TOWN OF PAWLING FEBRUARY 03, 2025

PLANNING BOARD Page 1

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

ALSO PRESENT: Mike Liquori Esq. and Brendan Liberati Esq. from the firm of Hogan, Rossi and Liquori LLP, Ronald J. Gainer P.E. and Chris Robbins from SLR Planning firm.

CONTENTS: John and DeeAnn Blumberg Lot Line Adjustment, Girl Scouts of Greater New York (Camp Kaufman) Performance Bond Release, Tremson Wood Products LLC. Environmental Permit and New Business.

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

JOHN AND DEANN BLUMBERG Administrative/Time Extension

63 River Road

Pawling, NY 12564

Grid Number: 134089-7057-00-170896

 134089-7058-00-217033

 No one was present representing John and DeeAnn Blumberg.

 Chairman Cioppa said the Blumberg property is located at 63 River Road. This application has a few remaining items to resolve before the Mylar can be filed with the County Clerk’s office. They are in the process of working with their attorney to resolve the driveway access and maintenance easement agreement. The Board is in receipt of a letter dated January 22, 2025 from Mr. Kalin P.E. requesting a ninety-day time extension.

The Board discussed the policy adopted by the Planning Board for the granting of time extensions. The Board agreed that Mr. Kalin P.E. will be contacted asking to for him to appear before the Board at the February 18, 2025, meeting.

Motion by Mr. Freidman to grant John and DeAnn Blumberg a time extension until the February 18, 2025 Planning Board meeting.

 Second by Ms. Coleman. Chairman Cioppa asked for discussion.

 All in favor and the Motion carried.

GIRL SCOUT OF GREATER NEW YORK Administrative/ Bond Release

81 Camp Road

Holmes, NY 12531

Grid Number: 134089-6955-00-070854

 Mr. Adam Thyberg from Insite Engineering was present, representing the Girl Scouts of Greater New York, Camp Kaufmann.

 Chairman Cioppa said Girl Scouts of Greater New York is located at 81 Camp Road, Holmes NY. The Girls scouts have completed all work related to new dining hall named “COOKIE HALL”. The applicants have received their certificate of occupancy and filed the NYSDEC Notice of Termination GP-0-20-001 for the site work.

 Mr. Gainer and Mr. White CEO completed a final inspection on behalf of the Town. Therefore, the applicants are requesting release of the $88,000.00 performance bond that was posted with the Town of Pawling.

 Motion by Dr. Bloom that the Planning Board recommends to the Town Board release of the performance bond in the amount of $88,000.00.

Second by Ms. Coleman. Chairman Cioppa asked for discussion.

All in favor and the Motion carries.

TREMSON WOOD PRODUCTS LLC. Administrative/Environmental Permit

84 Libby Lane

Pawling, NY 12564

Grid Number: 134089-7057-00-190695

 No one was present from Tremson Wood Products LLC.

 Chairman Cioppa said Tremson Wood Products LLC. is located at 84 Libby Lane. The landowners were issued a violation notice from the New York State Department of Environmental Conservation, NYSDEC. This concerns a berm comprising waste wood material placed along the westerly and northerly side of the subject parcel, which NYSDEC has classified as an unpermitted “tree debris landfill”. The NYSDEC therefore provided a directive to the applicant that the tree debris be removed. The applicant developed a work plan for removal of the “tree stumps with associated natural debris” adjacent to NYSDEC DP-22 Freshwater Wetland and Town regulated wetland. Currently, that site work has been completed as per the NYSDEC directive. The Board is in receipt of Mr. Artus’s memorandum dated January 28, 2025.

 Mr. Gainer said the applicant submitted a written work plan to NYSDEC to address the violation notice. Based on the work plan, the NYSDEC then directed the applicant to complete the removal work. Since then, the work has been completed along the west and north sides of the property. The piles of wood debris requiring removal was laid up on top of an earthen berm. The wood debris has been removed. Mr. Artus and Mr. Gainer have spoken on the status of the NYSDEC work plan. The Board has no jurisdiction over NYSDEC or the approved work plan, as NYSDEC is an outside state agency. However, the applicant is subject to meeting the Code of the Town of Pawling regulations for an Environmental Permit covering the work.

 Chairman Cioppa said the Board is in receipt of a letter that came in this evening from Keane and Beane, Christian L. Gates, representing the neighbors.

