

TOWN OF CONCORD PLANNING BOARD  
Town Hall Conference Room

March 3, 2020  
7:00 p.m.

**ITEM # 1:**

The meeting was called to order by Planning Board Chairman Lawrence J. Kelly, Jr., at 6:55 p.m. New member Raymond Hilliker was introduced to the members.

**ITEM #2: Roll Call**

**Present:**

Lawrence J. Kelly, Jr., Chairman  
James Jozwiak  
Joseph Edbauer  
Julie Zybert  
Karl R. Lux  
Raymond Hilliker

**Also Present:**

Darlene Schweikert  
Clyde Drake, Supervisor

**Not Present:**

Bruce Luno

**ITEM #3: Citizen Participation**

There was no one for Citizen Participation.

**ITEM #4: Approval of Minutes**

a) February 4, 2020 – J. Jozwiak made the motion, seconded by J. Edbauer, to approve the Minutes as presented. All in favor. Carried.

**ITEM #5: Hemp Farms**

Chairman Kelly asked the members if they had any input since the last meeting and their research on hemp farms. Chairman Kelly noted that at this point he does not see that there are any recommendations to the Town Board. Planning Board Secretary Schweikert had printed the NYS Grower Research Partner Application-Industrial Hemp Agricultural Research Pilot Program and this will be attached to the Minutes. Chairman Kelly had spoken to B. Luno at length about this. B. Luno is on the Farm Bureau and he asked the Planning Board wait for his return from Florida to make any decisions on this so that he can be a part of the discussion. J. Jozwiak asked if this was like when NYS gave things to the distilleries if they started to grow hops. Is this just really money-driven by NYS? Chairman Kelly believes so. K. Lux feels that the only part of this that the Town can have any real input on is the zoning; the rest would be controlled by NYS. Chairman Kelly noted that if a parcel were R-Ag, they can grow whatever they want. Chairman Kelly spoke with Councilman Zittel regarding this matter and if they grow the product, the Town really can't do anything because that is agricultural. If they decide they want to start processing, he feels that would be something else. J. Jozwiak brought up making oils. Chairman Kelly said like some guy making wood; that is another process. It is not just a farm. It would be commercial and then the Town could get into a

permitting process. J. Edbauer said he had read about the seeds and the control of seeds. Supervisor Drake said that there is an issue in Eden right now where there were two farmers growing; one farmer is complaining that the other farmer did not go clip off the male seeds so it cross pollinated into his field. Those issues are out there. K. Lux questioned if that would be a NYS regulation. Supervisor Drake noted that since NYS is issuing permits to grow so they should be inspecting. Chairman Kelly heard that NYS does not have enough inspectors to go inspect the crop. The NYS permit is issued through the NYS Department of Agriculture & Markets; Plant Industry Division. K. Lux feels that there would probably be a couple different departments having control over this. Chairman Kelly thinks that Gov. Cuomo is waiting until NYS legalizes marijuana; hemp is legal but marijuana is not; then the rules will change again. Chairman Kelly asked if there was any further discussion at this time. Supervisor Drake advised that he thinks we just watch at this time. He did have a resident come in to discuss hemp farms and wanted the Town to pass regulations that said that one farm could not be within a certain distance of miles of the next farm because of cross pollination. Supervisor Drake noted that the permits are in the hands of NYS not the Town. The members discussed cross pollination from insects, birds, bees.

**ITEM #6: Business from the Members**

1) Supervisor Drake noted that Gov. Cuomo is trying to backdoor a new Commission, the Renewable Energy Commission, which will do away with Article 10 which is Solar Farms. The Governor is trying to push that through with the NYS Budget. Supervisor Drake advised that next Thursday night, the Town Board will be passing a Resolution against this. The Association of Towns is also against this. Supervisor Drake is hopeful that maybe some of the lawmakers will think twice about this because of all the pushback from the Bail Reform that was slipped through in a similar process.

