed by written request of the applicant for up to two additional ninety-day periods.
3. Other special use permits granted for a particular operation shall terminate at the completion of the operation or upon expiration of the permit. Such limitation shall be specified as a condition of the special use permit.
4. No less than 30 days prior to the expiration of a special use permit, the applicant or permit holder shall make application to the Town Board for a renewal. Where the applicant is in full compliance with the previously approved conditions, including the requirements and standards in this chapter, the permit shall be renewed. Where the Code Enforcement Officer finds that the applicant is not in compliance with those decisions, the application shall be referred to the Town Board for review.
5. Upon notice of violation issued by the Code Enforcement Officer, the holder of a special use permit may remedy the violation within a period of 30 days, request a hearing before the Town Board or forfeit the special use permit which shall be revoked and become null and void.

O. Appeals

Any person or persons jointly or severally aggrieved by any decision of the Town Board may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceedings shall be governed by the specific provisions of Article 78 except that the action must be initiated as therein provided within thirty calendar days after the filing of the Board's decision with the Office of the Town Clerk.

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this chapter.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Local Law # ____ of 2023		
Project Location (describe, and attach a general location map): Town of Kent, Putnam County, NY - applies Townwide		
Brief Description of Proposed Action (include purpose or need): The action involves the adoption of a Local Law removing Chapter 63 - Soil Removal and replacing it in its entirety with new Chapter 63 - Excavation. The proposed new Chapter prohibits mining in the Town of Kent while permitting excavation subject to certain conditions including but not limited obtaining a Special Use Permit from the Town Board. The proposed Law includes provisions for review, comment, and issuance of other necessary permits by the Planning Board as part of the process.		
Name of Applicant/Sponsor: Town of Kent Town Board		Telephone: 845-225-3943 E-Mail: jmcglasson@townofkentny.gov
Address: 25 Sybil's Crossing		
City/PO: Kent Lakes	State: NY	Zip Code: 10512
Project Contact (if not same as sponsor; give name and title/role): Jamie McGlasson, Supervisor		Telephone: 845-225-3943 E-Mail: jmcglasson@townofkentny.gov
Address: 25 Sybil's Crossing		
City/PO: Kent Lakes	State: NY	Zip Code: 10512
Property Owner (if not same as sponsor): Not Applicable (NA)		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Local Law Adoption	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Recommendation only	
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Putnam County Dept. of Planning, Development and Public Transportation - Referral Only	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): Remediation Sites:340032, Remediation Sites:340024, Remediation Sites:340020, NYC Watershed Boundary, Federal Recreation Land:Federal Land	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The proposed Local Law applies Town wide, potentially involving land in all zoning Districts.

b. Is the use permitted or allowed by a special or conditional use permit? NA ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,
i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Carmel Central School District

b. What police or other public protection forces serve the project site?
Town of Kent Police Department

c. Which fire protection and emergency medical services serve the project site?
Kent Volunteer, Lake Carmel, Paterson Volunteer and Carmel Fire, Carmel Volunteer Ambulance

d. What parks serve the project site?
Various local and state parks located within the Town

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase I (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? <div style="margin-left: 20px;"> _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) </div> ii. Describe types of new point sources. _____ 	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:	ii. During Operations:
• Monday - Friday: _____	• Monday - Friday: _____
• Saturday: _____	• Saturday: _____
• Sunday: _____	• Sunday: _____
• Holidays: _____	• Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No
 If yes:
 i. Provide details including sources, time of day and duration: _____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No
 Describe: _____

n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No
 If Yes:
 i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site	
<input type="checkbox"/> Moderately Well Drained: _____ % of site	
<input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site	
<input type="checkbox"/> 10-15%: _____ % of site	
<input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____	Classification _____
• Lakes or Ponds: Name _____	Classification _____
• Wetlands: Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

Please refer to attached Supplemental for additional information

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Kent Town Board Date July 11, 2023

Signature _____ Title Supervisor

PRINT FORM

**Town of Kent Proposed Town Code Changes
Town of Kent, New York**

Supplemental Environmental Assessment Part 1

Town of Kent Town Board
25 Syntex Crossing
Kent Lakes, New York 10822
Contact: Hon. Jaime McGlasson, Supervisor
(845) 225-3945

Draft One: BB 07/03/23
July, 2023

1.0: INTRODUCTION: LOCATION, DESCRIPTION AND PURPOSE OF PROPOSED ACTION.

