TOWN OF PAWLING PLANNING BOARD March 10, 2025

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

EXCUSED: Dr. Thomas Bloom

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

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

ELEGANCE 92 New Application/Signage

158 Route 22

Pawling, NY 12564

Grid Number: 13049-7056-00-552035

No one was present from Elegance 92, smoke shop business.

Chairman Cioppa said the business is located Four Space LLC. building located at 158 Route 22 in the Highway Business Zoning district. The owners are opening up a smoke shop.

The Board reviewed the illustrated drawings for the building and directory signs. The new sign will replace the existing sign by removing the old panel and inserting a new panel, as well as the road signage/directory sign slot located along NYS Route 22.

Vice Chairman Erickson said tabacca was written on the presented illustrated sign drawing. The correct spelling should be tobacco. He asked that the applicants be informed of the typo before installing their sign.

Motion by Mr. Bernard to grant Elegance 92 signage as presented.

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

All were in favor and the Motion carried.

CLIFF GIBBS Administrative/ Environmental Permit

24 Strawberry Hill Road

Pawling, NY 12564

Grid Number: 134089- 7157-00-260797

Mr. Cliff Gibbs, landowner and Mr. John Kalin P.E. was present.

Chairman Cioppa said the property is located at 24 Strawberry Hill Road in a CD-5 Zoning district. The applicants is proposing construction of a barn and tennis court. The applicant is also proposing parking to include a (12) foot wide driveway expansion in the area of the proposed barn.

Mr. Kalin explained the overall project to the Board. The parcel is located in the Ten Mile Watershed, encumbered by Federal and Town regulated wetlands in the form of streams traversing the parcel. No land disturbance activities are proposed within the one hundred (100) control buffer of the regulated wetlands.

Mr. Freidman asked if a bathroom would be installed in the barn?

Mr. Gibbs said the proximity to the tennis court is closer to the barn. Therefore, they plan on installing a bathroom.

Mr. Kalin said a sanitary sewer disposal system (SSDS) had been installed in the pre-existing horse barn, which is located in close proximity to the proposed barn The electric, plumbing and water lines will be installed to the new building.

Motion by Ms. Coleman that the Board waives Chapter 111, Freshwater, Wetlands and Watercourse Protection; Sections 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 this environmental permit to the Stormwater Management Officer for issuance of the Environmental Permit.

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

All were in favor and the Motion carried.

TREMSON WOOD PRODUCTS LLC Further Discussion/Site Plan

84 Libby Lane

Pawling, NY 12564

Grid Number: 134089-7057-00-190695

Mr. John Tremblay, Mr. Tyler Tremblay, landowner, Mr. Todd Atkinson P.E. and Ms. Renee Nouir Esq. from Cermele & Wood LLP were present.

Chairman Cioppa said the property is located at 84 Libby Lane, consisting of 27.87 acres in the VRD Zoning district. Chairman Cioppa asked for a Motion to enter into executive session for the purpose of ongoing litigation.

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

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

All were in favor and the Motion carried.

Ms. Nouir said the Board and Cremel & Wood LP is in receipt of a letter from Keane and Beane, Christian Gates Esq. She explained that Mr. Parrino’s Counsels comments are untimely and diatribe. Therefore, the Board should not consider the letter submitted on March 7, 2025.

Mr. Atkinson said the three main components of the site plan discussed with the Board was traffic, noise and viewshed. A site walk was conducted on February 27, 2025. He was not able to get the Board member’s observations during the site walk. He provided a 2014 map that illustrated the overlay areas outlined in purple. Currently, we haven't received anything from the traffic engineer, and we're not sure if we're going to receive a follow-up memorandum.

The Board and Mr. Atkinson compared the 2024 plan to the 2014 site plans for the site areas that are being utilized by tenants.

Vice Chairman Erickson said for months the Board has been straight forward and clear on requesting a comparison overlay map to be submitted by the applicant.

Mr. Liberati provided the 2013 site map for review by both parties.

Mr. Cioppa said the two plans side by side show the comparison of the individual tenants and/or areas of expansions. The Board can begin this evening’s discussion on the berm along the westerly and northerly sides of the site. This is the area where Tremson recently cleared all waste log debris material, in response to a violation notice from the New York State Department of Environmental Conservation (NYSDEC).

Ms. Coleman said the 2009 and 2013 aerials illustrate a green open space environment located in area 4. The Board’s goal is to rehabilitate this area back to greenspace that would address mitigation for noise impacts. She asked what section of area 4 was being used in 2014?

Mr. Atkinson said there has been a bit of expansion since 2014. One of these areas are 104,000 square feet and the yellow lined is 94,000 square feet, and then you have 84, 000 square feet area.

The Board reviewed the areas annotated on the 2013 site map.

Vice Chairman Erickson said the Board has a lot of concerns based on the site walk observations.

Ms. Coleman said the site walk for her was educational, as she never was down Libby Lane before.

Vice Chairman Erickson said the Board walked the site, with the tub grinder running and then went over to Holiday Street. He had not been at the site in quite a few years. It was apparent by the Board’s observations the degree in which expansion has occurred throughout this entire site.

Chairman Cioppa said he shared the same point of view as Vice Chairman Erickson. In all honesty he was quite disappointed with the area used by T& A, with the noticeable ground contamination of an onsite fuel spill. Furthermore, the degree of the Woodland Manor area, including by the use of a storage container. The tenant’s overall site conditions were notably filled with garbage bags, propane and gas tanks, rubbish and other debris littered throughout the area. MJD Trucking’s area also did expand. Nonetheless, their site was the cleanest. He felt the area 4 berm should be expanded further behind MJD trucking, with a staggered row of landscape plantings for screening. He suggested that area 4 be eliminated from use completely and then Tremson Wood Products could use the T & A area for the stacking of wood piles/organic materials. The determination has been made by the Code enforcement Officer that T & A does not meet the Code of the Town of Pawling for “Permitted uses”. T & A must leave the site.

