

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

March 16, 2017

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 7:34 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

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

Members absent: none

Others present: C. Tierney, T. Kaminski Staff, Katrina Campbell, County Counsel, Gary Pohorely, SADC, Scott & Nichole Chapkovich, Hope Township.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on February 16, 2017 were approved on a motion by Mr. Baduini and seconded by Mr. Burke. Mr. Menegus abstained. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): Mr. Schnetzer opened the meeting for public comment. No comments.

Old Business:

O'Dowd Auction Discussion and South farm status

Mr. Tierney informed the Board that they are still waiting for an answer from the O'Dowd's on the South farm. Mr. Tierney spoke with Bill O'Dowd regarding the farm lease on the property to Len Truszkowski. Mr. O'Dowd stated that they still wanted to receive the full amount for the South farm. Mr. Tierney informed Mr. O'Dowd that they met with the DEP & SADC and that the DEP is amenable to contributing funds toward farms that were affected by the Pohatcong Valley groundwater contamination. The DEP and SADC will collaborate on analyzing the effect on values.

Mr. Baduini stated that Carmen Feula of Independence Township had to cancel his appearance at tonight's meeting and will be at next month's meeting.

Roes Island Wetlands/Great Meadows

Mr. Burke informed the Board that he and Sam Race, Dave Slack, Carmen Fuela met with the DEP in Trenton to discuss the County's concerns with the wetlands mitigation. The DEP seemed receptive to the concerns addressed, but stated that they were acting under obligation to Wetlands Mitigation law and that if a project meets the checklist requirement, it can be acquired and that they do not get involved in local municipal laws.

Mr. Burke also brought the issue up at the annual legislators meeting last night.

New Business:

Chapkovich Certification of Commercial Farm – BL 600 L 300, Hope Township

Scott and Nichole Chapkovich own BL 600 L 300 in Hope Township and operate under SMC Hayfields. This application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied tax map, and; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by a 2016 Schedule F, and; (3) Satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, applicant provided Farmland Assessment Form (FA-1 Form), and; (4) Is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan.

Mr. Baduini made a motion to justify the Certification of Commercial Farm for the SMC Hayfields Farm, owners and operators Scott and Nichole Chapkovich, BL 600 L 300, Hope Township. The applicant provided all the required documents for certification. Mr. Menegus seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes
Ms. Willever – yes.

Motion carries.

Haydu, Harmony Twp. - application possible transfer from County to MUNI PIG

This application is made up of smaller lots and the County added this farm to the Target List this year and is awaiting the approval of the SADC. The total acreage for BL 11.01, L 1, BL 21 L 34.01, 34.02, 34.03, 34.04, 34.05, 34.06, 34.07, & 34.08 is 47.519 acres. Mr. Tierney met with Steve and Joe Haydu last fall. They didn't decide on an exception area and were going to get back to us. Harmony Township sent out letters to all eligible farms and Steve Haydu contacted Harmony Township regarding preserving through them as a MUNI PIG. As a MUNI PIG, the SADC's cost share would be about 60%, and the Township and County about 20% each. As a County PIG, we would have about a 40% cost-share. Harmony Township is willing to take on this application as a MUNI PIG and TLC-NJ as a non-profit. The County's non-profit participation would be 50% cost-share.

Mr. Menegus made a motion to permit the Haydu CPIG application to be processed as either a Harmony Township MUNI PIG Application or a TLC-NJ non-profit application with the landowners' consent, which was seconded by Mr. Dempski.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes
Ms. Willever – yes.

Motion carries.

CADB Input Sought on Special Occasion Events – non-wineries

The SADC is seeking comments on Special Occasion Events on preserved farms that are non-wineries. The Board discussed the issue and took the position that any event should be allowed on preserved farms, so long as the event helps to sell the output of the farm and does not significantly impair the natural resources on the farm. Whether an event helps to sell the output of a farm depends on the circumstances and is a fact-intensive inquiry that should be decided by the CADBs on a case by case basis. The Board is not opposed to landowners having private weddings, etc. for relatives on the farm. Mr. Baduini made a motion for Mr. Tierney to write a letter that each and every occasion the Board would have discretion on percentage of production at the event. Mr. Menegus seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes
Ms. Willever – yes.

