

PRESENT: George Brehm Chairman, Aaron Cioppa, Gregory Bernard, Steven Jobe and Mark Friedman.

EXCUSED: Jay Erickson, Dr. Thomas Bloom, and Steven Jobe

ALSO PRESENT: Ronald J. Gainer, PE, Michael Liguori Esq. and Brendon Literati Esq from the Law firm of Hogan Rossi and Liguori.

CONTENTS: American Society for the Prevention of Animal Cruelty, High Meadows Farm Accessory Apartment, Meagher & Meagher Lot Line Adjustment, Village of Pawling SEQRA, Anna Lindstrom Lot Line Adjustment, and Tremson Wood Products.

Chairman Brehm opened the meeting at 7:00p.m. and then led the salute to the flag.

AMERICAN SOCIETY FOR PREVENTION OF

Further Discussion/Site Plan

ANIMAL CRUELTY

4160 NYS Route 55

Pawling, NY 12564

Grid Number: 134089-7056-00-257503

134089-7056-00-110487

Mr. James Caris from the firm of JMC Consulting was present.

Chairman Brehm said the property is located at the intersection of NYS Route 22 and 55 in the Mixed Business Industry (MBI) zoning district.

Mr. Bolner explained that the site plan sheets C-100 illustrated a parking lot layout with parking spaces 18' deep adjacent to a monolithic 6" curb and 5' sidewalk, and then on sheet C-901 with a plat note, page 2, detail 24, states "Sidewalk shall have 3' minimum width clear from the back of the sidewalk". Mr. Bolner reviewed the plans and found that a vehicle overhang of up to 2' -6' could occur without encroaching on the required 3' handicap accessible sidewalk.

Mr. Cioppa read Resolution #1 of 2023 for a Waiver to Allow Parking Space Encroachment on Sidewalk approval for American Society for Prevention of Animal Cruelty located at 4160 NYS Route 292. Tax Map # 134089-7056-00-257503, 134089-7056-00-110487. (Copy in file).

Second by Mr. Gregory Bernard. Chairman Brehm asked for discussion.

Role call

Chairman Brehm aye.	Dr. Thomas Bloom, excused.
Mark Friedman, aye.	Stephen Jobe, excused.
Jay Erickson, excused.	Aaron Cioppa, aye.
Gregory Bernard, aye.	

Mr. Bolner said there is an existing Restoration Bond in the amount of \$544,500.00 that was posted for the tree clearing done on site. It is his recommendation that this restoration Bond remain in place. Furthermore, he recommended the site inspection is 4% of the restoration Bond is \$21, 780.00.

Motion by Mr. Cioppa to maintain the \$544,500.00 Restoration Bond in place with the Town of Pawling, and then request the applicant to post the 4% engineering inspection fee based on that restoration Bond in the amount of \$21,780.00.

Second by Mr. Friedman. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

HIGH MEADOWS FARM

687 Old Quaker Hill Road
 Pawling, NY 12564
 Grid Number: 134089-7157-00-417199

Administrative/Special Use Permit
 Accessory Apartment

Ms. Dawn McKenzie Landscape Architect from the firm of Insite Engineering was present representing High Meadows Farms.

Chairman Brehm said the property is located at 687-699 Old Quaker Hill Road consisting of 25.8 acres, in the CD-5 Residential Zoning district. Chairman Brehm said a letter dated February 03, 2023 from Mr. Vincent Grosso was received for the High Meadow Farms Special Use Permit. This letter has been added to the Boards Public Hearing records/file.

Motion by Mr. Cioppa to close the written portion of the High Meadows Farm Public Hearing.

Second by Mr. Gregory Bernard. Chairman Brehm asked for discussion.

Role call

Chairman Brehm aye.	Dr. Thomas Bloom, excused.
Mark Friedman, aye.	Stephen Jobe, excused.
Jay Erickson, excused.	Aaron Cioppa, aye.
Gregory Bernard, aye.	

Mr. Mark Friedman read Resolution #2 of 2023 for a Special Use Permit, High Meadows Farm Site Plan approval located 687/699 Old Quaker Hill Road. Tax Map # 134089-7157-00-417199 (copy in file).

Second by Mr. Aaron Cioppa. Chairman Brehm asked for discussion.

Role call

Chairman Brehm aye.	Dr. Thomas Bloom, excused.
Mark Friedman, aye.	Stephen Jobe, excused.
Jay Erickson, excused.	Aaron Cioppa, aye.
Gregory Bernard, aye.	

