

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes February 18, 2016

The regular monthly meeting was held at the office of the Department of Land Preservation, 500 Mt. Pisgah Avenue, Oxford, New Jersey. The meeting was called to order by Chairman Schnetzer at 7:33 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Tim Bodine, Bradley Burke, Dave Dempski, Jason Menegus, Joel Schnetzer,
Members absent: Lou Baduini, Wendy Willever

Others present: C. Tierney, T. Kaminski, Staff; Larry Cohen, Substitute Special County Council for Michael Lavery; Ed McConnell, Oxford; Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on January 21, 2016 were approved on a motion by Mr. Bodine and seconded by Mr. Burke. Motion carries.

Executive Minutes of the meeting held on January 21, 2016 were approved on a motion by Mr. Menegus and seconded by Mr. Dempski. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

Roes Island Wetland Mitigation Project – Mr. Cohen informed the Board that the motion by Roes Island to dismiss Mr. Baduini and Mr. Schnetzer's suit was denied by the court. The next step is scheduling an order of briefs to be submitted to court and both parties. This process takes 4-5 months then oral argument before a decision will be made by the court.

Deed of Easement Violation Concern

Makarevitch Farm, BL 42 L 5, Knowlton Twp. – Mr. Tierney contacted the landowner, Soil Conservation and the SADC regarding the soil disturbance. Soil Conservation had issued a stop work order but has since withdrawn order. The size of the disturbance is small in relation to the size of the entire farm. The landowner contacted NRCS about soil erosion concerns.

Mr. Pohorely, SADC, inspected the site a couple of weeks ago and stated the landowner is working with NRCS. Mr. Pohorely stated that there are steep slopes that direct runoff to buildings. Mr. Makarevitch cut the slope and placed large boulders on the site. NRCS had placed barriers at the top of the slope. Mr. Makarevitch took soil and separated it out between sub soil and top soil. The placement of the building near the slope has cut down on excessive drainage and made more tillable land. Mr. Pohorely recommended to his supervisor that it was a great idea to cut down on soil erosion and make more land tillable. Mr. Pohorely is waiting to hear from SADC staff regarding the 1 acre disturbance.

Garden State Preservation Trust Fund – Mr. Tierney stated that the bill came out of the Environmental Committee and believes it is the same bill that was presented before but that the legislature has not taken it up yet.

New Business:

Snyder Memorialization of Certification of Commercial Farm Resolution # 16-04, BL 96 L 9, 9.01 & BL 97 L 46, Pohatcong Twp. – Mr. Menegus made a motion to approve the resolution as presented which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Mr. Menegus – yes. Motion carries.

Right to Farm

Right to Farm Complaint CADB Discussion: Laura Oltman & Michael Newman vs. Summer Solstice/Enrique Hernandez & Frances Cornett BL 112 L 5, 6, 9, Pohatcong Township – Mr. Cohen, Mr. Tierney and the Board discussed Summer Solstice's request to remain a Certified Commercial Farm, and their request not to use their Right to Farm Protection in regards to the complaint from Laura Oltman and Michael Newman. The CADB decided to table the discussion until next month.

Right to Farm Complaint CADB Jurisdiction Discussion: Shrewsbury vs. Alba Vineyard, Pohatcong Township – Mr. Tierney stated that many of the items in the complaint against Alba Vineyard do not fall under the CADB's jurisdiction because they pertain to activities related to alcohol, drunk driving, and other public health and safety matters which are ABC, Municipal, and Police matters. Mr. Tierney advised the CADB that the town and town engineer may also be best suited to address the complaints about parking and traffic. Mr. Cohen stated a letter addressed to the complainant be written in that regards. The CADB decided to table this until next month.

CADB Farmland Applications

O'Dowd Farmland Application, BL 20 L 2, Greenwich Twp. – The Board reviewed the aerial of the parcel and discussed where the one acre non-severable exception area should be placed on the application. They agreed that near Water Street would be a good location. Mr. Bodine made a motion to accept this application as a County Planning Incentive Grant Application and move forward with the application process. Mr. Burke seconded that motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Mr. Menegus – yes. Motion carries.

Dale & Pamela Crouse Farm, BL 44 L 9 & 23, Harmony Twp. SADC revisions – Mr. Tierney met with Dale & Pamela Crouse and they have agreed to the SADC Deed of Easement "not to impair agriculture" language restriction on the 35 acre severable exception area on Block 23. The Crouse's had decided to leave out Lot 9 of the application based on the SADC's change to make the 6 acre severable exception a non-severable exception. Since the Crouse's agreed to the language restriction on the severable exception on Lot 23, the SADC has stated that they will accept the application as submitted with the 6 acre severable exception on Lot 9 and the one acre non-severable exception and 35 acre severable exception on Lot 23 with the severable exception around Merritt's Lane on both lots as well. Mr. Tierney has reached out again to the Crouse's and is awaiting a response.

