TOWN OF PAWLING March 26, 2025 PLANNING BOARD Page 1

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

EXCUSED: Dr. Thomas Bloom

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

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

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 Mr. Mark Cermele Esq. from Cermele & Wood LLP Law firm 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 said the Board is in receipt of a SEQRA and Site Plan resolution. The Board is going to review the resolution to mitigate a few outstanding technical items.

Mr. Atkinson began by updating areas 1 through 6 as illustrated on the Site Plan.

Area 1 - MJD Trucking shall be delineated by revising the plans to illustrate removal of the material storage area, stored material, mafia blocks and the office trailer. A vegetated berm is proposed for sight and noise mitigation (running north to south) and the site plan shall contain a detail specifying the design of the berm (length, width, height slope/grade) and the particulars for the landscaping (tree type, height at planting, spacing, etc.).

Area 2 - Currently used by T & A and a subsidiary tenant. T & A shall be removed as a tenant. Area 2 is open for discussion with the Planning Board this evening. T & A will be removed from the site within one year.

Area 3 - Currently used by Tremson’s grinding pit. A note shall be added to area 3 to state that permitted uses in Area 3 are mulch/organic processing (No first grinding of any materials is permitted, only secondary mulch grinding is permitted).

Area 4 - Currently used for Tremson’s organic material storage. The site plan has been revised to limit the usable area to the areas illustrated. Further revisions will include the illustration of the distance between the edge of the berm and the west side of the edge of usable area, together with a plan to revegetate that area using native species in the remainder of area 4.

The Berm - The site plan shall be revised to extend the berm along the westerly (towards area 5) and northerly portions of the Premises, showing the compacting/flattening of the existing berm and showing a plan for vegetation of the berm (including along the top with plantings). This is intended to provide additional screening from properties along Holiday Street.

Area 5 – is currently used by Woodland Manor. The site boundary of the usable area 5, which shall be further revised to show a permanent boundary (fence, boulders, etc.) to demarcate the usable area.

Area 6 - is the FAS area, which remains the same.

Mr. Bernard asked about area 2 being vacated in the near future. What would be the proposed use that meets the Code of Pawling’s “permitted use” regulations?

Mr. Cremel Esq introduced himself. He is taking over this project from Mr. John Sarcone. They have been working really hard with the team on the authenticity for area 2. A landscaper has been the historic use for this area. They are working towards vacating T & A and their subsidiary tenant from the property. Once they are gone, they like to return it to being used by a landscaper.

Mr. Tremblay said on March 25, 2025, their team held a meeting with the Board’s team, which included Supervisor James Schmitt, Mr. Ron Gainer, Mr. Mike Liquori and Mr. Liberati. Area 2 was part of the discussions.

Chairman Cioppa asked if Tremson Wood Products would use area 2 in the future?

Mr. Trembly responded that it was made clear by the Board that T & A can no longer use this area.

Mr. Cremel said pragmatically, it is tough to remove T & A completely off the site. They expect that within six (6) months they will be scaled down, and completely removed from the site within twelve (12) months. This includes all tenants located in area 2. If need be, they will initiate eviction actions. Moving forward, the individual areas will only consist of one (1) tenant per area. This result would be a reduction in traffic accessing the site.

Chairman Cioppa clarified for the records, that area two (2) only permitted use would be for a small landscape company.

Mr. Tremblay referred to the minutes from June 02, 2014 for areas defined in their statement of use.

Chairman Cioppa said prior to a change in occupancy in area 2 by a new tenant, the new tenant shall submit an affidavit to the building department acknowledging their intended permitted use as allowed by the Code of the Town of Pawling.

Mr. Tremblay said that they have agreed to construct a road through the Town Highway Department. The area and size will be reduced for the area 2 tenant space by the construction of the proposed access road through the Highway Department.

