TOWN OF PAWLING September 03, 2024

PLANNING BOARD Page 1

PRESENT: Jay Erickson Vice Chairman, Dr. Thomas Bloom Gregory Bernard, Steven Jobe Mark Friedman and Jennifer Coleman.

EXCUSED: Aaron Cioppa, Chairman

ASO PRESENT: Ronald J. Gainer P.E, Mike Liquori Esq. and Brendan Liberati, Esq. from Hogan, Rossi and Liquori Law Firm.

CONTENTS: Verizon Wireless of East LP, Telecommunication Tower, Tremson Wood Products LLC. Site Plan, Hannaford Brothers Time Extension, Starkdale Park, New Business and Minutes.

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

 VERIZON WIRELESS OF EAST LP d/b/a Public Hearing/Site Plan

 124 Penny Road Resolution

 Pawling NY 12564

 Grid Number: 134089-6957-00-098800

 Mr. Daniel Weinheimer Site Acquisition Specialist II from Tectonic Engineering was present representing Verizon Wireless of East LP d/b/a Verizon Wireless.

 Vice Chairman Erickson said the Telecommunication Tower is located at 124 Penny Road. Verizon Wireless is proposing to become a new co-locator on the tower. This new colocation would include installation of antennas and ground equipment at the existing communication tower facility.

 Mr. Wyman explained the tower originally received a Special Use Permit and Site Plan approvals in 2015 to permit its construction. Currently, New Cingular Wireless PCS (AT&T) and T-Mobile have antennas and appurtenant base equipment in place at the facility. Similar approvals will also be necessary for this proposed colocation request.

 Vice Chairman Erickson read the Public notice into the records.

 Vice Chairman Erickson opened the Public Hearing.

 There were no comments from the audience.

 Mr. Friedman closed the Public Hearing.

 Second by Dr. Bloom. Vice Chairman Erickson asked for discussion.

 All were in favor and the Motion carried.

 Mr. Freidman read into the records Resolution #16 of 2024, Negative SEQRRA Declaration Notice of Determination of No significance for Verizon Wireless of East L.P. located at 124 Penny Road. Tax parcel 134089-6957-00-098880. (Copy in file). Second by Mr. Jobe. Vice Chairman Erickson asked for discussion.

 Roll call

 Aaron Chairman Cioppa, excused Dr. Bloom, aye

 Gregory Bernard, aye. Vice Chairman Jay Erickson, aye.

 Stephen Jobe, aye. Mark Friedman, aye

 Jennifer Coleman, aye

 Ms. Coleman read into the records Resolution #17 of 2024, Site Plan and Special Use Permit for Verizon Wireless of East L.P. located at 124 Route 22. Tax parcel 134089-6957-00-098800. (Copy in file).

 Second by Dr. Bloom. Vice Chairman Erickson asked for discussion.

 Roll call

 Aaron Chairman Cioppa, excused Dr. Bloom, aye

 Gregory Bernard, aye. Jay Erickson, aye

 Stephen Jobe, aye. Mark Friedman, aye

 Jennifer Coleman, aye

 HANNADORD’s BROTHERS Time Extension/Site Plan

 Akindale Road

 Pawling, NY 12564

 Grid Number: 134089-7056-00-561152

Mrs. Brandee Nelson from the firm of Tighe and Bond was present representing Hannaford Brothers.

Vice Chairman Erickson said the property is located on Akindale Road in the Highway Business “HB” Zoning District.  Vice Chairman Erickson said the Board is in receipt of a letter from Hannaford’s Brothers requesting a one (1) year time extension.

 Mrs. Nelson said on October 4, 2021 Hannaford Brothers received Site Plan approval with conditions. They are seeking a Time Extension for one (1) year. Currently, the company has evaluated the construction cost and these costs weigh into the request for a Time Extension.  They have been in contact with the Pawling Town Board on the sewer line district/extension along the NYS Route 22 corridor. Depending on the timeline for the sewer line extension, and Hannaford Brothers intention to hook into the central sewer line, that would affect the cost of the facilities development.

Motion by Dr. Bloom to grant a one (1) year Site Plan time extension to Hannaford’s Brothers beginning October 4, 2024 and ending on October 4, 2025.

Second by Mr. Jobe.  Vice Chairman Erickson asked for discussion.

All were in favor and the Motion passed.

TREMSON WOOD PRODUCTS Worksession/Site Plan

84 Libby Lane

Pawling, NY 12564

Grid Number: 134089-7057-00-190695

 Mrs. Lisa Tremson, Mr. John Tremson Mr. Tyler Tremson, landowners and Mr. John Sarcone Esq. from the law firm of Cermele & Wood LLP. were present.

 Vice Chairman Erickson asked for a Motion to enter into executive session for the purpose of ongoing litigation.

 Motion by Vice Chairman Erickson to enter into executive session to obtain the advice of legal counsel regarding proposed pending or current litigation.

 Second by Ms. Coleman. Vice Chairman Erickson asked for discussion.

 All were in favor and the Motion carried.

 Motion by Vice Chairman Erickson that no decisions were made during executive session and for the Board to come out of executive session.

 Second by Ms. Coleman. Vice Chairman Erickson asked for discussion.

 All were in favor and the Motion carried.

 Vice Chairman Erickson read the Public notice to reconvene the Public Hearing into the records. He felt it was important to let the public understand that the Panning Board works for the people of this Town. The Board will not comment on statements made this evening, nonetheless, the Board is listening to the community.