CPIG Funding Discussion

Myers-Toretta Franklin Twp. Farm Application, BL 45 L 7, 9, 10, 40.04 acres – This application was originally a CPIG, but then switched to Franklin MUNI PIG because of the available municipal funds. However, now Franklin Township wants to allocate all their open space municipal tax just for recreation and not farmland preservation. Mr. Toretta has asked if the CADB would accept the application as a CPIG. Mr. Menegus made a motion to accept this application as a CPIG application and continue with the process and to request that the SADC Franklin MUNI PIG preservation monies be allocated to the County for preservation on this application. Mr. Dempski seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Mr. Menegus – yes. Motion carries.

DeBoer, White Twp. Farm, BL 32 L 8, 43.4 acres, BL 32 L 8.02, 6.48 acres, BL 32 L 8.03, 6.19 acres – This application was referred to White Township as a municipal application because of the County's funding status. Mr. Menegus had presented this to the Township and this application was referred back to the County for preservation stating low local municipal funding and because of the size of the application is over 40 acres. There are 3 applications in the process, but after their preservation, there still will be funds in White Township's local open space and farmland preservation trust fund. Mr. Bodine made a motion to process this application as a CPIG application and the County to do due diligence costs, ask SADC to allocate White Township MUNI PIG funding and contingent upon White Township to participate in estimated 17% local cost share from their Open Space and Farmland Preservation Fund for this application. Mr. Dempski seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Mr. Menegus – abstained. Motion carries.

Administrator's Report: Mr. Tierney briefly went over the status of the applications on the report.

New Applications:

County Applications

- **Nonnenmacher #1** – (Blairstown) – (Approx. 106 acres)
- **Nonnenmacher #2** – (Blairstown) – (Approx. 17 acres)
- **Total Applications: 2 Total Acres: 123**

Municipal Applications

- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships – (Approx. 107 acres) Switched to MUNI PIG.
- **Murphy Farm** – Frelinghuysen Twp. (Approx. 206 acres) Municipal/County cost-share agreement*
- **Zukoski Farm** – Hope Twp. (Approx. 52 acres)
- **Total Applications: 3 Total Acres: 365**

Non-Profit Applications

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 acres) SADC preliminary approval in November, but no funding yet
- **Shoemaker I** – White Twp. (Approx. 115 acres)

- **Shoemaker II** - White Twp. (Approx. 12 acres)
 - **Tjalma II** – Harmony Twp. (Approx. 61 acres)
 - **Tjalma III** – Harmony Twp. (Approx. 36 acres)
- Total Applications: 5 Total Acres: 475**

Awaiting Green Light Approval:

County Applications

- **Crouse, Dale & Pamela** – Harmony Twp. (Approx. 50 acres)
 - **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) On hold pending resolution of issues regarding the Pohatcong Groundwater Contamination Area.
 - **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) On hold pending resolution of issues regarding the Pohatcong Groundwater Contamination Area.
- Total Applications: 3 Total Acres: 430**

Municipal Applications

Total Applications: 0 Total Acres: 0

Received Green Light Approval:

County Applications

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) On hold pending applicant's decision to add another exception area.
 - **Brandywine** – Franklin Twp. (Approx. 64 acres) On hold pending applicant's resolution of COAH and zoning issues.
 - **Tasevski** – Franklin Twp. (Approx. 88 acres) On hold pending resolution of issues regarding the Pohatcong Groundwater Contamination Area.
- Total Applications: 3 Total Acres: 260**

Municipal Applications

- **High Acres Farm** – Blairstown Twp. (Approx. 121 acres) Appraisals being authorized next month.
 - **Malon Farm** – Hope Twp. (Approx. 65 acres)
 - **Myers/Toretta** – Franklin Twp. (Approx. 64.42 acres) Received resubmitted application.
- Total Applications: 3 Total Acres: 250**

Received CMV & Offer Made:

County Applications

- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) \$3,500 CMV. Received signed contract and SADC Final Approval. Received verification on exception area location.
 - **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) CMV \$6,100. Received signed contract and SADC Final Approval. Received verification on exception area location.
 - **Crouse, Carl** – Washington Twp. (Approx. 120 acres) CMV \$4,700. Accepted offer; contract sent out.
 - **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) CMV \$5,500. Offer sent to landowner.
 - **Sigler, Carl** – Franklin Twp. (Approx. 174 acres) CMV \$4,600. Waiting for reply.
- Total Applications: 5 Total Acres: 421**

