



Minutes of the WAC Easement Committee Meeting

December 7, 2022

Members Present:

Tom Hutson, *Committee Chair*
Dave Cammer, via Zoom
Paul Gallay, via Zoom
Bud Gladstone, via Zoom
Fred Huneke
John Verhoeven, via Zoom
John Vickers, *NYC DEP Representative*, via Zoom

Members Absent:

None

Others Present:

Ryan Naatz, *Executive Director*
Serena Orleski, *Easement Program Manager*
Bill Martin, *Easement Program Acquisition Coordinator*
Mike Morales, *Easement Program Stewardship Coordinator*
Dennis Heinz, *Land Conservation Stewardship Specialist*, via Zoom
Brent McKeon, *Land Conservation Stewardship Specialist*, via Zoom
Troy Bookhout, *Easement Program Conservation Planner*
Kayla Atanasoff, *Easement Program Executive Assistant*
Michael Vander Werff, *NYC DEP*, via Zoom
Lee Harris, *NYC DOI*, via Zoom
Alla Saint-Fleur, *NYC DOI*, via Zoom
Patrick Palmer, *NYS DOH*, via Zoom
Pauline Wanjugi, *NYS DOH*, via Zoom

Public Attendees:

Sean Leddy, *Delaware County Planning*, via Zoom
Nick Carbone, *Delaware County Watershed Affairs*, via Zoom



I. CALL TO ORDER

Meeting called to order at 10:03 a.m.

II. APPROVAL OF MINUTES

****Motion to approve the Minutes of the November 2, 2022 public meeting of the Easement Committee.***

Motion: Fred Huneke
Second: Bud Gladstone

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

III. ADDITIONS/DELETIONS TO PUBLIC AGENDA

IV. CHAIR'S REPORT/PROGRAM MOTIONS

1. Chair's Report
2. 2023 Routine Annual Monitoring Schedule

Mike presented this motion. He explained that the schedule includes the 210 Easement properties currently in the Easement portfolio, but that number will undoubtedly increase with subsequent subdivisions, conveyances and acquisitions. He also noted that Stewardship's monitoring deliverable includes both ground and secondary monitoring visits. The secondary monitoring visits have historically been aerial monitoring, but became drive-by monitoring visits with the onset of COVID-19. He explained that the program is working to resume aerial monitoring for 2023.

****Motion to approve the 2023 Routine Annual Monitoring Schedule as written, submitted by Mike Morales, Stewardship Coordinator, dated November 22, 2022.***

Motion: Dave Cammer
Second: John Verhoeven

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

3. Draft Guideline Revisions (*Tabled on June 15, 2022*)

****Motion to move the motion for Draft Guideline Revisions, tabled on June 15, 2022,***



off the table for a vote.

Motion: Fred Huneke
Second: Bud Gladstone

****Motion Carried****

****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.***

Motion: Fred Huneke
Second: Bud Gladstone

Nay votes: Tom Hutson, Dave Cammer, Paul Gallay, Bud Gladstone, Fred Huneke, John Verhoeven, John Vickers

****Motion Denied****

V. DISCUSSION ITEMS

VI. STEWARDSHIP MOTIONS

1. Raymond & Rosemary Stewart (PID #6021): Agricultural Building Request Outside of the ADA Greater than 5,000 sq. ft.

Mike presented this motion. He explained that the landowners recently requested the incorporation of a covered feeding area (4,516 sq. ft.) to their beef operation. There is an existing manure storage structure (5,966 sq. ft.) located outside of the ADA that was implemented in 2011 as an agricultural BMP. Due to its size, the manure storage required approval to exceed the 5,000 sq. ft. allocation; the covered feeding area would require the same approval from Committee. Stewardship guidelines indicate that “WAC will consider requests for the construction of new Agricultural Buildings and Improvements greater than 5,000 square feet up to a maximum of 2 percent of the acreage of the Farm Area so long as the proposed buildings and improvements conform to the terms and conditions of the CE and these guidelines.”

