

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 SMITH SUBDIVISION
8

9 Project No. 17-1017
10 First Street, Milton
11 Section 103.1; Block 4; Lot 47.130
12

13 ----- X
14

15 EXTENSION - SUBDIVISION
16

17 Date: December 16, 2019
18 Time: 7:30 p.m.
19 Place: Town of Marlborough
20 Town Hall
21 21 Milton Turnpike
22 Milton, NY 12547
23

24 BOARD MEMBERS: CHRIS BRAND, Chairman
25 JOEL TRUNCALI
26 BEN TRAPANI
27 CINDY LANZETTA
28 JOSEPH LOFARO
29 MANNY CAUCHI
30

31 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
32 PATRICK HINES
33 VIRGINIA FLYNN
34

35 APPLICANT'S REPRESENTATIVE: DOUG SMITH
36

37 ----- X
38 MICHELLE L. CONERO
39 PMB #276
40 56 North Plank Road, Suite 1
41 Newburgh, New York 12550
42 (845) 541-4163
43

2 CHAIRMAN BRAND: I'd like to call the
3 meeting to order with the Pledge of Allegiance to
4 the flag of our country.

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, December 16, 2019.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 11/4 and 11/18. Smith
10 Subdivision, extension, subdivision; Greiner BSD
11 Realty NY, sketch, subdivision/lot line. Next
12 deadline: Friday, December 20th. Next scheduled
13 meeting: Monday, January 6th.

14 CHAIRMAN BRAND: Excellent. I would
15 like to have the approval for the stenographic
16 minutes for November the 4th and November the
17 18th.

18 MS. LANZETTA: I'll make that motion,
19 to approve those minutes.

20 CHAIRMAN BRAND: Is there a second?

21 MR. LOFARO: I'll second it.

22 CHAIRMAN BRAND: Any discussion?

23 (No response.)

24 CHAIRMAN BRAND: All those in favor?

25 MR. CLARKE: Aye.

2 MR. TRAPANI: Aye.

3 MS. LANZETTA: Aye.

4 MR. TRUNCALI: Aye.

5 MR. CAUCHI: Aye.

6 MR. LOFARO: Aye.

7 CHAIRMAN BRAND: Aye.

8 Any opposed?

9 (No response.)

10 CHAIRMAN BRAND: So moved.

11 Before we begin I would just like to
12 submit for the record that I have completed two
13 online training courses, one for the New York
14 State Historic -- New York State Department of
15 Local Government Services Historic Preservation
16 and also the New York State Department of State
17 Public Meetings and Hearings. Those have been
18 forwarded to the secretary as well.

19 First up, Smith Subdivision, extension,
20 First Street, Milton.

21 So we received a letter from Mr. Ross
22 Winglovitz regarding the Smith Subdivision.
23 Their subdivision was expired on November 20,
24 2019 and they are requesting a 90-day extension
25 to the conditional final approval as that the

2 improvements are nearly complete and the owner
3 expects to file by the end of the year.

4 Jeff, did you have any comments on
5 that?

6 MR. BATTISTONI: I will say that I
7 prepared an approval resolution for the Board. A
8 subdivision approval under State law is valid for
9 180 days. You are allowed to grant extensions of
10 90 days. So this is something you can do. I
11 recommend you do it. And all of the conditions
12 are in the resolution.

13 CHAIRMAN BRAND: Okay. Any comments or
14 questions from the Board regarding the 90-day
15 extension?

16 MR. SMITH: I've done the blacktop and
17 all the improvements are done. Just, you know,
18 I've got the metes and bounds near the dedication
19 parcel that were given to the Town and
20 everything. It's just a matter of, you know,
21 waiting for Pat to approve the performance bond
22 amount and basically filing the maps and, you
23 know, getting checks and stuff for the rec fees
24 and stuff like that. So it's right there. I
25 don't know if we'll be done by the end of the

2 year the way things are going but shortly.

3 CHAIRMAN BRAND: Excellent.

4 All those in favor of the resolution to
5 grant the 90-day extension for the conditional
6 final approval for the Smith Subdivision?