Mr. Tyler Tremblay said area 4 is crucial for stockpiling logs. Surrounding Towns, Counties and communities need their facility to pick up organics to grind off-site from major storm events. They are proposing this area is for overflow. They can’t change one onsite area for another.

Chairman Cioppa asked what has been your best storm year for collecting organic material from storm events? Do you pick up organics yearly, twice a year, what is your overall business knowledge from prior storm events?

Mr. Tyler Tremblay said he couldn’t provide that level of detailed information to the Board.

Ms. Coleman said it was quite surprising how large an area 4 is. It was a bit shocking to find out Tremson completely cleared this area of all vegetation. The Board’s goal is to request 100% of area 4 be returned to an open space, green environment. Additionally, the berm will require submission of engineered and landscape plan. This is the Board’s position, which does appear different from your positon. We are trying to come to some type of mitigation. She asked the Tremblay’s - what would be a realistic?

Mr. Tyler Tremblay said the area looks cleared due to the removal of the debris from the berm. There would never be 100% capacity use in area 4 for overflow organics.

Mr. John Tremblay said it would be difficult to reduce the area 4 space for storage of overflow organics. The piles of organics cannot be too high, as they can get hot. The piles need to be kept at a lower height of 20 feet. That is why it takes up a lot of room. Furthermore, any type of organic product placed on the berm will break down into soil. It takes time for organics to break down. He explained reasons why this areas is so helpful to them. Sporadically, they are approached by Dutchess and Putnam Counties to dump organics material on site for storage.

Mr. Tyler Tremblay said the Village had been dumping snow close to the Tremson property. The Village expanded their own area. He spoke with the Village to have them push back their encroachment because of Tremson’s site plan process with the Town. The Village guys can't be encroaching onto Tremson property. It was always their intent to use area 4 for stockpiles of organics. He said that the former Chairman Brehm suggested use of area 4 for stockpiling organics and then building a berm.

Chairman Cioppa responded that when the Planning Board was onsite with Chairman Brehm, area 4 was much smaller than what it is today.

Mr. John Tremblay said there was steel dumped in area 4 on the property. They needed to dig it out to clean up all the debris.

Chairman Cioppa said during previous site walks, he did not remember viewing any steel located in area 4.

Ms. Coleman said if we're thinking about Tremson and the neighbors, this conversation is at a point where mitigation happens, our goal is to find a solution. The Board’s direction is to expand the berm and buffer area south, while keeping a much smaller area for organic material storage.

Mr. Bernard sked if the applicant could you create a 100-foot buffer and/or 50ft buffer in some areas, expanding the berm south.

Vice Chairman Erickson said the reasoning for these discussions are to reduce the intensity of the usage closest to the berm in area 4 where noise impacts occur.

Mr. Freidman said machinery and trucks obviously come in to unload and load. These large trucks have gates which bang, and use backup beeping systems, thus creating noise impacts. The more trucks coming and going, the more noise is generated.

Mr. Tyler Tremblay illustrated on the map the former green space along the berm. He tried to explain that area 4 is green. He suggested potential landscaping for a row of greenery be added to area #4 with a driveway opening into area 4.

Vice Chairman Erickson responded. Let’s be clear - currently there is no green vegetation in area #4, whatsoever. Area 4 is completely barren. He asked Mr. Tremblay if they are suggesting revegetating a green strip along the berm.

Mr. Tremblay said area 4 along the berm to the property line could be revegetated. This area already was not being used by them. He does not understand what the Board is requesting by using a range of 0 to 100% to revegetate green open space.

Vice Chairman Erickson suggested an agreement between both parties for a percentage to reduce usage of area 4, while considering alternative landscape plantings or meadow grasses for this area.

Ms. Coleman said the goal is to create more of a buffer between Tremson and the neighbors. Because if we all put ourselves in the shoes of the neighbors, for instance, if that's was your driveway or your house or you were trying to cook breakfast or sit on the patio and the berm was working to mitigate noise in the past, then a newly developed larger vegetated buffer/berm extended would only provide a better quality of life for everyone.

Vice Chairman Erickson said the goal is to minimize the impact, along with minimizing the overall potential intensity use. For example, if area 4 is minimized, then there would be a reduced number of truck loads coming in during storms. If we reduce that organic storage area by at least 50% or more, then it’ll be 50% less loads, unloading, right? In his opinion that's what we're trying to look for, less material in the yard, less intensity, more buffer areas. The Board is seeking a conceptual agreement on the 2014 site plan areas which are literally illustrated/drawn on the 2014 plan for the entire individual site areas. Mr. Tremblay and the former Chairman George Brehm may have had a conversation walking in the woods, but that conversation is not in the records or part of the 2014 plan. Our starting point is middle ground, which could begin at a 50% revegetated area. Area 4 is potentially 4.0± to 5.0± acres; it is a very large area. Tremson Wood Products have stated that the stockpiling of organic material is not their core business operations. It’s an occasional stockpiling of organics based upon storm events.

