

Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

33195 State Highway 10, Walton, New York 13856

phone: 607-865-7790

fax: 607-865-4932

nycwatershed.org



Minutes of the WAC Easement Committee Meeting

November 2, 2022

Members Present:

Tom Hutson, *Committee Chair*

Dave Cammer, *via Zoom*

Paul Gallay, *via Zoom*

Bud Gladstone, *via Zoom*

John Verhoeven, *via Zoom*

Fred Huneke, *via Zoom*

John Vicker, *NYC DEP Representative*

Members Absent:

None

Others Present:

Ryan Naatz, *Executive Director*

Serena Orleski, *Easement Program Director*

Bill Martin, *Easement Program Acquisition Coordinator*

Mike Morales, *Easement Program Stewardship Coordinator*

Dennis Heinz, *Land Conservation Stewardship Specialist, via Zoom*

Troy Bookhout, *Easement Program Conservation Planner*

Kayla Atanasoff, *Easement Program Executive Assistant*

Lee Harris, *NYC DOI, via Zoom*

Public Attendees:

Nick Carbone, *Delaware County Planning, via Zoom*

Paul Kacmarczyk, *NYS DOH, via Zoom*

Pauline Wanjugi, *NYS DOH, 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 October 5, 2022 public meeting of the Easement Committee.*

Motion: Bud Gladstone

Second: John Vickers

****Motion Carried****

III. ADDITIONS/DELETIONS TO PUBLIC AGENDA

IV. CHAIR'S REPORT/PROGRAM MOTIONS

1. Chair's Report

Tom had nothing to report to Committee.

2. Draft Guidelines Revisions (*Tabled on June 15, 2022*)

Serena reported that she had recently received a response letter from the Watershed Inspector General (WIG). She has been reviewing it with staff, and told Committee that they could expect specific details of the determination as a discussion item at the December Easement Committee meeting. For the time being, the motion remained tabled.

**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.*

V. DISCUSSION ITEMS

VI. STEWARDSHIP MOTIONS

1. John Lamport (PID #6017): Final Subdivision Approval (Subdivision 1)

Mike presented this motion (which was related to motions #2 and #3). He explained that earlier this year, John Lamport submitted two preliminary subdivision requests to Committee for preliminary approval. John completed the required surveys, included in the packet materials, and has submitted a request for final approval. Mike has been communicating with John's attorney to outline the allocations and language to be included in the Conveyance Deed. He referenced a map to indicate the parcel for *Subdivision 1* (< 7 acres); the program's *Guidelines for the Subdivision of Tax Parcels within WAC Conservation Easements* states

that proposed tax parcels should be at least 7 acres in size to “ensure that the subdivided parcel remains eligible for an agricultural exemption under New York State Agricultural Markets Law, 25AA, Section 301.” He explained that an exception to the guidelines was made when planning because of the nature of the request and the unique layout of the Acceptable Development Area (ADA); John is looking to subdivide the tax parcel for estate planning purposes. The ADA contains three homes and he would like to subdivide accordingly for family members; the 7-acre parcel would be subdivided entirely from a portion of the ADA.

****Motion to grant Final Approval for the John Lamport (Home) Subdivision 1 request submitted by John Lamport as described in the Easement Program Staff memo and the Lamport Subdivision Plan dated April 21, 2022. The landowner has provided the Easement Committee with a metes and bounds survey, prepared by a licensed professional surveyor at the landowner’s sole expense. Prior to the actual deed conveyance of the property, Mr. Lamport shall submit the proposed deed for WAC Easement Program Staff to review and approve.***

Motion: Fred Huneke

Second: Dave Cammer

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

2. John Lamport (PID #6017): Right-of-Way Request

Mike presented this motion; the request would grant a 30 ft. wide Right-of-Way for the proposed parcel for *Subdivision 1*. He explained that there is a shared driveway between two of the homes within the ADA. This request is for continued shared access following conveyance. He added that in the future a separate driveway could be added, if needed.

****Motion to approve the Right-of-Way request on the John S. Lamport (Home) conservation easement property (PID #6017) as described in the landowner’s activity request letter dated 10/13/2022 and further detailed in the Memorandum from Stewardship Specialist Brent McKeon.***

Motion: Bud Gladstone

Second: John Vickers

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

3. John Lamport (PID #6017): Final Subdivision Approval (Subdivision 2)

Mike presented this motion. The second requested subdivision would contain a portion of the ADA where the third home is located, as well as an Agricultural Conservation Easement Area (ACEA) on the other side of the road. This parcel would qualify for the Agricultural Assessment and could be used as a stand-alone farm in the future.

There were brief discussions about siting for a septic system given the smaller size of the proposed ADA for *Subdivision 2*, as well as the program's process for subdivision requests.

****Motion to grant Final Approval for the John Lamport (Home) Subdivision 2 request submitted by John Lamport as described in the Easement Program Staff memo and the Lamport Subdivision Plan dated April 21, 2022. The landowner has provided the Easement Committee with a metes and bounds survey, prepared by a licensed professional surveyor at the landowner's sole expense. Prior to the actual deed conveyance of the property, Mr. Lamport shall submit the proposed deed for WAC Easement Program Staff to review and approve.***

Motion: Fred Huneke

Second: Dave Cammer

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

4. John Lamport (PID #6045): Final Subdivision Approval

Mike presented this motion. John Lamport submitted another subdivision request for an adjacent parcel. As with the other requests, a preliminary request was approved and the required surveys were completed. Mike indicated on a reference map the portion that John intends to retain, and the portion he intends to convey; each will maintain an ADA with residences.

****Motion to grant Final Approval for the John Lamport (Migli) Subdivision request submitted by John Lamport as described in the Easement Program Staff memo and the Lamport Subdivision Plan dated April 21, 2022. The landowner has provided the Easement Committee with a metes and bounds survey, prepared by a licensed professional surveyor at the landowner's sole expense. Prior to the actual deed conveyance of the property, Mr. Lamport shall submit the proposed deed for WAC Easement Program Staff to review and approve.***

Motion: John Vickers
Second: Bud Gladstone

****Motion Carried****

VII. STEWARDSHIP UPDATES

1. Gary Tymeson (PID #6090): Forest Harvest Plan (FHP) Renewal – Staff Approval

Dennis presented this update. He explained that Gary Tymeson’s Forest Harvest Plan began in 2020 and that the harvesting is performed by Gary himself for personal use on the property, typically during the winter months. There is a small portion of his woodlot that he would like to harvest, so his plan was reviewed and ultimately renewed for an additional year. Staff will follow-up after the harvest is completed.

VIII. EXECUTIVE SESSION

****Motion at 10:29 a.m. to go into Executive Session to discuss Violations/Legal Updates, Acquisition Program Motions/Updates, and Other Business.***

Motion: Fred Huneke
Second: John Vickers

****Motion Carried****

****Motion at 10:58 a.m. to go out of Executive Session.***

Motion: Dave Cammer
Second: John Vickers

****Motion Carried****

IX. VIOLATIONS/LEGAL UPDATES

1. (PID #6600): 2022 “Outdoor Concerts” Violation
2. (PID #6600): Stream Work Violation

X. ACQUISITION PROGRAM MOTIONS/UPDATES

ACE Project Motions

FCE Project Motions

Updates

1. Acquisition Site Visits

XI. DISCUSSION/OTHER BUSINESS

XII. ADJOURNMENT

Meeting adjourned at 10:59 a.m.

Next meeting date: **Wednesday, December 7, 2022 at 10:00 a.m., via Zoom**