Motion carries.

Federal Agricultural Land Easement (ALE) Program – Deed of Easement Template Discussion

The SADC is seeking feedback from the CADB regarding the new Deed of Easement Template for the Federal Agricultural Land Easement Program. The SADC has been in negotiations with the USDA NRCS for more than a year to make the template "New Jersey friendly". The changes are:

- Requires an ALE Plan. *Prior requirement was HEL Plan.*
- Sod farming and ball-and-burlap type nursery operations are now prohibited. *Prior was permitted.*
- Provision prohibiting haying, mowing, and harvesting for seed during certain nesting seasons for birds whose populations are in significant decline is only included if the property is in grassland use, an ALE grassland enrollment, or funded for conservation purposes that include conserving or restoring grassland uses or grassland dependent species. *Prior haying, mowing and harvesting for seed permitted the entire year.*
- Extract of materials for agricultural purposes is limited to a pre-defined area or acreage on the premises, but this limitation does not apply to grading and other normal site preparation activities necessary to facilitate construction of permitted improvements or the location of ponds. Also, the "extraction area" may be altered or relocated. *Prior extraction of materials for agricultural purposes not limited to a particular area on the premises.*
- Grantor may derive income from certain outdoor recreational activities. *Prior grantor may derive income from certain recreational activities.*
- Prohibits grading, blasting filling, sod farming earth removal and other soil disturbance activities except under certain enumerated conditions. *Prior contains the paragraph in the SADC standard DOE regarding prohibition on activities detrimental to soil conservation, etc.*
- Grantor has 180 days to take corrective action to come into compliance with the ALE plan. Clarified with NRCS that this provision ordinarily means that Grantor has 180 days to have the plan in place; not that the actions pursuant to the plan need to be implemented by then. *Prior Grantor had 12 months to take corrective action to come into compliance with its conservation plan.*
- Forest management and timber harvesting must be performed in accordance with best management practices. If premises contain at least 40 contiguous acres of forest or at least 20% of premises is forested, timber harvesting must occur in accordance with NJ Forest management plan prepared in consultation with grantee. Forest management plan not required for certain enumerated noncommercial activities. *Prior forest management and timber harvesting must be performed in accordance with a NJ forest management plan.*
- Construction and improvement of unpaved roadways servicing agricultural uses subject to certain conditions. Added provision that the grant or modification of easements for roads is prohibited. *Prior constructions and improvement of unpaved roadways servicing agricultural uses not prohibited.*
- Limits the number of subdivisions that grantor may seek. Awaiting guidance for this provision from the NJ NRCS's regional office. *Prior does not limit the number of subdivisions that grantor may seek.*

- Grantors may only install utilities necessary for permitted uses on the Premises if the Grantee determines there will be minimal impact on agricultural use and conservation values of the premises. *Prior Grantor may install utilities necessary for permitted residential and agricultural uses.*
- Provision requiring grantor and grantee to reimburse the US its costs of enforcement. However, there are additional provisions providing a process before the US exercises its right of enforcement wherein the US would first provide notice to the Grantee and Committee of the nature of the on-compliance and provide a 180-day period to cure. Additionally, the amount of money the US would be entitled to recover from the Grantee is capped at the amount of money the US contributed toward the purchase of the ALE on that particular property. *Prior no provision requiring grantor and grantee to reimburse the US its costs of enforcement.*

The CADB discussed the changes to the new Federal DOE. The Board is opposed to the limitations on mowing grasslands that are not voluntarily enrolled in a federal conservation program. Second, the Board is opposed to the restrictions against bag and burlap operations where minimal soil loss from such activities can be replenished. Third, the Board is opposed to the requirement that a division of the farm premises must result in a farm that is at least the median size of farms in the county because smaller farms may still otherwise be viable and the division for an agriculture purpose. Lastly, the Board is opposed to the requirement that the grantees be liable to reimburse the US government for its enforcement costs, notice and cap provisions notwithstanding.