7 MS. LANZETTA: Doesn't she have to poll
8 the Board?

9 CHAIRMAN BRAND: Jen, poll the Board.

10 MS. FLYNN: Chairman Brand?

11 CHAIRMAN BRAND: Yes.

12 MS. FLYNN: Member Lanzetta?

13 MS. LANZETTA: Yes.

14 MS. FLYNN: Member Truncali?

15 MR. TRUNCALI: Yes.

16 MS. FLYNN: Member Trapani?

17 MR. TRAPANI: Yes.

18 MS. FLYNN: Member Lofaro?

19 MR. LOFARO: Yes.

20 MS. FLYNN: Member Clarke?

21 MR. CLARKE: Yes.

22 MS. FLYNN: Member Cauchi?

23 MR. CAUCHI: Yes.

24 CHAIRMAN BRAND: And just a
25 housekeeping question, Jeff. The November 20 --

1 SMITH SUBDIVISION

6

2 what's the date?

3 MR. BATTISTONI: It actually expired on
4 November 17th. Some people think it's a 6-month
5 extension. It's really 180 days. The approval
6 would have expired November 17th. This is
7 retroactive to that date.

8 CHAIRMAN BRAND: Okay. Thank you.

9 MR. SMITH: All right. Thank you very
10 much.

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12 (Time noted: 7:35 p.m.)

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4 C E R T I F I C A T I O N

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6

7 I, MICHELLE CONERO, a Notary Public
8 for and within the State of New York, do hereby
9 certify:

10 That hereinbefore set forth was
11 prepared from a recording and is a true record of
12 the proceedings to the best of my ability.

13 I further certify that I am not
14 related to any of the parties to this proceeding by
15 blood or by marriage and that I am in no way
16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 2nd day of January 2020.

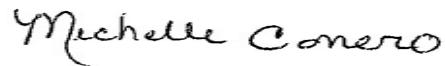
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MICHELLE CONERO

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2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 GREINER BSD REALTY NY
8

9 Project No. 19-3013
10 96 Idlewild Road, Marlboro
11 Section 108.3; Block 1; Lots 21.113 & 18.12
12

13 ----- X
14

15 SKETCH - SUBDIVISION/LOT LINE

16 Date: December 16, 2019
17 Time: 7:35 p.m.
18 Place: Town of Marlborough
19 Town Hall
20 21 Milton Turnpike
21 Milton, NY 12547
22

23 BOARD MEMBERS: CHRIS BRAND, Chairman
24 JOEL TRUNCALI
25 BEN TRAPANI
26 CINDY LANZETTA
27 JOSEPH LOFARO
28 MANNY CAUCHI
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30 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
31 PATRICK HINES
32 VIRGINIA FLYNN
33

34 APPLICANT'S REPRESENTATIVE: DARRIN SCALZO
35

36 ----- X
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2 CHAIRMAN BRAND: Next on the agenda,
3 Greiner BSD Realty, sketch, subdivision/lot line,
4 96 Idlewild Road, Marlboro.

5 MR. SCALZO: Good evening.

6 CHAIRMAN BRAND: How are you this
7 evening?

8 MR. SCALZO: I made it to this point.

9 CHAIRMAN BRAND: Good. So were you
10 given a copy of Pat's comments?

11 MR. SCALZO: I was not.

12 CHAIRMAN BRAND: Okay. They will be on
13 the board shortly. I can give them to you. I
14 can read through them.

15 It says the lot geometry under the
16 revised plan eliminates the small (inaudible) of
17 property which were previously proposed. The
18 project results in making two lots into four lots
19 under the current proposal.

20 A note has been added to the plans
21 regarding cross access for the general notes and
22 should be modified to include proposed lot 2
23 which also share an access road. An easement
24 should be prepared and filed with the subdivision
25 granting rights of access wherever they are

2 proposed.

12 Number 4, a deed plot map has been
13 provided depicting the entire parcel.

14 Number 5, roadway dedication parcels
15 should be proposed along all frontage, which all
16 frontage existing along Town roadways.

17 Number 6, no new construction is
18 proposed.

21 I believe that is it. I can give you a
22 copy of those as well.

23 MR. SCALZO: Okay. The last time we
24 were here was September, so if you don't -- I can
25 roll through the narrative again if you guys want

2 to be refreshed.