 ***Mrs. Jennifer Panzer, 8 Holiday Street neighbor spoke****.* Mrs. Panzer began by saying they have been before both the Town and Planning Board since 2013. Their first complaint was placed back in October 2013. Tremson Wood Products presently has multiple tenants and subtenants located on their site. The tenants/subtenants and use of the site has grown tremendously since 2013. For the records, over the course of many years she has obtained numerous pages of complaints submitted to the Town Building department. If need be, she could go through these complaints year by year. It has been a serious problem for the community and personally herself as she lives adjacent to the property. Additionally, it is a fact that the Town cannot keep a building inspector on staff for any significant period of time to address these ongoing violations or follow up in a timely manner. Her family, grandparent, parents and herself are life time Pawling residents. She loves this community. Originally, Tremson Wood Products site did not generate a lot of noise. Over the years, Tremson has continued to clear land without appropriate Town environmental permits and or any site plan approvals. They removed a minimum of three acres of trees (land clearing) with no Town environmental permits issued for the scope of the work, or coming before the Planning Board for site plan approval. Mrs. Panzer stated she is a big environmentalist, who advocates for the protection of the environment, you probably have seen her out cleaning the roads. This site has been out of hand. For many years the Board has received numerous letters from her and the neighbors. There is a court stipulated orders, which list specific stipulation. Tremson’s Wood Products and their tenant/subtenants have violated all six court stipulated conditions. At what point does this end. They are a land clearing company. Nonetheless, during the noise study test, the type of mulching (second grind) which was being presented for the study is very different from their normal day to day activities. The noise coming from this site is greater than they are telling the Board and/or the Judge. Furthermore, Tremson Wood Products has numerous tenants and subtenants that are not being addressed by the Board or Town attorneys. She wonders if it’s possible that Tremson does not even know the number of subtenants renting from their primary tenants at this site.

***Mr. Mark Delbazo, 41 Grandview Avenue, spoke*.** Mr. Delbazo said he has reviewed the Site Plan. The site plan topographic date is April 20221 and aerial background is dated 2023. The site plan states no retail of mulch products nonetheless, no one has address allowing or not allowing wholesale of large mulch products sold from this site. It is important for the Board to address both retail and wholesale of mulch products, as the sales of retail and wholesale changes the number of vehicles and trips per day from this site. Additionally, he reviewed the traffic study. There is items that require clarification based on his review of the following items:

* The traffic study, ‘Colliers Engineering & Design traffic analysis: Was the traffic analysis provided to NYSDOT and DCDPW for their input on the analysis? The mid-November time-period selected for the vehicle counts does not reflect the traditional growing season in New York State (April 15 to May 15 is after the day of the last frost and September 1 to October 15 when the first frost arrives) when mulch products are needed. The vehicle count was done during the low demand period for mulch.

The location of the Automatic Traffic Recorder (ATR) machines is shown on Figure-I "Site Location Map" and does not include an ATR machine for the West bound traffic on Corbin Road and shows the ATR machine located at a significant distance from the Corbin Road intersection on Libby Lane. The Libby Lane setback distance may exclude vehicle counts if located beyond an interior tenant driveway. The traffic analysis needs to include the ATR machines located within 12 feet of the road intersections and include three (3) ATR machines to be installed at Libby Lane, and at the East & West side intersection of Corbin Road to properly understand the impacts of traffic from the site activities.

Figure-2 "2023 Existing Traffic Volumes Weekday Peak AM Hour" (dated 11/30/2023) shows two (2) vehicles turning into Libby Lane from Corbin Road and two (2) vehicles turning from Libby Lane onto Corbin Road. Figure-3 "2023 Existing Traffic Volumes Weekday Peak PM Hour" (dated 11/30/2023) shows four (4) vehicles turning into Libby.

Lane from Corbin Road and six (6) vehicles turning from Libby Lane onto Corbin Road. This is not a true vehicle turning count for the activities within Libby Lane that take place during the summer growing / construction season. This statement has been reinforced by neighborhood cameras that have documented vehicle traffic to and from Libby Lane that was supplied to the Town. A traffic analysis needs to be provided that represents the activities from the site that includes the proposed Mulch Processing facility.

* During the Seqra process, he did not see that there was any comments received from Dutchess County Department of Transportation. The Eaf lacks specific information such as not identifying residential (suburban) properties near the proposed action.
* NYCRR SUBPART 361-4.2 Mulch Processing Facilities, Exempt Facilities: On June 30, 2022, the Town Engineer indicated that the property met the thresholds to be exempt from NYSDEC requirements (i.e., Site has less than 10,000cy total material, piles limited to 25ft height & 30ft width, and maintain 1 Oft spacing between piles) and that the NYSDEC inspects the operation yearly.

Does the Town Code Enforcement Officer or other Town Officials attend these inspections and are written reports on file with the Town? A copy of written request for NYSDEC consultation was not available when the file documents were examined during the Freedom of Information Law (FOIL) request. Was NYSDEC consulted during the Town determination that the property was an "Exempt" Mulch Processing Facility?

The final Condition for the Site Plan Resolution needs to require that the site be registered with NYSDEC as a Mulch Processing Facility and that a Map Note be added that clearly defines the NYSDEC "Exempt" status by having less than 10,000cy total material, piles limited to 25ft height & 30ft width, and maintain 1 Oft spacing between piles. Mulch must not remain un-processed on the site for more than 12-months. The constructed wood tree berms are included the 10,000cy total material quantity. This Map Note will provide information needed to the Town Code Enforcement Officer.

To date here is no approved NYSDEC Mulch processing facility application. Once this approval is granted, this information should be annotated on the site plan for the Code Enforcement Officer to be able to monitor.