Mr. Tyler Tremblay said Vice Chairman Erickson, you cannot say you got plenty of space. We do need all that space, and we have a business to run. I mean there an arbitrary part of saying as far as area 4 is used, it can only be for storage of materials. Furthermore, the Board is saying if T & A leaves the upper site area, why can’t Tremson use the upper area for organic storage overflow and not use area 4? Mr. Tremblay felt area 4 is extremely necessary. They cannot change one area for another. It seems T & A will be a condition of site plan approval. FAS is moving out. We cannot substitute one area for the other. If one storm event occurs that is the area for organic material stockpiles.

Chairman Cioppa asked who delivers the organic material to the Tremson Wood Products site?

Mr. Tremblay said they pick up and deliver the organic material to the site.

Mrs. Coleman asked for a percentage of area 4 that is being filled by organic material.

Mr. Friedman said if your saying part of area 4 is never going to be used, then this information needs to be added to the site map. The Board has made their position clear on the reduced use of area 4. Another major concern is the berm is very unstable. Would it be possible to grade the berm out, as shown in the hatched areas drawn on the map?

Mr. Tremblay said if we tighten up these areas, pull them in, defining the areas, to establish a configuration for area 4. We didn’t know we would be splitting hairs with the Board. A road is required to access area 4. Therefore, a buffer of green space could be planted along the berm.

Mr. Erickson said Tremson stated that the berm material is all topsoil product. He asked where the soil material came from.

Mr. Tremblay responded that there was a lot of soil under the berm.

Mr. Erickson said he walked across the top of the berm. It is visibly noticeable that soil of the berm is not compacted. He felt the organic material in his hand. He is not a biologist, but there was a tremendous amount of organic material in it. In my opinion, if there was no erosion, just decay, the berm would disintegrate within 10 years.

Mr. Tyler Tremson said our plan is to hydroseed the berm.

Vice Chairman Erickson said what we have discussed is potentially taking the top of the berm off to a level, and then compacting the soil to prepare for landscape plantings with various shrubs, bushes or low growing trees on the berm for screening.

Mr. Atkinson said they did not address the berm soils. During the time they were conducting site operations to address the NYSDE work plan, the weather was 25 degrees during the removal of the organic material/debris.

Mr. John Tremblay said once it starts raining, the organic material in the berm will compact.

Vice Chairman Erickson said when a landscape plan is approved, the soil will have to be compacted and then shrubs, trees planted according to an approved plan.

Mr. Tyler Tremblay said as long as Tremson owns the property, we will be responsible for the berm. If the soil settles over time, we will have to rebuild the berm and then replant.

Ms. Coleman said members of the Conservation Advisory Board attended the site walk. There are experts on the CAB Board that can offer a sustainable landscape plan to maintain the berm height that will be part of site plan approval. They can provide a drawing on the how the landscape design would look like, as well as a maintenance plan. These plants are selected for suitable soils. The Board and CAB can work with Tremson to develop a long-term plan that is realistic.

Vice Chairman Erickson asked if Tremson could commit to working with the Board and CAB. It is noted by both parties that potentially additional soil will have to be brought in for the leveling and widening of the berm.

Mr. Freidman said there is a real concern that the berm as constructed today will not hold up. Furthermore, the steepness of the berm is a safety hazard. These items were documented in Mr. Artus’s memorandum. He agrees with Mr. Artus that the berm facing Holiday Street is close to 100 feet. The berm from Tremson’s property is 50 to 60 feet in height. The Board is taking into consideration the berm’s ridgeline that, as it stands today, is a steep drop off.

Mr. John Tremblay responded that as soon as possible they plan to hydroseed or plant some type of vegetation on the berm.

Vice Chairman Erickson said the Board is seeking a commitment from Tremson to provide a landscaped plan for the berm as well as to extend the berm south.

Mr. John Tremblay said the berm was built for the neighbors, not us.

Mr. Tyler Tremblay said tonight’s meeting has been productive. This is the first time we are working cohesively with the Board. In the past we felt that we came to some decisions, and then goal post moved. Once that happens, we get letters from the Town Attorney with some revisions. This evening, he seeks to work with the Board to make site plan decisions.

Mr. Friedman said the Board can argue the same about Tremson Corporation coming before this Board. The Board never received timely submissions to allow for review of a plan, or any decisions made with the Board that were later changed by the applicant.

Vice Chairman Erickson said the Board does not want to debate the level of compaction. We are seeking a commitment to maintain the berm height, level out the slope, ensure the berm is stable, revegetated, and expand the width and length with a clear consciousness of the neighbor views and noise impacts. He asked if the Board could get a commitment from Tremson this evening? Furthermore, there will be no processing of any wood or organic product/material or soils within area 4. He is seeking a response from Tremson this evening.

Mr. Tyler Tremblay said a plat note was added to the site plan, annotating they previously made this commitment to the Board. It appeared that the bigger contention was the grinding in area 4. There will be no grinding and/or processing of material or soil in area 4. Mr. Tyler Tremblay finalized this commitment by agreeing to these terms.

Mr. Friedman said, for the record, let’s make it clear that trucks bring in organic material to drop off, and then reload trucks leaving the site with the organic material. Area 4 will be reduced in size. There will be no grinding or processing of material occurring in area 4.

Vice Chairman Erickson said the Board needs to discuss other overall site conditions. The next discussion can be hours of operations for MJD Trucking. It was brought to the Board's attention that the hours of operation differ from the Tremson Wood Products “Statement of Use” for MJD Trucking. MJD Trucking’s business maintains different hours for summer and winter trucking. Often in the winter months they could leave as early as 2:00a.m. and return by the end of the day. During the summer months the trucks could leave by 3:00p.m. and return by 3:00a.m. Therefore, the Board has to open up discussions for noise and light mitigation. During the summer of 2024 MJD Trucking has installed mafia blocks – aggregate bins to store millings which then created addition noise from truck gates slamming closed. Furthermore, these trucks generate a beeping noise while backing up. Our recommendation is to install a kill switch to avoid noise impacts.

