TOWN OF PAWLING May 19, 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 Law firm and Ronald J. Gainer P.E.

Chairman Cioppa opened the meeting at 7:00p.m. and led the salute to the flag. Chairman Cioppa welcomed new Planning Board member, Brittany Boalt to the Board.

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS New Application/

4160 Route 55 Timber Harvesting

Pawling, NY 12564

Grid Number: 134089-7056-00-257503

Mr. James Caris P.E. from the firm of JMC Engineering was present.

Chairman Cioppa said the property is located at 4160 Route 55 in the Mixed Business Industry Zoning district.

Mr. Caris presented a site plan illustrating the dog /walk play area, that was approved as part of the original site plan. The intent is to keep the dog park/walk area in a natural woodsy habitat. The proposed environmental permit involves removal of approximately 70 hazard trees that have been identified as dead, diseased and/or dying in poor condition. These trees pose a safety conditions to the people and dogs that would be utilizing the dog park/walk area. The trees that have been identified for removal are located within and adjacent to a fenced area. There is no proposed regarding of the dog park area. The ASPCA brought in Davey Resource Group, arborist to identify and tagged the dead trees for removal. Following Davey Resource Group’s tree inventory, Mr. Ted Kozlowski, forester, evaluated the dead and diseased trees to be removed within the proposed outdoor pen located east of the rear area of the new building.

Mr. Caris illustrated the dog park /walk area on the site map that is connected to walking paths that will be mowed paths.

Dr. Bloom said landowners from the adjacent neighborhood Fenwood Drive have concerns as to the removal of trees, affecting noise mitigation from dogs.

Mr. Caris said during the “Public Hearing “portion of site plan approval, they worked diligently with the Planning Board to mitigate visual and noise impacts from ASPCA. One of the mitigation methods was to construct an earthen berm graded and sloped with landscape plantings. The berm has been constructed. The trees we are discussing are dead and disease trees.

Chairman Cioppa asked if the trees dying were due to construction. He asked if the trees removed would be replanted.

Mr. Caris said following the removal of the dead/diseased trees, many trees will remain in this area that will continue to grow.

Dr. Bloom suggested the Planning Board perform a site inspection of the dog park /walk area.

Mr. Freidman said, to be perfectly clear, the site will cleared of 70 trees. He asked how many trees will remain after the removal?

Mr. Caris said he did not know how many trees would be left within and adjacent to the dig park/walk area. It’s important to understand these trees are dead and diseased, causing a potential hazard to workers and dogs.

Mr. Kozlowski reviewed his report with the Board. Specifically, each tree was evaluated for condition, size ,species and potential roosting location, such as exfoliating bark, cavities and other potential bat shelter. Several of the trees were diseased ash trees. A large pine forest exists in this area. Many of the trees were dead before any excavation happened on this property. The live trees are remaining. He has dealt with Indian bats and other species. They roost in large trees in cavities or exfoliating bark. Most of the trees on the list are less than 10 inches in diameter. Indian bats do not prefer small trees. Indian bats prefer wetlands, water bodies, swamps or caves. We are in a bat habitat zone. This particular site is not a bat habitat (upland) preferred site. The trees to be removed currently have the potential to harm humans and animals. This is not a clear cutting. What will happen is when the dead and diseased trees are removed, the understory trees or shrubs will repopulate.

Mr. Freidman said out of 70 dead trees being proposed for removal, how many healthy trees will remain within this site area.

Mr. Kozlowski responded hundreds of trees, varying in all sizes (small to large) will remain. The site is not being clear cut.

Mr. Freidman said what the process to remove the trees is? Should the trees be removed by heavy equipment?

Mr. Kozlowski said a primary portion of the forest consists of white pine. He does advise that no heavy equipment or trucks enter these areas, as their weight will negatively impact the root systems that are already stressed from previous disturbances. Additionally, no heavy equipment should be brought into the proposed fenced-in area to remove the dead/diseased trees. The trees must be removed manually. The trees felled should be left onsite, except for the ones along the fence line. These trees could be made into mulch, spreading out the wood chips. The Board should ensure the humus and organic soil layers remain to help protect the root systems. It is recommended that no further disturbance be permitted to the soils area near those trees slated to remain in the forest. The less root disturbance the better. Any type of pointy stumps should be cleaned up to prevent a dog from getting injured. Some of the remaining trees may need to have any dead limbs pruned off for safety reasons as well.

Mr. Freidman asked Mr. Liquori, how does the Board monitor the harvesting of trees to ensure the clearing is perform properly?

Mr. Liquori Esq. said the Board can condition the Timber Harvesting permit work to be done manually and schedule site inspections to monitor the site work. No heavy equipment is allowed. Additionally, the site work can be inspected by a forester or the Environmental director.

Mr. Kozlowski said the harvesting should be done manually, leaving the felled trees on the ground. This is healthy for the forest as the trees break down, and birds feed on the insects and other wildlife. Mr. Kozlowski said the building inspector can also monitor the site. The trees to come down are hazardous to dogs and humans.