MEAGHER & MEAGHER

15 & 25 Old Route 55
 Pawling, NY 12564
 Grid Number: 134089-6957-00-593155
 134089-6957-00-510173

Administrative/Time Extension
 Lot Line Adjustment

Chairman Brehm said the Board is in receipt of letter dated February 03, 2023 from Insite Engineering & Surveying requesting a 180 day time extension for Meagher & Meagher Lot Line Adjustment approval beginning February 01, 2023 and ending August 01, 2023.

Motion by Mr. Cioppa to grant a 180 day time extension to Meagher & Meagher beginning February 01, 2023 and ending August 01, 2023.

Second by Mr. Freidman. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

VILLAGE OF PAWLING

28 Walnut Street
 Pawling, NY 12564
 Grid Number: 134001-6957-20-971145

Referral to the Planning Board
 SEQRA/Lead Agency Response

Chairman Brehm introduced a SEQRA referral from the Village of Pawling Planning Board concerning 28 Walnut Drive, which the Town is being asked to respond to.

Motion by Mr. Cioppa to authorize Chairman Brehm to sign the Village of Pawling Planning Board SEQRA response form, to indicate that the Town of Pawling, Planning Board offers no objection to the Village of Pawling acting as SEQRA Lead Agency on the matter. The Board thanks them for the opportunity to allow us to be aware of and offer comments on this project.

Second by Mr., Bernard. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

ANNA LINDSTROM

Dodge Road and NYS Route 55

Pawling, NY 12564

Grid Number: 134089-6957-00-506307

134089-6957-00-561294

Administration/Escrow Replenishment

Lot Line Adjustment

Chairman Brehm said Anna Lindstrom/Ruth Williams Lot Line Adjustment project was approved by the Planning Board and then filed with the Dutchess County Clerk’s office. The Board is in receipt of a letter from Anna Lindstrom requesting reimbursement of the escrow balance in the amount of \$596.66. The project has been completed and no funds are owed to the Town’s consultants.

Motion by Mr. Cioppa to recommend the Town Board release escrow funds to Anna Lindstrom in the amount of \$596.66.

Second by Mr. Bernard. Chairman Brehm asked for discussion.

All in favor and the Motion carried

SPRINT/T-MOBILE

140 Broadcast Lane

Holmes, NY 1531

Grid Number: 134089-6955-00-118540

Administrative/ Escrow Replenishment

Co-locator Modifications

Chairman Brehm said the Pyramid Network Services, Sprint/T-Mobile Telecommunication project was approved by the Planning Board. The Board is in receipt of a letter from Sprint/T-Mobil, Mr. Parker Logan, requesting reimbursement of the escrow balance in the amount of \$3,030.96. The project has been completed and no funds are owed to the Town’s consultants.

Motion by Mr. Friedman to recommend the Town Board release escrow funds to Pyramid Network Services, Sprint/T-Mobile in the amount of \$3,030.96.

Second by Mr. Cioppa. Chairman Brehm asked for discussion.

All in favor and the Motion carried

GASLAND PETROLEUM

NYS Route 22

Pawling, NY 12564

Grid Number: 134089-7055-00-486765

Public Hearing/Presentation/Site Plan

Mr. Bernard stated that he has recused himself from Gasland Petroleum application/discussion.

Chairman Brehm announced that due to lack of quorum, the Gasland Petroleum, Public Hearing will be postponed until March 06, 2023. The Board invites the public to submit written comments by addressing them to jdaley@pawling.org.

Mr. Harvey Matousky Lakeview Drive spoke. He began by saying that Mr. Gregory Bernard’s participation in the Gasland Petroleum discussions creates a conflict of interest. He wanted to ask a simple question on conflict of interest regarding the Gasland Petroleum project. Mr. Bernard is an employee of the project’s site excavators. Why does he not recuse himself from discussion?

Chairman Brehm asked Mr. Bernard - do you or the company you work for have any relationship with the company working for Gasland Petroleum, NYS Route, South site.

Mr. Bernard responded that the reason why he recuses himself from the Gasland Petroleum application is that he works for the excavation company that did Gasland Petroleum, South, NYS Route 22 site work and rock removal. He explained this is why he holds himself to a strict standard by recusing himself from this project before the Planning Board. He leaves the dais during Gasland Petroleum discussions. He has no financial or conflict of interest in this project. He will not be accused of any conflict of interest directly or indirectly.

Mr. Matousky said there is an appearance of conflict of interest because Mr. Bernard did not mention recusal this evening. In his opinion he did the right by recusal. It may or may not be. He is comfortable with Mr. Bernard's and the Board's response this evening. He hopes that this standard applies to all Planning Board members in the future.