In general, the Board expressed concern that the federal program is unduly restrictive and will make farming more difficult for landowners subject to the ALE provisions. That being said, while it recognizes that the ALE is a voluntary program, the Warren CADB does not envision using these funds to supplement many projects in future and will instead continue to rely primarily on the state and county programs which are more accommodating to farmers.

Mr. Baduini made a motion for Mr. Tierney to draft a letter to NRCS with the above concerns which was seconded by Mr. Burke.

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

Appoint CADB member to MCCTFC

Mr. Baduini made a motion to reappoint Mr. Bodine for another two year membership on the Municipal and Charitable Conservancy Trust Fund Committee as the CADB's representative. Mr. Burke seconded the motion.

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

Harmony Auctions

Ms. Campbell stated that the two farms sold together on March 4th for \$600,000. Block 45 Lot 2, 55 acres and Block 45 Lot 3 & 4, 109 acres were first offered separately. The new landowners plan to have horses and vegetables.

Administrator's Report: Mr. Tierney went over the report and stated that the only farmland application that was approved by the Highlands Council for a grant was the Pittenger farm in Frelinghuysen Township.

New Applications:

County Applications

- **DeLorenzo** – Blairstown & Knowlton Townships (Approx. 57.07) Checking on tillable acreage.
 - **Haydu** – Harmony Township (Approx. 46 ac.) Not currently on our target list because it is made up of 6 smaller lots. Possible MUNI PIG transfer.
 - **Noel** – Franklin Township (Approx. 44 ac.) in PVCA.
 - **Claeysens** – Liberty Township (Approx. 100 acres) Does not meet minimum eligibility requirements. Landowner stated that more acreage has been cleared. Will require a site visit.
- Total Applications: 4 Total Acres: 247**

Municipal Applications

- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) Need to contact landowners to see if they would want to pursue a County application.
- Total Applications: 1 Total Acres: 107**

Non-Profit Applications

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 ac.) SADC preliminary approval in November, but no funding yet.
- **Shoemaker I** – White Twp. (Approx. 115 ac.)
- **Shoemaker II** – White Twp. (Approx. 12 ac.)
- **Tjalma II** – Harmony Twp. (Approx. 61 ac.)
- **Tjalma III** – Harmony Twp. (Approx. 36 ac.)

Total Applications: 5 Total Acres: 475

Awaiting Green Light Approval:

County Applications

Total Applications: 0 Total Acres: 0

Municipal Applications

▪ **Total Applications: 0 Total Acres: 0**

Received Green Light Approval:

County Applications

Total Applications: 0 Total Acres: 0

Municipal Applications

- **DeBoer** – White Twp. (Approx. 56 ac.) Received appraisals.
- **New Village Road, LLC** – Greenwich (Approx. 253 ac.)

Total Applications: 2 Total Acres: 309

Received CMV & Offer Made:

County Applications

- **O'Dowd (Water St.)** – Greenwich (Approx. 20 ac.) CMV \$4,500. Appraisals sent to Mylod for review.

Total Applications: 1 Total Acres: 20

Municipal Applications

- **Buckaloo View (Maertens)** – Hope Twp. (Approx. 22 ac.) CMV \$4,200. Received township funding.
- **Murphy Farm** – Frelinghuysen Twp. (Approx. 206 ac.) CMV \$4,800. Received township funding approval.
- **Nonnenmacher #1** – Blairstown (Approx. 106 ac.) CMV \$3,100. Offer made to landowner. Applied for Federal funding.
- **Nonnenmacher #2** – Blairstown (Approx. 17 ac.) CMV \$5,000. Offer made to landowner. Applied for Federal funding.
- **Pittenger (Dark Moon)** – Frelinghuysen (Approx. 92 ac.) CMV \$3,700. Received Highlands Grant.