1.1: Introduction

Pursuant to the New York State Environmental Quality Review Act (SEQR), the proposed action discussed in the Full Environmental Assessment Form (EAF), is the repeal of existing Chapter 63 entitled “Soil Removal” and replacement with a new Chapter 63 of the Town Code entitled; “Mining and Excavation” to the Town of Kent Town Code. In accordance with recommendations of the 2008 Comprehensive Plan, the Town Board of Kent is proposing to support agriculture, increase environmental protection and provide a permitting process for large-scale excavation of properties within the town.

1.2 Project Location

The town of Kent is located in Putnam County, New York. The population was 12,900 at the 2020 census. Its location is northeast of New York City, in the north-central part of Putnam County. Midtown Manhattan is a forty-five to sixty-minute drive.

The town has a total area of 43.33 square miles, of which 40.50 square miles is land and 2.82 square miles is water. The town has a significant number of lakes and two state parks. Wonder Lake and Clarence Fahnestock State Park, lie within the boundaries of Kent. Thousands of acres in the town are under the protection of the New York City Department of Environmental Protection as open space as the vast majority of the town is located in the City of New York East of Hudson watershed.

At the 2020 census there were 12,900 people, 4,868 households and 3,748 families residing in the town. The population density was 344.8 per square mile. There were 53.53 housing units at an average density of 131.8 per square mile. The major population center is located in the hamlet of Lake Carmel.

1.3 Study Land Use Area

The land use study area is comprised of the entire town of 43.33 square miles. Within the study area there is a broad range of uses ranging from single family residential to light industrial. Residential uses are primarily concentrated around the lake communities of Lake Carmel, several additional lake communities and along Farmers Mills Road. Mixed commercial uses are focused along the Route 52 and 311 corridors as well as along Luddingtonville Road.

1.4 Project Description

Background and Proposed New Chapter

In the spring of 2021, the Town Board at the recommendation of the Planning Board as well as from input from town residents determined that the existing town code chapter (Chapter 63) was which regulated soil removal was not clear, outdated and did not

provide the mechanisms to ensure a balanced approach to facilitate commercial and industrial development while protecting the natural resources and features of the town . Specifically, it was determined that the existing Chapter 63 should be repealed and that a new Chapter 63 (Mining and Excavation) be developed with the following goals:

- Introduce a concept plan review process at the preliminary stages of the proposed project application.
- Provide a two-tiered review and permitting process in which large-scale projects will be reviewed by the Planning Board and Town Board
- Develop a Town Board special use permit format for large-scale excavation projects so that certain conditions may be imposed on the development.
- The Planning Board would serve as a lead agency and conduct all SEQRA, site plan and environmental permitting reviews and approvals.
- Preserving existing farming while maintaining environmental protection
- Exempting from the proposed Chapter 63 smaller, less impactful projects which will be reviewed by the Planning Board.
- Provide clarity regarding application and performance standard requirements to the development community.

The proposed Chapter 63 will allow the Planning Board to review and screen applications and to refer to the Town Board for concept plan review prior to extensive review time and cost to applicants. .

When concept plan approval is granted by the Town Board, the application is referred back to the Planning Board to serve as lead agency to conduct SEQRA and environmental reviews. Upon completion of the reviews and a determination of significance the application is referred back to the Town Board for review and issuance of a special use permit.

This process is intended for large-scale projects and is not intended to impact residential or small projects which will be reviewed by the Planning Board only,

Existing Code Chapter

The existing Chapter 63 was found to not comport with the goals of the comprehensive plan to protect the environment and facilitate appropriate development. The existing Chapter only provided a mechanism where a temporary permit was issued by the Town Board. The Planning Board was not included in the environmental review and SEQRA process. In addition, there were no clear thresholds indicating when a temporary permit was required.

The existing code was found to not be effective in preventing substantial environmental degradation due to large scale development or provide clear direction to the development community regarding application and performance standards.

Text of Proposed New Code Chapter:

- The text of the proposed Chapter 63; “Mining and Excavation” is attached to this long-form EAF supplement as Attachment “A”.

2.1 Full Environmental Assessment Form

Part I of this Full Environmental Assessment Form (EAF) evaluates the potential for environmental impacts to be created by the approval of the new Chapter 63 of the Town of Kent Code by the Town of Kent Town Board. This legislation is generic in nature, not site-specific, and does not directly result in physical change to the environment.

The form that follows is published by the New York State Department of Environmental Conservation, and portions are designed for site-specific actions rather than area-wide or generic proposals. As a result, consistent with the form's directions, these non-relevant sections (contained in Sections D and E on pages 3-13 of the form) are not completed.