TREMSON WOOD PRODUCTS LLC.

Public Hearing/Site Plan

84 Libby Lane

Pawling, NY 12564

Grid Number: 134089-7055-00-190695

Chairman Brehm said Tremson Wood Products LLC., is located at 84 Libby Lane, consisting of 27.0 acres. The applicants are before the Board for a Public Hearing this evening.

Mrs. Daley read the Public Notice into the records.

Chairman Brehm opened the meeting to the Public. He added that written comments and letters submitted to the Board from Jennifer and Phil Panzer, Brian and Susan Smith, Mark Delbazo, Paul Gould and Eliseo Vasquez have been added to the project's record.

Mr. Tremblay explained he is representing the Tremson Wood Products LLC this evening. He thanked everyone for coming out for the Public Hearing this evening, and to those who have submitted public comments and for the Board responsiveness on the site plan. He presented a plan set of the 84 Libby Lane property, which illustrates the delineated wetland buffers. NYSDEC has measured the wetland buffers three times over the last eighteen months. The property's history has been a mine/quarry through the 1990, and since then associated businesses were on site (landscapers, mulching, trucking business). The trucking outfit has been onsite since 2004. In 2013 the Tremson Wood Products LLC. purchased the property. Subsequently, they began property clean up, as the property when purchased was an undesirable mess of piles of vegetation, garbage and debris. They set up an extensive clean-up after decades of activity with no oversight. A individual cannot visually see the site unless one drives down Libby Lane. Historically this property never has a site plan. A site plan was submitted to the Planning Board in April 2022. There are no plans for building construction onsite or any development. A noise study report was commissioned for the Board. The proposed site plan illustrates the property's current use. At this time they are seeking Site Plan approval.

Mr. Gainer said the Board has conducted a coordinated SEQRA review. No responses were received by outside agencies. Following public comments this evening, the Board can make a determination on the next steps to be taken.

Mrs. Jennifer Panzer, neighbor, 8 Holiday Street

Mrs. Panzer began by saying since 2014 she has raised concerns relating to the Tremson site. She presented aerial photos of the property's history, and a violation report to Board members. My name is Jennifer Panzer and my husband Phil and I have lived on Holiday Street for the last 25 years. Since 2014 we have been complaining to the Town about a property on Libby Lane which is adjacent to our property. It became apparent to us that there was a substantial amount of land being cleared and an unusual amount of equipment noise. At that time we were told the land had been sold and Tremson Wood Products was a landscaping company that would not be altering the land they purchased. This is Tremson's property in 2012 and each subsequent year after. (Please see attached PDF #1) There has not been an approved site plan since Tremson bought the property as the owner's Lawyer stated in

paperwork submitted on May 14, 2015 that *“My client’s needs have changed, and...it intends to use the 84 Libby Lane property only in the manner in which it has been used in the past. My client has chosen and does hereby withdraw its application for site plan approval.”*

The proposed site plan that was submitted in 2014 differs greatly from the one submitted in 2022. (Please see last page of PDF #2 with rough site plan. Note that area F does not even exist on this plan) All I see here is alteration. Between 2014 and 2022 Tremson has been operating—WITHOUT A PERMIT or APPROVED SITE PLAN. Please also note the timing of the complaints and violations. Were fines ever issued or paid? In a letter dated February 14, 2023 to the Town Planning Board, Tremson states “Tremson is not proposing any changes to what has been existing at the site as long as we’ve owned the site.” The claim that a heavily wooded area cleared (Top left of PDF #3, Area F) was existing is obviously false, looking at the photos I’ve shared. Why does the site plan submitted by Tremson say “existing site plan” when the property never had one approved? In the 2022 application Tremson fails to acknowledge the many alterations they’ve already made to the site. In the Town Engineer’s report of the property on June 30, 2022 Mr. Gainer concluded that this operation does not meet the standards outlined to be regulated by the NYSDEC Mulch Treatment Facility Guidelines. It was deemed exempt. Who made that call? When was the NYSDEC there last and is there a formal report on those findings? My concern is that without this distinction who would protect the environment including our wetlands and water quality as well as any adverse impact on our health? The Great Swamp, The Oblong Land Conservancy and Housatonic Valley Association all have an interest in the preservation of The Great Swamp River that runs through this property. There are also two Village of Pawling wells on this property. Who is maintaining those and protecting them from possible contamination? Is there a plan in place in case of a fire? Mulch that is piled too deeply, more than a few inches, can build up heat and spontaneously catch fire. Though the Environmental Assessment Form filled out by Tremson states that the only land use is commercial, it is in fact a Variable Residential Development with two other property owners and their house and storage facility nearby. The noise study done by Tremson’s engineer in early September states that they are “essentially” within the Town performance standards...at least on the western property line. It was not comprehensive in including the Northern (residences on River Road), Southern (residences on Libby Lane and Corbin Road) and Eastern boundaries. I would like to see another noise study done by an outside agency.