Mr. Cermele said the Planning Board, in consultation with the Town Board, is directing the Applicant to create a new access to the Premises by creating a private driveway (the “Driveway”) from the Premises across the Town’s Highway Department property to River Road, where it can then safely intersect with NYS Route 22 so long as constructing the Driveway is not unreasonably expensive for the Applicant to construct. Unreasonably expensive shall mean the cost of construction exceeds $150,000 exclusive of approval costs. The Driveway shall be not more than sixteen (16) feet in width and may be unpaved but made of a stable surface (such as Item 4/Millings for example), except for the apron intersecting with River Road. The Applicant shall be granted an easement by the Town of Pawling for the use of its land for the Driveway. It shall also require the installation of a fence along a portion of the east side of the easement in order to maintain the segregation of Tremson’s use from the Town Highway’s use, with a gate to permit the Town to have access to the balance of its property in a reasonable location determined by the Highway Department. As consideration for the easement, upon issuance of the easement and a building permit for the construction of the Driveway the Applicant will clear the Town Highway Department of its tree waste in place as of March 26, 2025. Further, Tremson will provide to the Town, on an annual basis, up to 250 cy of mulch for use by its residents. In lieu of the removal of the Town’s tree waste. If constructed, the Driveway shall be for the exclusive use of the Applicant, its tenants, or those that the Applicant may designate to allow use thereof, with the Applicant having the sole discretion to exclude others’ use of the Driveway. We have come a long way to work with the Board.

Mr. Tremblay said the meeting held on Tuesday March 25, 2025 was productive, with the objective to make it equable for both parties.

Mr. Freidman said area 2 is large in size. His recommendation for area 2 is it should be delineated smaller in size. In his opinion, once the road is laid out, the Board would have a better understanding of the reduced size of area 2.

Mr. Atkinson explained how the road will divide area 2, as the new driveway access will come out in the vicinity of the Highway Department’s salt shed.

Vice Chairman Erickson said he has asked numerous times for an NTi Audio noise scout monitoring device and camera to be installed in area 4. The fact of the matter is there is a lack of trust between the Board and the community with Tremson Wood Products LLC. He understands Tremson’s preference is not too have an “eagle eye” on them at all times. The middle ground is to have the noise audio monitoring system installed along area 4 abutting the Holiday Street property boundaries. The Board seeks to have the noise monitoring device in place for thirty six (36) months following installation, at which point Tremson may remove the Nosie monitoring device.

Mr. Tremblay said he understand the Board’s concerns. In his opinion the cost is unknown. The cost of the lawsuit has been economically unfeasible for them. If a noise monitoring system was installed, he does not understand what data would be forthcoming. In principal, he does not agree with these terms of the Site Plan resolution. They have agreed to build a driveway and remove the town’s organic materials.

Mr. Erickson said the Board can cap a specific cost number for the Nosie monitoring device.

Chairman Cioppa suggested Mr. Trembly look at the noise monitoring devices, new driveway construction and removal of organic material from the Town Highway department as part of their business operations.

Ms. Coleman said one way to view these conditions is the Board seeks to rebuild trust within our community. Tremson Wood Products LLC. Is part of the community. For many years, you have not worked with the community or Board. The neighbors have experienced a negative effect to their lives.

Mr. Tremblay clarified that he would agree to the Noise monitoring device.

Mr. Cermele said they are before the Board in good faith. They are limiting their uses, and the Town has their own enforcement to address any noise complaints in the future.

Mr. Freidman asked what is planned for revegetating area 4.

Mr. Atkinson responded that as part of the revegetation, they are considering smaller shrubs.

Mr. Freidman said if Tremson Wood Products does not agree to the noise monitoring device, then reforestation of area 4 should be an alternative for mitigation.

Mr. Tremblay said they can plant trees within area 4 to bring back reforestation for delineation and enhance the attractiveness of the green space.

Mr. Erickson said the Noise monitoring device is estimated at a cost of $3,500.00 plus a yearly subscription in the amount of $700.00.

Mr. Trembly suggested the Town pay for the noise monitoring device, and then they can use it at another location.

Vice Chairman Erickson said this is a unique situation. The trust between Tremson and the Town has been broken for the last ten (10) years. We were both moving towards litigation that has currently cost both sides a substantial amount of money. This is an extraordinary mitigation measure to avoid having to go to court.

Mr. Cermele said we are building a $250,000 driveway access road. Tremson Wood Products LLC. Could simply tell their drivers not to make a right-hand turn heading south on Route 22. We have been working with the Board to build a berm for additional mitigation measures.

Chairman Cioppa said the noise monitoring device is a $5,000.00 investment for compliance with the Town. This is a means to monitor Tremson Wood Products LLC.

Mr. Tremblay said he does feel a monitoring device would be valuable to them. He suggested the Town pay for the noise monitoring device.