Mr. Tyler Tremblay said he has spoken with MJD Trucking about the mafia blocks - aggregate bins. These aggregate bins are not essential to their business operations, they will be removed from the site. This would result in avoiding slamming of truck tailgates.

Vice Chairman Erickson said that it is good to hear that both parties are aligned on the removal of the mafia blocks from this tenant site. There will be no slamming of tailgates. He asked if MJD Trucking Company could install kill switches for backup beeping.

Mr. John Tremblay said the Board will have to speak with the Village of Pawling highway department because they also have back up alarms in their vehicles.

Ms. Coleman said the Board recommendation for the backup alarm kill switches are not to be turned off during normal business hours. The Board is discussing after normal business hours.

Mr. Freidman said for the record that is the Village of Pawling, not the Town of Pawling.

Vice Chairman Erickson said all of Tremson’s tenants will have to comply with the conditions that any truck, heavy equipment back up alarms will be disabled for any necessary movement outside of normal business hours. The next issue to mitigate is the truck lights glaring across the Great Swamp into resident’s homes late at night. Obviously, truck headlights cannot be turned off. Therefore, the solution would be to consider a landscape screening plan that offers a variety of evergreen trees, relatively mature in height, planted in staggered rows. The idea is to plant mature trees, as opposed to taking the trees 10 years to grow.

Chairman Cioppa said the Board not only needs to mitigate the truck lights, but we need to review any types of outdoor lighting. All outside lights must be installed downward directed, “night sky” compliant. If lights are proposed in any of the tenant areas, they must be documented on the site plans, as well as any pre-existing light fixtures. During the Board’s site walk he had observed the outside lights at MJD Trucking Company. These lights should be documented on the site plans.

Mr. John Tremblay suggested at the MJD Trucking area they build a smaller berm with a staggered row of a variety of evergreen planting on the top to provide additional landscaped screening from the neighboring properties.

The Board’s consensus was supportive of the concept of a smaller berm with a staggered row of landscape plantings. This was agreed to by both parties.

Mr. Bernard said the traffic impacts to Libby Lane and the intersection of Route 22 and Corbin Road have not been discussed this evening. He asked the applicant if they have further researched construction of a road through the Highway Department?

Mr. Tyler Tremblay said if the Town hadn’t brought litigation against them they might consider a roadway through the Highway Department to River Road. Presently, they have no spare funds. The process to survey and construct a road is a big undertaking. They are suggesting that at a future date they could study a roadway through the highway department as a potential alternative. He does not feel this is feasible.

Mr. John Tremblay said within the proposed road area at the highway department there is quite a lot of organic material. The concept to remove and clean up those logs would be a lot to take away, to grind into mulch products.

Mr. Bernard says that was part of the discussion with the Town as an agreement to remove these logs. The Board’s goal is to create a safer route for all truck traffic to and from the Tremson site. During his walk of the proposed road area with the Highway Superintendent, Bob Brill, there was not a lot of organic material.

Ms. Coleman said maybe we should consider aspects relating to the issues raised from the traffic consultant’s report, referencing turns on and off of Corbin Road to NYS Route 22, right or left-hand turns. One technical item brought up is the possibility that these turns could be prohibited. Is it possible to for the highway department to put a sign in this location prohibiting right or left hand turns? The objective is to consider a short term solution while we work on a long tern solution such as constructing a road through the Highway Department to River Road.

Mr. Bernard said Route 22 is a state road, which would require signage approval by the New York State Department of Transportation.

Ms. Coleman said a long-term solution would be for the Planning Board to research access through the Highway department.

Vice Chairman Erickson said in his opinion, just because the long-term solution is expensive, he felt it’s just too soon to say “no”. The cost of litigation is going to be way more expensive, and we are all are experiencing pain. A potential road through the highway department could be 100 to 150 ft.

Mr. Bernard explained the wetland area along the proposed road would require NYSDEC Article 15 permits.

Mr. Tyler Tremblay said it was a good idea, it’s just a goodwill gesture. Their preference is to move forward with the current use of Libby Lane as shown on the site plan. It’s a little raw to envision a world where goodwill is restored between both parties. It was a great idea. Nonetheless we can get through using our existing site plan.

Vice Chairman Erickson said, let’s take a pause for the moment. He asked why Mr. Tyler Tremblay is saying that Tremson’s goodwill for the Town is to allow you to use Town property to resolve your traffic problem. He does not understand that statement.

Mr. Tyler Tremblay said they don’t have a traffic problem, and they don’t need the Town property.

Vice Chairman Erickson responded that this is Tremson’s perspective, relating to the traffic situation from expansion of the entire site.

Mr. Tyler Tremblay responded, yes that is his perspective. In his opinion it’s a bad idea and why would Tremson want to help out the Town’s Highway Department? Long term, it’s a suggestion that they could potentially research.

Chairman Cioppa said during our site walk, he had a conversation with Mike Divitto owner of MJD Trucking. He explained that for MJD’s large trucks accessing this site, by going through a new roadway via the highway department onto River Road would be a safer truck route. A safer truck route would be his preference, as well as beneficial to Tremson’s business.

Mr. Tyler Tremblay said it would be beneficial. It is an expensive prospect. They are a small business. He would consider coming up with a plan between the two engineers, Mr. Gainer and Mr. Atkinson, to explore this option with details on the cost and permitting process. This could be a condition of site plan approval that includes a potential date. Long term, they would be happy to consider exploring this option.