***Mr. Steve Parrino, 58 Libby Lane neighbor spoke****.* Mr. Parrino lives and is the owner of Libby Lane. Mr. Parrino began by clarifying for the records, that the camera that has been installed is placed on his property. Tremson Wood Products has stated on several occasion that the camera has been installed illegally and is on their property. This is false statement. He can prove where the camera is located if need be. He provided the Board members photos of the amount of thru traffic, retail and wholesale of mulch products, tenants/subtenants traffic from June and July of 2024. Furthermore, he continually sends updated dates of the photos digitally for the Board and Code Enforcement Officer review. If the Board reviewed these photos they would have seen the numerous vehicles per day and all hours of the night entering and existing the site. Ten years ago, Tremson Wood Products purchased the property. In the beginning, and for many years there were no issues the use of the site. Currently, the site use has gotten out of hand. Tremson Wood Products used his name when they originally went to the Town, stating I did the same type of mulching business. This is completely and totally untrue. He has stated to the Board on many occasion what his use of the property has been, at this microphone. Unfortunately, the current use of this site is out of control. Libby Lane has never seen the daily amount of traffic that has been occurring. The bottom line is he has grave concerns that a serious accident will happen, someone will get hurt or killed. He asked who will be responsible. He has raised this concern time and again. He is doing his part to fight the increased site usage which has a direct result in the number of trucks and vehicles traffic entering and existing Libby Lane, in addition to the increased noise. He believes a landowner has the right to use their property, and operator in the limits of the law and to be good neighbors. Tremson Wood Products are neither. Tremson Wood Products have been issued one stop work orders after another by the Town. They continue to violate the Code of the Town of Pawling. Numerous site visits from different Town/Planning Board members have occurred. This morning, the Town and Tremson Wood Products went to court, at which time Tremson Wood Products attorney said they are following the Code of Town of Pawling. Then they held up a traffic study. This traffic study was performed in December 2023. There is a difference between the mulch/grinding work load that occurs in December versus seasonal spring through summer mulching season. The seasonal mulching increases traffic which is not recognized in the traffic study. In addition to the fact that Tremson Wood Products are selling retail mulch from the site, nonetheless, the submitted site plan states “no retail sales”. If anyone knows anything about this type of seasonal mulching business, no one is mulching in December. Mr. Sarcone Esq. said the photos taken from his property are bogus. The burden that these pictures are bogus should be proven out by them. As well as it should also be on Tremson Wood Products to prove out that they are grandfather in pursuant to the Code of the Town of Pawling. Tremson Wood Products stated they were allowed to grind mulch based on a time that Mr. Parrino used this parcel, prior to Tremson owning the property. he explained that there was a very small amount of mulch material grinded at this site. The mulch grinding was a personal use to clean up his yard. Nothing in comparison to what goes on today. They never had tractor trailers picking up material from this site. Mulch grinding was not and is not part of his business. Tremson should prove out how a very limited small use of grinding allows them to be grandfather in.

Furthermore, Tremson were asked not to make the turn south onto Route 22 or entering into Corbin from Route 22. They along with their tenants continue to make these turns.

Numerous people from the Town of Pawling have made complaints on the unsafe truck traffic conditions. Tremson Corporation stated that they would take this route when leaving Corbin Road turning south or make the turn heading north to the Route 22 turnaround and then safely make a turn to head south in the NYSDOT turn around. His statement is unfounded, people have submitted photos of Tremson making the north bound turn on to Corbin Road as well as myself. Tremson has argued against these allegation, stating that the drivers must follow corporate rule. He has submitted photos of Tremson Wood Products trucks making the left hand turn onto Corbin Road. Many motorist have made complaints and stated that when Tremson’s tractor trailers and associated trucks turn left onto Corbin Road, they have had to back their vehicle up on both Corbin Road and NY Route 22 to allow room for Tremson Wood Products trucks to make the turn, creating unsafe vehicular conditions. This is a real problem and blatant disregard to our community. The real problem is Tremson Wood Products say they’re going to agree to specific conditions and then they don’t uphold any conditions. It’s all falsehood.

Mr. Parrino explained the legal easement to allow Tremson Wood Products to go through Mr. Parrino’s property Libby Lane, to access their property. The easement was written well over 80 years ago. The legal access agreement was not meant to allow a commercial businesses scale/volume of Tremson Wood Products vehicles, and their tenants and subtenants traffic to traverse a private road. The easement was not written for the spirit of what is currently taking place on this site. This is why he had to get involved one and half years ago because the use of the site, roadway and disregard for the community is out of control. He thanked the board for their time.