3 CHAIRMAN BRAND: Sure.

4 MR. SCALZO: We're proposing now a lot
5 line change. It's now a three-lot subdivision of
6 approximately 88 acres. There's a 30 plus acre
7 parcel on tax parcel 21.113 and approximately 58
8 acres on tax parcel 18.12. Both parcels are
9 located on the southerly side of Idlewild Road.
10 The 30-acre parcel has road frontage in multiple
11 locations on Idlewild Road.

12 They propose to put a storage building
13 in the corner of Idlewild and Burma.

14 The 58-acre parcel has road frontage on
15 Burma, and it also has the Pioneer Water
16 warehouse. The applicant is seeking to create a
17 standalone lot for the warehouse. To accomplish
18 this we will need to combine the lot line change
19 and subdivision to affect lot 21.113. The lot
20 line change portion will allow for the sliding
21 around the warehouse into tax lot 18.12, and then
22 a three-lot subdivision of tax lot 21.113.

23 There is a 22 plus acre lot on the west
24 which includes the preservation area and the
25 wells and nearly 5-acre parcel for the old water

2 bottling warehouse. There's over an 8-acre lot
3 which includes the cold storage building at the
4 corner of Idlewild and Burma.

5 I just saw Pat's comments. This is the
6 first I've heard of them here today. The second
7 sheet of the plan actually really spells it out
8 much easier than the initial plan that I
9 submitted in September. It's much easier to
10 follow.

11 One question that I have is the roadway
12 dedication parcel should be proposed all along
13 the existing Town roadways. Pat, did you also
14 intend for that to be road dedication areas? For
15 example, say on lot number 4 which is the one
16 that's at the corner of Burma and Idlewild.

17 MR. HINES: Yeah.

18 MR. SCALZO: The tough part about that
19 -- and listen, anything can be done. That was a
20 general description. There were no metes and
21 bounds. I actually had physically located the
22 road and, you know, that's how it came with the
23 acreage for that lot number 4. As I say, it can
24 be done. Was that your intent with your note,
25 Pat?

2 MR. HINES: Yes. All the lots
3 involved. Any of the frontage. It's a typical
4 requirement. You do have metes and bounds there,
5 though. Just on the deeds, is that --

6 MR. SCALZO: I included dimensions on
7 there.

8 MR. HINES: So then you can do it with
9 that map with a note saying 25 feet from the
10 center line.

11 MR. SCALZO: Okay.

12 MR. HINES: That will clean that up and
13 that will give the Town the dedication that it
14 needs.

15 CHAIRMAN BRAND: This proposed lot
16 number 2, that has access on Idlewild Road?

17 MR. SCALZO: It does. Up in the --
18 there's actually a 50-foot strip. It's an
19 access. I call it an access. There's actually a
20 50-foot strip that does have -- it's on sheet
21 number 1. It does have a 30-foot wide access
22 road. It appears on filed map number 7904. So
23 it actually does not -- the right-of-way corner
24 -- the right-of-way does touch the corner of the
25 lot, however there's a 30-foot wide access from

2 Idlewild to that 50-foot wide strip.

3 MS. LANZETTA: Now, is this access --
4 is this piece that goes out to the road that's
5 also adjoined by Schlagler and Kalfa, do they
6 have a right-of-way on that access also over to
7 the --

8 MR. SCALZO: They do. That's for the
9 driveway. Or the driveway, at least Schlagler
10 does.

11 MS. LANZETTA: That should be depicted
12 on the maps as well so we're sure we're not
13 landlocking any of these pieces.

14 CHAIRMAN BRAND: So lot 2, Schlagler,
15 and Kalfa, or whoever that is, they're all
16 accessing the same right-of-way off of Idlewild?