Chairman Cioppa said a roadway through the Highway Department can be left as a condition of site plan approval. The Board understands the cost involved with construction of a road and the cost of litigation to both parties.

Mr. Bernard said Tremson Wood Products would not be using the current highway department driveway. This would create liability for the Town.

Vice Chairman Erickson said the Town could consider going through the 100 to 150 foot of woodland entering the pre-existing highway department driveway. The idea would be to try it for a year and then review how this options works. We understand Saturdays are busy. Nonetheless, Tremson is not having hours of operation on Saturdays.

Mr. Bernard said the Town has to consider liability and security. That’s why a separate roadway was proposed to Tremson.

Vice Chairman Erickson said on Saturday mornings the transfer station is busy. The Board does not necessarily want to go through the clearing of land for a new road construction. If there is a more digestible cost? Then let’s see how that traffic flow goes. It solves a lot of problems. There are reasons why municipalities, business and individuals obtain insurance policies.

Ms. Coleman said what we are saying is that obviously it’s a multistep process to find out the cost and permitting needed to construct a road. The Board is saying let's do that work now. It’s apparent you are not opposed to a safer roadway being a condition of the site plan because there are other solutions for the traffic concerns, which is not making the right-hand turn. Tremson can inform their drivers they are not allowed to make a right-hand turn. Nonetheless, this scenario is really not enforceable because according to state law there's no sign there that says no right hand turn. So if a motorist is caught, you can have the state police or the sheriff write the driver a ticket if he makes a right-hand turn. The Board needs to look at long term planning and safety concerns for the community.

Mr. Bernard said those solutions are not enforceable. There is no signage stating no right turn. Therefore, a police officer cannot write a ticket.

Mr. Tyler Tremblay said those solutions are not part of the Tremson site in itself. Could we work together to write a letter to New York State Department of Transportation requesting signage be installed that reads no right hand turn? On a daily basis UPS, Amazon etc. trucks enter and exit to and from the Corbin Road/Route 22 intersection. We all stated that trucks should not be using this intersection. There is no debate on this topic. I think we can all agree.

Vice Chairman Erickson said we can’t answer the question or make a real deal to construct a road through the highway garage in the next few weeks. The Town Board can work with Tremson Wood Products to negotiate an agreement. He challenges the lawyers and engineers to figure out how to put some tooth in that commitment to pursue the option with the Town for a long term solution.

Following discussion, everyone agreed that no one is favor of the continued use of the Corbin Road/ NYS Route 22 intersection. The Town can talk with NYSDOT and the owners of the surrounding property.

Chairman Cioppa said in the past the Board wrote New York State Department of Transportation on the configuration of the Corbin Road and NYS Route 22 intersection. The letter is on record and can be recirculated to the engineers.

Mr. Freidman pointed out the part of the traffic concerns are also related to the number of trucks accessing the property. The number of trucks include all the tenants at the Tremson Wood Product site, it’s not just MJD Trucking. It’s the overall accumulative number of businesses from this sites expansion that has created additional traffic using Libby Lane and surrounding roads.

Chairman Cioppa asked where are the fueling stations located at the MJD Trucking site? He wanted to understand if the fueling station was up to code and regularly monitored. MJD trucking keeps their site immaculate. Additionally, both fuel stations must be annotated on the site plan.

Mr. John Tremblay responded that the MJD Trucking fuel tank is up to code.

Vice Chairman Erickson said T & A Contractors and their affiliated companies, American Pump, don’t comply with the “Permitted Uses” per the Code of the Town of Pawling. It is the Board’s position they will have to leave the site.

Chairman Cioppa said the Board observed storage trailers throughout the site areas. Contrary to Town code, T & A is utilizing a trailer as an office, which is violation. During the site walk there is a fuel tank with electrical hooked up. It was clearly visible that a fuel spill has contaminated the ground. A porta potty was located within the vicinity of the office trailer. Neither the Pawling code, nor the County Health department allow use of these portable, temporary restrooms as a permanent bathroom for an active business. The porta potty has to be removed.

Vice Chairman Erickson asked Mr. Tyler Tremblay if they can agree to commit to removing T & A Contractor and their affiliated company American Pump from the site.

Mr. Liberati said he can work with Ms. Renee Nouir to determine a correct legal time period for proper tenant notice to vacate the site

Mr. John Tremblay asked Vice Chairman Erickson if he would speak with T & A Contractor and their affiliated companies American Pump.

Vice Chairman Erickson responded, yes. He asked how much time is needed to vacate them from the property?

Mr. Tyler Tremblay said we would need twelve (12) months for them to vacate the premises.

Vice Chairman Erickson said we can temporarily agree to twelve (12) months, while Mr. Liberati reviews the law.

Ms. Coleman asked how many trucks per day access T & A Contractor and their affiliated company, American Pump? If these two tenants are no longer onsite, what would be the number of reduced trucks accessing the site?

Mr. Freidman said the traffic concerns relate to the total number of vehicles accessing this site. It is hard to determine a correct number when the statement of use does not provide correct information. The statement of use document states, five trucks, four to six personal vehicles to and from work, six trailers, possible two containers, but usually the trucks are out in the field.

Vice Chairman Erickson said Woodland Manor has quite an abundance of construction material, equipment, vehicles, water tanks, garbage, gas and propane tanks, storage container, etc. The board expects this site to be clean up and properly maintained. Possible environmental concerns involve fuel spillage or fluid leakage from the vehicles onsite into the ground water in proximity of the Great Swamp (DP-22).