 Ms. Coleman said the Environmental Permit does not have any bearing on any criteria set forth by the Planning Board concerning the Site Plan approval required. The Board has no jurisdiction over the NYSDEC violation issued or remediation for the site work completed. Following a review of the Keane and Beane letter dated January 31, 2025, she suggested the Board add to our Motion, subject to conditions numbers 4 and 5 in that letter. The Board wants to make it very clear that they’re not stating that this is a pre-existing grandfathered in “use”, nor are the site usages for the number of current tenant /subtenants. Subsequently, the Board has no authority over the NYSDEC approvals. The Town’s environmental permit application was submitted after the fact, and a public hearing has no bearing on the site work completed. Below are the two items recommended to be added into the Boards Motion -

* *The issuance of an Administrative/Environmental Permit(s) are not applicable to the Site Plan application currently before the Planning Board.*
* *The issuance of an Administrative/Environmental Permit(s) that the Board is considering shall not be construed as any approval of any current uses on the property nor a determination as to which uses on Tremson’s property are pre-existing nonconforming (i.e., grandfathered), permitted, or impermissible.*

 Mr. Gainer said the normal procedure of granting an environmental permit allows site work to only commence upon issuance. The Board’s responsibility for granting this environmental permit is based on the approval by NYSDEC of the remedial work plan for the waste wood removal. If there are any issues, the Board can request Mr. Artus to formally make a site inspection to evaluate the site work. As part of the normal process for issuance of environmental permits the Town expects that site inspections are performed. Normally, all environmental permits are issued before the site work is completed.

 Mr. Freidman asked why Tremson Wood Products didn’t notify the Town that NYSDEC mandated site work to be completed and then apply for an environmental permit before the site work commenced?

 Mr. Gainer said the NYSDEC issued violations to Tremson Wood Products over the existence of the wood waste materials berm. The Town only became aware of these violations well after the DEC violation was issued in November. In December, Tremson Wood products and the NYSDEC resolved the work plan. The Town Planning Board only became aware of the violation and NYSDEC work plan after the fact, in mid to late December. Tremson Wood Products had an obligation to remedy the violation issued.

 Mr. Freidman asked what deems an Environmental Permit insignificant?

 Mr. Gainer responded that is determined by the Code of the Town of Pawling under specific sections, Chapter 171 Soil Erosion, Sediment Control and Steep Slope Protection and Chapter 111 Freshwater Wetlands and Watercourse Protection based upon Mr. Artus’s review.

 Dr. Bloom said Tremson Wood Products on numerous occasions does not give the Planning Board any respect to do our job. They continually avoid following local Town ordinances and the requirement to apply for specific Town permits. They understood Town Environmental Permits were required to be issued. Tremson Wood Products LLC could have notified the Planning Board that NYSDEC had issued this violation, thus allowing the Planning Board the opportunity to expedite a Town Environmental Permit while simultaneously working with NYSDEC. Tremson Wood Products has applied for and received Environmental Permits in the past. Therefore, they understood the Code of the Town of Pawling. In his opinion, moving forward, both Mr. Gainer P.E. and Mr. Artus should perform a final site inspection before the Environmental permit is closed.

 Vice Chairman Erickson said the Board’s site plan mitigation goals are to consider visual and noise screening in multiple areas, one being the area where the berm was removed. The Board needs to be clear that consideration of different types of screening will be part of the overall site plan mitigation. These mitigations measures are not part of the issuance of an Environmental Permit. In no way is the visual and noise mitigation indicative of any other site plan approval by the Board. For the benefit of the applicant and surrounding community to do the site plan correct will take time.

 Ms. Coleman said the Board should clarity for issuance of the Environmental Permit approval the expectation for mitigation to be sought by the Planning Board as part of site plan approval. To be included the Board’s Motion, the following items can be added as conditions:

* *Subject to NYSDEC approval that all site work has been completed.*
* *The restoration of natural vegetative material with appropriate screening will be part of the site plan mitigation process for visual and noise with the Planning Board.*

 Chairman Cioppa said pursuant to the Code of the Town of Pawling, the applicant was subject to file for an Environment Permits as per Chapter 171 - *Soil Erosion, Sediment Control and Steep Slope Protection* and Chapter 111 - *Freshwater Wetlands and Watercourse Protection*. The Board can make a Motion to formally ensure the Town ordinances have been followed.