Motion by Dr. Bloom to schedule an ASPCA site inspection of the area proposed for a Timber Harvesting permit.

No one second the Motion. Chairman Cioppa asked for discussion.

The Motion was denied.

Motion by Mr. Friedman to approve the ASPCA Timber Harvesting permit for the removal of approximately seventy (70) trees located within a large fenced dog yard area and the surrounding area of the fence in yard located at the easterly side of the facility subject to the following conditions.

* Trees to be harvested within the proposed areas shall be dropped and removed only if they are within the fenced-in line.
* All trees are to be removed manually.
* The trees dropped within the dog park area are to remain in place.
* No heavy equipment is to be used to complete these tasks.
* Any mulch generated from the fell trees must be spread out on site.
* Inspections will be conducted by the Environmental Director and building inspectors on an as-needed basis, based upon consultation with the applicant’s representative. At such time the applicant has completed the proposed activities, a final site inspection shall be conducted by the Environmental Director and representative of the applicant.
* A preconstruction meeting must be held prior to commencement of site construction.

Vice Chairman Erickson amended the Motion to add the waiver of requirements as per Code of the Town of Pawling §187-7.F. Duties of the Planning Board and more specifically §187-7.F. (1) (c) *Establish amount performance bond or other security. and §187-7. G. waiver of requirements §187-7. G.1 §187-7 G. (2).*

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

All in favor the Motion carries.

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS New Application/

4160 Route 55 Signage

Pawling, NY 12564

Grid Number: 134089-7056-00-257503

Mr. Aiden Demer from Crown Sign System Inc. Sign Company was present, representing the ASPCA.

Chairman Cioppa said the property is located at 4160 Route 55 in the Mixed Business Industry Zoning district. The application for the ASPCA signage has been circulated to the Board.

Mr. Demer said they are proposing a building sign that reads ASPCA recovery & rehabilitation Center by the Alex and Elizabeth Lewitt Charitable Trust.

Chairman Cioppa asked if the sign would be illuminated.

Mr. Demer responded that the building sign would be illuminated.

Mr. Bernard asked if any road signage is proposed for the ASPCA?

Mr. Demer responded that the ASPCA plans are to install road signage. The road signage is a simple numbers address, which includes an orange background color with white lettering. It was his understanding that a number road sign that read 4160 Route 55 would not need approvals.

Vice Chairman Erickson asked if the road signage would be a basic marker sign? He asked if the road sign would be illuminated.

Mr. Demer said Crown Sign System Inc. did not submit the road signage drawings or applications.

Vice Chairman Erickson asked where is the building signage going to be located on the building?

Mr. Freidman said the building sign does not face Route 22. It is in front of the building facing the parking lot.

Mr. Bernard said the Board would not approve the road signage as presented.

Mr. Freidman said the Board’s preference is for a sign having a masonry base, stone material with the ASPCA logo and address above, landscape plantings surrounding the proposed road signage.

Chairman Cioppa said the sign application is for the building façade signage. The ASPCA will have to return to the Board with the road signage application.

Following discussion, the Board tabled the road signage approvals until a full application is submitted. The Board agreed to move forward with the building sign.

Mr. Freidman said the overall building sign is acceptable. In his opinion the verbiage that reads “*by the Alex and Elizabeth Lewitt Charitable Trust*” is illegible. He suggested changing the font format.

Motion by Mr. Erickson to approve the ASPCA building sign as presented.

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

Role call:

Chairman Cioppa, aye Vice Chairman Erickson aye.

Mr. Freidman, aye. Dr. Bloom, nay.

Mr. Bernard, aye. Ms. Boalt, aye.

Ms. Coleman, aye.

EAB WIRELESS LLC New Application/Signage

145 NYS Route 22, Suite 107

Pawling, NY 12564

Grid Number: 134087056-00-445030

Mr. Jorge Monge, business owner was present.

Chairman Cioppa said the business is located at Dutchess Court Plaza 145 Route 22, Suite 107 in the Highway Business Zoning district. The applicant has submitted an application for signage.

Mr. Monge presented illustrated drawings of the proposed signage for a cellular phone store. The intent is to remove the former sign and replace it with EAB Wireless Inc, with the business phone number underneath. The colors are a white background with black block font lettering and red font phone number. No logos; very simple in design.

Motion by Ms. Coleman to approve EAB Wireless Inc., signage as presented.

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

All were in favor and the Motion carried.

DARYL’S House New Application/Amended Site Plan

130 NYS Route 22

Pawling, NY 12564

Grid Number: 134089-7055-00-496975

Mr. Curt Johnson from the frim of J Group Designs LLC. was present representing Daryl’s House.

Chairman Cioppa said the property is located at 130 NYS Route 22. The applicant has submitted an amended Site Plan to enlarge the dining room.