Mr. Tyler Tremblay said it has been a challenge with the Woodland Manor tenant. The Board has our commitment to clean up the site.

Mr. Freidman said literally how you think you’re going to compel them to clean up the site. This has been an ongoing situation for over a year. The site is in more of a disarray since the Board’s first site inspection.

Mr. Tyler Tremblay said they had the site cleaned up at one point, then it slipped back into an abundance of stuff. We will have to enforce Woodland Manor to clean up.

Mr. Freidman suggested a fence area to be installed, avoiding any encroachment outside of the approved areas by the Board.

Mr. John Tremblay said if they cannot comply with cleaning up the site, then they will be asked to vacate the property.

Mr. Freidman said it would go along way with this Board if they vacate the property. If you’re willing to agree to that condition, then they too can have a grace period to vacate the site. It’s apparent they have no regard to clean up the site. Some of the same material remains on the site as was there a year ago.

Mr. John Tremblay said Tremson could seek a tenant better suited for the site. Woodland Manor does have quite a few dump trucks and large excavators on site.

Mr. Freidman said according to the proposed site plan approval, any new tenants will have to be a landscape company. He further explained that Woodland Manor does not appear to be a landscape company. Their site equipment, vehicles and abundance of construction material clearly falls within an excavation company.

Vice Chairman Erickson went into detail about installing a noise scout monitoring system that continuously reads data to the Town Building department. Additionally, to ensure compliance the Board suggested cameras be installed to monitor area 4. It has been a characteristic that over years there has been this dispute between Tremson and neighbors experiencing noise. The Town does not want to debate these issues. If the Town obtains clear data, then the Board does not have to monitor or decide the situation.

Mr. Tyler Tremblay said he is not in favor of these systems. In his opinion he feels that Tremson has been beaten up on the noise aspect of this site. Fundamentally, you’re asking us to set up a camera and noise scout monitor to monitor ourselves, with the end result if there is a loud noise then the building inspector is alerted.

Vice Chairman Erickson said the noise monitoring system and camera are to monitor Tremson Wood Products LLC.

Mr. Tyler Tremblay said it is the same concept if you put up a camera in your driveway. The grinder will remain in the location as noted on the site plan and viewed by the Board. He does not want to get into a debate at 9:00p.m. at night and after two and half years of discussions. He feels it is unconstitutional.

Vice Chairman Erickson explained the noise impacts and what has transpired onsite for years is a real material issue.

Mr. Tyler Tremblay said he does not think the Planning Board can ask a commercial business to self-monitor themselves.

Ms. Coleman said it is getting late and were all tired. What we have had ongoing for years is a “he said, she said” situation. There is no way the Board can’t be objective, we don’t live on Holiday Street or within the immediate neighborhoods. The Board is not Tremson Wood Products running a business. How do we find some common ground where everyone feels reassured on resolving noise mitigation? I am not saying that what the neighbors are saying is not true. We are all homeowners or live in our homes. This solution to monitor specific location on the property, where there could be loud noises that someone on that side of the fence says their hearing really loud noises, and then other people are saying were not hearing loud noises. The end goal is to figure out how to have a common understanding of what’s transpiring onsite. The edge of the property to monitor would be in the location of Holiday Street. We understand this is a point of contention. The Board is offering a mitigation solution, which has resulted from tension where people are fired up, lack of trust. Let’s all understand, it’s the neighbors’ homes.

Mr. Bernard said let me jump in here. This Board approves site plans that are later not being adhered to by Town Code Enforcement Officers in any shape or form and nobody from the Town Board does anything about it. So were taking one particular site and saying, okay, we don’t trust Tremson Wood Products, therefore, we’re going to monitor them. But yet we have other sites that this Board sat here for the same amount of hours reviewing their plans to ensure, buildings, parking lots, trees etc. meet the Code of the Town of Pawling. These sites were approved by the Planning Board, and then not constructed to plans because the Cede Enforcement Officer is not complying with the approved site plans. The best plan for the Town of Pawling moving forward is the Town Board needs to enforce Code throughout the entire Town. The Planning Board has no jurisdiction over enforcement. Why do we sit here, defining numerous important site details, when so many sites are non-complaint within the Town?

Mr. John Tremblay said we have complained to the Town about operations at the transfer station and highway garage slamming truck gates and then Tremson Wood Products getting blamed for these noise activities. We are under fire here.

Chairman Cioppa said why don’t we step back and consider Vice Chairman Erickson’s and the Board’s recommendation on the noise scout monitor system and a camera to be installed in area 4. Mr. Gainer and Mr. Atkinson can begin to go over site details. In the interim our attorneys can look into the legalities of using monitoring systems. There has been a lot of valid points raised tonight.

Vice Chairman Erickson said the Town does have a problem with Code Enforcement. It appears that over time it is slowly getting better. Nonetheless, the Board needs some assurances to understand what is happening at this site. Specifically with this site violations and complaints that go back years and years.

Ms. Renee Nouir said the Town brought litigation against Tremson. It puts them on the defense, by adding a camera and noise scout monitoring system to the site plan approval, this creates an area of distress for the applicant. They have taken steps to mitigate the noise impacts through use of the berm. They continue to work towards a resolution. Why create a 24/7 live stream? This does not create a good environment for anyone.

Vice Chairman Erickson said he disagrees with Ms. Nouir. If Tremson Wood Products do what they say and follow the site plan approval, then these monitoring devices actual creates trust after all the Town has been through with years of Tremson violations and complaints, clearing of land etc. These systems will actually create trust. If after a year everything is copacetic, then we can all revisit discontinuing use of the monitoring systems.