 Motion by Mr. Erickson that the Board acknowledges that Tremson Wood Products LLC placed waste wood materials along the westerly and northerly side of the subject parcel, which NYSDEC has classified as an unpermitted “tree debris landfill”. The NYSDEC therefore provided a directive to the applicant that this “tree debris” be removed. The applicant developed a work plan for removal of the tree stumps with associated natural debris, adjacent to NYSDEC DP-22 Freshwater Wetland and Town regulated wetland.

The Board waives Chapter 111, Freshwater, Wetlands and Watercourse Protection Section §111-6E (2); as per 111-6 E (4) (c) (2) - 111-6.1, 111-6. A, and 111-6.C, public hearings, referrals to outside agencies and performance bond, as recommended by Mr. Artus. The Board refers the environmental permit to the Stormwater Management Officer for issuance of the Environmental Permit subject to:

* As per §111-8 inspections: A site inspection is to be performed by Mr. Artus and Mr. Ronald J. Gainer P.E. to ensure compliance of site activities as a condition of approval, due to the scope and nature for the purpose to determine compliance with this NYSDEC work plan and Town ordinances per Chapter 171 and Chapter 111.
* The restoration of natural vegetative material with appropriate visual and noise screening shall be part of site plan mitigation process with the Planning Board.
* The issuance of this Administrative/Environmental Permit(s) is not applicable in any way to the Site Plan application before the Planning Board.
* The issuance of this Administrative/Environmental Permit(s) shall not be construed as any approval of any current uses on the property, nor a determination as to which uses on Tremson’s property are pre-existing nonconforming (i.e., grandfathered), permitted, or impermissible.

Second by Dr. Bloom. Chairman Cioppa asked for discussion.

 All in favor and the Motion carried.

NEW BUSINESS

i. Starkdale farms – Summary of Materials for Town Board.

Chairman Cioppa said the members of the Board are in receipt of two letters, from Ronald J. Gainer P.E. and SLR Engineering Landscaping Architecture and Land Survey P.C., on the petition for rezoning of the Starkdale Farms. He asked the Board members to review the draft letters to provide any comments on the re-zoning request.

Ms. Coleman said the applicant’s mentioned amenities that are to be included in the apartment complexes. She suggested that this information should be added to the memorandum.

Vice Chairman Erickson said the Planning Board directive to the applicant was that the Planned Development District overlay district did not fit within the Residential R2 zoning district. The proposal is not really a Planned Development District (PDD). It is enhanced housing density zoning. The issue before the Board is that this is Residential 2, R2 Zoning, which is allowable at an estimated 110 housing units. The Board is looking at a minimum of 390 housing (single family and multifamily) units by the developer’s proposal. The proposed housing units/density is extremely high for what is currently a rural area. There are significant steep slope and viewshed issues that have not been addressed by the applicant. It’s important to get ahead of that economic analysis. It will help set the conversation around the direction for a petition to rezone request. It is important to note that a Town Board does not have any obligation to entertain a zoning request. It’s a really big deal for Pawling. We are a rural community that wants to protect our bucolic nature and were running out of those very bucolic open spaces. The applicant must provide backup data and analysis sooner rather than later. If you take out the commercial component, the economic equation has to balance. He also recommended that the applicant figure out what number makes economic sense, basically a comparison of the desired higher density and what is allowable per the current Code of the Town of Pawling. Presently, the applicant would not have to go through the petition to rezone for a build out of the approximately 110 units. The current housing density is a “huge ask” of the Town. These two letters will provide important guidance by the Planning Board to the Town Board. The Planning Board asked the applicant at the January 06, 2025 meeting to provide data/fiscal analysis to both Boards. The applicant, in turn, resubmitted the exact zoning petition from October 2024. It is vitally important for us to take the time to read both memos and provide guidance to Mr. Gainer and Mr. Robbins.

Chairman Cioppa said the Board members can review these memorandums for any recommended changes to finalize them at the next Planning Board meeting.

ii. Town of Pawling /Dover Subcommittee Meeting.

 A subcommittee meeting has been scheduled for Monday February 10, 2025 at 6:00p.m.

 ADJOURNMENT

 On a Motion by Dr. Bloom and seconded by Ms. Coleman to adjourn the meeting at 8:00 p.m. All were in favor and the Motion carried.

 Respectfully submitted,

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 JoAnne Daley

 Recording Secretary

non-approved minutes