***Mr. Mark Chipkin 60 Hurds Corner Road spoke****.* Mr. Chipkin said he thanked the Planning Board for trying to handle this very complicated site plan that was handed to them and should have been taken care of years ago. He understands the right to respect, as Mr. Parrino just mentioned. In terms of right to respect and the rights to carry on business for Tremson Wood Products, tenants/subtenants and Pawling residence in accordance to the Towns Master Plan, Code of the Town of Pawling, and New York State law. The Town officials that enforce Town law should be respected and respect the concerns of the citizens as well as a business owner being a good citizens/neighbors to each other. Tremson Wood Products should make good decisions to be respectful and seek to ways to benefit the neighborhood peaceful environment. The members of the Planning Board continually meet to improve the site plan by reviewing schedule of permitted uses, number of tenants/subtenants, all tenants/subtenants hours of operations, noise pollution, serious concerns to the increased truck traffic from an accumulative tenant/subtenant increase without any approvals from the Town. All parties coming together to improve the site plan is worth it, because what comes out of this site plan business, illustrates how the Town handles working towards the betterment of our community. What comes out of this site plan illustrates how we work with developers that work with all organization, (i.e. NYSDOT, NYSDEC, regulatory outside agency, local community organization, FROGS, citizens and neighbors). He appreciates the Planning Board members, as he knows this is not an easy job. He appreciates the business, and hopes that they state will stick to the conditions placed upon them during the court stipulation. The Town has hired a good Code Enforcement Officer, and the Board should consider adding a plat note, which states the CEO can perform unannounced site inspection to ensure future compliance. The CEO should have on their calendar all site plans approved unannounced site inspections. Furthermore, all environmental concerns should be address, as far as what type of chemicals are being used to dye mulch, forest regeneration, landscape mitigation plan, for the large acres of land that was cleared. All these items should be in writing, with the goal to hold all developers accountable to Code of the Town of Pawling. If the business owners do not follow their site plans, the residence should not be placed in these types of predicaments that they are currently experiencing. The Town needs to work with the Court and Federal agencies to ensure appropriate consequences are placed on landowners who do not follow the Code of the town of Pawling NYSDEC rules and regulations.

***Mr. Bill Crane Gardner Hollow Road Poughquag, NY***. He does not live in Pawling, Nonetheless, it is our environment that is being destroy. He recently watch 200 acres of land clearing that occurred along West Dover Road in Dover NY and the wildlife had nowhere to relocate. The effects of tree removal by land clearing operations rampantly destroy the environments. The trees prevent soil erosion, provides our oxygen. He is asking the Board to prevent environmental degeneration by not giving a business more opportunities to clear cut land, and to allow other species live in harmony with nature.

***Mr. Christian Gates, Attorney representing Mr. Parrino and residents of Pawling****.* He has learned recently that this property has a long and storied history, goes back well over 10 years when it was an operational gravel pit. He is representing Mr. Steve Parrino and the adjoining neighbors. They are asking the Planning Board to keep the Public Hearing open this evening. As essentially the applicant has not provided enough documentation for the Planning Board to make a determination this evening. There remains documents missing from this application, such as a letter from NYSDOT, Dutchess County Planning referral, SEQRA determination, and NYSDEC permit which relate to wetland buffers and mulch processing facility registration. Due to the lack of information does the disturbances over the past years trigger the need for a SPDES permit? Additionally, what uses are permitted, as a right under the existing zoning code. A legal non -conforming use needs to be traced backed to when that use began and how it fits under the Code of the Pawling at that time. These uses must be reviewed for conformation, in order to make a decision if they are not permitted as a right, they would have been legal under the Code of the Pawling when they began under existence. We believe tracing back these uses needs to be look at. We understand a forestry determination had been determined by a former CEO/Zoning Administrator. Based on discussion with Mr. Parrino and the neighbors, there is a lot of uses ongoing at this site, such as truck storage, landscaping tenants, equipment parking, several tenants/subtenants/businesses, noise and traffic impacts. Much of what has been proposed by the applicant is a significant expansion of the site,(i.e. land clearing, MJD trucking site expansion a subtenant, as well as over the 6 trucks allowed, T& A businesses and his subtenant) etc. A lot of the focus is on the expansion of these uses. We understand the Town appeared in Court this morning for litigation with the applicant Tremson Wood Products LLC. Based on the fact that the applicant has not submitted all documents required by the Planning Board we ask the Public Hearing be left opened. This information will show that these uses are not legal conforming uses. He thanked the Planning Board for their time.

 Vice Chairman Erickson asked if there is any additional comments from the audience.

 Mr. John Sarcone Esq., for Tremson Wood Products LLC. He understands Public Hearings are useful and powerful as well as required by NYS law. Board members that have been on a Board for a long term understand fact from fiction. Mrs. Panzer continually complains of noise, nonetheless, a noise study was performed. Mr. Panzer said the noise was satisfactory to him and if noise generated from the n study was ongoing they would not hear from him again. The NYSDEC made an unscheduled site inspection last month. They said this is the cleanest site they have ever seen. Mr. Chipkin said his client is not a land clearing business. If a hurricane comes through then Tremson Wood Products LLC. cleans up the properties. The wood comes to Tremson Wood Products LLC. property. As far as, Mr. Parrino, we all Know what his motivation are. Some of the pictures he sent the Board are his trucks. He then read the Planning Board minutes from 2013. He stated Tremson Wood Products had tenants on the property therefore they are grandfather in. he went on to say attorney Gates asked for the Public Hearing to remain opened. When they met with the judge this morning, there was no justification to keep the Public Hearing opened. It’s the same three people who have been here for the last three years. There is no reason for a SPDES permit, when we go through Seqra process, we will explain why in the future. Mr. Atkinson stood up and presented the site plan submitted. It contains general notes, hours of operation and tenants. Think about that the hours of operation. The trucking and landscape companies are parking their truck onsite and doing their operation of business off site. There hours of operation are not on the site plan they are entering and exiting the site just to park trucks, employee cars and so forth. The landscaping businesses operation are off site, they are parking trucks and equipment entering and existing the site. They are not out of compliance with self-imposed conditions. Tremson Woods Products LLC. are not out of compliance. A letter dated 2014 to Chairman Brehm contains Area A, which is cleaned out of all debris used to store wood chip and leaves. Solely used by the property owners. The large pile of mulch is in area poses no threat to the environment. It is a permitted use. Area B is an area being rented by a landscape company. It is a permitted use. Area C is cleaned out of all debris and now used to store wood stumps etc. that is a permitted use. There is no expansion. Area D rented by a local landscape company. It is a permitted use. Area E is for a local trucking company. It is allege there is an expansion. We will have to prove any expansion out in court and not before this Board. If Mr. DiVitto is being told he has to end his business that is what you have to do. He is requesting the Public Hearing be closed.