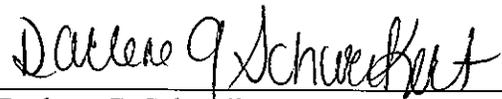
2) Supervisor Drake received a letter from an agricultural department in Salamanca regarding the wood guy resident. This letter says that the resident is complying with all agricultural rules. Chairman Kelly noted that that has nothing to do with our Town rules. Supervisor Drake was driving in North Collins last week and saw that there is another wood drying place. R. Hilliker asked if this was the lumber drying place on Route 75: Custom Wood Drying. This is rough cut lumber. Planning Board Secretary Schweikert had explained the wood guy to R. Hilliker prior to tonight's meeting. R. Hilliker noticed and actually knows the resident and also a person who sells wholesale logs to him. Chairman Kelly said that his issue, and the Board's issue, is that the resident is out of zone. He is zoned R-Ag; he's not growing his own logs; he's buying them, processing, and then re-selling them. That is manufacturing. He's manufacturing firewood and selling it. It's a business. Chairman Kelly relayed the wood guy's initial meeting with the Planning Board where he came in and said what he was going to do and asked if the Board had problems with it which the Planning Board did since he is not zoned for it. Yet he keeps doing what he is doing. J. Edbauer noted that when the wood guy came in, he was already doing it. The members discussed how the property is all lite up at night. R. Hilliker asked if he was causing a problem. Planning Board Secretary Schweikert advised that CEO Singleton received a complaint from a

neighbor initially and then CEO Singleton referred Mr. Thie to the Planning Board for a solution. K. Lux thought when he first came in it was when the splitting business was starting before he started the kiln dry process. That whole process moved pretty quickly. J. Jozwiak remembered that he had already purchased the kiln before the initial meeting with the Planning Board. It wasn't yet online but it was purchased. J. Edbauer advised that he sets precedent.

3) Chairman Kelly noted that about a year ago the Board talked about having ID Tags and asked Supervisor Drake if this was ever discussed with the Town Board. Supervisor Drake joked that the Town Board was just not sending the members anywhere anymore. The discussion veered from ID Tags to discussing with new member R. Hilliker about the requirement of four training hours annually. There are various ways of getting these training hours: Southtowns Planning & Development meetings quarterly in the evening, the Houghton training is an all-day training, and there's also online training. J. Zybert also noted that other municipalities have training on different topics and that could also be used for training. When these training sessions become available, Planning Board Secretary Schweikert emails the members. Training hours can rollover one year if a member has more than the required four hours.

**ITEM #7: Motion of Adjourn**

K. Lux made the motion, seconded by J. Zybert, to adjourn the meeting at approximately 7:19 p.m. All in favor. Carried. Chairman Kelly advised that the next meeting is April 7<sup>th</sup>.



Darlene G. Schweikert  
Planning Board Secretary





## Agriculture and Markets

**ANDREW M. CUOMO**  
Governor

**RICHARD A. BALL**  
Commissioner

### **New York State Department of Agriculture and Markets Grower Research Partner Application Industrial Hemp Agricultural Research Pilot Program**

The NYS Department of Agriculture and Markets is administering an Industrial Hemp Agricultural Research Pilot Program, authorized by New York State law and 7 U.S.C. § 5940 (Farm Bill of 2014).

The Department is accepting applications from individuals or businesses interested in conducting research relating to the growing of industrial hemp.

#### **Instructions**

Read the [Program Guidance and Sample Research Partner Agreements](#) to ensure that you understand all the legal and programmatic requirements for participation in the Industrial Hemp Agricultural Research Pilot Program.

Complete the following application, include all necessary attachments and the non-refundable \$500 application fee, and submit an original copy to:

NYS Department of Agriculture & Markets  
Plant Industry Division  
10B Airline Drive  
Albany NY 12235

Incomplete applications will be rejected.

All questions must be submitted in writing to [industrialhempNYS@agriculture.ny.gov](mailto:industrialhempNYS@agriculture.ny.gov) or through the U.S. mail to the address above.

This is a:

New application     Renewal

<b>FOR OFFICE USE ONLY</b>	
Date received: _____	License No.: _____
Estab. No.: _____	_____
<input type="checkbox"/> Credit Card <input type="checkbox"/> Check <input type="checkbox"/> M.O Receipt	
Reviewed: _____	Approved: _____

**1. Applicant.**

Business/Institution Name: _____	
Federal ID No. _____	Phone: (____) _____
Address: _____	
City: _____	State: _____ Zip Code: _____ County: _____
Email Address: _____	
<b>Mailing address (if different from above):</b> _____	
City: _____	State: _____ Zip Code: _____ County: _____

**2. Person Responsible for Applicant's Management of Industrial Hemp Growing.**

Title: _____	Phone: (____) _____
Name: _____	SSN: _____
Address: _____	
City: _____	State: _____ Zip Code: _____
Email Address: _____	
<b>Optional secondary contact:</b>	
Title: _____	Phone: (____) _____
Name: _____	SSN: _____
Address: _____	
City: _____	State: _____ Zip Code: _____
Email Address: _____	

**3. Growing Locations** – List each field/greenhouse separately, even if located at the same address. Attach additional sheets if necessary.