17 MR. HINES: Yes.

18 CHAIRMAN BRAND: Okay.

19 MS. LANZETTA: So one, two, three.
20 Okay.

21 MR. CLARKE: And that's in their deeds?
22 That's in Schlagler's and Kalfa's deeds?

23 MR. HINES: I don't know the answer to
24 that.

25 MR. SCALZO: I'd have to review those.

2 Offhand I don't know. I'll have that information
3 for the next meeting.

4 CHAIRMAN BRAND: What's the other
5 little cutout there on Burma Road? That little
6 small -- it's kind of like in the middle of lot
7 4.

8 MR. SCALZO: (Inaudible.)

9 CHAIRMAN BRAND: I got you. This is
10 just another property.

11 MR. SCALZO: In revising sheet 2 I'll
12 throw the (inaudible) for that parcel there to
13 eliminate (inaudible).

14 CHAIRMAN BRAND: I think that will be
15 good, too.

16 MS. LANZETTA: Yeah. They're all
17 supposed to be depicted anyway in a subdivision.

18 CHAIRMAN BRAND: And the applicant is
19 well aware that there will be no bottling of
20 water or anything on that warehouse site?

21 MR. SCALZO: I also read that note that
22 Pat had about the water taking use which was
23 previously approved will no longer have 10 acres
24 and will no longer be permitted as a use for the
25 site plan. Pat and I agreed we're not having a

2 meeting of the minds on this, which is fine. But
3 if you read the local law which was added to the
4 code, it states that you can not draw water
5 unless you have a 10-acre parcel. It doesn't
6 address bottling water at all. So my
7 interpretation of the code, which perhaps could
8 be clarified by the Zoning Board of Appeals for
9 interpretations, is that that use may still be
10 available to them to bottle, however they can not
11 draw from that lot.

12 MS. LANZETTA: So they would truck in
13 water to bottle at that facility?

14 MR. SCALZO: Or they could just throw a
15 big hose right across, 30 feet from the facility.
16 I don't know how they actually did the operation
17 before.

18 MS. LANZETTA: Well this was part of an
19 agricultural operation. Now if these other folks
20 come in, then it becomes a light industrial use
21 which is permitted as special use. So you would
22 have to come back and everything would have to be
23 reviewed again as part of a site plan.

24 MR. SCALZO: Certainly. I certainly
25 understand that.

2 MR. CLARKE: Why was this an
3 agricultural use?

4 MS. LANZETTA: Well that's how it was
5 approved. The original site plan was approved as
6 an agricultural use because it was -- that
7 particular water taking business was reviewed and
8 came under the Ag provisions, the State
9 Agricultural --

10 MR. CLARKE: Part of the farm?

11 MS. LANZETTA: Yeah.

12 MR. HINES: I don't think they had
13 approval for water taking. It was Pioneer
14 Springs, right, that came for a site plan?

15 MS. LANZETTA: Yeah. Yeah. When it
16 was approved, though, remember when Doc Pascale
17 was representing them and he explained how it was
18 done under the State Agricultural -- Ag &
19 Markets.

20 MR. HINES: And that's just my comment.
21 You're reducing the size of the lot that
22 previously had 10 acres that allowed for the
23 water taking under your code. So step one would
24 be you take it to the code enforcement officer to
25 discuss this comment, and then, as you said, the

2 next step would be the ZBA. I know you're
3 familiar with that process.

4 MR. SCALZO: I certainly am. As I
5 said, it just doesn't address it. The code stops
6 short of saying it, so --

7 MR. CLARKE: I see what you're saying.

8 MR. SCALZO: It's not like a tie goes
9 to the runner here, but it's not --

10 MR. HINES: You certainly wouldn't want
11 a bunch of 5-acre lots claiming they're going to
12 become water taking businesses by running a hose
13 over to their neighbor's lot. That's not the
14 intent of having 10 acres in the zone.

15 MR. SCALZO: I understand that.

16 MS. LANZETTA: It still has to go
17 through the site plan review.

18 MR. HINES: Yes.

19 MR. SCALZO: Yes.

20 MS. LANZETTA: And then the proper
21 SEQRA would have to be done.

22 MR. SCALZO: Currently they are not --
23 it is not a water bottling operation. Currently
24 they are leasing to Amy Hepworth. She's storing
25 vegetables and other agricultural items in the

2 warehouse. So it's actually -- it's in character
3 with the neighborhood.