The noise study I received during my foil request was revised on September 30th. There was not a copy of the original in the file. I’d like to see what those changes were. I can tell you, I wouldn’t be here if our quality of life hasn’t suffered due to the pollution caused by the trucks, excavators and one massive tub grinder. Anyone living near or hearing the current work being done in the village can sympathize. At least there is an end in sight there. While I appreciate any person’s ability to run and grow a business, it is also a reasonable expectation of mine to enjoy the home I’ve worked hard for. While I’m not naive enough to think I can shut down someone’s livelihood, I do believe that it is the neighborly and right thing to do to expect reasonable working hours. Under Town Code they could run these machines all night long—affecting quality of life and resale value of our homes. The hours suggested by Tremson were 7-4:30 M-F, 8-3 on Saturday and a work-free zone on Sunday. I’d like to see that go one step further. I’d prefer they not work on Saturday at all but I understand that it may be necessary and request that they stop working by 12 noon. I am also concerned about the truck traffic coming to and from Libby Lane via Corbin Road and Route 22. When speaking with the Town they said Corbin Road is a Village Road. In my correspondence with the Village they said the Town is responsible for the road from the train tracks to Route 22—that includes the hairpin turn. At a recent town board meeting, Mr. Brill, our highway superintendent, says it is the responsibility of NYS DOT. I have filed a formal complaint with that agency. At some point someone has to take responsibility for a potentially deadly situation when an 18 wheeler full of logs can’t make that turn. I have had to back down Corbin Road many times to give these trucks enough room. It’s dangerous. River Road is another road that is not designed to withstand increased tractor trailer traffic. The road itself is too narrow to allow a tractor trailer and a car to navigate any of the sharper turns at the same time. It seems both of these roads have become a thoroughfare for tractor trailers headed north on West Dover Road. It has been stated in a recent letter by Tremson to the Town that no more than 3-4 trucks enter and exit the property every day. I believe that is false. I

requested an independent traffic study in a letter to the planning board last July but did not see one completed in the file.

It is my understanding that letters are sent out to the various agencies during this approval process with no obligation to follow up if you don't get a response. At this time I'd like to request that this application remain open to give the community and board members an opportunity to look into things further.

Mrs. Panzer presented illustrated aerials of the site to the Board.

Mr. Vincent Adams neighbor 76 River Road

Mr. Adams said Tremson Woods Product LLC., business immediately borders his property to the North. His driveway is located on River Road. When he built his house between 1998 -1990, he made a copy of the permitted uses and, in his opinion, Mr. Tremson is within those permitted use guidelines. With that said, he'd like to make a few comments. If he is sitting in his dining room, he can view the large working equipment. He has observed that for a piece of heavy equipment, it is quite a piece of machinery. To Mr. Tremson's credit, he has pushed up a wall of stumps and logs, he assumes to block the noise. While he appreciates those efforts, it is not ascetically pleasing to view on a daily basis. He was wondering if Mr. Tremson would consider putting up a stockade fence, to block the piles of stumps and wood. Since the work began, he has noticed that the work done on site is intermittent. He asked several questions going forward - what will be the maximum use of property, and will the equipment be running daily, seasonally, a few times a week etc?

