

Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

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Minutes of the WAC Easement Committee Meeting

August 3, 2022

Members Present:

Tom Hutson
Dave Cammer, via Zoom
John Verhoeven, via Zoom
Fred Huneke, via Zoom
John Vickers, NYC DEP

Members Absent:

Bud Gladstone

Others Present:

Ryan Naatz, Executive Director
Serena Orleski, Easement Program Director
Mike Morales, Easement Program Stewardship Coordinator
Dennis Heinz, Land Conservation Stewardship Specialist
Troy Bookhout, Easement Program Conservation Planner
Kayla Atanasoff, Easement Program Executive Assistant
Michael Vander Werff, NYC DEP
Tom Ganz, NYC DEP
Dudley Harris, NYC DOI

Public Attendees:

Paul Kaczmarczyk, NYS DOH
Morgan Zyzik-Tarbell, NYS DOH

I. CALL TO ORDER

Meeting called to order at 10:06 am.

II. APPROVAL OF MINUTES

**Motion to approve the Minutes of the July 6, 2022 public meeting of the Easement Committee.*

Motion: Dave Cammer

Second: John Vickers

****Motion Carried****

III. ADDITIONS/DELETIONS TO PUBLIC AGENDA

1. Realtor Visits

Serena gave a quick update on a realtor visit, mentioned in the previous Committee meeting. Last Friday, Serena and Mike spent the morning visiting three local realtors in Delhi; Frank Lumia, Coldwell Banker, and Keller Williams. They dropped off pamphlets and business cards, and had conversations regarding conservation easements.

IV. CHAIR’S REPORT/PROGRAM MOTIONS

1. Chair’s Report

Tom brought in an article in *The Progressive Farmer* which predicts continued loss of farm land through 2040. With that, he wanted to highlight the validity of the work that the Watershed Agricultural Council does.

2. **(Tabled on June 15, 2022) Motion to advance the DRAFT “Rural Enterprises and Commercial Recreation” and “Locating Septic Systems Outside Acceptable Development Areas (ADA)” guidelines, as amended, to WAC legal counsel for review.*

Serena asked that the program motion remain on the table. She gave an update on her meeting with the Watershed Inspector General (WIG) and two of his colleagues; he requested a site visit at a property with a Tentrr set-up, which has been scheduled at the end of the month. She will have an update and more information at the next Committee meeting.

V. DISCUSSION ITEMS

1. Acquisition Coordinator

Serena gave an update on the interview rounds for *Acquisition Coordinator*. She held a second interview on Tuesday and has one coming up on Friday. She should have a decision by next week. She added that the job description for the open *Stewardship Specialist* position has been posted internally. There will likely be more to share on filling these vacancies at the next Committee meeting.

2. CAT-403 Extension

John Vickers gave an update on CAT-403 extension. A draft amendment was submitted and is currently under review. It would extend CAT-403 to March 2025, add \$4 million, and include a placeholder provision for the demolition on the Ploutz property. John and Ryan are working on final approval from the DEP *Chief Contracting Officer*.

Ryan added that he expects to hear from the Town of Hamden with follow-up regarding the Ploutz property. He explained that they have concerns about the safety of the buildings on-site.

John Vickers added that the amendment to CAT-403 would also change the budget and procurement language to match that of CAT-487.

VI. STEWARDSHIP MOTIONS

1. ADM Farms, LLC (PID #6293): Stream Work Request

Mike presented this motion. ADM Farms, LLC recently purchased the Truesdell property. He explained that there is an existing farm road that also acts as a right-of-way for the house at the end of the road. The new property owners have requested stream work to stabilize the access road and re-route the stream to its original corridor following damage from a large storm event in April of this year. He added that he met with the landowners and DEC on site, and DEC was able to give some advice to the landowners on the construction. The landowners are currently in the process of submitting for the stream permit.

John Vickers asked if the DCSWCD was consulted on this project. Mike said that they weren't but that he plans to use them as a resource moving forward. John had concerns about the work being done correctly by the landowner and contractor, especially if it could be a reoccurring issue, but he was comfortable with it under the approval of the stream permit.

Since the landowner is doing the work themselves, they are required to notify DEC prior to and following construction. The work will be reviewed by Stewardship during the next monitoring visit.