Mr. Johnson said the current proposal is to construct a one-story addition to the front of the existing restaurant/music venue facility. The purpose of the addition is to provide relocated, dedicated table seating for the use. Currently, there are two approved occupancy plans on file with the building department. These occupancy plans are based on either table seating and/or standing directly in front of the performance stage. For standing, the table seating needs to be removed, which is impractical. Therefore, the relocated table seating to this new space will allow dedicated standing space in front of the performance stage. Note, that the previously approved patron occupancy of 334 will not be expanded with this proposed 700 square foot addition. The new space allows for ticket holders to view the performance at close proximity. Other than minor exterior modifications, such as maintaining the same siding facade and roofing to blend into new addition, no other site changes are proposed.

Chairman Cioppa confirmed that the gate would remain onsite, which softens the exterior aesthetics.

Mt. Johnson said the gate with plantings will remain onsite.

Mr. Freidman said will people come to watch the show only and not have a dinner?

Mr. Johnson responded people can come to only watch a show.

Mr. Bernard asked if the parking agreement with 158 Route 22-Four Space LLC is a verbal or written agreement?

Mr. Johnson said it is his understanding an agreement is in place.

Mr. Liquori said there are no changes in the total occupancy by the proposed increased table seating square footage. The applicant can work with the building inspector on a new floor layout configuration plan. The Board can request a copy of the written agreement from the applicant.

The applicant is not increasing the maximum occupancy. He does not disagree with the applicant providing the agreement for overflow parking.

Following discussion, the Board requested the written agreement with 158 Route 22-Four Space LLC., be submitted to the Board.

Chairman Cioppa asked if the Board felt a site inspection should be scheduled.

Following discussion, a majority of the Board members have been to Daryl’s House.

Mr. Freidman felt the Board should be consistent with site inspection by following the same protocol with other applicants.

Motion by Mr. Friedman to schedule Daryl’s House site inspection.

No one seconded the Motion. Chairman Cioppa asked for discussion.

The Motion was denied.

Chairman Cioppa said any Board member can drive by the site to view the exterior renovations proposed.

Mr. Bernard asked if any provision relating to dancing is allowed per the Code of the Town of Pawling?

Mr. Liquori said the court stipulations acknowledge Daryl’s House is allowed to have standing room and seating.

Motion by Dr. Bloom to appoint Mr. Ronald J. Gainer P.E. as engineer to the Daryl’s House Amended Site Plan application and to allow Mr. Gainer and J. Group Design LLC. (Mr. Curt Johnson) to work together subject to:

* The Planning Board is kept informed of all correspondence.

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

All were in favor and the Motion carried.

ESCROW REIMBURSEMENTS

Town of Pawling Planning Board Recommendation for Escrow Balances Reimbursement Town Code Chapter 95.

Motion by Mr. Freidman to approve Resolution #4 of 2025.

Second by Dr. Bloom.

All in favor the Motion passed.

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| John Ruffler | Environmental Permit | $131.25 |
| Frank & Kristen Boula | Environmental Permit | $238.00 |
| Steven Cervino | Environmental Permit | $275.00 |
| William Colbert (Lawler) | Environmental Permit | $800.00 |
| William Colbert | Environmental Permit | $1,100.00 |
| Whaley Lake Properties | Environmental Permit | $225.00 |
| Whaley Lake Properties | Environmental Permit | $175.00 |
| Kathrine Wriston (Audubon) | Lot Line Adjustment | $600.00 |
| Orlando Francessa | Environmental Permit | $125.00 |
| Victoria Davis | Environmental Permit | $225.00 |
| Jean Marc Flack | Environmental Permit | $97.50 |
| Michael Burrows | Accessory Apt SUP | $921.69 |

NEW BUSINESS

i. Members of the Board Training

Chairman Cioppa reminded the Board members that four (4) hours of yearly training must be completed. Mrs. Daley circulated an email on training that can be completed at a member’s convenience.

ii. Article 78 In the Matter of Application of Steven Parrino, Jennifer Panzer and Phillip Panzer. Against Tremson Wood Products LLC, Town of Pawling, MJD Enterprises Inc., Woodland Manor and John does #1 through 4.

Mr. Liquori the Planning Board’s approval has been appealed. The Town obligation is to produce the records and then answer. There are seven defendants, and the Town as defendants. The lawsuit has been accepted as service. An introductory conversation has begun as far as what the plaintiffs are seeking in the case. Tremson Wood Products will take a primary defense and we will piggyback off of them.

Ms. Coleman said the Town already knows Tremson Wood products LLC have violated their site a plan approval

Mr. Liquori said the Planning Board is not an enforcement agency. The citizens of the community can go the building department and Town Board.

Mr. Freidman asked if the applicant has met the sixty (60) day requirements?

Mr. Liquori said he will be speaking with Everett White, Code Enforcement Officer to discuss the timelines.

Mr. Freidman asked that an update be provided to the Planning Board at the next meeting.

ADJOURNMENT

On a Motion by Chairman Cioppa and seconded by Ms. Coleman to adjourn the meeting at 8:15 p.m. All were in favor and the Motion carried.

Respectfully submitted,

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JoAnne Daley

Recording Secretary

non-approved minutes