***Submit with this application a map displaying site boundaries, nearby roadways, and access points of each separate grow site***

Site 1:	
<input type="checkbox"/> Outdoor _____ acres <b>OR</b> <input type="checkbox"/> Indoor _____ square feet	
Site name/ID: _____	GPS Coordinates from center of field in decimal format: ex. 42.734537, -73.817688
Address: _____	
City: _____	Latitude: _____
State: _____ Zip Code: _____	Longitude: _____
County: _____	
I confirm that I have control over this property through:	
<input type="checkbox"/> Ownership <input type="checkbox"/> Lease agreement	
Site 2:	
<input type="checkbox"/> Outdoor _____ acres <b>OR</b> <input type="checkbox"/> Indoor _____ square feet	
Site name/ID: _____	GPS Coordinates from center of field in decimal format: ex. 42.734537, -73.817688
Address: _____	
City: _____	Latitude: _____
State: _____ Zip Code: _____	Longitude: _____
County: _____	
I confirm that I have control over this property through:	
<input type="checkbox"/> Ownership <input type="checkbox"/> Lease agreement	

4. **Experience.** Please describe any relevant experience of Applicant as well as person(s) responsible for industrial hemp in your organization.

5. **Indicate the focus of your research (check all that apply).**

- Fiber
- Grain or food products (including hemp for seed oil)
- Replication of seeds or vegetative planting stock (e.g. production of transplants)
- CBD
- Other: \_\_\_\_\_

Note: If you intend on processing industrial hemp you must submit a separate processor registration form. ***The Department is not accepting CBD processing applications at this time.***

6. **Research plan.** Explain in detail the industrial hemp research you are interested in conducting. Attach additional sheets if necessary.

**7. Marketing Plan** – Provide the name(s) of processor(s) to whom you will be selling your crop, if known. Also include a letter of intent from the processor(s) that will be purchasing your hemp crop if applicable. Attach additional sheets if necessary:

**8. Seed/Propagule Acquisition Plan.** Identify the varieties you intend to plant and list the source, including address, of the industrial hemp seed/propagules for each variety.

**9. Security Measures.** Identify the steps that will be taken to ensure that industrial hemp and/or products derived from industrial hemp are not acquired, possessed, grown or cultivated, harvested, stored, transported, distributed or disposed of, except under conditions that ensure that it will not be possessed or used in violation of requirements set forth in the Research Partner Agreement.

**9. Felony.** Has the person responsible for management of industrial hemp or any officer, director or any stockholder exercising management of or control over the applicant been convicted of a felony and/or drug-related misdemeanor in any court of the U.S. or any state or territory?  Yes  No

**If yes, please explain:**

To ensure that your application is not rejected as incomplete, make sure all the following information in complete and all documentation is attached to your application:

- All questions have been answered.
- The non-refundable application fee of \$500 is included as a check or money order. Contact [industrialhempNYS@agriculture.ny.gov](mailto:industrialhempNYS@agriculture.ny.gov) if paying by credit card. This \$500 fee covers a three-year authorization period and is subject to change.
- All additional sheets have been completed and are attached.
- Maps and GPS coordinates of each growing site are attached.
- Application has been signed and dated.

The undersigned applies for registration as an industrial hemp research partner pursuant to the provisions of Article 29 of the Agriculture and Markets Law. The undersigned acknowledges that the regulatory environment as it applies to industrial hemp is in flux and program guidance and regulations are subject to change at any time.

I (We) agree to permit free entry and free access to the Commissioner and his agents to all registered premises, buildings, and offices used in the cultivating, harvesting, transportation, processing, studying, storing and disposing of industrial hemp.  Yes

I (We) agree to maintain sites engaged in industrial hemp research in a manner that permits ready inspection by the Department.  Yes

I (We) understand that the issuance of a research authorization is conditioned upon the execution of a Research Partner Agreement with the Department, which will be issued after application review.  Yes

I (We) agree to conform to the laws of the State of New York concerning the handling and movement of industrial hemp and to related regulations of the Department currently in effect or adopted subsequent to the issuance of a research permit.  Yes

I (We) attest that we are in compliance with all applicable New York State Laws and are not the subject of any state enforcement proceedings relating thereto.  Yes

"I understand that the statements made in this application will be accepted for all purposes as the equivalent of an Affidavit and that any false statements made herein, in addition to being the possible basis for a revocation of any research approval given as a result of this application, may be punishable as a misdemeanor under the provisions of Section 210.45 of the Penal Law of the State of New York."

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed name and title \_\_\_\_\_

Legal name of Business/Partnership/Corporation \_\_\_\_\_

