

Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

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Minutes of the WAC Easement Committee Meeting

September 7, 2022

Members Present:

Tom Hutson, Committee Chair

Dave Cammer, via Zoom

Bud Gladstone

John Verhoeven, via Zoom

Fred Huneke

John Vickers, NYC DEP

Members Absent:

None

Others Present:

Ryan Naatz, Executive Director

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

Michael Vander Werff, NYC DEP, via Zoom

Lee Harris, NYC DOI, via Zoom

Public Attendees:

Nick Carbone, Delaware County, via Zoom

Paul Kacmarczyk, NYS DOH, via Zoom

Morgan Zyzik-Tarbell, NYS DOH, via Zoom

I. CALL TO ORDER

Meeting called to order at 10:06 a.m.

II. APPROVAL OF MINUTES

**Motion to approve the Minutes of the August 3, 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
2. Draft Guideline Revisions (*Tabled on June 15, 2022*)

Serena suggested that the draft guideline revisions continue to be left on the agenda as a tabled motion. She did have an update related to the motion; On August 25th John Vickers and herself met with the Watershed Inspector General, Philip Bein, at Dave Cammer's property for a Tentrr site visit. She reported that they had positive discussions and we should have a determination from him regarding materiality soon.

**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.*

3. Position Modification Request (*Discussion in Executive Session*)

**Motion to approve the Position Modification Request, as detailed in the Position Creation/Modification Request Form, included in the September Executive Session Easement Committee packet.*

Motion: John Vickers

Second: Bud Gladstone

****Motion Carried****

V. DISCUSSION ITEMS

1. Emerald Isle, LLC (PID #6156): Eminent Domain/Public Hearing Update

Serena presented this discussion item. She explained that she had previously discussed the Public Hearing Notice at the full Council meeting on Tuesday, August 23rd.

She recapped that the Easement Program received a Public Hearing Notice from NYSEG (via FedEx) on Thursday, August 18th. Mike, Ryan, Bud and herself attended the hearing, at which she gave a prepared statement.

She reported that NYSEG gave a presentation that formally stated the project's purpose; namely, to '*serve the public use benefit or purpose by improving the reliability and resiliency of the transmission system for the Fraser/Delhi region.*' They reviewed potential environmental impacts, and proposed three alternative routes that were determined to be unfeasible due to terrain, added costs, and proximity to homes. The presentation concluded with an explanation of the process for Eminent Domain Procedure Law (EDPL). NYSEG will be releasing findings and a determination within 60 days of the hearing. After that, they will submit a formal offer to the landowner and a petition to file the acquisition maps.

Serena then addressed a few take-aways from the process. She specifically highlighted for the record that an earlier draft of the May 2022 Committee meeting minutes was posted to the WAC website in error, and that it was corrected once discovered.

2. Staffing Update

Serena presented this discussion item. Brent McKeon and Bill Martin have been offered the positions of *Land Conservation Stewardship Specialist* and *Acquisitions Coordinator*, respectively. They formally accepted those offers. Brent currently works in WAC's Agriculture Program as a *Nutrient Management Specialist*; his first day in the Easement Program will be on September 19th. Bill will be starting in Acquisitions on October 11th.

VI. STEWARDSHIP MOTIONS

VII. STEWARDSHIP UPDATES

1. Patrick Hennebery III & Eleanor Blakeslee-Drain (PID #6015): Ag. Structure Outside of the ADA Greater than 5,000 sq. ft. – Staff Approval

Troy presented this update. He started by explaining previous requests for ag. structures from Patrick and Eleanor at Berry Brook Farm; a propagation house in 2020, and three high tunnel greenhouses in 2021. Both requests were approved, for a total of 10,608 sq. ft. They are currently requesting to add two more high tunnels, which would add 8,160 sq. ft. and result in a total of 18,768 sq. ft. of ag. structures outside of the ADA.

He noted that the 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.” In this case, two percent of the Farm Area acreage would be 86,413 sq. ft. so they are not at risk of approaching this limit anytime soon. With that said, he indicated that there may be another request for an additional propagation house in the near future.

VIII. EXECUTIVE SESSION

**Motion at 10:36 a.m. to go into Executive Session to discuss Violations/Legal Updates, Acquisition Program Motions/Updates, and Other Business.*

Motion: Bud Gladstone

Second: John Verhoeven

****Motion Carried****

**Motion at 11:17 a.m. to go out of Executive Session.*

Motion: John Vickers

Second: Fred Huneke

****Motion Carried****

IX. VIOLATIONS/LEGAL UPDATES

1. (PID #6600): “Outdoor Concert” Violation

X. ACQUISITION PROGRAM MOTIONS/UPDATES

ACE Project Motions

FCE Project Motions

Updates

XI. DISCUSSION/OTHER BUSINESS

1. Position Modification Request

XII. ADJOURNMENT

Meeting adjourned at 11:18 a.m.

Next meeting date: **Wednesday, October 5, 2022 at 10:00 a.m., via Zoom**