Mr. Tyler Tremblay said the Code of the Town of Pawling, Section §215-35 “Performance Standards” clearly states the decibel levels during specific hours of the day.

Mr. Bernard said at this point of the overall scope of the site, is he is not actually sure if the noise decibel is the biggest concern. If Tremson Wood Products moves the tub grinder back to area 4 as they have done in the past, then the noise levels are greater during first grinding. Especially in area 4 close to all the neighboring houses. To be clear and on the record, Tremson on several occasion has moved the tub grinder to area 4, creating noise that resulted in neighbor complaints and then returned the tub grinder back to the current location. That is the specific problem that arose on several occasions relating noise complaints filed by the neighbors. The distrust comes from whether or not Tremson will go back to area 4 in the future to perform the same first grinding. How does the Board have any guarantees that area 4 will only be used for stockpiling of organic material? Earlier this evening you have tussled to keep a portion of area 4 on the site plans to store organics material. That is a real serious issue.

Mr. Tyler Tremblay said he has no objection if the Town performs monthly inspections.

Chairman Cioppa said that is one suggestion for the Board’s consideration.

Mr. Atkinson said the way the complaint process works is if the Town gets a complaint the inspector comes out to the site to investigate.

Vice Chairman said this is why the Board felt this application is a commercial business. The intrusiveness and the degree for frequency of inspection, is essentially resulting in the reason the Boards seeks to include digital inspection. Tremson can think of it that way. It's a scary world we live in. This is a commercial application. He explained that the code enforcement officer can't walk into his house at any time if there wasn’t an issued building permit, because it's a private residence. There is a difference. The Board is trying to collectively come up with a solution. In his opinion the Board wants to put discussion on a monitoring system to rest. It’s apparent that Tremson clearly does not find the Board’s solution acceptable. On the other hand, we need some way to figure it out.

Mr. Tyler Tremblay said the Board is wary that were going to enter area 4 and start rock crushing or a first grinding operation. It’s not what we’re presenting, it’s not what we plan to continue to do or to do in the future. How do we enforce the “no first grind” in area 4, I think collectively we can hash that out. I understand it’s a concern of the Board. What that looks like, I don’t know.

Mr. Freidman said I appreciate you saying that because I think we're having a hard time with area 4 not having been on the original plan to begin with, and now you're back here saying you need that space. Right? This is integral to your operation and so we're trying to come up with ways to enforce what we see as the problem with the use of that space (area 4). So there’s a linear thing happening here. The Board could probably hash that out. You have to understand when you hear us saying about monitoring it's not just out of nowhere. It's that space was not on the site plan. You’re stating you need that space, therefore, lets compromise on that space. The noise scout monitoring and camera system is attached to that conversation. Mr. Freidman appreciated Mr. Tremblay recognizing that.

Mr. Liberati said the Board should specifically discuss two items, the statement of use relating to hours of operation for individual tenants, and commercial trailers. Specifically all commercial trailers throughout the site, which includes Woodland Manor, MJD Trucking and T & A with an associated trailer office.

Chairman Cioppa said the commercial trailers must be removed from the site pursuant to the Code of Pawling.

Mr. Tyler Tremson said Woodland Manor will have 30 days to clean up the commercial storage /trailer container from the site. If not, we will start a legal process to have them evicted from the site.

Mr. Freidman clarified that Tremson Wood Products has agreed to remove all storage commercial trailers as per the Code of the Pawling.

Mr. Brendan Liberati said commercial or industrial trailer is defined as any

Trailer commonly used for transportation storage display office equipment sales etc.

Per the Code of the Town of Pawling section §215-13.3.a reads – *“it shall be unlawful for any person or persons to park or store for more than 7 Days an industrial or commercial trailer which I just defined in any District within the limits of the town except for the necessary use of construction projects such use shall require a special permit which shall be issued one year or part thereof and renewed for one additional year only. Such special permit shall be in accordance with this chapter and the applicable sections following this chapter.”*

Chairman Cioppa said asked how many storage containers MJD Trucking has on their site? The Board is looking for a specific date for removal of the trailers

Mr. Atkinson said there are 2 storage containers behind the building.

Mr. Tyler Tremblay said he will have to speak with Mike Devito to remove the trailers. His immediate response would be sixty days to remove the storage trailers.

Ms. Coleman said MJD trucking has the option to apply for a construction storage building. If so, this would be required to be added to the site plans.

Chairman Cioppa asked Mrs. Daley to notify the building inspector that an inspection should be performed in sixty days to ensure all storage trailers are removed.

Vice chairman Erickson suggested the Board puts a time schedule for overall general code compliance. One suggestion is the Board could make the conditions sixty days for the entire site to be complaint.

Mr. Atkinson said T& A has one year to leave the site.

Mr. Liberati said the “Statement of Use” needs to be updated to reflect the true hours of operations with the individual tenants.

Mr. John Tremblay said their tenants are not working on the site. The trucks or equipment is being started up and then their leaving the site.

Vice Chairman Erickson said that is part of the tenant’s operations, starting and moving trucks.is what they do, so there is some operation happening onsite. The hooking up of trailers is part of the trucking operations. Which is why we’re saying it’s creating noise from the backup beeping and gate slamming. It seems we have worked towards agreeing to mitigation on these items. The Board needs to obtain a clean statement of use on the individual business operations. This allows both parties to fully resolve what type of operations are taking place onsite.