***Mr. Jennifer Panzer 8 Holiday Street neighbor spoke***. She presented three separate site plans, dated 03-12-2014, 04-2022 and 07-2024 for the Board’s review. The current site plan shows area 4 which is well over 3 acres of trees cut down and land cleared that abuts two residential neighborhood. How can a landowner be allowed to clear land without any approval from the Town of Pawling. She asked where is the consideration to the neighbors? The area closest to her home says wooded slopes. She does not understands how they can cleared this area of land that abuts up against Swamp River/Great Swamp. There are rules and regulations for all landowners, working near wetland and wetland buffers. The rules had changed to a 200 foot buffer when you’re up against the Great Swamp. Where is the consideration and respect to the neighbors? She is talking about the present on going situation at Tremson Wood Products property. Since 2013 there has been substantial land clearing expansion of businesses tenant s and subtenants.

 Vice Chairman asked for any further comments by the audience. Vice Chairman Erickson there is a lot of complexity with the Tremson Woods Product LLC. application for the Board’s Planning procedures to continue to move this application forward. The only decisions to make tonight is whether or not to close the verbal portion of the Public Hearing and find a path forward. Either way by moving forward as a board we will be getting to the bottom of things and these disputes. He asked the Board members their opinion on a decision to close the verbal portion of the Public Hearing. The written portion of the public would stay open until September 19, 2024.

 Mr. Freidman asked what is the benefit of closing the verbal portion of the Public Hearing and then leaving written comments opened.

 Vice Chairman Erickson said it is a material act and movement. It is his understanding the courts need to see some movement with this application, or the Board would be forced to make a decision in short order. This allows the Board ample time for the documents requested previously by Tremson Wood Products to be submitted. The Board has not deemed this application complete, therefore the 45 day shot clock will not begin when the Public Hearing is closed.

 Mr. Liquori Esq said the Planning Boards customary procedure for the process of an application, is to gather as much information necessary as possible to complete our obligation under SEQRA. The Tremson Wood Product application has not come about in this manner. Normally, once Seqra is complete the Board holds a Public Hearing. The perception, he is getting from the Planning Board, is if no additional information comes from continuing the Public Hearing, then the Board can close the Public hearing. Nonetheless, there remains numerous statutory items and issues to be resolved with this application. The Board can close the verbal portion of the Public Hearing, and based on the lack of information submitted as requested by the Board, the typical shot clock of 45 days will not begin. It would be great if the Board had an acknowledgment from the applicant.

 Ms. Coleman asked Mr. Liquori Esq. in terms of the next step, does the Board wait until they feel the application is complete and then place them on the next agenda.

 Mr. Liquori Esq said the applicant must respond to the current site plan comments from the Public Hearing. It would be appropriate for the Planning Board and their consultants to convey to the applicant those items that require to be further addressed by the Board. The Public Hearing process is designed to facilitate the next steps. The Chair will convey to the attorney the items for submission on the overall site plan.

 Vice Chairman said any letter received by the Public will become part of the hearing records. He then asked Mr. Sarcone Esq. if he agreed to the fact that the shot clock will not begin until the application is deemed complete.

 Mr. Sarcone Esq. said he can’t agree to that, but he is certainly not opposed to written comments that are open items to be addressed by Tremson Wood Products. He recommended the Board send them to him in writing and then they will take a look. He will not go running into the Court stating, okay, the clock is running.

 Vice Chairman said the Board will do their due diligence and we need to address the concerns of the public and get to the bottom of these details. Enough of the he said, she said, we all want to work together.

 Mr. Gates clarified that the verbal portion of the Public Hearing will be closed, with a written comment period being kept opened.

 Mr. Liquori Esq said at some point the written portion of the Public Hearing has to be closed. With the understanding by the Board on totality of all pertinent comments raised.

 Mr. Bernard closed the verbal portion of the Public Hearing and kept the written portion of the Public Hearing until September 17, 2024.

 Second by Dr. Bloom. Vice Chairman Erickson asked for discussion.

 Mr. Jobe agreed to closing the verbal portion of the Public Hearing provided the 45 day shot lock does not begin.

 **Mr. Pasqual Old Quaker Hill Road, member of FROGS spoke.** The process of producing mulch that contains color additives are chemical products. Is anyone regulating the chemicals being used or the oils that potentially could leak from trucks that is in close proximity to the Swamp River/Great Swamp?

 Vice Chairman Erickson thank Mr. Pasqual for his comments. He suggested a letter be written to the Board on the chemicals and potential leakage. He can assist the Board with due their diligence by a submittal of a letter.

 All were in favor and the Motion carried.

