TOWN OF PAWLING December 16, 2024

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

CONTENTS: Tremson Wood Products LLC Site Plan, Minutes and New Business.

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

TREMSON WOOD PRODUCTS LLC. Worksession/Site Plan

84 Libby Lane

Pawling, NY 12564

Grid Number: 134089-7057-00-19069

 Chairman Cioppa said the property is located at 84 Libby Lane. Chairman Cioppa opened the meeting by informing the Board members that the applicant asked to meet with the Planning Board in executive session to discuss litigation. Chairman Cioppa then asked for a Motion to enter into executive session for the purpose of ongoing litigation.

 Mr. Bernard said, in his opinion it is unusual for a board to enter into executive session with an applicant.

 Chairman Cioppa responded that during his ten years on the Board, the Board has not gone into executive session with an applicant. Nonetheless, he felt it was appropriate to seek advice from Mr. Liquori.

 Mr. Liquori said what often happens is when the two attorneys are before the Judge, information is given on a site plan application to the judge to facilitate a site plan. An executive session with the applicant would give the Planning Board an opportunity for open discussion. There is the ability to talk about litigation with both parties. He is not opposed to having these important discussions. It may be a first for the Pawling Planning Board, nevertheless, he has been in similar executive sessions with other municipalities. It is not a first for their law firm.

 Mr. Freidman asked what legal advice could our attorneys provide in front of the applicant that would be appropriate? Isn’t that the point of an executive session, for giving legal advice to the members of the Board.

 Mr. Liquori responded that executive sessions do not only have to be for legal advice. The language of the Motion can be changed to state that the Board is entering into executive session to discuss litigation with Tremson Wood Products LLC and their attorney.

 Mr. Bernard said he is looking at this from the public perspective. The Board is going into executive session with an applicant on a project that is quite contentious.

 Mr. Erickson felt it was important to communicate to the public on the recent updates to the Tremson Wood Products LLC project. The Board agreed to pump the brakes on the shot clock dates for the litigation process, and then determine if the Board could resolve technical and statutory items through the Planning Board process. The goal is for both parties to cooperate and collaborate through that process to address the public and applicant concerns. During that time there have been comments from the Board to the applicant and then the applicant responding to the Board. The last correspondence was December 10, 2024. The Board will speak with the applicant on several issues. Today, the Board received a memorandum from NYSDEC on violations relating to the berm. The applicant has submitted a work plan to NYSDEC to resolve the violation. Currently, as part of the overall application process, the applicant is required to apply for an environmental permit for the berm removal site work through the Town as well as issuance of the required approval for the NYSDEC work plan permit.

 Motion by Mr. Freidman to enter into executive session to deliberate with the applicant on the proposed pending current litigation.

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

 All were in favor and the Motion carried.

 Motion by Ms. Coleman that no decisions were made during executive session and for the Board to come out of executive session.

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

 All were in favor and the Motion carried.

 Mr. Liquori said the Board had a robust discussion about the actual litigation as to how it relates to the Town of Pawling and Tremson Wood Products LLC. and then a discussion on what are the next steps. The Board hired Creighton Manning Engineering to review their traffic study. The Planning Board anticipated submission date of the traffic study analysis from their traffic consultant is January 6, 2025. No decisions were made on the site plan or what or how that plan would proceed. The Board will be expecting additional submittals from Tremson Wood Products LLC.

 Mr. Freidman said the Board made a soft agreement that Tremson Wood Products LLC would be on the February 3, 2025 Planning Board agenda.

 Mr. Liquori said the current status of the court litigation is in the discovery process. They are working towards moving the depositions portion of this court case back to April 01, 2025.

 Mr. Erickson said in addition to the traffic study the Board will be closely reviewing the viewshed and noise components of this site plan.

 Ms. Jennifer Panzer asked if she could ask the Board one question. She wanted to clarify if the berm is coming down, and if so, the noise impact to the neighbors could be increased during this time period.

 Mr. Liquori explained that the Board recognizes in its entirety the berm mitigated noise factors to the neighbors. The Board recognizes removal of the berm will generate additional noise that is a concern to the neighbors, during this process and after the berm removal.

 Mr. Freidman said for the record they are removing tree stumps with associated natural debris. The berm currently on site is not an actual “berm”. The applicants have received a violation notice from NYSDEC. To resolve these violations they are being directed by NYSDEC to remove the berm. He wanted the public to understand this Board has no control over NYSDEC or any other outside agency’s requirements.

 Mr. Erickson said in Mr. Gainer ‘s memorandum dated December 16, 2024, it is noted that the Board can approve the environmental permit with conditions. The Board has the ability to stipulate conditions that primary grinding occurs offsite. It is the Planning Board’s job to accept satisfactory noise mitigation factors for the Town of Pawling.

MINUTES:

Motion by Mr. Jobe to approve the Minutes of November 18, 2024 and December 2, 2024 as read.

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

 All were in favor and the Motion carried.

NEW BUSINESS

 Motion by Mr. Erickson to accept the 2025 Planning Board schedule as communicated.

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

 All were in favor and the Motion carried.

ADJOURNMENT

 On a Motion by Mr. Bernard and seconded by Dr. Bloom to adjourn the meeting at 8:43p.m. All were in favor and the Motion carried.

 Respectfully submitted,

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 JoAnne Daley

 Recording Secretary

non-approved minutes