Total Applications: 5 Total Acres: 443

Under Contract (Title Search & Survey):

County Applications

- **Apple Mountain**– White Twp. (Approx. 65 ac.) CMV \$3,900. Received draft survey. Highlands Application inspection performed.
- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 ac.) CMV \$3,500. Title search ordered. Survey submitted to Engineering Dept. for comments. Highlands Application inspection performed.
- **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 ac.) Revised \$7,800. Received revised signed contract. Title search ordered. Survey submitted to Engineering Dept. for comments. Highlands Application inspection performed.
- **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 ac.) Provided revised CMV to landowner. Highlands Application inspection performed. Fee simple draft survey received.
- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed.
- **Smith, John & Jean #2** – Harmony (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Council has issue with exemption on this property, trying to get a waiver for the HPAA permits. Inspection performed.

Total Applications: 6 Total Acres: 480

State Applications

- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 ac.) CMV \$4,400. Surveys received. County and DOT have concerns regarding easement.
- **Santini/Chambers** – Pohatcong Twp. (Approx. 56 ac.) CMV \$3,000. Surveys received.

Total Applications: 2 Total Acres: 140

Municipal Applications

▪ **Total Applications: 0 Total Acres: 0**

Waiting to Close (Final Legal Review):

County Applications

- **Unangst** – White Twp. (Approx. 85 ac.) CMV \$3,625. Inspection performed. Estate issues being worked out.

Total Applications: 1 Total Acres: 85

Municipal Applications

- **Ardia (High Acres) Farm** – Blairstown Twp. (Approx. 121 ac.) CMV \$4,800.
- **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 ac.) – CMV \$4,000. Received draft survey.

Total Applications: 2 Total Acres: 178

Non-profit Applications

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

Recent Closings:

- **Post** – Frelinghuysen Twp. (Approx. 41 ac.) \$4,400 purchase price.
- **Race, Sam & Jean** – White Twp. (Approx. 85 ac.) CMV \$5,700.

Withdrawn Applications:

- **Zukoski Farm** – Hope Twp. (Approx. 52 ac.) CMV \$3,850. Rejected offer.

Pohatcong Contamination Area Projects:

SADC restrictions and conditions for appraisals:

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Applied for Federal funding. Received appraisals. Landowner stated not enough money, but is reviewing options.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Applied for Federal funding. Received appraisals. Landowner stated not enough money, but is reviewing options.

Received CMV & Offer Made:

- **Crouse, Carl** – Washington Twp. (Approx. 90 ac.) Estimated CMV \$6,244 removal of two lots. Applied for Federal funding.

Under Contract (Title Search & Survey):

- **Smith, Skip #2** – Franklin Twp. (Approx. 22 ac.) CMV \$5,500. Applied for Federal funding.
- Total Applications: 4 Total Acres: 492**

2017 Closings YTD: 7 farms totaling 508 acres

Program Totals: 270 farms totaling 24,105 acres

Comprehensive Farmland Preservation Plan

Mr. Baduini gave Mr. Tierney the list of remarks from the Planning Board on the Plan. Mr. Tierney stated that the Plan is to be incorporated in the County Master Plan. Mr. Tierney will review the remarks and pass along to Barbara Davis, TLC-NJ, who is preparing the Plan.

Rymon

Mr. Tierney stated that the landowner is working with TLC-NJ on this property. TLC-NJ would like to buy it in fee simple and then apply for a grant with the 1772 Foundation.

Public Comment – Chairman Schnetzer noted that no one was in the audience to open it up for public comment.

Gary Pohorely, SADC stated that March 23rd is the deadline to apply for Deer Fencing grant. He stated that personal events on a preserved farm is not a problem, but for profit would be an issue. The Hartung farm auction, Pohatcong Township, held today, for the 201 acre farm, was sold for \$920,000.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Ms. Willever. Motion carries. Chairman Schnetzer adjourned the meeting at 8:56 pm.

Respectfully submitted,



Teresa Kaminski