

**PUBLIC HEARING
ON INCLUSION IN THE AGRICULTURAL DISTRICT
HELD BY THE
PUTNAM COUNTY LEGISLATURE
IN THE
HISTORIC COURTHOUSE
CARMEL, NEW YORK 10512**

Tuesday July 6, 2021 6:45 P.M.

The meeting was called to order at 6:45 P.M. by Chairwoman Addonizio who led in the Pledge of Allegiance. Upon roll call, Legislators Montgomery, Gouldman, Albano, Jonke, Castellano, Sayegh, Sullivan and Chairwoman Addonizio were present. Also present was Legislative Counsel Firriolo.

Chairwoman Addonizio requested the Clerk to read the Public Notice:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Article 25-AA of the Agriculture and Markets Law of the State of New York, Section 303-b, that one or more requests have been received by the Putnam County Legislature for inclusion of predominately viable agricultural land within Putnam County's certified Agricultural District.

FURTHER NOTICE is hereby given that the Putnam County Agriculture and Farmland Protection Board has considered the requests for inclusion and reported which parcels for inclusion would serve the public interest by assisting in maintaining a viable agricultural industry within the District.

FURTHER NOTICE is hereby given that the parcels requested for inclusion are:

Town of Kent:

Sunshine Farm Inc. (Sunshine & Joseph Greico) – Tax Map #19.-1-36 (6.0 acres) Total Acreage: 6.0

Town of Putnam Valley:

Valley View Farm (Grace De Libero & Alexander Kaspar) – Tax Map #72.-1-50 (113.10 Acres) and Tax Map #83.-1-11 (60.40 acres) Total Acreage: 173.50

Town of Southeast:

Whitehouse Farm (Michael Coughlin) – Tax Map #56.18-1-34.1 (15.04 acres) Total Acreage: 15.04

Total acreage in petitions: 194.54

FURTHER NOTICE is hereby given that a Public Hearing will be held on Tuesday, July 6, 2021 at 6:45 P.M. in the Historic Courthouse, Carmel, New York, to consider these requests for inclusion and the recommendations of the Putnam County Agriculture and Farmland Protection Board.

BY ORDER OF THE PUTNAM COUNTY LEGISLATURE

**Diane Schonfeld
Clerk**

Chairwoman Addonizio read the procedure for making comments at the Public Hearing.

Alexander Kaspar of Putnam Valley stated that he emailed 13 documents to the Legislature; one (1) of which explains the remaining 12. He stated that the documents speak for themselves. He stated that one (1) was an email stating that the public was not allowed to comment during the discussion of the Agricultural District at the Physical Services Committee meeting. He believed that since 2007 the Legislature wanted to make sure that the people who were not liked by a town municipality would not get into the Agricultural District. He stated that it may be a coincidence but over the last five (5) years that he has applied for inclusion into the Agricultural District, within a few days of his application the town building inspector issues him a violation. He explained that he fights the violations in court, and he is still in court over the current violation which has cost him over \$7,000. He stated the violation is not on any of the parcels requested to be in the Agricultural District. He stated that he has never had any violations on the 113-acre parcel, tax map #72.-1-50. He explained what type of animals were on that parcel and the improvements he made to the property. He explained that he brought with him tonight a representative from the Environmental Consulting & Management Services (ECMS) who found no violations on this parcel. Mr. Kaspar believed there was no proof with any of the statements written in the Putnam County Agriculture & Farmland Protection Board's (PCAFPB) letter from Liaison Lauri Taylor. He explained his history with the PCAFPB compared to now. He explained that he has not received information on his FOIL request to the County. He explained that Liaison Lauri Taylor responded to Ms. DeLiberio on June 2, 2021, stating that the PCAFPB was not recommending any parcels for inclusion. He stated that this was 13 days before sending the recommendation letter to the Legislature. He believed that Ms. Taylor has informed Legislator Sayegh that a business plan is required. He stated that nowhere is it written in the law that a farm should be profitable or have a business plan.

Putnam Valley Supervisor Sam Oliverio, Jr. stated that there are outstanding violations since 2007 that have not been corrected. He stated that multiple acres of property were dumped upon illegally with toxic substances which still have not been cleaned up. He stated that the town has been fighting this in every court imaginable. He stated that there were settlements in three (3) separate courts; the most recent with Honorable Victor G. Grossman, Justice of the Supreme Court, Putnam County, where Mr. Kaspar was ordered to remediate the property within a certain amount of time. He stated that the remediation has not occurred. He explained that he cannot be included in the Agricultural District with outstanding violations on the property. He stated that the Town of Putnam Valley requests the agricultural district status not be granted to an individual who is not a good steward of the land and who has polluted that property to the extent that the Department of Conservation (DEC) itself said that it must be remediated. He explained that he has had close to 15 years to clean up the property and the town has not received that cooperation. He stated that it has been dragged into one (1) court after another to where we are in bankruptcy court now. He stated that once that is settled we will be back in court again to enforce the mandate by Justice Victor Grossman from a few years ago. He hoped that the Legislature would not grant the request to include this property into the Agricultural District.

Alexander Kaspar stated that Justice Victor Grossman has not made any order concerning the previous judgement. He stated that he did not understand why the word bankruptcy keeps coming up. He explained that he is going through a reorganization called Chapter 11 and fortunately, he is owed more than he owes. He stated that the only way to clear that up was in a bankruptcy court which has nothing to do with farming.

Harry Sudwischwer of Environmental Consulting & Management Services stated that he works for Valley View Farms. He stated that he is an environmental consultant and has worked for the Department of Environmental Conservation (DEC) for 15 years on several parcels for many clients to remediate properties. He stated that he is working with the DEC to remediate the parcel in question. He explained that this parcel is owned by Mr. Kaspar of Valley View Farms, but it is not a parcel that is requested to be in the Agricultural District. He explained that the parcel in question which has the violations is being addressed. He stated that there were very small areas within that parcel where the illegal dumping occurred. He stated that he is in contact with DEC currently to remediate those parcels. He stated that Mr. Kaspar is requesting that these other parcels that he owns be considered for the Agricultural District so he can have a viable farm. He explained that Mr. Kaspar is making progress in remediating the error of his ways. However, the town has not even allowed Mr. Kaspar to set up a farm stand or sell any of his products on his parcel because he cannot get a permit because he has a violation on one (1) parcel, even though he has several others that do not have violations. He stated that there are some chemicals on the property that are above the regulatory values, however, they are not as bad as the town is claiming to get your attention. He stated we are addressing these issues; the DEC is involved, and he is involved directly. He offered to address any questions or concerns.

Putnam Valley Supervisor Sam Oliverio, Jr. stated that the fear of the town is that if Mr. Kaspar is given the Agricultural District status, he will continue the dumping, the removal of the historic stone wall and the cutting down of trees without the permit process. He stated that this is his history. He will continue to deface and destroy that property. He stated that it took the town years in court to have him stop dumping. He stated that he finally stopped dumping and he still has not remediated the property. He explained that there are over 10 acres of property where he dumped cement, asphalt, tires, etc.

Harry Sudwischwer stated that he is not on Mr. Kaspar's payroll directly. He stated that the court appointed him to assist Mr. Kaspar in remediating his property. He stated that the dumping was done over 12 years ago, and Mr. Kaspar has no interest in going back down that route. He stated that he wants to start a farm.

There being no other members of the public wishing to speak, at 7:11 P.M., Chairwoman Addonizio made a motion to adjourn; seconded by Legislators Sullivan and Gouldman. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.