Vice Chairman Erickson said the noise monitoring device might not be valuable to you, nonetheless, it is valuable to the Board, Town and neighbors. The Board needs a means to monitor any future noise while rebuilding trust. We have proposed a solution. What we’re hearing is there is no alternative solution but to trust us and we do not want to pay for a solution. Let’s compare the relatively expensive cost of a lawsuit/litigation to the cost of a noise monitoring device.

Mr. Cermele said Tremson are paying for the berm’s construction and revegetation as well as a new driveway access. These future costs are expensive.

Vice Chairman Erickson said for ten (10) years this site has generated noise that affects the neighbors lives. The Board is expecting a solution to resolve these ongoing issues. This Board has been trying to work with Tremson Wood Products for many years. The Town does not have the funds nor should the Town pay for a noise monitoring device.

Ms. Coleman said $5,000.00 for a specific required time period is not an overall expensive cost. This has been a long road coming to this point. It’s time to rebuild trust between all parties.

Mr. Freidman said, to be clear, the Code of the Town of Pawling §215-35 *Performance Standards* specifies maximum sound decibel levels emanating from the site. The Board is requesting the applicant to comply with the Code of the Town of Pawling.

Mr. Trembly responded that he does not feel this will cause a hugh impact to Tremson Wood Products.

Mr. Cermele said what happens if a helicopter flies over the site triggering the noise monitoring device?

Vice Chairman Erickson said we all know what sounds emanate from a helicopter. The noise monitoring system can differentiate types of sounds.

Mr. Freidman said if the noise monitoring device shows activity this would allow the Code Enforcement Officer to perform a site inspection immediately, as opposed to a time-lapse period where the sound is no longer occurring.

Mr. Tremblay said following discussion this evening, he feels a noise monitoring system can be worked out.

Mr. Liquori said the language in the resolution can provide a ninety-day (90) time period, with a type of noise Monitoring system, or equivalent to for purchase.

Vice Chairman Erickson said the next item is the truck’s backup alarms and gate slamming.

Mr. Liquori said Tremson Wood Products issue with the dismantling of back up alarms is the liability if the alarms were turned off and then a driver hit a person. The gate slamming has been an ongoing issue for the neighbors. A plat note will be added to the site plans stating “In the event the trucking use is operated outside of the general daytime hours of operation, the occupant shall make reasonable best efforts to limit noise disturbance by avoiding, to the extent practicable, triggering the use of the vehicle back up alarms. The shall be no slamming of gates when lowering dump trailers. All current and future occupants/tenants shall adhere to the use restrictions stated herein.”

Vice Chairman Erickson said if a truck has to leave early in the morning, The trucks can be set up to leave the site without backing up, resulting in no early or late noise generated from the site. Furthermore, if the mafia blocks with material are removed from the site, this would reduce any potential noise. Vice Chairman Erickson said both of these conditions should be noted in the resolution.

Ms. Coleman said the removal of T & A and their subsidiary tenants will reduce the traffic accessing the site.

The Board discussed the different hours of operation for the MJD trucking business. The proposed new driveway through the Highway Department will reduce all traffic from Libby Lane to Corbin Road/ NYS Route 22 resulting in a safer trucking route.

Mr. Liquori explained that in the draft resolution MJD Trucking has standard business hours and the other tenants have allowed business hours which are different legally.

Mr. Freidman said one of the neighbors living on Holiday Street complained that truck lights shine into their living room late at night. The board seeks to ensure the berm would function properly to address all of the neighbor’s concerns.

Vice Chairman Erickson said the berm is to be a minimum of ten (10) feet in height, with plantings. Between the different types of planting species, spacing in conjunction with the berm height/width and slope/grade, this setting is expected to block any truck light shining across the Great Swamp.

Mr. Liquori said the objective today was to discuss the items the Board felt were important to mitigate.

Mr. Bernard said another important issue for the Board’s discussion is the retail/wholesale sales of mulch products from the site.

Mr. Liquori. said the Site Plan shall be revised to state, “Restriction against Mulch Sales: There shall be no sale of mulch from the Premises. All sales operations must take place off Premises.”

Mr. Freidman said many neighbors stated they see retail trucks coming out of the site. There is photographic evidence to prove this has been an ongoing scenario for years at this site. He asked Mr. Tremblay what you are going to do to address no retail/wholesale of mulch products from these Premises.

Mr. Tremblay responded that selling retail/wholesale mulch from the premises is not part of their business model. They agree to longer sell mulch products from the premises.

