



MINUTES OF THE EASEMENT COMMITTEE MEETING

February 5, 2025

MEMBERS PRESENT:

Tom Hutson, *Committee Chair*
Paul Gallay, *via Teams*
Wayland 'Bud' Gladstone
Jennifer Grossman, *via Teams*
Fred Huneke
Shilo Williams, *NYC DEP, via Teams*

MEMBERS ABSENT:

None

OTHERS PRESENT:

Ryan Naatz, *Executive Director*
Amy Faulkner, *Director of Operations, via Teams*
Serena Orleski, *Easement Program Manager*
Bill Martin, *Easement Program Acquisition Coordinator*
Mike Morales, *Easement Program Stewardship Coordinator*
Matt Schaefer, *Land Conservation Stewardship Specialist*
Kayla Atanasoff, *Easement Program Executive Assistant*
Michael Vander Werff, *NYC DEP, via Teams*
Lee Harris, *NYC DOI, via Teams*
Paul Kacmarczyk, *NYS DOH, via Teams*

PUBLIC ATTENDEES:

Sean Leddy, *Delaware County Planning, via Teams*
Nick Carbone, *Delaware County Watershed Affairs, via Teams*

I. CALL TO ORDER

The meeting was called to order at 10:03 a.m.

II. APPROVAL OF MINUTES

Motion to approve the Minutes of the December 4, 2024 public meeting of the Easement Committee.

Motion: Fred Huneke

Second: Bud Gladstone

Motion Carried

III. ADDITIONS/DELETIONS TO AGENDA

A. Committee Updates – *added to Discussion Items*

IV. CHAIR'S REPORT/PROGRAM MOTIONS

None

V. DISCUSSION ITEMS

A. Committee Updates

Serena presented this discussion item. She explained that changes to Committee assignments were announced at the January Council meeting; John Verhoven and Karl Gockel are no longer serving on the Easement Committee, and Jennifer Grossman is joining. Serena turned the floor over to Jennifer to introduce herself and her background to those who may not know her.

VI. STEWARDSHIP MOTIONS

A. Tilly Foster (PID# 6600-00): Preliminary Amendment Request

Mike presented this motion. He started by giving some history of the property and some context for the request. In 2006, the Tilly Foster conservation easement was donated to WAC, with the intention that the property would serve as an agricultural education center. This property is the only easement in WAC's portfolio that is owned by a municipality (Putnam County) and located East-of-Hudson in the Croton Watershed.

The current easement is approximately 189 acres in size. As part of the preliminary amendment request, County Executives are looking to donate an additional 131 acres that were acquired around 2018. Easement staff have been in communication with various County officials since 2019 regarding the potential addition of these newly acquired lands to the easement. More recently, staff have made multiple trips to the property to discuss the terms and details for processing an amendment request. Mike then turned to the packet materials included to present the proposed requests and rationale by Putnam County, as well as WAC staff's analysis of those proposals.

1. *History of Violations*

The County proposed the expansion of the existing Acceptable Development Areas (ADAs) and Municipal Acceptable Development Area (MADA). The purpose being that the limited size of these use areas is associated with a history of waivers and technical violations from their annual concert series being located outside of these designated areas. Mike highlighted that being a municipality and open to the public for recreation and education, this is a unique rural enterprise compared to other properties in the WAC easement portfolio. Despite there being no substantial threats to water quality from these concerts, the WAC Easement Committee sought an opinion from the Watershed Inspector General (WIG) in 2022 to determine if there were any temporary improvements associated with the concert series that were permissible outside of the ADAs or MADA. It was the determination of the WIG that as a rural enterprise, all associated improvements are required to be sited within the ADAs and/or MADAs as per the terms of the Deed of CE. Following this determination, staff were able to work with County officials to relocate all associated temporary improvements for the 2023 and 2024 concerts within the appropriate

use areas while discussions for an amendment ensued. In addition to the concert series, there is currently a new building under construction within the MADA for a Cornell Cooperative Extension (CCE) office to further educational opportunities offered to the public. There are also plans to potentially expand some of the existing municipal buildings in the future.

If the amendment were approved under this proposed term, it would create a more favorable setup for public events, alleviating a substantial stewardship burden, and allow for the limited expansion of educational services provided.

2. Address an Ongoing Safety Concern

Mike explained that the reasoning for the expansion of the existing ADAs and MADA was twofold. There is also presently an on-going safety concern. He explained that where the existing driveway meets the busy County Highway is along a blind turn. The County has reported numerous traffic incidents and accidents as people enter or exit the property. The driveway intersects a Farm Area (FA) where limited agricultural is currently occurring. Access for tractors to utilize this driveway, in addition to members of the public, has also been problematic. The Deed of CE restricts the paving of driveways within the FA, which is why this safety concern has gone unaddressed.

If the amendment were approved under this proposed term, it would allow the County to create a new point of entry/exit a further distance from the bend in the road.

3. Expansion of Farm Areas (FAs) and Resource Protection Areas (RPAs)

The County proposed bringing in the additional 131 acreage to the existing easement as farmland and mid-successional forest with the hope to expand their current agricultural operations. Mike noted on a map two exclusion areas that the County requested within the proposed FAs. The first, located to the north, is approximately 6 acres in size. This was proposed in lieu of using their allocations for agricultural structures outside of the ADA as they have plans for a potential hay storage structure in the future. The second, located along the Middle Branch Reservoir to the southwest, was excluded due to recent and extensive stream work projects. In order to further alleviate any stewardship burdens, and so as not to hinder future stream maintenance, approximately 2 acres of this area was excluded as part of the proposal.

