Minutes of the WAC Easement Committee Meeting
January 5, 2022

Members Present via Zoom:
- Tom Hutson, Committee Chair
- Dave Cammer, Committee Vice-Chair
- Fred Huneke
- John Riedl
- Bud Gladstone
- John Verhoeven
- John Vickers, 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
- Jeff Graff, NYC DEP
- Duncan Schmitt, NYC DEP
- Michael Vander Werff, NYC DEP
- Tom Ganz, NYC DEP
- Dudley (Lee) Harris, DOI
- Tal Ron, DOI
- Cynthia Irizarry, DOI
- Larry Hulle, Agricultural Program Manager
- Heather Magnan, Communications Director
- Kristan Morley, EV Program Manager

Public Attendees:
- Morgan Zyzik-Tarbell, NYS DOH
- Paul Kaczmarczyk, NYS DOH
- Nick Carbone, Delaware County Planning
I. CALL TO ORDER
Meeting Called to Order at 10:05am.

II. APPROVAL OF MINUTES
*Motion to approve the Minutes of the December 1, 2021 public meeting of the Easement Committee.*
Motion: Bud Gladstone
Second: Fred Huneke
**Motion Carried**

III. ADDITIONS/DELETIONS TO PUBLIC AGENDA
Kristan Morley joined the meeting to discuss Economic Viability grant programs.

IV. CHAIR’S REPORT / PROGRAM MOTIONS
Tom thanked the staff for their continued efforts especially while short-staffed.

V. DISCUSSION ITEMS
1. 2021 Dashboard / S&C report (via email to Committee 1/3/2022)
Fourth quarter dashboard and affiliated Success & Challenges Report was previously submitted to group. Josh opened this for discussion: he highlighted that 100% of the monitoring was complete as required by the contract and land trust standards and practices. Fred asked specifically about program challenge #3 in the S&C report; he is concerned about the potential for a funding gap. He asked for assurances that we will have enough funds for legal services and other subcontractors. Ryan responded: more about the subcontractor agreements between WAC and that specific entity (legal services, appraisal, Paychex, etc.). Myself, Amy, John Vickers have been working to make sure those subcontracts (those extensions) are being submitted and approved. YPTC is another subcontract; DEP has acknowledged this and it is included in 403 budget extension. Again, beyond the agreement that WAC and DEP has; there are similar agreements with each individual subcontractor. Hard because referencing dates that have yet to come to fruition. Specific to Easements: only short term gap will be with LGT (legal services). Request has been submitted, John Vickers is aware of it, should hopefully be in place soon.

Turned the discussion to Kristan Morley. Excited to announce the launch of some new initiatives. First, is the Economic Viability Farm & Forest Transition Reimbursement Program, its purpose is to support farm operations with property inside the West of Hudson Watershed seeking professional services in transition, estate planning or succession planning. Kristan has worked with the Easement team and other organizations outside of WAC to implement. Up to $5K for professional legal services, etc. Kristan continued: envisioned as something that could complement the Easement Program, to help keep agriculture in production, and hopefully be a catalyst to merge services between Easement and EV. Open enrollment is now available. Eligibility is based on NYS Ag & Markets “farm operation” definition (which is included on WAC website). John R. inquired as to how this has been advertised? Kristan replied: EV...
Committee voted on final guidelines (and language) in December and launched the program at the end of December. Marketed it through WAC ENews and some social media posts. Also marketing internally within WAC, through program managers, and will present at every program committee this month. WAC also developed a new rack card that lists all of the opportunities, to go out at every ASR & AMV, and also is available for any event. She emphasized: can now facilitate applications. The business owner applies, need an Ag Assessment #, goes directly to me [Kristan] and then a working group reviews the application. If approved, moves forward at EV Committee and then approved at Executive and Board levels. Money is available. Kristan also highlighted the Economic Viability Micro Grants Program, which has been previously available. Only change is applicant now also has to meet NYS definition of farm operation. Deadline for this is January 31st, up to $5K available per fiscal year. The Business Plan Reimbursement is still available, as well; open enrollment, up to $2K. These three programs are additional opportunities for our landowners who might be waiting on a BMP and/or easement contract. John Verhoeven commented that he is happy to see this pushed amongst other programs, which is maybe a different approach than what we’ve done in the past and he thinks it is a good one. Tom offered his support. Kristan also spoke to the NYC Food Policy. WAC might have other opportunities available through that initiative. Access to processing was addressed amongst group.

VI. STEWARDSHIP MOTIONS
1. PID #6106 – Houshmand, John (Cowan) –Right-of-Way (ROW) Request
   *Motion to grant approval for the Right-of-Way request, associated to the preliminary FADA siting and Preliminary Subdivision approved on 12/1/21, as described by easement staff memo dated 12/20/21 with Right-of-Way materials submitted by John Houshmand, contingent upon the Town of Stamford’s confirmation that ROW1 is required for subdivision approval.
   Motion: Bud Gladstone
   Second: John Vickers
   **Motion Carried**

   [Previous] Motion to Table [above]
   Motion: John Vickers
   Second: John Riedl
   **Motion Carried**

   [Associated] Motion to withdraw the decision to table
   Motion: John Vickers
   Second: John Riedl
   **Motion Carried**