Vice Chairman Erickson asked Mr. Trembly to explain why this has continued to occur when the Board has made it clear for years that no retail/wholesale sales of mulch products should occur.

Mr. Trembly responded there are trucks picking up mulch products that don’t have with their names on them. These trucks are a third-party contractor hauling their organic material. He understands this is a trust issue with the Board.

Vice Chairman Erickson asked if they are subcontracting haulers?

Mr. Trembly said people come to the site to buy mulch products. It happened up to three times last week. A sign is to be installed to inform the public no mulch sales are allowed from these premises.

Mr. Freidman said it would be fair to ask that a third-party hauler legal agreement could be submitted for review by the Boards and our attorney. The basis for said review of a legal agreement is based on trucks accessing the site that are not a Tremson vehicle, that is tagged as hauling Tremson Wood Products organic material.

Mr. Trembly said in the past they have entered into agreements. We tell individuals coming to the site that they have to go to Brewster to buy retail mulch products. We are trying to do this correctly going forward.

The consensus of the Board agreed to installation of a sign at the property’s entrance reading “All Mulch Sales are Prohibited from this Premises”.

Mr. Liquori said the resolutions will contain the amendments agreed upon this evening between the Board and Tremson wood Products LLC.

Ms. Coleman read into the records Resolution # 1 of 2025, Adopting a Negative Declaration under SEQRA for Tremson Wood Products located at 84 Libby Lane, Town of Pawling Tax Map # 134089-7057-00-190695 (Copy in file).

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

           Roll call

Aaron Chairman Cioppa, aye . Gregory Bernard, aye.

Jay Erickson, aye. Jennifer Coleman, aye.

Mark Freidman, aye Dr. Thomas Bloom, excused.

Vice Chairman Erickson read into the records Resolution # 2 of 2025, Site Plan for Tremson Wood Products LLC. located at 84 Libby Lane, Town of Pawling Tax Map #134089-7057-00-190695 (Copy in file), with the following amendments:

* Under section 2. P, the camera language will be stricken from the records.
* Add language to restrict use of a NTI or equivalent noise monitoring device for thirty six (36) months.
* Revegetation of the Berm - Further revisions will include the illustration of the distance between the edge of the berm and the west side of the edge of usable area together with a plan to revegetate that area using native species in the remaining part of area 4.
* Provide a landscape plan illustrating compacting, flattening of the existing berm and showing a plan for vegetation and revegetation of the top of the berm with plantings within sixty (60) days.
* Constructed of the new berms to extend along the westerly (towards area 5) and northerly portion of the premises.
* Construction of a new vegetated berm behind MJD trucking, running north-south with design details to be provided of the berm length, width height slope/grade and particulars for landscaping (tree type/species height at planting spacing etc.).
* The applicant has sixty (60) days to submit a landscape plan for all of the berms.
* Area 1 the following note shall be added to the site plan *”in the event of trucks operated outside of general daytime hours of operations, the occupant shall make reasonable best efforts to limit noise by advoiding, to the extent practicable, triggering the use of vehicle back up alarms. There shall be no slamming of gates when lowering dump trailers. All current and future occupants shall adhere to this restriction as stated.”*
* Area 2 tenant language will be added as agreed to by mutual discussion.

Second by Mr. Bernard Chairman Cioppa asked for discussion.

           Roll call

Aaron Chairman Cioppa, aye . Gregory Bernard, aye.

Jay Erickson, aye. Jennifer Coleman, aye.

Mark Freidman, aye Dr. Thomas Bloom, excused.

NEW BUSINESS

MS4 Annual Report

Mrs. Daley read into the records Public Notice input requirements for the Draft Annual report. Annually, the MS4 operator must provide an opportunity for the public to review and comment on the draft annual report. Presentation of the draft annual report at a regular meeting of an existing board (e.g. administrative, planning or zoning) or a separate meeting for stormwater as designated by the MS4 or if requested by the public. The annual report can be found on the Town’s website or the public can review the document in the planning office.

Please call JoAnne Daley at 845-855-0959 to make an appointment.

ADJOURNMENT

On a Motion by Chairman Cioppa and seconded by Mr. Freidman to adjourn the meeting at 9:10 p.m. All were in favor and the Motion carried.

Respectfully submitted,

JoAnne Daley

Recording Secretary

non-approved minutes