 STARKDALE PARK Presentation/Resort

 West Dover Road Site Plan/Subdivision

 Pawling, NY 12564

 Grid Number: 134089-6958-00-673657

 134089-7058-00-022710

 134089-6958-00-827687

 Nicholas Baran from Hart Howerton, Susan Favate from Buckhurst Fish & Jacquemart, Mr. Richard O’Rourke from Keane and Beane Law Firm , John Watson from Insite engineering, Michael McCormack from Liscum McCormack VanVoohis Architects Jonathan Leitersdorf landowner were present

 Vice Chairman Erickson said this project involves the Starkdale Farm property, which lies along West Dover Road in both the Towns of Pawling and Dover. The Farm encompasses approx. 650 acres, 219 acres of which is in Pawling. This is a very large project, which will have significant impacts on our residents as well as the village. The matter is on tonight’s meeting for the applicant’s team to make a presentation to the Board to explain what the project entails. No formal applications have yet been filed by the applicant, and so this represents only an informal discussion with the applicant. No public comment will be accepted, as this is not a Public Hearing. Only once applications and fees have been paid, the formal process of reviewing the applicant’s proposal be initiated. The Planning Board processes Special use Permit, subdiviosn and other types of application. These application that do not conform to the code of the Town of Pawling the applicants are either referred to the Zoning Board of Appeals or Town Board.

He turned the presentation over to the applicant’s representatives to make a presentation and then allow some time for the Board to offer questions/comments. This is not a public hearing and the Board will not be taking public.

 Mr. Baran gave a presentation and explained that the project focuses on health, longevity and wellness. He explained how they went about developing the project live layers – all season recreation, community, social, architectural and design, longevity, active life, music, mindfulness, art, culinary and service. There will be single and multi-family residential, retail, a village, neighborhood agricultural, a health and wellness resort, a sports and recreation center, spring, summer, fall and winter recreation, trail networks and hospitality and how they decided on where they would be located. When an individual arrives at the Starkdale Park they will immediately feel a sense of relief, letting go of stress that you’re in nature. Life has changed for many after people after covid by connecting with nature and connecting to the broader community. It is a long growing sector on how to design a community. The project is still in the early stages and is still evolving. A lot of research goes into the Seqra process, to let the land tell the planners where the project should be laid out.

The Farm encompasses approx. 650 acres in Dover, 219 acres of which is in Pawling. They start with a preliminary analysis of the land. West Dover Road east side is agricultural land, streams and farm roads. The west side contained agricultural land, a lake with steep slopes of forested land. They try to marry the land by early design frame work to develop a village where the farm structures and silos exit today. They are seeking farm to table restaurants, farmers market, wellness, creative activities such as soap making classes etc. When you work away from the main core area, it opens up for residential neighborhood to live in nature. The hotel would be set back from West Dover Road in Dover with great views while keeping a portion of the farm land.

When initially design of a resort begins, pencil goes to paper to interconnect the village area with a series of buildings frame a street corridor that frameworks entry into the project. They are aligning farm roads to turn into street road thereby not fighting the topography. The recreational component is being analysis to develop seasonal recreational opportunities. The projects vision is to bring the live layers together to blend something larger than their individual parts to create a special holistic living environment.

 Vice Chairman Erickson asked Mr. Baran to provide a summary of where they are in the application process.

 Mr. Baran said they are in the initial stages of this process, they appeared before the Town of Dover. Preliminary submissions were sent to both Towns. Their goal is to make a follow up submission mid-October.

 Mr. Bernard said one item the Planning Board has discussed is does this project conform to the Code of the Town of Pawling. Or will the project necessitate variances, based on the project presentation?

 Ms. Favate responded the intent is for initial package to include an approach that the zoning in either Town does not meet the Planned Development District (PDD) or Planned Unit development (PUD). The submission in October will address a zoning change for a Planned Development District (PDD) in Pawling.

 Mr. Freidman said based on the presentation, the development envision for Pawling is a vast majority of single family residential housing. The Pawling properties is zoned Residential R-2 Zone. Why would a zone change to a Planned Development District (PDD) be necessary to construct houses when the zoning district is currently residential?

 Ms. Favate said the density and perimeters do not match their bulk provision. They feel a Planned Development District (PPD) or Planned Unit District (PUD) approach allows them to look at more of what is envisioned for the entire site. Each Town zone changes would allow them to look across the border for both Towns.

 Mr. Freidman said a Planned Development District (PDD) is a mixed use district. The creation of a Planned Development District is to create different zoning uses to benefit the Town of Pawling. If the only objective is to create housing to increase density, why would the Planning Board consider a Planned Development District (PDD) when you’re only proposing housing within Pawling?

 Ms. Favate said they are proposing an alternate zoning approach for the creation of single family and multi-family housing. There are different density coming into play that could not be contemplated in one zone in Pawling. They believe the benefit from this entire site is for both Towns. Either though the residential is concentrated on the Pawling side. The benefit of the resort works for both Towns.

 Dr. Bloom said we are early on in the process. He asked if is this project affordable housing? What is going to prevent the developer abandoning the project, if the infrastructure is not build out before the housing component?

 Mr. O’Rourke said there are three questions here, process, housing and affordable housing. The process is before two different municipalities. This plan is to marry one project over two boundary lines to develop one cohesive resort. The process is to make an application in October requesting a zone change by the Town Board. The Town Board is the legislative board that adopts zone changes. At that time a more defined site plan would be submitted as we gather as much information together for the site plan to become more crystalize. That application would be submitted to the Planning Board at that time to understand the housing and proposed zone changes. The housing is not to complete with the Village of Pawling. One concern of theirs was to recognize the importance of the Village of Pawling. They seek to make sure this resort is not located in a geographic area that is more competitive with the Village of Pawling. The theory is the nonresidential component would be located in the Town of Dover. As far as the Pawling Central School District, they recognize the school district is located in both the Town of Pawling and Town of Dover. The school tax retables will be more towards the School district for Pawling residence. The thought was to concentrate the nonresidential development farther away the village hub.