Mr. Steve Parrino, neighbor 58 Libby Lane

Mr. Parrino has lived on Libby Lane for over 30 years. He has a construction equipment on his property. In the past, he rented from the former owners of 84 Libby Lane. His family owns and operates a tree and landscape excavation business. He wanted to clarify several items for the records. They were in the tree business, and currently they do more land excavation. In the twelve years that his company grinded wood to make mulch at this site, the grinding was only done 2 or 3 times per year, a day or two here or there. He asked if that could be declared as an existing use? Does this fall under the jurisdiction of the Planning Board's decision. He wanted to be clear that in the past his company did not grid/mulch as the current usage, and that is what is bringing forth these current uses. Furthermore, there was never a trucking company on this site. There were several landscape companies that rented from the former owners of 84 Libby Lane. One landscape company left large pile of debris and old machinery, which was cleaned up by Tremson. To state that the site operation(s) has not changed since the former owners rented to a few smaller companies is a misstatement by Tremson Wood Products LLC. These businesses were smaller operations, not accessing the site daily. Mr. Parrino's biggest issue to address is the amount of increased road traffic (i.e. trucks, 18 wheelers loaded) entering and exiting the site on a daily basis. On several occasions his wife has been run off of Libby Lane by large trucks. A person cannot view what's up ahead coming over the hill. In his opinion, over time, it's a very serious concern that potential accidents could take place by the increased truck traffic, either at Libby Lane/Corbin Road, Corbin Road/West Dover Road/River Road and/or Corbin Road/NYS Route 22 intersections. A traffic study is warranted for the increase in truck traffic, which relates to the health, safety and welfare of our community. Additionally, the noise is a bit much, which results in noise complaint issues for the surrounding neighbors. Everyone has the right to use their property and he understand the reason why Tremson Wood Products LLC., purchased the property. Not too long ago he visually viewed the changes made to the property. It is quite a difference from the former owner's usage. Mr. Parrino is the sole owner of the roadway surface of Libby Lane. There is a maintenance agreement shared by three (3) landowners (Tremson Wood Products LLC, Paul Gould and Steve Parrino). The taxes are paid by Mr. Parrino (sole owner) for Libby Lane. At this time, this may or may not have something to do with this approval or this forum. Nonetheless, the maintenance agreement needs to be revisited by all parties. Both Mr. Parrino and Mr. Paul Gould feel that their road use is not even close to the Tremson Wood Products LLC., usage. It is unfair. Keep in mind, he is the entity that cuts the grass and fixes the ruts created by the trucks entering and existing Libby Lane. The street sign has been knocked over three times, in the past he fixed the sign, nonetheless, it's the Village of Pawling's responsibility to fix. Another important factor is the fire hydrants on Libby Lane. There are

three (3) fire hydrants, but only one hydrant works. The fire department uses the hydrant located on the hill. He contacted the Village of Pawling to advise that the fire hydrants are not working. The Village of Pawling responded that they are aware the hydrants are not working, and it's not in the budget to make the repairs at this time. That answer is not acceptable when it comes to the health, safety and welfare of the community. A study needs to be conducted on water availability, in case of fire. Mr. Parrino respectfully thanked the Board for listening.

Ms. Cecilia Rivera neighbor 92 River Road

Mrs. Rivera read Eliseo Vasquez's letter dated February 21, 2023 into the records.

"My name is Eliseo Vasquez and my family and I have lived on River Rd for the last 19 years. IT IS ALARMING TO HEAR ABOUT THE UNDERHANDEDNESS THAT GOES ON WITHIN THIS COMMUNITY. WE HAVE ALWAYS KNOWN THAT PEOPLE ARE ALLOWED TO BURN FIRES AND CUT DOWN TREES WITH PERMISSION FROM THE TOWN. TO HEAR ABOUT THE PROBLEMS THAT ARE OCCURRING FROM THIS COMPANY KNOWN AS TREMSON WOOD PRODUCTS ARE NOT TO BE TAKEN LIGHTLY. WE UNDERSTAND AS HOMEOWNERS THERE ARE NEEDS THAT ARISE. WHICH IS WHY WE NEVER SOUGHT TO ASK QUESTIONS WHEN THERE WERE LOUD NOISES FROM SOUTH OF OUR PROPERTY LINE OR EVEN BLACK SMOKE RISING FROM BEYOND THE TREE LINES. ONLY TO FIND OUT THAT ALL THIS WAS DONE WITHOUT ANY TYPE OF PERMITS? IT IS EVEN MORE ALARMING THAT THE TOWN OF PAWLING IS SIMPLY LOOKING THE OTHER WAY TO "GRANDFATHER" A CORPORATION IN THAT IS ALREADY DOING QUESTIONABLE PRACTICES. WE HAVE ALREADY STARTED TO SEE AN INCREASE IN DANGERS FROM THE WILDLIFE THAT IS BEING DRIVEN OUT THROUGH THESE PRACTICES. MORE COYOTES ON OUR PROPERTY, AN INCREASE IN RACCOONS AND FOXES. IT IS NO LONGER SAFE TO WALK AROUND ON OUR PROPERTY FOR THESE ANIMALS ARE LOOKING FOR OTHER PLACES TO SETTLE DOWN. THE GREAT SWAMP, AND THE OBLONG LAND CONSERVANCY AND HOUSATONIC VALLEY ASSOCIATION SHOULD BE RESPECTED AND SHOULD BE TAKEN INTO A HUGE ACCOUNT TO DENY THIS HEINOUS COMPANY THAT DOES SHADY PRACTICES AND HAVE NOT EVEN SETTLED IN YET. ANY PLAN SHOULD BE IMPLEMENTED TO PROTECT THESE FEW REMAINING BEAUTIES OF PRESERVATION OF WILDLIFE AND LAND. LET ALONE OUR WELL THAT COMES INTO CONTACT FROM THESE PLACES. IF THE WILDLIFE ISN'T PROTECTED WHO WILL EVEN ENSURE OUR SAFETY FROM THIS COMPANY? THIS IS WHAT PEOPLE DO WITHOUT ANY PERMISSION AND NO PERMITS WHAT ELSE WILL BE DONE? There are only 7 years between the maps that are shown and such a huge difference has been made when no changes should have been made to begin with. Will these practices of fraudulent activity and sneaky antics be continued to be praised? This should be denied for our safety and the future of our livelihood".