Municipal Applications

- **Campbell Foundry Company** – Hope (Approx. 170 acres) – CMV \$2,000. Verbally accepted offer.
 - **Croucher** – Blairstown (Approx. 90 acres) – CMV \$4,100. Verbally accepted offer.
 - **Heatherfields** – Harmony Twp. (Approx. 78 acres) \$5,200 CMV. Waiting for town to authorize offer.
 - **Post** – Frelinghuysen Twp. (Approx. 41 acres) – Offer being made to landowners.
 - **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) – CMV \$4,000. Accepted offer.
 - **Spencer (Terra Bella Farm)** – White (Approx. 20 acres) CMV. Waiting for Twp. to make offer.
- Total Applications: 6 Total Acres: 456**

Under Contract (Title Search & Survey):

County Applications

- **Apple Mountain**– White Twp. (Approx. 70 acres) CMV \$3,900. Fully executed contract sent to landowner. Survey underway.
- **Bartha** – White/Oxford Twps. (Approx. 52 acres) CMV \$4,500. Received signed contract. Survey underway.
- **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) CMV \$4,500. Received SADC final approval. Fully executed contract sent to landowner. Survey underway.
- **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) CMV \$4,800. Fully executed contract sent to landowner. Survey underway.
- **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) CMV \$5,800. Fully executed contract sent to landowner. Survey underway.
- **Klimas** – Independence/Mansfield Twp. (Approx. 190 acres) CMV \$3,700. Received title search & survey underway.
- **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) Under contract; title search, survey, & Phase I underway.
- **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) Under contract; title search, survey, & Phase I underway.

- **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) Under contract; title search, survey, & Phase I underway. SADC may reduce CMV due to Pohatcong Groundwater Contamination Area.
 - **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) CMV \$4,600. Received title search; survey underway. Changed lot configuration. Final inspection performed.
 - **Smith, John & Jean #2** – Harmony (Approx. 36 acres) CMV \$6,000. Received title search; survey underway. Final inspection performed.
 - **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) CMV \$5,500. Fully executed contract sent to landowners. Requested RFP's for survey.
 - **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Issue with Title on property.
- Total Applications: 13 Total Acres: 1004**

Municipal Applications

- **Berry Farm** – Frelinghuysen Twp. (Approx. 106 acres) CMV \$6,250. Received title search; survey underway.
 - **Twin Brook Farm** – White Twp. (Approx. 22 acres) CMV \$6,600. Waiting on final survey.
- Total Applications: 2 Total Acres: 128**

State Applications

- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 acres) CMV \$4,400.
 - **Santini/Chambers** – Pohatcong Twp. (Approx. 56 acres) CMV \$3,000
- Total Applications: 2 Total Acres: 140**

Non-profit Applications

- **K-J Farm** – Harmony Twp. (Approx. 104.72 acres) \$3,175 CMV. Received draft survey.
 - **Star D Farm** – Harmony Twp. (Approx. 46.74 acres) \$6,900 CMV. Received draft survey.
- Total Applications: 2 Total Acres: 152**

Waiting to Close (Final Legal Review):

County Applications

- **RLI Enterprises, Inc.** – Franklin Twp. (Approx. 51 acres) CMV \$7,600. Waiting to close.
 - **Unangst** – White Twp. (Approx. 85 acres) CMV \$3,625. Waiting to close. Legal estate issues need to be worked out.
- Total Applications: 2 Total Acres: 136**

Municipal Applications

Total Applications: 0 Total Acres: 0

Recent Closings:

- **Schanzlin** – Harmony Twp. (Approx. 87 acres) CMV \$6,000. Closed on 1/29/16.
- **Thompson Farm** – White Twp. (Approx. 38 acres) CMV \$3,600. Closed on 2/18/16.

Public Comment – Christine Erhard from Oxford inquired about Certification of Commercial Farm procedure. Mr. Tierney, Mr. Cohen and the Board discussed the right-to-farm process and Mr. Tierney had given Mrs. Erhard an application.

USDA Grant – Mr. Tierney discussed the possibility of obtaining a USDA grant for Warren County agriculture industry. It is a cooperative effort by the Freeholders, Department of Land Preservation, Planning Department, Rutgers Cooperative Extension, the Economic Development Committee, the Board of Agriculture and the CADB. If the grant is received, it would be used to hire professionals to prepare a strategic growth and marketing plan. Mr. Tierney had presented a letter to the Board for review. Mr. Dempski made a motion to approve the letter and to forward to the Freeholders. Mr. Menegus seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Mr. Menegus – abstained. Motion carries.

Adjournment: A motion for adjournment was made by Mr. Menegus and seconded by Mr. Dempski. Motion carries. Chairman Schnetzer adjourned the meeting at 8:54 pm.

Respectfully submitted,


Teresa Kaminski