****Motion to approve the ADM Farms, LLC (PID #6293) Stream Work, Access Road Stabilization activity request dated June 29, 2022 as described in staff memo and attached materials dated July 19, 2022. Approval is contingent upon issuance of NYS DEC Article 15 stream permit.***

Motion: John Vickers

Second: Fred Huneke

****Motion Carried****

2. Johannes Graf von Schoenborn (PID #6147): Stream Work Request

Troy presented this motion. He was approached by the DCSWCD Stream Team in early July about the easement status of a property they were doing design work for. There *was* an easement on said property, so he attended a meeting with the landowner and the Hamden Highway Department to review the stream work design plans.

The stream parallels Coles Clove Road, which was damaged from a heavy rain event in 2018. The requested work would stabilize the streambank and prevent further damage to the road. The project would be funded through DCSWCD, and the stream permit has already been submitted to DEC.

Troy made a note about the time frames included in the memorandum; the second time frame is for 2023 (not 2022) and was included in case the work couldn't be completed this year. He also added that SWCD is just as strict about permitting as WAC's Agriculture Program. It was worth noting that perhaps these requests could be approved at staff level moving forward if the proposed stream work goes through SWCD.

****Motion to approve the Johannes Graf von Schoenborn (PID #6147) Stream Work, Bank Stabilization activity request dated July 18, 2022 as described in staff memo and attached materials dated July 18, 2022. Approval is contingent upon issuance of NYS DEC stream permit.***

Motion: Dave Cammer

Second: John Verhoeven

*****Motion Carried*****

VII. STEWARDSHIP UPDATES

1. Vera Tzelepis- Liddle (PID #6219): FHP Renewal – Staff Approval

Dennis presented this update. This request was for a renewal from a previously approved forest harvest as part of the landowner's 480-a schedule, dated late 2019 to early 2020. The logger was not able to complete this harvest during the original time frame. The landowner and our staff *Watershed Forester*, Karl VonBerg, are hopeful that the work will be completed by the end of this summer.

2. Michael Warholic (PID #6008): Ag. Structure Outside of the ADA Greater than 5,000 sq. ft. – Staff Approval

Dennis presented this update. This request was previously introduced to Committee as a denial because of where the proposed structure would be placed. The landowner has since moved the requested location outside of the RPA, and therefore it was approved.

Dennis added that the landowner does not have any other existing ag. structures on the property outside of the ADA, and the reason he was required to request permission is because his property was the result of a subdivision. No ag. structure allocations were transferred, and therefore, every structure must be approved by staff.

3. Ari Brown (PID #6021): Rural Enterprise – Staff Approval

Mike presented this update. Ari Brown purchased the Stewart Farm, and has requested to renovate a portion of an existing barn (where a milk house is currently located) to convert it

to a poultry processing facility. The finished space will be 483 sq. ft. in size, including a 160 sq. ft. addition, and USDA certified.

This landowner may not have needed approval for this renovation because a processing facility could be considered an agricultural commodity rather than a rural enterprise. However, considering the facility would be USDA certified, requiring an office space on-site for a USDA inspector, he decided to treat it as a rural enterprise as a cautionary measure.

Fred asked if the landowner had any plans for the offal. Mike replied that he had spoken with WAC Agricultural and Nutrient Management Planning staff to discuss possible options. The landowner currently plans to either compost the waste or dispose of it with a rendering truck. He noted in his approval letter that the landowner must follow local, state, and federal regulations associated with his rural enterprise, as well as his Whole Farm and Nutrient Management Plans, and notify us of any changes.

VIII. EXECUTIVE SESSION

**Motion to go into Executive Session at 10:51 am to discuss Violations/Legal Updates, Acquisition Program Motions/Updates, and Other Business.*

Motion: Fred Huneke

Second: John Verhoeven

****Motion Carried****

**Motion at 11:02 am to go out of Executive Session.*

Motion: John Vickers

Second: Dave Cammer

****Motion Carried****

IX. VIOLATIONS/LEGAL UPDATES

1. (PID #6600): “Outdoor Concerts” Violation

X. ACQUISITION PROGRAM MOTIONS/UPDATES

ACE Project Motions

None.

FCE Project Motions

None.

Updates

None.

XI. DISCUSSION/OTHER BUSINESS

None.

XII. ADJOURNMENT

Meeting adjourned at 11:03 am.

Next meeting date: **Wednesday, September 7, 2022 at 10:00 am, via Zoom**