Minutes of the WAC Easement Committee Meeting  
December 1, 2021

Members Present via Zoom:
   Tom Hutson, Committee Chair  
   Dave Cammer, Committee Vice-Chair  
   Fred Huneke  
   John Riedl  
   Bud Gladstone  
   John Verhoeven  
   Jeff Graff, NYC DEP

Members Absent: N/A

Others Present via Zoom:
   Josh Gorman, Easement Program Acquisition Coordinator  
   Dennis Heinz, Land Conservation Stewardship Specialist  
   Mike Morales, Land Conservation Stewardship Specialist  
   Troy Bookhout, Easement Program Conservation Planner  
   Serena Orleski, Land Conservation Acquisition Specialist  
   Amy Faulkner, Director of Operations  
   Ryan Naatz, Executive Director  
   Duncan Schmitt, NYC DEP  
   John Vickers, NYC DEP  
   Michael Vander Werff, NYC DEP

Public Attendees:  
   Morgan Zyzik-Tarbell, NYS DOH  
   Paul Kaczmarczyk, NYS DOH  
   Nick Carbone, Delaware County Planning (formally Watershed Affairs)

I. CALL TO ORDER  
   Meeting Called to Order at 10:04am.

II. APPROVAL OF MINUTES  
   "Motion to approve the Minutes of the November 3, 2021 public meeting of the Easement Committee."

SO 12/01/21  
EC Mtg
Motion: Fred Huneke
Second: Bud Gladstone
**Motion Carried**

III. ADDITIONS/DELETIONS TO PUBLIC AGENDA
Tom welcomed the new members of DEP to the EC Meeting. Ryan introduced Michael and John V. He then highlighted the attendance of DOH employees and Nick Carbone from Delaware County Planning, formally Watershed Affairs. All Easement Committee meetings are public and routinely have the attendance of others. Ryan thanked Josh for previously setting up a meeting with Michael and John V. for staff to be aquatinted.

Ryan then spoke to the Eminent Domain action against the Moriarty property. He relayed to the group that we received the monies for the 21.6 acres that the Town of Middletown enacted eminent domain on, earlier this year. Those monies were received via check last week; approximately $200K was the final settlement award. Those will be held in account; need further discussion internally and with the City as our funder. For now, he wanted the group to know those monies are in hand and reiterated they will not be spent on anything until there is agreement.

IV. CHAIR’S REPORT / PROGRAM MOTIONS
1. Motion to Approve the 2022 Routine Annual Monitoring Schedule
   Tom introduced this. Fred inquired about the 206 properties and whether that was our entire portfolio. Josh replied yes. Mike added staff will be working to update this winter, with new landowners entering the portfolio. Ryan commented, for John V. and Michael specifically, as per our contract with the City typically DEP would indicate if and when there are any properties they wish to attend in the calendar year, in advance. This is why we do the monitoring schedule now; we can certainly accommodate any visits DEP staff wish to attend.

   Motion: Fred Huneke
   Second: John Riedl
   **Motion Carried**

V. DISCUSSION ITEMS
None.

VI. STEWARDSHIP MOTIONS
1. PID #6106 – Houshmand, John (Cowan) – Subdivision Request
   *Motion to grant preliminary approval for the subdivision request submitted by John Houshmand on October 21, 2021 for the Houshmand Conservation Easement (Cowan) (PID #6106) as described in the WAC Easement Committee memo dated November 15, 2021 and the John Houshmand Subdivision Plan dated November 12, 2021, contingent upon final approval from the WAC Easement Committee. And to grant preliminary approval for citing the FADA request submitted by John Houshmand on November 12,
2021 for the Houshmand Conservation Easement, (Cowan) (PID #6106) as described in the WAC Easement Committee memo dated November 15, 2021, contingent upon final approval from the WAC Easement Committee.

If Committee grants preliminary approval to subdivide, Grantor must seek final approval from the Easement Committee and submit the following documents for final approval by the Easement Committee:

1). Metes and bounds survey, prepared by a licensed professional surveyor at the landowner’s sole expense.

If Committee grants preliminary approval to site the FADA, Grantors must seek final approval from the Easement Committee and record an Amended Deed of Conservation and file the required amended survey as approved by the Easement Committee prior to any construction of structures or improvements may occur on the FADA site.

Grantors must submit the following documents for final approval by the Easement Committee:

1). Metes and Bounds Survey of easement property showing location of FADA prepared by a NYS certified surveyor at landowner’s sole expense.

2). Any additional reserved right request that may be required as a result of the FADA request (i.e. Forest Harvest Plan, Right of Way, Septic System).

3). Amended Deed of Conservation Easement that reclassifies FADA as ADA and amended survey establishing FADA as an ADA to be filed with Amended Deed. Prior to recording Amended Deed of Conservation Easement, landowner, at sole cost, must conduct a title search approved by WAC legal counsel. Landowner is responsible for all survey costs, title search fees, and recording & filing fees.

Prior to conveyance of the property, Mr. Houshmand shall submit the proposed deed for WAC Easement Program Staff to review and approve.