Starkdale Park development proposal is to offer a variety of housing. Their goal is to marry housing option that would be comparable with the non-residential retail hub. That is why the housing is more on the Pawling side farther away from the Village of Pawling. In 2008 there was a project called Windrose, which sought to develop this property. At that time we had a recession and then major investors pulled the plug. Nonetheless, we have the knowledge of the environmental capacity of the land, and how to protect the land incorporating the agricultural aspect of the plan.

 Mr. Freidman said Mr. O’Rourke knows first-hand that a Planned Development District (PDD) has been before the Planning Board in the past. The Planned Development District is located along NYS Route 22 and Akindale Road. The Town has not had two of three components of the Planned Development District (PDD), industrial or commercial built out, only the housing portion. The passage of time dedicates development and continues to be one of the main issues. When you have a very ambitious project as presented, the Planning Board has to protect the Town. There is no guarantees to the Town that the developer will only build out the housing and never build the commercial. This is going to be important to the Town. We were promised commercial, and never received any commercial development in the current Planned Development District (PDD). We were promised senior housing and received mixed housing. The passing of time and markets dedicates development. It is great that Starkdale Park think highly of our Town. Coming out of the gate this is a major concern with a Planned Development District (PDD). He appreciates the presentation. Mr. O’Rourke responded that he thinks the Board members know a Medical Office Building was approved. Westage Company and Castagna joint venture was before the Board for a MOB and then the economy changed causing the user to abandon the project. Every effect was made to try and occupy the commercial development.

 Mr. Freidman said he understand. He said that is why it’s very important that a user/tenant is committed to the site. Any further development of a PDD must be legally reviewed and approved by the town attorney to protect the citizens of Pawling. If commitment’s are to be made legally and then they would be followed according to the best interest of the Town of Pawling

 Mr. McCormack said what Mr. Friedman is saying is accurate. Typically in development as proposed the housing is built out first. The low hanging fruit is the housing. This developer is committed to building out the commercial component and infrastructure first, and then the housing. He is making a commitment to the Town of Pawling and Dover. It is very unusual for a developer to make these commitment.

 Mr. Freidman said that commitment is in the form of what?

 Mr. McCormack said the commitment is in the Site Plan, which will brought forth during the phasing plan for both Towns.

 Vice Chairman Erickson said when a person uses the term affordable housing it has a very statutory meaning. It does not mean anybody will be able to afford the housing. At the preliminary meeting the developers offered a price range of housing. Not just for individuals seeking a first or second home. One item we want to navigate is to call it assessable housing by offering a range of prices. The proposed resort is a high impact to the community and surrounding communities. He asked the developer to present the range of prices and number of housing to the Board.

 Mr. Baran said they are proposing 40,000 square feet of commercial space, not including hospitality. The hotel is 150 keys of room. Housing is 450 multifamily and 100 residential single family

 Vice Chairman Erickson said what we are talking about across Pawling and Dover is commercial is 40,000 square feet, not including hospitality. The hotel is 150 keys of room. Housing is 450 multifamily and 100 residential single family. He was under the impression that the housing numbers between Pawling and Dover were greater than what is being presented. He asked about what was discussed during at the preliminary meeting with the Sixth Sense Company donation of 0.5 % of the gross profits annually to the local community trust.

 Mr. Leitersdorf said it is 100% of gross retail sales, 0.5 %.

 Vice Chairman Erickson asked if it is for the overall project.

 Mr. Leitersdorf said it is called a sustainability fund, only for the resort portion of the project. . He further explained that the plan is to set up a community board to oversee the use of these monies, and will seek local community involvement from both Pawling and Dover on determining where these funds are most needed to benefit the community. The creation of this Board would require setting up bylaws, appointing individuals from the project and overall community, etc. It is ongoing forever.

 Dr. Bloom asked if Sixth sense developers piloted this type of program in another project that they built out.

 Mr. Leitersdorf said a sustainability fund was set up in Spain. The fund assist the community that comes to hundreds of thousand each year. The funds are spent in the community for specific projects, for example saving seaweed and wild animals. The project is a 150 key hotel. It does not have the residential component as proposed in Pawling/Dover.

 Vice Chairman Erickson clarified for the record. This fund is not in payment in lieu of taxes or a pilot program to reduce taxes. He asked if a pilot program to reduce taxes is proposed for Starkdale Park resort?

 Mr. Leitersdorf said no the 100% gross retail sales, 0.5% is not in lieu of taxes.

 Mr. McCormack said they need to explore the option of a pilot program to reduce taxes, they do not know if that is an option for the resort at this time.

 Vice Chairman Erickson said the 05. % of 100 gross retail sales, suggested payment could take the form of paying for school bus, or other items required to benefit the community.

 Ms. Colman said a project of such a large scale, a community has to ask where are the benefit that outweigh the cost. If we look at Pawling, that one western edge is the Appalachian Trail. It is the longest thru hiking trail in North America. Pawling is an Appalachian Trail community. I love the idea of more trails, but you’re constructing adjacent to the longest path in North America. The impact is significant. One has to understand the full potential burden on Pawling. The commercial component would be moved further north, taking away the burden and competition from the Village of Pawling. There is additional burdens to take a hard look at, such as the central sewer system, water and potential impact of extra school children to the Pawling Central School District. This items must be stated for the records on behalf of the community.

 Mr. Baran said the central sewer system and school children impacts to the Pawling Central School District are part of the SEQRA process that requires to be reviewed in depth during the scoping process of Environmental Impact Statement portion of Planning and Zoning.