DRAFT

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Local Law at the Town Hall, in the Town of Kent, New York at 7:00 o'clock P.M. on August 1, 2023; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto. Motion carried unanimously

Resolution #224 - Determining That the Proposed TOWN OF KENT WATER SYSTEM IMPROVEMENTS PROJECT is a Type 1 Action and Will Not Have a Significant Adverse Impact on the Environment

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

WHEREAS, the Town of Kent (Town) is proposing the Town of Kent Water System Improvements Project (Project), located in the Town of Kent, Putnam County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Town of Kent Town Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially "Interested Agencies" and "Involved Agencies" (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Town's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Town of Kent Town Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of Kent Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Kent Town Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town's knowledge of the area surrounding the Project, the Town of Kent Town Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA/SERP, the Town of Kent Town Board, as Lead Agency, hereby directs the Town of Kent Supervisor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

Roll Call:

Councilwoman Campbell: aye

Councilman Boyd: aye

Councilman Tompuri: aye

Supervisor McGlasson: aye

Councilman Ruthven: aye

Motion carried unanimously

Resolution#225 - Authorize Submission of a New York State Water Infrastructure Improvement Act (WIIA) Grant Application for the Town of Kent Water System Improvements Project

On the motion by Councilman Ruthven

Seconded by Councilwoman Campbell

WHEREAS, the Town Board of the Town of Kent (hereinafter the "Town" duly caused to be prepared a Preliminary Engineering Report (PER) recommending proposed improvements to the Town water systems to include the addition of PFAS treatment systems, the replacement of various groundwater wells, the replacement of a water storage tank, and chlorine treatment improvements; and

WHEREAS, the PER shows the estimated costs of these improvements to be \$2,482,300; and

WHEREAS, the Town Board of the Town of Kent now desires to pursue grant funding for the project under the New York State Water Infrastructure Improvement Act (WIIA) program.

THEREFORE, UPON MOTION, of Councilman Ruthven, seconded by Councilwoman Campbell

SECTION 1. Town Board of the Town of Kent, Putnam County, New York, authorized the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application.

SECTION 2. Town of Kent Supervisor is hereby authorized to submit an application on behalf of the Town for grant funding under the New York State Water Infrastructure Improvement Act (WIIA) Program, and to execute any agreements, instruments, or other documents in connection with the Town's acceptance of any such grants and/or the funding thereof. The Town Supervisor may authorize any required local

match required with respect to financing or grants awarded to the Town for the project through the use of cash and/or in-kind services.

Section 3. This resolution shall become effective July 11, 2023

Roll Call:

Councilwoman Campbell: aye

Councilman Boyd: aye

Councilman Tompuri: aye

Supervisor McGlasson: aye

Councilman Ruthven: aye

Motion carried unanimously

Resolution #226 - Hire Seasonal Park District Employee for the Lake Carmel Park District

On the motion by Councilman Tompuri

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent is seeking to fill a vacant position for a Seasonal Park District Employee for the Lake Carmel Park District; and

WHEREAS, by email dated July 5, 2023, Heidi Link, the Lake Carmel Park District Clerk, stated that Crew Chief Frank Sabatini has recommended the hiring of Jaroslov Fejko, effective immediately; and

WHEREAS, the Town Board wishes to accept the recommendation as further detailed above;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the hiring of Jaroslov Fejko, as a Seasonal Park District Employee for the Lake Carmel Park District, at the hourly rate for Level One workers, effective immediately.

Motion carried unanimously

Resolution #227 - Accept Resignation of a Lake Carmel Advisory Board Member

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: **WHEREAS**, the Town of Kent wishes to accept the resignation of Joseph Nemeth as a Lake Carmel Advisory Board member; and

WHEREAS, the Town Board of the Town of Kent wishes to advertise for applicants for the vacant Lake Carmel Advisory Board seat;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the resignation of Joseph Nemeth as a Lake Carmel Advisory Board member, with thanks for his service; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to advertise for applicants for the vacant Lake Carmel Advisory Board seat.

Motion carried unanimously

Resolution #228 - Approve Allocation of American Rescue Plan Act ("ARPA") Funds

On the motion by Councilwoman Campbell

Seconded by Councilman Ruthven

WHEREAS, the American Rescue Plan Act of 2022 ("ARPA") provided fiscal recovery funds to county governments, as well as other forms of government, pursuant to U.S. Department of Treasury Compliance and Reporting Guidance, for the purpose of alleviating the fiscal stress caused by the COVID-19 pandemic, and the Town of Kent has received funding from ARPA; and

WHEREAS, the Town of Kent Town Board has identified a number of projects that will benefit the Town residents as shown on the email dated July 7, 2023, annexed hereto and incorporated herein by reference (the "ARPA Projects"); and

WHEREAS, the Town Board wishes to allocate the ARPA funds to the ARPA Projects as shown on the aforementioned email;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the allocating of the ARPA funds to the ARPA Projects as further described above;

BE IF FURTHER RESOLVED, that the Town Board of the Town of Kent hereby ratifies and approves any actions previously taken to give effect to this Resolution.