Motion: John Riedl
Second: Bud Gladstone
**Motion Carried**

Discussion: Troy presented this; after meeting with Mr. Houshmand it was determined this is a dual request as he plans to site a FADA, as well. Troy then presented maps to the group. He continued: the location is Roses Brook. Request is for a 50-acre subdivision in the upper northeast corner; it is adjacent to an existing subdivided area. There is a road that connects to this area that will be used as primary ingress & egress for this subdivision. Also requesting a right-of-way, as a back-up, to access existing ADA in the top corner (will be included in final approval). Will convey two residences, an additional FADA (that will be two FADAs on the new property), and an additional subdivision. It has been perked and meets guideline requirements. Troy added: in 2018 discussions began for another subdivision in a different location; potential for that to be requested in the future [as well]. Jeff asked if the shape of the FADA reflects the perk test results. Troy replied, no – more so reflects the landowner’s preference. Jeff inquired...
about the siting of the leech field. Troy replied it does include space for leech field. He added: will be perked again for the building permit. Bud inquired about access to the existing ADA. Troy clarified the potential right-of-way is an existing farm road. There is also an intent to include a right-of-way (off W. Highland Road) through the new property to existing ADA. Troy added that Mr. Houshmand’s future intention is to convey the property. John R. asked if there was any active agriculture. Troy replied the whole parcel is utilized for hay and there are future plans to start a beef operation. This subdivision will minimally affect the operation and for now will continue. Fred asked why he wanted to subdivide. Troy commented that he is eventually intending to convey.

VII. STEWARDSHIP UPDATES

1. PID # 6004 -Tabula Consistens LLC

Troy and Josh presented. Josh stated that Rob Birdsall spoke to the new owners of the Morgan property initially and learned of their intentions to open a farm brewery. He continued: Troy and I met with the current owner to discuss his intentions and understand his timeline for approvals. We have invited him in, in January, to present his project to EC. Troy reiterated and added this will be a staged process with multiple reserved right requests. Jeff asked: what types of reserved rights are we looking at? Troy replied: rural enterprise, including conversion of buildings and perhaps some Farm Support Housing. Josh added: there will be multiple rural enterprise structures (with conversion of non-habitable for some) and some Farm Support Housing (again some are conversion of non-habitable and/or current rental units on property). New owner has vetted concept with Rob. Will be looking at each request individually for approval, as it is a staged project. Conceptually it could all happen, there is a large ADA, but will need to see building permits, septic designs, etc. as that all becomes available. Jeff asked if there were any BMPs in lifespan that could be affected. Troy stated no; had discussed and those in lifespan are not included. Josh added: in addition to farm brewery, he does intend to have beef on the property (as he does now). John R. inquired about the owner. Josh replied that he has two breweries already in Brooklyn and Queens. Troy added he is looking for agritourism; has beef and also aspirations for an orchard. Tom added perhaps he will want to participate in nutrient management. Josh continued: good opportunity with a new landowner to introduce him to Committee. Duncan commented, this looks like the most robust rural enterprise we have seen. He asked what is currently the largest in the portfolio. Josh replied: Tilly Foster; they have a restaurant, education facilities, conference center, etc. We also have a water bottling plant on a property. Tilly Foster is a great example for an agritourism destination spot. January is again just a chance to have an overview and introduce the new landowner. Staff will then work with him on individual requests. Bud inquired about the Farm Support Housing; asking - if the farming operation doesn’t materialize, what if he then turns them into an Airbnb? Josh replied: Property already has 4 rental units and a primary residence. Terms and conditions different for new vs. existing. In Deed, if existing Farm Support Housing is no longer needed then does convert into a residence. Great question about new structure but
thankfully buildings already there today. Ryan added: Farm Support clause based on the needs demonstrated by new/current operation. There is a sequence to the request; he would need to establish justification for new Farm Support Housing. Josh added: Bed&Breakfasts are considered rural enterprises under the Deed. Approval of Bed & Breakfast (or Airbnb) would be under the rural enterprise structure clause. That is part of the plan, to have a Bed & Breakfast. Serena inquired about Ag and Markets law and the classification of a farm brewery. Josh added: That is part of what we want to discuss with him in January. Will all depend on his license. Owner will make his choices and we will react when receive the requests. It is an interesting operation. Similar to uses in Hudson Valley, Long Island. Again, will process like any other request and do our due diligence.

VIII. EXECUTIVE SESSION
Josh reported that there isn’t much for Executive Session, but turned to Serena for update on recent closing. She stated: closed on the Estate of Truesdell project on the 12th. Were able to have an in-person closing. Nice to have that energy at our conference table again. Everyone happy to see the project come to fruition. Thanked everyone for the support. There was then some dialogue regarding the Truesdell home farm. Fred asked to go into executive for a brief discussion on new contract. John R. inquired about the NYSEG project. Josh replied that we have a meeting with their team on December 7th and will have updates likely in January.

Nick Carbone left the meeting prior to Executive Session.

❖ Motion to go into Executive Session at 10:37 am to discuss Violations/Legal Updates, Project Acquisition Motions, Acquisition Updates, and Other Business.

Motion: Fred Huneke
Second: John Verhoeven
**Motion Carried**

❖ Motion at 10:50 am to go out of Executive Session.

Motion: Dave Cammer
Second: Bud Gladstone
**Motion Carried**

IX. VIOLATIONS / LEGAL UPDATES
X. ACQUISITION PROGRAM MOTIONS / UPDATES
   Ag CE
   None

   FCE
   None

   Updates
   None

XI. DISCUSSION / OTHER BUSINESS

XII. Meeting adjourned at 10:51 am
   Next meeting date: Wednesday, January 5, 2022 @ 10am (Location: TBD)