   Discussion: Troy presented this. Last month approved, preliminarily, a subdivision and FADA siting for the John Houshmand easement property. For final approvals, now need to address the associated right-of-ways. Troy presented a map outlining the right-of-ways to the group. He continued: As part of the 50-acre
subdivision, there are two requested right-of-ways. The easement language for the right-of-ways is included in the packet. Troy explained: ROW1 comes off Roses Brook, ROW2 comes off a private road, Hait Road. ROW2 is intended to access the ADA of the northern parcel and also for the future FADA. ROW1 was required by the Town. John Vickers stated: DEP concerned about the necessity of ROW1, given that the primary right-of-way is ROW2, and ROW1 is quite lengthy. He also stated he reviewed the provided Town of Stamford minutes. His question: when Houshmand presented, did he have the ROWs on the sketch presented to Town? Troy replied he was not at the town meeting, but as he understands it, John always intended to convey the property (once subdivided) and utilize existing ROW2 for ingress and egress. John Vickers further asked: is it possible to table this and allow John Houshmand to go back to the town and ask if ROW2 is enough, in which case ROW1 would not be required. Troy agreed it was possible. John Vickers asked if both right-of-ways had been surveyed and Troy replied yes. Houshmand’s intention was to bring all in for final approvals. Fred asked for clarification as to what is the objection by DEP to ROW1; is it simply the length? As Fred understands it they will not be paved, so what will the water quality issue be? John Vickers replied: if this were to become a four season road, they are going to need to bring in a lot of fill, crown or slope it and install ditches to carry the water away. Even though gravel roads are somewhat pervious it really depends on intensity of rainfall. With decent rainfall you are going to get water flowing off the road adding more turbidity. If it is not necessary, and it seems the only reason it is there is because the Town wants it, and we could get the town to approve ROW2, than it’s a solution/resolves our concern. Tom asked if ROW1 would remain a farm road. Josh: they have the right within the deed to improve a farm road. Bud emphasized it is currently existing. John Vickers: no issue with farm road, is most likely used on occasion. Troy shared photos of road as it stands. Current landowner gets firewood for personal use. Also utilizes for haying; does see some intense use. Tom and Josh: there are intensity of use issues but again, he could improve it today without violation as a farm road. However, today he is asking for the approval of both right-of-ways, committee needs to decide: table or deny. Further discussion ensued regarding options. John Vickers stated he would like to table this for further discussion to see if ROW#2 will satisfy their [Town of Stamford] requirements. Nick or Sean from Delaware County were asked to comment. Josh clarified Roses Brook is a town maintained road; Hait Road is private. He believes that is what the town was saying, they needed access through a public road. He continued: staff reviews requests against guidelines and this did meet guidelines, as we presented it today. Looking for consistency. Troy added: Mr. Houshmand did not originally want ROW1, town regulations state it must come off a town road and not the private road. Ryan asked: would the group approve it, if the town confirms the “town road” access is necessary. If so, could approve motion with a contingency. Further discussion on this option ensued, as did further clarification of location of private road and ownership. For instance, Bud questioned the number of parcels on the private road that would need to allow the access.
Might need deeded descriptions, for instance. Sean Leddy commented: in the Town of Stamford you are allowed to create a subdivision, without frontage on a public thoroughfare, as long as there is deeded access to the property – which is the case in this example. He continued: therefore, this would be allowed in the town of Stamford. Josh thanked Sean for that observation and reminded the group of today’s options. Mentioned John V.’s motion to table, which was seconded [and will need to be addressed] or Ryan’s suggestion for a contingency vote. There are two options, but we have to address that motion on the floor with a second. Bud added we do not want to create a lot we can’t get to [potential for landlocked parcel]. Josh added: right now we have preliminary approval with the location of the ADA and a FADA in that subdivision. As Troy mentioned, the right-of-way is a step in the preliminary to final subdivision approval. Tom inquired about the possibility of Hait Road ever becoming a public road. Discussion ensued. John Vickers decided to withdraw his motion to table.

VII. STEWARDSHIP UPDATES

1. PID # 6004 -Tabula Consistens LLC (Finback Brewery) Presentation

Josh introduced this. Mr. Lee purchased the Morgan/Piper Farm. Finback Brewery will be coming to that property. Josh reminded committee that there are no motions, today is just an overview/introduction. Mr. Lee then shared a presentation with the group. He currently owns a small craft brewery with locations in Queens and Brooklyn. Finback Brewery was founded by two home-brewers in 2013. Over time they realized how much they liked to make beer with varied ingredients and became very interested in brewing in a more rural setting. He then spoke to the Pieper property and why it appealed to him and his business partner. He brought up the conservation easement map and explained their plan. For instance, they were drawn to the existing functioning agricultural architecture. They have started some work. For instance, some beef cattle on site. “Farm to pint” is the idea; new kind of rural enterprise. Plan to reuse existing buildings: Phase 1, brewery and taproom in existing main barn. Phase 3, Bed & Breakfast in main farm house. Also, convert two trailers to become additional space for Bed & Breakfast. Phase 2, utilize another barn for events (flexible space). Working with Walton Planning/Zoning Board. All together a new agritourism space and plans to maintain some continued agriculture (beef, chicken, orchards). Josh thanked Basil for the presentation and reminded group that staff has been communication with Mr. Lee for months now.

VIII. EXECUTIVE SESSION

Nick Carbone, Sean Leddy, and Basil Lee left the meeting and/or were placed in a waiting room prior to Executive Session.

❖ Motion to go into Executive Session at 11:15am to discuss Violations/Legal Updates, Project Acquisition Motions, Acquisition Updates, and Other Business.

Motion: Bud Gladstone
Second: Fred Huneke
**Motion Carried**

Motion at 11:27am to go out of Executive Session.
Motion: John Riedl
Second: Fred Huneke
**Motion Carried**

IX. VIOLATIONS / LEGAL UPDATES

X. PROJECT ACQUISITIONS (DISCUSSION IN EXECUTIVE SESSION)

ACE Project Motions
None

FCE Project Motions
None

Updates
None

XI. DISCUSSION / OTHER BUSINESS

XII. Meeting adjourned at 11:28am
Next meeting date: Wednesday, February 2, 2022 @ 10am (Location: TBD)