He continued by explaining that *Stewardship Specialist*, Brent McKeon, and himself, met with Agricultural Program staff to review the proposed structure. The covered feeding area would be constructed off of the existing manure storage and house approximately 40



cows. The manure would be scraped to the manure storage, and then spread according to their nutrient management plan. This plan would provide a better place to house the herd, and reduce the number of times the manure would be handled. He concluded by briefly discussing the engineering logistics of adding on to the existing structure and specific features planned for the feeding area.

There was a subsequent discussion regarding siting of acceptable development areas (ADAs) and agricultural building and improvement allocations in the Easement Program guidelines.

****Motion to approve the request dated 11/10/2022, from Raymond and Rosemary Stewart to construct a new Agricultural Building over 5,000 sq. ft. located within the Agricultural Conservation Easement Area (ACEA) as presented and described in the (PID #6021-01) Agricultural Building Request Outside of the ADA Greater Than 5,000 sq. ft. memo dated 11/22/2022.***

Motion: Bud Gladstone

Second: Fred Huneke

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

2. John Houshmand (PID #6106): Preliminary Subdivision Approval Request

Troy presented this motion. He explained that he recently received a request from the landowner for the second of five allotted subdivisions of his Easement property. The proposed subdivision would carve out 50 acres of forest conservation easement area (FCEA), and include a right-of-way (an existing farm/logging road) to be conveyed to an adjacent farm for maple syrup production. If approved preliminarily, the landowner would then be required to have a survey completed before the motions for the final subdivision and right-of-way requests would be brought before Committee.

There was a discussion about Stewardship access in the long-term. John Vickers suggested perhaps getting a legal analysis before the final subdivision and right-of-way requests are approved. Easement staff elaborated that the motion for the approval of the right-of-way would be separate from the motion for the approval of the subdivision, and would contain language specifying landowner and WAC access to the parcel. If approved, those access rights would also be on record with the County Clerk's office.

****Motion to grant preliminary approval for the subdivision request submitted by John***



Houshmand on November 15, 2022 for the Houshmand Conservation Easement (Cowan) (PID #6106) as described in the WAC Easement Committee memo dated November 22, 2022 and the John Houshmand Subdivision Plan dated November 15, 2022, contingent upon final approval from the WAC Easement Committee.

Motion: Fred Huneke
Second: John Verhoeven

****Motion Carried****

VII. STEWARDSHIP UPDATES

VIII. EXECUTIVE SESSION (IX-XI)

**Motion at 10:56 a.m. to go into Executive Session to discuss Violations/Legal Updates, Acquisition Project Motions/Updates, and Other Business.*

Motion: Bud Gladstone
Second: John Verhoeven

****Motion Carried****

**Motion at 12:02 p.m. to come out of Executive Session.*

Motion: Dave Cammer
Second: John Vickers

****Motion Carried****

IX. VIOLATIONS/LEGAL UPDATES

1. (PID #6081): Recreational Building located inside of the RPA
2. (PID #6156): Eminent Domain Findings & Determination Letter

X. ACQUISITION PROJECT MOTIONS/UPDATES

ACE Project Motions



1. (PID #6282): Appraisal Authorization

**Motion to authorize an updated appraisal of an Agricultural Easement for PID 6282, based on the Land Planning Map dated November 13, 2019 and revised November 18, 2022, as presented, under the following scenario:*

Zero (0) additional residences and Zero (0) additional tax parcels. An Agricultural Conservation Easement of +/- 160 acres with one (1) ADA (approx. 9 acres total) and +/- 19 acres of RPA.

<u>Existing</u>		<u>Land Plan</u>		<u>Total</u>
Tax parcels: 1	+	Subdivision: 0	=	Tax Parcels: 1
Residences: 1	+	Residences: 0	=	Residences: 1
		ADA 1	=	ADA 1

Motion: John Vickers
Second: Bud Gladstone

****Motion Carried****

FCE Project Motions

None.

Updates

None.

XI. DISCUSSION/OTHER BUSINESS

1. Watershed Inspector General Determination Letter
2. Forest Conservation Easement Applicant Memo

XII. ADJOURNMENT

Meeting adjourned at 12:03 p.m.

Next meeting date: **Wednesday, January 4, 2022 at 10:00 a.m., via Zoom**