

Agricultural and Farmland Protection Board Meeting
August 16, 2023
Meeting Minutes

Ag Board members present: L. DeBuck, S. Soons, R. Minkus, D. Smith, M. Ullrich, P. Wiley J. Wright.

Ag Board members excused via phone: M. Simpson.

Ag Board members excused in person: A. Sorensen.

Guests present: S. Abeles – OCLT, K. Brown – Farmer, J. MacLeod – OC Planning, B. O'Dell – Farmer, R. O'Dell, Jr. – Farmer.

Call to order – 7:16.

July Minutes

Discussion ensued about the July minutes. L. DeBuck stated that recently he spoke to M. Simpson to see if he wanted to continue on the Ag Board. M. Simpson stated that he is ready to move on. He will send J. MacLeod his resignation letter soon. General discussion ensued about the July minutes. S. Soons moved to accept the July minutes as presented, P. Wiley seconded, unanimously approved.

Summary of Accounts

The summary of accounts was updated to reflect the \$300 allocation for the farmers gathering lunch vouchers. M. Ullrich stated that far fewer farmers came to this gathering than was anticipated. Therefore, the bill for the vouchers will be considerably less. General discussion ensued. P. Wiley moved to accept the summary of accounts as presented, S. Soons seconded, unanimously approved.

Inquiries & Correspondence

J. MacLeod stated that the Ag Board received a letter from the New York State Department of Ag & Markets regarding the certification of the inclusion of nine of the properties proposed to be put into the Orange County Agricultural District. The only property that was not added was the Rivera property. General discussion ensued. No action taken at this time.

New Business

O'Dell Farm PDR Application

Discussion ensued about the O'Dell Farm PDR application. R. O'Dell stated that he and his wife took on the O'Brien farm in 1992 and shipped milk right off. In 1997, they bought land for the farm. Starting in 1995, the O'Dells turned in PDR applications to get their farm protected. The farm is in three towns, Wawayanda, Greenville and Minisink. Initially, they were unable to get a PDR for the farm because the farm is in three towns and no one town could hold the entire conservation easement. However, the farm did meet all of the criteria to qualify for a PDR.

R. O'Dell stated that he and B. O'Dell, his wife, want all three of their children to be able to be farmers. He stated that his two daughters already own farms in the county. However, his son still lives on the O'Dell Farm with him and his wife. Although his son helps operate the farm, he does not own it at this time. R. O'Dell and B. O'Dell's will indicates that their farm will be split three ways

among their children when they pass away. Therefore, R. O'Dell and his wife want to put their farm into PDR to reduce the sale value of the farm so their son would be able to buy his sisters out and continue to farm, as the farm would be too expensive otherwise. They stated that all three of their children are in agreement with this. R. O'Dell and B. O'Dell own the farm outright. They subdivided off a two acre parcel several years ago to pay off the farm. Therefore, the conservation easement would really allow for the next generation to continue to farm the property.

R. O'Dell stated that they are now having trouble with the application because he and his wife want to exclude the house they live in from the PDR application. He stated that the farm has two houses on it, so there would still be a house on the farm that would be included in the PDR application. Furthermore, the house that will be within the conservation easement is a two-family house. Therefore, there would be a place to house farmworkers on the farm. He also stated that he has a verbal agreement with the O'Brien family to buy the house that Mrs. O'Brien lives in. This house was built in the 1950's and could serve as additional farm housing. It is also surrounded by the farm. However, R. O'Dell feels that including the home that he and his wife live in would become a burden for his children if it was in the conservation easement because they would have to rent the house out.

R. O'Dell wanted to know if the Ag Board has any suggestions to help get this PDR application recognized. He stated that he will need a PDR support letter at some time, but right now Ag & Markets won't even acknowledge the application. M. Ullrich stated that the O'Dells might be able to consider other potential conservation fund sources, such as NRCS. J. Wright said that the applicant could consider OSI as another option to conserve the farm.

K. Sumner stated that maybe the Ag Board could confront Ag & Markets to see why it will not allow for the proposed house exclusion. S. Abeles stated that she has asked Ag & Markets why it will not allow for the house exclusion and she stated that Ag & Markets just would not support the house exclusion. She said the applicant should reach out to Ag & Markets directly in order to get clarification, because she has tried to help but has faced push-back from the state. She said the contact person to talk to is David Bahm.

M. Ullrich stated that she can kind of see Ag & Markets' concern because it does not want conflicts in the future. She said that neighbors could make complaints and Ag & Markets has to come to the farmers' side. Ag & Markets is used to dealing with neighbors that are not living in a house that is owned by the farmer. However, if the neighbor lives in the farmer's house, it might create additional problems. S. Abeles stated that Ag & markets cannot do anything about the location of the existing neighbors. She stated that there is a difference between an exclusion on the farm and an out parcel. She stated maybe the O'Dells could transfer the house in question to a trust to try to resolve the issue. R. Minkus asked if the O'Dells could subdivide the house from the farm parcel now so they are separate lots. P. Wiley mentioned subdividing the house off from the farm and putting the remaining farm into a trust. Then maybe the applicant could put the land in the farm trust into the PDR program. R. Minkus stated that for this to work, the trust would have to be in the name of someone outside of the family, such as OCLT.

R. O'Dell's daughter, K. Brown, stated that she would like someone from Ag & Markets to come down to see the farm so they have a better understanding of the site.

M. Ullrich stated that this is a problem that is larger than just the PDR application for this farm. She stated that there are multiple farms that have more than one house on the farm. She stated that if the farmer wanted to subdivide one of those houses off of the farm, this should be able to be done. She stated that this is a bigger issue, and if the Ag Board writes a letter to Ag & Markets about excluding extra dwellings from the PDR application, then the Ag Board could write a letter about the O'Dell farm as a case representing a bigger problem in Orange County. S. Soons moved for the Ag Board to

write a letter to the New York State Department of Agricultural & Markets (Ag & Markets) asking that Ag & Markets revisit the PDR application for the O'Dell farm and to provide clarification for why it is not in support of excluding one house from the PDR application when there is a second house on the farm, R. Minkus seconded, unanimously approved. The Ag Board members agreed that J. DeLaune should be copied on the letter.

Agricultural Bus Tour

Discussion turned to the agricultural bus tour. M. Ullrich distributed an official invitation to the event to the Ag Board members. Vision Hudson Valley is sending the invitations to other people beyond the Ag Board. She stated that the ag bus tour will be on September 22. General discussion ensued. No action taken at this time.

Public Official Meeting

Discussion then ensued about the public officials meeting. M. Ullrich stated that this meeting is proposed to be in October. She stated that K. Apostolides is looking at the possible dates for the meeting at this time. The Ag Board members agreed that this is an important meeting to have. General discussion ensued. No further action taken at this time.

Old Business

Farmers Market Update

Discussion then turned to the farmers market update. M. Ullrich stated that K. Apostolides emailed with the update. This update indicates that the bingo card / scavenger card is going well with the farm market managers. She stated that there was an uptick in traffic on the farmers market website. She also stated that the Newburgh Marll Farmers Market is not a farmers' market anymore. General discussion ensued. No action taken at this time.

Farmer Gathering at Otisville Fair

Discussion then ensued about the farmer gathering at the Otisville Fair. A few farmers came to the gathering. However, there were fewer farmers than anticipated. This might have been partially due to the fact that it was very hot that day. That being said, the Commissioner of Ag & Markets did come to the Otisville Fair and talked to the farmers. M. Ullrich stated that there was also a celebration for the 4-H's 100th anniversary at the Otisville Fair. General discussion ensued. No action taken at this time.

Meeting adjourned: 8:59 pm.