Mr. David Maucieri, neighbor 1 Glenn Court

Mr. Maucieri's concern is their property values, the health and safety of our community. They are all responsible for their land. It is unfavorable to have an outsider come in and take over that parcel for wood production. He reviewed their website and read that Tremson Wood Product LLC., company purchased a tub grinder. As a result of owning a grinder they are now dying mulch onsite and the dye chemical washes out into the environment. He asked what happens to the environment from the washed-out dye chemicals? He understands Tremson Wood Products LLC., have Federal, State and County contracts. The company has been in business for a long time in the local area. Nonetheless, this is our community and we need to take care of our community and neighbors. Mr. Maucieri respectfully thanked the Board for listening.

Mr. Carl Oliveri, neighbor Holiday Street

Mr. Oliveri said he wants to address the noise aspect of the Tremson Wood Products LLC., business. Several of his concerns are the values of their property and quality of life. He presented two recordings of the grinder running. As the recording was being played, he asked the Board - how would you like that noise outside your home? Mr. Oliveri then played a second recording of the grinder running. He stated: "that is what they have to deal with".

Mr. Harvey Matousky, Lakeview Drive Holmes, NY

Mr. Matousky began by saying statements have been made on the quality of life. People move into Pawling and are now faced with a company coming into Town that changes the intensity of the property. We had a former

individual who made a decision on The Woods of Pawling project which, in his opinion, changed the Town's intensity and, due to a conflict of interest, they no longer work here. This Board should bend in favor of the people and quality of life. We pay the Town Board's salary, who then in turn appoints the Planning Board. This Board is essentially volunteers. A decision is going to be made by the advice of the Town's Attorney. During his term on the schoolboard, they considered purchase of this parcel. Due to environmental issues, train tracks, and a hairpin turn, the school board was advised not to purchase this property. He understands property rights. Nevertheless, who comes first, the people or the developer? The key words here are quality of life and intensity. When was the last time the Board had a crowd like this before them. He said imagine if a person purchased a house 10 years ago, and then over time this is how the neighborhood changes. What do they have to look forward to? This Board is only here to protect the homeowners. That's it.

Mr. Joe Furlong neighbor, 21 Corbin Road

Mr. Furlong has five children. He worries about his children playing or riding bicycles outside with the increased truck traffic from West Dover Road to Libby Lane. The last thing he wants is for one of his children to get hurt by a truck. These trucks are fully loaded with logs. There are many people from Corbin Road in attendance tonight. Often the trucks are jake breaking heading onto Libby Lane. No one wants to hear this noise. Tremson Wood Products LLC came here. They increased the use of the property. On behalf of speaking for this community, the reason we buy houses in Pawling is for our children. A company came here, built a business under the table. Additionally, Corbin Road is brand new. He asked who is going to fix Corbin Road by the increased truck traffic? Mr. Furlong respectfully thanked the Board for listening.

Mr. Jesse Maucieri neighbor 2 Holiday Street

Mr. Maucieri said he grew up on 1 Glen Court. His father spoke earlier on environmental concerns. He agrees with his father. Mr. Maucieri stated "I flat out don't want Tremson Wood Products LLC. in my backyard". He purchased his house one year ago. Recently, he tried to build a shed on his property. When he went to the building department to process a permit, he was denied, because he needed a side yard area variance, as his lot did not meet the zoning district bulk regulation standards. He has to get a survey and pay area variance fees that will cost him a few thousand dollars. The next time he is at the intersection of Corbin Road and NYS Route 22, and a truck is trying to enter off of NYS Route 22 onto Corbin Road, he will not back up to allow them access and will hold up traffic for as long as he can. That's all he has to say.