 Ms. Coleman said previously it was discussed that the local stakeholders would be brought in during the initial stages of this development. She would like to have the conservation groups, stakeholders present for discussion. The goal is to clear and transparent, engaging in detailed conversation for specific environmental facts. There is a lot of promises being made here, and the Board wants to ensure those conversation include stakeholders participate to verify all mechanism discussed are being put into the development during the early stages of Planning, while protecting the community.

 Mr. Leitersdorf said they invited people from Pawling and Dover to come and be part of this committee. He can provide all the functions which are actually missing.

 Ms. Coleman said there is no chance to over share or communicate or have these discussion about the process. It can be very beneficial.

 Mr. Baran said they had a meeting in March to share with the community and then appeared before both Town Boards to communicate to the citizens within the region.

 Vice Chairman Erickson said it is important not to cannibalize on businesses that are already present in the Towns and Villages. He sits on the Farmer Markets Board and to recreate the farmer market would not be beneficial to the community. Hold off on that idea, many community individual worked hard to establish a successful farmer market in the Village of Pawling. Nonetheless, to provide businesses that do not exist, would benefit the community. For example, we have no bowling alley. If a bowling alley was proposed, that type of business benefits the community. What happens in 10 years from now, could be different. How to we create a structure that is legally binding, that we are going to have these types of business, and not make it too restrictive.

Furthermore, he wanted it to be noted on the environmental impact portion of the EIS. The Town of Pawling is one of the Towns that passed a resolution as an Appalachian Trail community. Which means we are go above and beyond and are bound to support the protection of the trail view shed. The view from the cat rocks is critical. If anyone has not been up to the cat rocks they should hike up there and look over the vista. This Board will go through numerous rendering of plans to protect the trails view shed. He wanted to allow everyone to be well aware of Pawling’s commitment to the Appalachian Trail protection and this will be an important component of the SREQ environmental impact statement review. A view shed is not just about chemicals and ecosystems.

 Mr. Jobe asked what is the coordination and how will it affect Pawling and Dover in particular with the zoning changes.

 Mr. O’Rourke said the next step in October will include a Petition to the Town Boards to rezone in both Dover and Pawling. Obviously, we have two legislative bodies that both will have to act on zoning change petitions. Where the coordination comes in is during the Seqra process, we are going to have to identify the involved and interested agencies. The environmental stakeholders such as FROG Friends of the Great Swamp, Appalachian Trail etc. will become part of the scoping document. . As far as what’s going to happen for coordination, there will be a joint review as we go through this process. The next task is to designate a lead agency for the Seqra review. A discussion will have to happen between representative of Pawling and Dover. It makes sense to have a coordinated Seqra review across municipalities’ boundaries. He will be speaking with Mr. Liquori Esq. and Ms. Polidaro Esq. and the planners on these matters.

 Vice Chairman Erickson thanked the applicant for their presentation

MINUTES

 Motion by Mr. Jobe to approve the Minutes of August 05, 2024 as read.

 Second by Mr. Friedman. Vice Chairman Erickson asked for discussion.

 All were in favor and the Motion carried.

NEW BUSINESS

i. Code Enforcement Officer Property violations

 Dr. Bloom said AMAXX business constructed new signage without Planning Board approvals.

 Mr. Bernard said there are ongoing violation occurring on this site, in addition to the non-approval for signage.

 Vice Chairman Erickson said this is the responsibility of the Code Enforcement Officer. The Planning Board is not an enforcement Board as well as the Board does not enforce the Code of the Town of Pawling.

 A member stated from the audience, that they could not hear the Board’s conversation.

 Ms. Coleman went on to reiterate to the audience, about a question that continually comes before the Board. The Board was discussing that we are not an enforcement body. How do we handle when we see an obvious violation or a person comes to the Board notifying us of a violation that is occurring at a specific parcel of property. What do we do? What we do, is refer the complaint to the Code Enforcement Officer.

 Vice Chairman Erickson said the Board is asking Secretary JoAnne Daley to write an email to Everett White, Code Enforcement Officer on behalf of the Board to notify him that violations are ongoing and have occurred on this site.

ii Violations on Site Plans Discussion

 Ms. Coleman said she has a question about recusal. For example, she recused herself from PTM Auto sales discussion as she uses them for auto work. Nonetheless, what is the mechanism to verify a property owner that has an approved site plan is following the rules and regulations set forth by the Planning Board. The community wonders who is overseeing these regulations.

 Vice Chairman Erickson said often a landowner that received approval has to come back before the Board for a renewal or time extension. At that time the Board could ask the CEO to perform a site inspection or add a plat note to the site plans stating impromptu site inspection will be held by the CEO.

 Mr. Freidman said PTM Auto sales came back before the Board three (3) times. After three years with no violation, the site plan received a permanent approval.

 Ms. Coleman said there can be added plat notes to illustrates to the public that a site is being operated with no violations.

 Vice Chairman Erickson said violations fall under the Building Department, Code Enforcement Officer. A citizen can contact the building department to make a complaint, and include the address, photos etc.

 Dr. Bloom said a citizen can also appear before the Town Board to make complaints.

 Vice Chairman said the Board has discussed having a policy that procedural all site plan renewal, must be inspected by the Code enforcement Officer. Following that inspection the CEO can write a letter to the Board on his findings.

 ADJOURNMENT

 On a Motion by Mrs. Coleman and seconded by Mr. Jobe to adjourn the meeting at 9:15 p.m. All were in favor and the Motion carried.

 Respectfully submitted,

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 JoAnne Daley

 Recording Secretary

non-approved minutes