Mr. Gainer said it's really just a matter of making sure that the minutes or the tape picks up all of the commitments being made this evening. Mike Liquori and he will then start generating what we perceive to be appropriate conditions for the resolution that we'll provide to the Board for review. As well, we can look at the agreement for mitigation measures to start to move site plan to the end. The Board needs to feel confident with the applicant.

Chairman Cioppa asked several questions, what type of tenant is FAS and what the size of the FAS is Landscaping Company.

Mr., John Tremblay said FAS Landscaping area is small. They do not know the dimension.

Mr. Tyler Tremblay responded FAS is a landscape company. FAS has notified them that they are leaving the site. Currently, there is no specific date. Once they leave they want to rent the area to a similar business, such as a landscaper.

Chairman Cioppa said the Board recommends Tremson provide in writing the date FAS Landscapers are leaving. He asked if the Woodland Manor company will also be leaving the site.

Mr. John Tremblay said if Woodland Manor leaves they would rent that area to a similar landscape business. The next company would not be allowed large triaxle trucks, excavators etc.

Ms. Coleman asked which tenant has electricity hooked up?

Mr. Tyler Tremblay said area D has the storage trailer office. He asked if a conference call could be set up to schedule a meeting.

Chairman Cioppa said the Board can come up with a meeting date/schedule to continue discussions with Tremson Wood Products LLC.  The Board reviewed dates, starting with the week of March 17, 2025.  Several members were out of Town or working, therefore that week doesn't work.  A majority of Board members were available on Wednesday March 26, 2025, where they could attend a Special Planning Board meeting.

Ms., Nouir said due to their court date, could the Board hold a meeting sooner?  That only gives those two (2) weeks for discovery.  The court deadline date in terms of discovery submission is March 31, 2025.  The court has stated that there will be no more extensions.  We have exhausted all our extensions with the court.  She asked if the Board could meet sooner than March 26, 2025.

The Board discussed the option of Friday March 14, 2025.

Mr. Liberati said he would have to review New York State public notice law to confirm if that meets the guidelines for legal notices to advertise for a special meeting.

Ms. Nouir said the Board could drop or withdraw the lawsuit without prejudice, and then bring it back if the Board and applicant cannot mitigate a site plan.

Mr. Liberati said he would speak with their litigation team on behalf of the Planning /Town Board for legal advice on the proposed scenario by Mr. Nouir.

Ms. Nouir said they need at least two weeks to get their paper discovery to exchange it with the other side, the Town of Pawling. She explained that they would just like to mitigate the cost if we're coming to a resolution.

Mr. Tyler Tremblay said the Town and Tremson Wood Products are up against the deadline. We have to pay to get this all together.

Ms. Nouir said the Town could stipulate to discontinue the litigation without prejudice thus allowing an opportunity to bring back the lawsuit.  This would bide time.  But, Mr. Liberati said he would speak with the litigation team.

Mr. Liberati said he will have answers tomorrow.  Nonetheless, the Board should move forward to set a special meeting date with the applicant.  Or the Board has the option to place Tremson on the April Planning Board agenda.

The Board continued discussion on meeting dates.  The Board confirmed Wednesday March 26, 2025 at 11:00a.m.  There is no quorum available for other suggested dates and when the meeting room would be available.

Ms. Nouir said the ball is in the Planning Board’s court to save money.  It's all your decision in terms of that because the Town brought the litigation against Tremson.

Vice Chairman Erickson said scheduling another meeting in a short time period leaves little time to start putting all the conditions discussed and agreed upon together in one resolution.

Mr. Tyler Tremblay asked who wanted to get involved to knock off all conditions on a plan or in writing.  He said in a perfect world we could have everything hashed out in writing so a conditional site plan could be voted on.

The Board discussed consideration of a meeting on Friday March 14, 2025 at 6:00p.m.  We need to ensure a quorum is available, and then if no quorum or not enough time to legally notice a meeting the Board would schedule a backup special meeting on March 26, 2025 at 11:00 a.m.

Mr. Liberati said a quorum has to be available for conditional site plan approval by resolution.

Vice Chairman Erickson said he is not saying the Planning Board should consider the stipulation to withdraw the lawsuit without prejudice, we need legal guidance.  Following that, we have a better understanding if a special meeting should be confirmed.

Ms. Nouir said we need an answer by tomorrow so we can plan accordingly.

Mr. Liberati said an answer will be forthcoming by the end of the day on Tuesday March 11, 2025.

Mr. Tyler Tremblay said no offense to the attorneys in the room, but, how do we communicate between now and reappearing before the Board.  Once information goes through the attorneys’ offices, things get muddled.  How can we work together? Obviously Mr., Gainer and Mr. Atkinson will communicate during the week.

Mr. Freidman responded that his Board made a Motion early on in this process, which allowed Mr. Gainer and Mr. Atkinson to work together, subject to keeping the Board informed.  We don't have a problem with the two (2) consultants working together.

Mr. Atkinson said there is a lot of paperwork to prepare for discovery and 10 dispositions.

Mr. Tyler Tremblay asked if a quick conference call on the status of Planning Board special meeting could be scheduled.

Vice Chairman Erickson said the Board has the option to hold a special meeting, which requires research on the special meeting legal notices to ensure compliance with NYS meeting laws.  Once these answers are obtained, our attorneys will notified and yours. Currently, based on member’s schedules, this is the best scenario to work together.

The Board thank everyone for attending.

ADJOURNMENT

On a Motion by Ms. Coleman and seconded by Mr. Freidman to adjourn the meeting at 9:30 p.m. All were in favor and the Motion carried.

Respectfully submitted,

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JoAnne Daley

Recording Secretary

non-approved minutes