4 MS. LANZETTA: Well that's an
5 agricultural use.

6 MR. HINES: After a year of not doing
7 the water bottling it loses that previous
8 approval.

9 MR. SCALZO: I'm not sure how that all
10 -- the water bottling operation has ceased. I've
11 been involved in this since May, seven months,
12 but it didn't appear as though there was much
13 going on there before that.

14 MR. HINES: It's been awhile.

15 MR. TRUNCALI: So is the spring that
16 was feeding the water operation, is that on lot 2
17 there where it says spring house?

18 MR. SCALZO: That is correct. And
19 again, I'm unfamiliar with how the operation had
20 worked previously. I don't know how they
21 actually got the water from the spring house into
22 the facility. I can't imagine they would have
23 put it in a truck --

24 MR. TRUNCALI: No.

25 MR. SCALZO: -- and just drove the

2 truck over. It makes sense they had hoses for
3 it. I can find that out if you're interested to
4 know.

5 CHAIRMAN BRAND: Is there a reason that
6 the applicant isn't going through the site plan
7 process as well to indicate his usage of this
8 property?

9 MR. SCALZO: Well as I indicated, their
10 usage right now is just for storage --

11 CHAIRMAN BRAND: Right, right.

12 MR. SCALZO: -- agricultural storage.
13 Anything that they do beyond that would be
14 subject to site plan review --

15 CHAIRMAN BRAND: Correct.

16 MR. SCALZO: -- and approval.

17 MR. TRUNCALI: What about that overhead
18 utility line that's on lot 2. Is that feeding
19 the existing metal warehouse there?

20 MR. SCALZO: If it is it's underground.
21 I can verify that as well.

22 MR. TRUNCALI: They may need an
23 easement for that.

24 MR. SCALZO: Yes.

25 CHAIRMAN BRAND: It does say overhead

2 on that.

3 MR. TRUNCALI: It dead ends there.

4 MR. SCALZO: It drops at that utility
5 pole.6 CHAIRMAN BRAND: Jeff, did you have
7 something?8 MR. BATTISTONI: Yeah. I had a
9 question. If there's currently a site plan
10 approval for a water taking, water bottling
11 business and you needed these 10 acres for that,
12 why doesn't the applicant create a 10-acre
13 parcel? It seems like there's plenty of acreage
14 there. This proposed lot 1 be expanded to
15 include the water tanks, the spring house, have
16 10 acres of land. Is there a reason why that's
17 not occurring?18 MR. SCALZO: It's exactly that. The
19 reason why it took me so long to get back here,
20 the two parties are trying to work something out
21 and they are maintaining the 5 acres. It's all
22 filed documents in the County of what it is.23 MR. BATTISTONI: So the owner of the
24 property has a contract of sale that defines what
25 has to happen for the subdivision to occur?

2 MR. SCALZO: You are correct, sir. They
3 would not have had this.

4 MR. BATTISTONI: Okay. That's not the
5 Planning Board's problem.

6 MR. SCALZO: No, no. It's not.

7 CHAIRMAN BRAND: Right.

8 MR. HINES: So that leads us into the
9 same -- Jeff and I were talking. The access to
10 lot 2 and having this large scale map now with
11 the easement, that doesn't have legal -- and when
12 I say legal I mean New York State Town Law 280-A
13 -- access to Idlewild Road. 15 feet or greater
14 access. It would have access only by easement
15 which would have a Town Law 280-A issue.

16 CHAIRMAN BRAND: What is that law, Pat?

17 MR. HINES: The lot width we discussed
18 earlier with Schlagler and Kalfa. That lot --
19 now that we have a larger detailed map -- has a
20 point where it touches the Town right-of-way.
21 New York State Town Law 280-A, I'll defer to Jeff
22 on this if he wants to correct me, but assumes
23 that 15-foot access to a Town road or a road
24 shown on a subdivision map is legal access. The
25 building inspector most likely could not issue a

2 building permit on lot 2 because it does not have
3 access to a Town road or a road shown on a filed
4 subdivision map because it only has that --