Despite these exclusions, if the amendment were approved under the proposed terms, it has the potential to not only expand agricultural operations but also bring in additional RPA to a classified stream that intersects the existing easement, and another stream located to the west - both of which feed into the reservoir. These additional lands would add significant protection to the Middle Branch Reservoir and surrounding streams.

Mike noted that included in the amendment request is the agreement that the County will merge all new tax parcels into one to eliminate any potential to subdivide the property in the

future. In addition, all steps required to facilitate the amendment (e.g. appraisal, survey, etc.) will be at the sole cost of Putnam County and contingent upon all necessary approvals.

Further discussions ensued between Committee members and staff regarding the amendment process and potential hiccups that could occur along the way. Shilo inquired about the anticipated completion date for the amendment, under the assumption that there are no significant delays. She pointed out that the current Water Withdrawal Permit is set to expire at the end of 2025. The new permit will not include land acquisition in the Croton Watershed. She didn't think this potential issue was insurmountable, just something to consider if the preliminary amendment request were approved. It was her understanding that these included lands acquired by donation, but she is currently inquiring to get verification. The amendment could theoretically be completed in 2025, but it would depend on timing for approvals that are outside of the County's control. Serena agreed that it was an important point of consideration.

Discussions concluded on the note that this request has the potential for numerous new opportunities, and an even stronger presence for WAC within the Croton Watershed.

Motion to grant preliminary approval for the Tilly Foster Property (CE ID# 6600-00) amendment request dated January 17, 2025 and as described in the memorandum to WAC Easement Committee from Mike Morales dated January 21, 2025. Motion is contingent upon the following:

- 1.) Appraiser opinion to determine any potential change to value (Grantor Cost).***
- 2.) Watershed Inspector General (WIG) approval***
- 3.) Title Search (Grantor Cost).***
- 4.) Survey, including merger of newly acquired parcels (Grantor Cost).***
- 5.) Confirmation of all local, state, federal approvals (Grantor Cost).***
- 6.) Title Insurance Update (Grantor Cost).***
- 7.) Draft Amended Deed of CE review with WAC (Grantor Cost).***
- 8.) Final Amended Deed of CE, recording & associated filing fees (Grantor Cost)***

Motion: Bud Gladstone

Second: Fred Huneke

Motion Carried

VII. STEWARDSHIP UPDATES

A. McClure, Allen & Carolee (PID# 6016-00): FHP ROW Request – Staff Level Update

Matt presented this update. He explained that the purpose of the request is to bring timber products from a neighboring property – the Wakefield Sportsmen's Club – to a landing on the McClure property. The logger will be primarily utilizing a forwarder to transport the timber along an existing skid trail (6,200 ft. in length), with one noted deviation to avoid a wet area. Multiple water bars are already in place along the trail following a previous harvest. There are multiple stream crossings, three (3) of which are located within designated areas of the

Conservation Reserve Enhancement Program (CREP). One (1) crossing is an existing culvert, and the other two (2) are cattle slat crossings. The cattle slat crossings will be protected with bridge mats, in addition to several other crossings located within the woods. Program staff have already received necessary approval from the Farm Service Agency (FSA) to utilize these stream crossings.

At the completion of the harvest, approximately twenty-five (25) additional water bars will be installed. WAC Forestry staff will monitor throughout the process to ensure that all water quality conditions are met.

B. Izzo, Carlo & Kimberley (PID# 6126-00): Stream Work BMP – Staff Level Update

Matt presented this update. He explained that this request is for the repair and replacement of an existing Best Management Practice (BMP) for water quality that is out of lifespan. The BMP is a livestock crossing; this stream work project will replace the crumbling cattle slats and implement new riprap upstream and downstream of the crossing for grade control.

The landowners have applied for all necessary permits, and are currently waiting for approval from NYS DEC. The stream work is anticipated to take place from June through September of this year.

VIII. EXECUTIVE SESSION (IX-XI)

Motion at 11:05 a.m. to go into Executive Session to discuss Violations/Legal Updates, Acquisition Project Motions/Updates, and Other Business.

Motion: Fred Huneke

Second: Paul Gallay

Motion Carried

Motion at 11:42 a.m. to come out of Executive Session.

Motion: Bud Gladstone

Second: Fred Huneke

Motion Carried

IX. VIOLATIONS/LEGAL UPDATES

None

X. ACQUISITION PROJECT MOTIONS/UPDATES (MOTIONS IN PUBLIC MEETING)

ACE Project Motions

None

FCE Project Motions

A. (PID# 6323): Appraisal Approval, Offer Authorization, and Purchase & Sale Contract Execution

Motion to approve appraisal, authorize offer, and execute contract for the purchase and sale of a Forest Easement for PID #6323, encompassing +/- 154.6 acres, at the full easement value of \$1,000 per acre.

Motion: Fred Huneke

Second: Paul Gallay

Motion Carried

Updates

- A. Contracts & Closings Updates

XI. DISCUSSION/OTHER BUSINESS

- A. 2024 Q4 Dashboard and Successes & Challenges Report

XII. ADJOURNMENT

The meeting was adjourned at 11:45 a.m. by common consent.

The next meeting will be held on **Wednesday, March 5, 2025 at 10:00 a.m., via Teams**