Mr. Mark Delbazo, 41 Grandview Avenue

Mr. Delbazo represents the Panzer family. The first item to address is the hours of operation. The applicant's engineer offered hours of operation for Monday thru Friday 7:00a.m. to 4:30p.m. Saturday 8:00a.m. to 3:00p.m. and no Sundays. He felt this is not acceptable to the neighbors. What we would like approved is Monday thru Friday 7:00a.m. to 4:30, Saturday 8:00a.m. to Noon, closed Sundays and/or Holidays. The local neighborhood could then be able to enjoy their property.

He has many questions for the Board and they go as follows:

- How many studies has the applicant's engineer prepared in the past?
- What was the type of noise study monitoring equipment used?
- How was the noise study equipment calibrated, and how were the levels recorded?
- Why were readings not taken at all of the property lines?
- Was the Code Enforcement Officer present during these recordings?
- Was sound mitigation used during the testing?
- What were the type, make and model of the grinder equipment?
- Are there any noise silencers installed on the grinding equipment?
- The Dutchess County Planning report felt the Village of Pawling and Dutchess County Board of Health should be contacted during SEQRA. Were they included in the SEQRA referral?
- Is the applicant exempt from NYSDEC standards for mulch processing facility, and who made this determination?

- The NYSDEC standards for mulch processing facility, wetland buffers is 200 feet.
- When did the New York Department of Environmental Conservation (NYSDEC) last flag the wetlands?
- Does NYSDEC inspect the site. If so, on a yearly basis, or bi-annually?
- Has the Code Enforcement Officer inspected the property?

Mr. Delbazo said one of the biggest issues is noise mitigation. Could silencers be installed on the large equipment, to reduce any future noise level? The objective of berms alone for noise mitigation should not be the only resource for review by the Board.

Mr. Liguori explained the referrals made under 239GML and SEQRA to outside agencies.

Mrs. Panzer said that on the left side of the property trees were cleared. By the reduction in trees, the noise level has increased. What happens if the landowners removed the trees with no permits? The noise levels have increased since 2015. She asked when there are violations, what is the process of this Board?

Chairman Brehm said if the neighbors observed a violation, the process is to contact Code Enforcement Officer/building department. The Planning Board has no authority or responsibility to oversee Code violations. The Planning Board's responsibility is to apply the Code of Town of Pawling as written and approved by the Town Board.

Mrs. Panzer said over the years there has been numerous violations. Why hasn't the Planning Board handled these violations? She has been to the Building Department and Town Board on these issues. Mrs. Panzer said she has a problem that she cannot directly email the Board and has to go through the Planning office. She asked if the Board members received or read her letters. It's a problem communicating with Board. I wrote my letter in July. How many meetings were held since July.

Mr. Brehm reiterated that all violations go to the Building Department/CEO, and if she does not get a response then she must go to the Town Board.

Mrs. Daley explained that all correspondence addressed to the Planning Board members has been circulated to all members of the Board.

Mr. Friedman said he wanted to answer her questions. Mr. Friedman said the Board received her letter last July, which was read and he then reread all the letters received from the public before tonight's meeting. He explained that it is not the purview of the Planning Board to handle code violations. It falls under the jurisdiction and authority of the Code Enforcement Officer. As a Board member who is responsible on making a decision on this site plan, if an applicant is a repeat violator he would review all subjective aspects of the job and the intent of the applicant to be evaluated in that decision. Tonight, the Board is before the public listening to everyone, and the public is upset with the Board because they are sitting here listening to the public. It does not compute. Furthermore, the Planning Board must follow New York State Planning Board guidelines and the Code of the Town of Pawling laws. The public is allowed to voice their concerns during the public hearing on an application.

Mrs. Panzer said she has been at this for 10 years. This is her home and she has to listen to a grinder. She feels that she can complain until the cows come home.

Mr. Bernard explained that in 2015 the landowners were issued an environmental permit that was not approved by this Board.

Mr. Liguori said the remedy for the recent violation issued was for the applicant to apply for Site Plan approval. This would be the resolution if the applicant and Town were before a Court. The Planning Board's authority is based on the Code of the Town of Pawling. The Board does not have to consider all areas of the site previously used. The Board can grant approvals for specific areas based on review of the criteria for Site Plan, based on SEQRA, their analysis of the site and public comments. The Board can make those decisions for what's within the Board's jurisdiction. The Board has to ensure they can support a reasonable deliberation.