5 MR. SCALZO: 30-foot wide access road
6 by prescription.

7 MR. CLARKE: Who owns the prescription?
8 Who owns that little 30-foot piece there?

9 MR. SCALZO: I can dig further into
10 that. That's how it appears on filed map 7904
11 which I have with me.

12 MR. HINES: If that's a road shown on a
13 subdivision map it may resolve that issue. I
14 don't have those documents.

15 MS. LANZETTA: I'm trying to figure out
16 how these guys got their subdivisions. It's just
17 an easement.

18 CHAIRMAN BRAND: I wish they listed the
19 date on the maps. That would be helpful.

20 MS. LANZETTA: That's what I was
21 thinking, too.

22 MR. BATTISTONI: Mr. Chairman, I'd like
23 to look into the issue as to whether a planning
24 board can create a lot that does not have road
25 frontage. It may have access to an easement but

2 it doesn't have frontage.

3 CHAIRMAN BRAND: Yeah. I think we
4 certainly would need clarification on it.

5 MR. SCALZO: I did submit this to Gael
6 Appler and his comments -- the entrance is
7 existing and has been -- has suitable safe sight
8 distance and has created no problems in the past.

9 MS. LANZETTA: He's only looking at
10 this particular entrance, though.

11 MR. SCALZO: That's correct.

12 MS. LANZETTA: He's not looking at the
13 rest of the subdivision.

14 MR. SCALZO: That's also correct. So
15 now if you recall from our last meeting, I
16 attempted initially to come in to design a jug
17 handle they call it, which -- well, for
18 everything that Mr. Hines is describing here, if
19 I were to go back to my jug handle, as
20 aesthetically unpleasing as it may be, that would
21 eliminate the 280-A because at that point -- and
22 I would have to provide the proper fee. That was
23 one of the conditions that we discussed at the
24 last meeting. However, I would prefer if we
25 could dig a little deeper into the 30-foot

2 access.

3 MR. BATTISTONI: I will look into that
4 condition.5 MR. SCALZO: Yeah. The jug handle, as
6 I said, my initial attempt at that was to just
7 maintain one less lot. I would prefer the course
8 that you have in front of you right now.9 CHAIRMAN BRAND: I think my biggest
10 concern is for the warehouse lot, that it seems
11 as though down the road it may become an issue
12 for them by not seeking the site plan application
13 in connection with the subdivision and seeking to
14 do things which may not be allowable. I mean I'd
15 prefer to have -- possibly not allowable. I
16 think I'd like to have everything done correctly
17 the first time as far as the 10 acres with the
18 water. If they're ever thinking about bottling
19 water on there --20 MR. SCALZO: Well it's not a permitted
21 use. Should this be approved, that's no longer a
22 permitted use.

23 MS. LANZETTA: Right. Right.

24 MR. HINES: It's losing that use.

25 MR. SCALZO: They're losing that use.

7 MS. LANZETTA: Right. I think Chris is
8 just expressing our concern that they not come
9 back later, that we're raising it now that this
10 is a real concern.

11 MR. CLARKE: The applicant is BSD
12 Realty. They own 56.3 acres of proposed lot 3. I
13 mean they could literally come back here and do a
14 lot line revision and combine those two and have
15 the 10 acres.

16 MS. LANZETTA: Okay.

17 MR. HINES: In the future if they
18 wanted to. That was the point of my comment 3,
19 was kind of putting everyone on notice that you
20 have that use here but it's going away under the
21 code.

22 MR. BATTISTONI: There probably should
23 be a note on the plat to that effect.

24 MS. LANZETTA: Yeah. I just don't want
25 them to come back later, you know, and claim that

2 there's a -- that this wasn't a self-inflicted
3 problem that they were setting up.

4 MR. SCALZO: It's all self-inflicted.
5 It's true.

6 Member Clarke, you had mentioned
7 perhaps combining the warehouse lot with proposed
8 lot number 3 of 56.3 acres, which is a great
9 idea, however they put the cart before the horse
10 with this with the agreements that are filed with
11 the County now. Once this action is complete,
12 that 56 acres goes back to the Greiners. So now
13 you're talking about real property here. That's
14 why we couldn't come to an agreement which
15 permitted them --

16 MR. CLARKE: This sounds about right.
17 Okay.

18 MR. HINES: So I think a note on the
19 map that says this subdivision supercedes the
20 previous approvals granted, whenever they were.

