

# Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

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## Minutes of the WAC Easement Committee Meeting

June 15, 2022

### Members Present via Zoom

Tom Hutson, Committee Chair  
Dave Cammer, Committee Vice-Chair  
Bud Gladstone  
John Verhoeven  
Fred Huneke  
John Riedl  
John Vickers, NYC DEP

### Members Absent: None

### Others Present via Zoom:

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  
Ryan Naatz, Executive Director  
Michael Vander Werff, NYC DEP  
Dudley Harris, DOI  
Jessica Nowlan, DOI

### Public Attendees:

Paul Kaczmarczyk, NYS DOH  
Morgan Tarbell, NYS DOH

## I. CALL TO ORDER

Meeting called to order at 10:03am.

## II. APPROVAL OF MINUTES

KA 06/15/2022  
EC Mtg

*\*Motion to approve the Minutes of the May 4, 2022 public meeting of the Easement Committee.*

Motion: Fred Huneke

Second: Bud Gladstone

**\*\*Motion Carried\*\***

### **III. ADDITIONS/DELETIONS TO PUBLIC AGENDA**

1. Serena introduced Kayla, the new *Easement Program Executive Assistant*, to the Easement Committee. She also introduced Mike Morales as the new *Easement Program Stewardship Coordinator*.
2. Serena added a waiver request received from Tilly Foster to be discussed in Executive Session. She forwarded the request and accompanying materials to committee on Tuesday, June 14.

### **IV. CHAIR'S REPORT/PROGRAM MOTIONS**

1. Chair's Report

Tom had nothing major to report. He mentioned that he was thankful for all the hard work from the easement staff and the team that they are in the process of building. Serena added that the program still has three positions open under the current extension. The focus first will be on hiring an Acquisition Coordinator because the program has been stalled in these efforts for some time now.

2. *\*Motion to table 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: John Vickers

Second: John Verhoeven

**\*\*Motion Carried\*\***

Discussion: Serena introduced the guideline revisions that were included in the packet materials. These revisions came about because the program has experienced an increased number of landowner requests for commercial/temporary events (e.g. Tilly Foster concert events) over the last several years. The requests are almost always associated specifically with the necessary use of temporary structures (e.g. tents or stages), and portable toilets, both of which are considered low-impact to water quality and provide additional income to the Easement Program's farm and forest landowners. Serena also noted that NYS Agriculture & Markets law includes agricultural tourism within its sound agricultural practices section. She continued that the approach with the revisions was to provide definitions that are not currently included in the model Deed of CE. For example, Section 7 was added to our Rural Enterprises guideline to include temporary improvements, and definitions for commercial and non-commercial camping. Section 3 was added to the Septic System guideline to include the temporary accumulation of waste other than

by an SSTS (portable toilets). The guideline revisions were proposed as a preferred method to handle these types of requests, as opposed to issuing violations or waiver requests as those methods become quite burdensome on staff. She then turned the discussion over to the Committee.

The consensus from Committee was that members agreed that the activities addressed with the proposed guideline revisions should be permitted, but that legal guidance should be sought on the best way to achieve those outcomes prior to a vote. Serena and John Vickers agreed to set up a meeting between themselves and both WAC and legal counsel to have those discussions and something to report by the next committee meeting in July. With that said, John Vickers proposed that the motion be tabled for the time being.

## V. DISCUSSION ITEMS

None.

## VI. STEWARDSHIP MOTIONS

1. County of Putnam (PID #6600) – 2022 Tilly Foster “Outdoor Concerts” Waiver Request

This motion item was discussed in Executive Session.

***\*Motion to approve the County of Putnam (PID#6600) Waiver Request dated June 7, 2022, with attached Consent for Waiver, and as detailed by the attached correspondence submitted by Jennifer Bumgarner, Putnam County Attorney.***

Motion: John Verhoeven

Second: Bud Gladstone

***\*\*Motion Carried\*\****

## VII. STEWARDSHIP UPDATES

1. Warholic, Michael (PID #6008) – Request to Construct a High Tunnel Outside of the ADA Greater than 5,000 Square Feet – Denied

Dennis presented this update. The request was for the construction of a high tunnel outside of the ADA. Its proposed location over an existing field would partially fall within the RPA. The Deed of Conservation Easement indicates that only incidental structures are permitted within the RPA. He referenced a former analysis he wrote in 2017 to inform his decision to deny the request; it outlined that buildings or improvements used for farm operation or production must classify as agricultural buildings and not incidental buildings. Although the agricultural practice was permitted within the RPA, the incidental structure was not. He reported that the landowner plans on moving the existing field to a different location next season and constructing the high tunnel outside of the RPA.

2. Fleming, Steven (PID #6159) – Request to Conduct a Timber Harvest – FHP Approved on 04/26

Dennis presented this update. The request was considered a standard forest timber harvest and was approved. There was a potential issue of a stream crossing. With consideration for impacts to water quality, the stream crossing was scrapped because the logger was only planning on harvesting a few trees across the stream anyways.

3. William Laughman/Ruth Fuller (PID #6193) – Request to Conduct a Timber Harvest – FHP  
Approved on 05/02

Mike presented this update. The request was approved and the harvest will likely occur later this summer. Both the Forestry Program and Mike will monitor the harvest from beginning to end. He reported that the request seems standard and there were no apparent issues.

## VIII. EXECUTIVE SESSION

*\*Motion to go into Executive Session at 10:56am to discuss Violations/Legal Updates, Acquisition Program Motions/Updates, and Other Business.*

Motion: Tom Hutson

Second: Bud Gladstone

**\*\*Motion Carried\*\***

*\*Motion at 11:20 am to go out of Executive Session.*

Motion: Dave Cammer

Second: Bud Gladstone

**\*\*Motion Carried\*\***

## IX. VIOLATIONS/LEGAL UPDATES

None.

## X. ACQUISITION PROGRAM MOTIONS/UPDATES

### ACE Project Motions

None.

### FCE Project Motions

None.

### Updates

None.

## XI. DISCUSSION/OTHER BUSINESS

1. County of Putnam (PID #6600) – 2022 Tilly Foster “Outdoor Concerts” Waiver Request

## XII. Meeting adjourned at 11:22am.

Next meeting date: **Wednesday, July 6, 2022 at 10:00am, via Zoom**