Mr. Marty Mygan, Aspen Court

Mr. Mygan wanted to clarify the Public Hearing was not being closed this evening. He had a problem out in Holmes with a neighbor relating to a violation. Something has to change in the Town's process to handle violations. He asked why does the Planning Board not have their own emails? Everything has to go through the Planning office.

Mr. Bernard said the central email for receipt of documentation, letters is through the Planning office. All correspondence is stamped into the records and circulated to the Board. It creates a record.

Chairman Brehm said the Public Hearing will remain open.

Mr. Mygan asked Mr. Friedman if he did or did not receive the letters until this evening?

Mr. Friedman responded that letters were received in July. He read the letters in July and then reread all letters submitted again prior to tonight's meeting.

Mrs. Paula Anderson neighbor Holiday Street

Mrs. Anderson asked Isn't it a problem when Mrs. Panzer said the Board members did not respond to her letter.

Mr. David Maucieri neighbor 1 Glen Court

Mr. Maucieri said that the lack of a Code Enforcement Officer response is a problem. Does the Town have a part time or full time person? Is there any communication between the Board and Building Department? In his opinion there are problems with enforcement. Hopefully, the Board can have the inspector work on violations.

Chairman Brehm said if a complaint is called into the Building Department, the complaint is provided to the Building Department. It is the Code Enforcement Officer's authority to handle violations.

Chairman Brehm said the Planning Board is not in charge of hiring Town employees or the Town CEO. The Board cannot oversee the CEO's responsibilities. It is the Town Board's jurisdiction. Chairman Brehm said this is the first Public Hearing for Tremson Wood Products LLC, and we are here to listen to all parties.

Mr. Cioppa said this Board has raised concerns about Code Enforcement issues in the past to the Town Board. We are not responsible for the Code Enforcement Officer's job duties.

Mr. Bernard said the Town Board has hired six Code Enforcement Officers since this site was purchased. Several CEO's have been full time and a few were part timers. The Town Board is seeking to oversee the Code Enforcement Officer more strongly, as compared to the past.

Mr. Tremson and the Board discussed dates on submittal of a report in response to the questions raised this evening by the public.

Mrs. Panzer asked when should she FOIL the Tremson Wood Products LLC report?

Chairman Brehm responded if the report is submitted on March 06, 2023, then she can FOIL the report on the 7th or 8th. We do not have a report to date, so we cannot provide a date for a FOIL request.

Mrs. Panzer reiterated, who should she contact if she has a noise complaint?

Chairman Brehm said all complaints go the Building Department, the Code Enforcement Officer. The Planning Board has no authority over complaints.

Mrs. Panzer said the paperwork stated that currently all complaints have to be in writing. She asked who do I drop off my complaint to?

Mrs. Daley said a new Code Enforcement Officer started approximately three weeks ago. Mr. Basile only accepts complaints in writing. Please direct all complaints to the buildinginspector@pawling.org and cc: the buildingdepartment@pawling.org clerk(s) to log in your complaint. Or drop them directly off at the Building Department.

Chairman Brehm and Mr. Bernard discussed the traffic study report and how to proceed going forward. There were questions about engineer used for the noise study report.

Mr. Liguori said the Board can accept the applicant's engineer's report. These professional engineers are certified and have licenses and are not willing to risk their licenses. The Board does not have to accept a report that they don't find satisfactory. There is no conflict of interest to accept surveys, architect's and engineer's reports.

Mr. Jesse Maucieri 1 Holiday street

Mr. Maucieri wants to dispute the comments by the Town Attorney. In his opinion there is a conflict of interest. We all have licenses and integrity. He said everyone in this room has a license and we all speed.

The Board confirmed the Public Hearing will remain open.

NEW BUSINESS

Mr. Cioppa asked if completed application/project placed in the drop box could be deleted to maintain open projects.

MINUTES

Motion by Mr. Bernard to approve the minutes of November 07, 2022, November 21, 2022, December 05, 2022, December 19, 2022 and January 17, 2023 as read.

Second by Mr. Cioppa. Chairman Brehm asked for discussion.

All in favor and the Motion carried.

ADJOURNMENT

Motion by Mr. Cioppa and second by Mr. Freidman to adjourn the meeting at 9:00 p.m. All were in favor and the Motion carried.

Respectfully submitted,



JoAnne Daley
Recording Secretary

non-approved minutes