21 CHAIRMAN BRAND: Yeah.

22 MS. LANZETTA: Okay.

23 MR. SCALZO: I would be happy to put a
24 note indicating exactly that. I can work with
25 you, Pat, and get the language exactly right.

2 CHAIRMAN BRAND: Just for my own
3 clarification, how are they able to file all of
4 this with the County?

5 MR. HINES: It's just private
6 agreements they filed, not anything to do with
7 this Board. They apparently filed some kind of
8 agreement to do a transaction with each other.

9 MR. SCALZO: Oh, yeah. I actually have
10 a copy with me if you would like me to leave it
11 with you.

12 CHAIRMAN BRAND: I just don't
13 understand how that --

14 MR. SCALZO: It's very unusual. I've
15 never seen anything like it.

16 CHAIRMAN BRAND: Okay. Neither have I.
17 That's why I asked.

18 MR. CLARKE: Maybe they're going to
19 turn it into a hemp processing center. That
20 would be agricultural. That would be, you know,
21 conforming.

22 CHAIRMAN BRAND: Any other questions?

23 MS. LANZETTA: Don't you have -- you
24 have to be the grower of the hemp. You can't have
25 a third party come in and process it and have it

2 be --

3 MR. CLARKE: You have a partner.

4 MS. LANZETTA: Yeah, if you're a
5 partner.6 MR. CLARKE: They're all related so,
7 you know, why not.8 CHAIRMAN BRAND: Any other questions or
9 comments from the Board?

10 (No response.)

11 CHAIRMAN BRAND: No. It looks like you
12 have some homework to do.13 MR. SCALZO: Yeah. Perhaps I'll come
14 back the next time (inaudible) and take care of
15 everything and perhaps we can move forward.16 CHAIRMAN BRAND: Scheduling a public
17 hearing.

18 MR. SCALZO: In February.

19 CHAIRMAN BRAND: Yeah. Okay.

20 MR. SCALZO: Thank you very much for
21 listening. Like I said, this is a very unusual
22 project for me.23 CHAIRMAN BRAND: Good luck. All right.
24 Thank you.

25 Anything else from the Board before I

2 proceed to close?

3 MR. LOFARO: Just one quick thing.

4 It's my understanding today is Joel's last
5 meeting. Joel has been a member for ten years
6 plus from what I understand. I just figured
7 everybody should know that and say thank you. I
8 sat here next to him for two years and I learned
9 just by paying attention to Joel. I just figured
10 everybody should know he did his time and thank
11 you for what you've done.

12 (Applause.)

13 MS. LANZETTA: Thank you, Joel. You
14 did your time.15 CHAIRMAN BRAND: On to greener
16 pastures.

17 I'd like to have a motion to close.

18 MR. LOFARO: I'll make the motion.

19 CHAIRMAN BRAND: Is there a second?

20 MS. LANZETTA: I'll second it.

21 CHAIRMAN BRAND: All those in favor?

22 MR. CLARKE: Aye.

23 MR. TRAPANI: Aye.

24 MS. LANZETTA: Aye.

25 MR. TRUNCALI: Aye.

2 MR. CAUCHI: Aye.

3 MR. LOFARO: Aye.

4 CHAIRMAN BRAND: Aye.

5 So carried. Thanks, guys.

6 (Time noted: 8:00 p.m.)

7

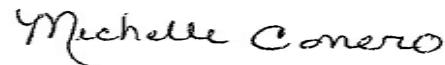
8 C E R T I F I C A T I O N

9

10 I, MICHELLE CONERO, a Notary Public
11 for and within the State of New York, do hereby
12 certify:13 That hereinbefore set forth was
14 prepared from a recording and is a true record of
15 the proceedings to the best of my ability.16 I further certify that I am not
17 related to any of the parties to this proceeding by
18 blood or by marriage and that I am in no way
19 interested in the outcome of this matter.20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 2nd day of January 2020.

22

23



25

MICHELLE CONERO