Motion carried unanimously

Fence - KPD	\$31,360
Groundwater Protection Plan	\$28,000
Town Hall	\$662,036
Lake Carmel Walking Path	\$85,651
Food Security Program	\$288,234
Library	\$46,444
Ryan Field Entrance	\$134,076
Huestis Park	\$45,000

Resolution #229 - Approval of Vouchers and Claims

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: Vouchers #200168423 - #200168479 and claims submitted by:

JULY 11, 2023

1. Barton & Loguidice, DPC	\$2,775.00	WIIA Grant Application
	\$25,760.00	Water System PFOA
2. Cemco Water	\$3,393.97	Water District #1 Monthly Operations
3. Hogan & Rossi	\$5,416.63	Legal Services: July
4. Magna5 MS	\$7,259.37	Network Services: July
5. Metal Building Restoration	\$32,600.00	Requisition #17
6. NYCOMCO	\$2,972.00	Communication System: July
7. Peckham Industries	\$9,479.94	Blacktop
8. Royal Carting	\$4,002.73	Recycling Garbage
9. Win Waste	\$10,809.70	Lake Carmel Garbage
	\$8,540.97	
10. Royal Carting	\$8,673.79	

In the amount of \$160,113.33 may be paid.

\$4,002.73

Motion carried unanimously

Announcements:

1. Supervisor McGlasson thanked all the donors that donated to the Lake Carmel Fireworks; Brown & Brown Insurance, Eric Baker & Daughters, Deli on 52, Tim Curtiss, Shaun Boyd, Carmel Ad Special, Lake Carmel General Store, Boyd Artesian Well, RCJ Welding, Marks Clockworks, CEMCO, Kathy Doherty, Cutillo's, Kent Countryside Nursery, Kent Liquors, Cassidy Plumbing, Angela Verity, Barton & Loguidice, Kathy Kahn, Insite Engineering, Rob Bradley, JPE Auto, Alejandro's Deli, Pat Madigan & the Kent FOP, Extreme Design
2. Councilwoman Campbell announced two programs at the library. A virtual presentation on 7/19 from David Brooks to present the Dewitt Dual. A professor and an author of Taking our Water from the City from Vassar College will take place on 7/15 at 11:00 a.m.. The Kent Climate Smart committee will be at the County Country Fest along with the new Chief Nimham statue this month at the County Park-. There will also be a movie in the new future about the statue at Town Hall.
3. Councilman Boyd reminded residents to donate any unwanted food to the 2nd Chance Pantry
4. Councilwoman Campbell announced there is a drive thru food drop off

Public Comment:

1. Kathy Doherty asked for an update on the Sewer District committee. Councilman Boyd stated that he has not received resumes for it.
2. Sue Kotzur asked for an update when the "Welcome to Kent" sign will be put back up at Route 301. The board stated that they were not aware that it was missing.
3. Richard Othmer he was before the town as a Veteran and is requesting that the board pass a resolution in support of the VFW post to take down the Putnam Motors building a turn it into a green.
4. Wanda Schweitzer asked why it was bulldozed by West Lakeshore Drive. The board did not know but would look into it.

Resolution #230 - Adopt the Mission of the VFW Post 1374

On the motion by Councilwoman Campbell

Seconded by Councilman Tompuri

Resolved: The Kent Town Board joins with other towns to support the mission of the VFW Post 1374, American Legion Post 270, Fraternal Order of Police, Stephen Driscoll Lodge 704, New York City Firefighters Hudson Valley East and Putnam Heroes Memorial in seeking to protect the lot which was formally the "Old Putnam Motors" building in order to create a common public green space in front of the County Courthouse for Veterans, First Responders and the County government. We as a board believe that creating such a green space would significantly enhance, and promote a more beautiful and dignified feel to our County Center and support all Veterans in the County.

Motion carried unanimously

Resolution #231 - Adjourn To Executive Session

On the motion by Councilman Ruthven

Seconded by Councilman Tompuri

Resolved: Town Board adjourned to executive session to discuss personnel issues at 8:25 p.m.

Motion carried unanimously

Resolution #232 - Adjourn Town Board Meeting

On the motion by Supervisor McGlasson

Seconded by Councilman Boyd

Resolved: The Town Board meeting of July 11 adjourned at 8:57 p.m.

Motion carried unanimously

Respectfully Submitted:

A handwritten signature in cursive script, reading "Lauren Louderback".

Lauren Louderback

Deputy Town Clerk