

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

April 18, 2019

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 7:31 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Chairman Schnetzer led the Pledge of Allegiance.

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

Members absent: none

Others present: T. Kaminski, Staff, Katrina Campbell, County Counsel; Jim Watters, Mansfield Township, White Township community members.

Minutes of the meeting held on March 21, 2019 were approved on a motion by Mr. Baduini and seconded by Mr. Bodine. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items):

Jaindl properties, White Township

Chairman Schnetzer opened up for discussion by the public on non-agenda items. There was a large crowd in the audience and all were present to discuss the recent Jaindl Land Company developing purchase of approximately 600 currently farmed acres in White Township proposal of 6 million square feet of warehouse construction. The White Township Community Members were outraged over the size of the warehouses and worried and concerned about increasing road traffic with tractor trailers, the costs and maintenance of the road, safety issues regarding traffic, pollution, environmental and wildlife concerns, the loss of quality prime soil, the quality of living, loss of home valuation, and the forever change of landscape in White Township and Warren County. They wanted to know what this Board was going to do about it because a Facebook post indicated that there was a special meeting tonight to hear the development on this property by the WCADB. The Department of Land Preservation had received several calls from concern citizens and stated that they were welcomed to come to the meeting to express their concerns. The area is zoned for Light Industrial.

The White Township Community Members were under the impression that the WCADB could halt the process at their protest. Chairman Schnetzer and many Board members stated that the CADB makes recommendations to the Freeholders for purchase of the development rights on farms in which the landowners have voluntarily agreed to give up development rights on their property for compensation and that amount is considerably much less than a fee simple purchase and that the Board does not condemn property. Chairman Schnetzer advised the audience that the CADB, SADC and CADB member, Jason Menegus personally has reached out for years to try and preserve these properties. Mr. Menegus stated that the PSE&G or Talen Energy (previous owners) where non-negotiable and would not even come to the table for discussion after his many attempts at preservation. The CADB members advised the group that they needed to address their concerns to the Township's Board of Adjustment, Zoning Board, Land Use Board, and Township Committee as well as the County Planning Board and Board of Chosen Freeholders. The White Township Community Members thanked the Board for their time.

Old Business:

O'Dowd Update

Ms. Campbell stated that this would be discussed in Executive Session and that the farms were closed last week and sold for \$1.03 million.

New Business:

Resolutions

CADB Funding Approval Route 57 Partnership Farm (Patel), BL 1 L 6, Franklin Twp. #19-05

The total cost for the funding of the 71.07 acre (+3% for final surveyed acres) farm is \$227,424.00 at \$3,200/acre with SADC Cost Share at \$164,882.40 (\$2,320/acre) and Warren County Cost Share at \$62,541.60 (\$880/acre) There are no existing structures or ag labor housing units on premises to be preserved. A one non-severable exception area of 2 acres for future single family house restricted to one single family residential unit and for future flexibility of uses. There are no RDSOs allocated, no preexisting non-agriculture uses on premises and no proposed trails. Any easements are to be determined with title search. The farm has 11% of prime farmland soil, 42% of statewide soil and is 40% tillable with woodlands at 60%. The farm is in corn crop. It is located in the Highlands Preservation Area and the South East Project Area.

Mr. Baduini made the motion to support the Warren County Cost Share amount for the preservation funding on this CPIG farm application and Resolution #19-05 as presented to make a recommendation to the Freeholders which was seconded by Mr. Bodine.

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

CADB Funding Approval Kitchen MUNI PIG, BL 47 L 7, Knowlton, #19-06

The total cost for the funding of the 28.1 acre farm is \$143,310 at \$5,100/acre with SADC Cost Share at \$96,945.00 (\$3,450/acre), Knowlton Cost Share at \$23,182.50 (\$825/acre), Warren County Cost Share at \$23,182.50 (\$825/acre). There are no existing structures or ag labor housing units on premises to be preserved. A one non-severable exception area of 4 acres around existing single family house restricted to one single family residential unit and for future flexibility of uses. There are no RDSOs allocated, one preexisting non-agriculture use on .3+/- acres for composting on premises and no proposed trails. Any easements are to be determined with title search. The farm has 0% of prime farmland soil, 0% of statewide soil and is 72% tillable with woodlands at 11%, wetlands at 15% and other water body at 2%. The farm is in hay and soybean crops. It is located in the North Project Area.

Mr. Baduini made the motion to support the Warren County Cost Share amount for the preservation funding on this CPIG farm application and Resolution #19-06 as presented to make a recommendation to the Freeholders which was seconded by Mr. Burke.

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

County PIG Application for CADB approval & to forward to SADC for Green Light and/or Highlands Counsel Grant Oberly, BL 42 L 11, Franklin Township & BL 20 L 6, Greenwich Township, 98+ acres

This application meets the minimum eligibility criteria of 25 tillable acres or 50% of the land whichever is less and has a County rank score of 67.94. There are a total of approximately 98.464 gross acres, 67.25 tillable acres used for grain, woodland of 31.21 acres. There are 81+ acres of Prime soil and .627 acres of Statewide soils and crop is corn for grain. There is a single family residence and barns, silos and outbuildings on the premises to be preserved and no non-ag uses on the premises. The landowner is not taking an exception area. The application is located in the SouthEast Project Area and the Highlands Planning Area. Stefanie Miller indicated today that the farm was located in the PVCA area. Mr. Tierney wanted the Board to know that it still might be an option to submit this application for the Highlands Open Space Grant Fund for 50% cost-share since it was in the PVCA.

Mr. Baduini made a motion to approve the Oberly farmland application and to forward this to the SADC for Green Light Approval or to the Highlands Council for 50% cost share grant, whatever is applicable. Mr. Dempski seconded the motion.

Roll Call: Mr. Schnetzer - Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries.

Certification of Commercial Farm for calendar year 2019

Hafscoop d'villa, William & Susanne Laban, BL 1601 L 11, Blirstown Township

The CADB members discussed the documents submitted and would like to have Mr. Tierney and Tim Bodine inspect the property and have the landowners be present at the next meeting for questioning before they make a decision on the certification. On a motion by Mr. Baduini which was seconded by Mr. Dempski to table the Certification of Commercial Farm on the Hafscoop d'villa property in Blirstown Township until a site inspection can be performed and landowners are present at the meeting for questioning.

Roll Call: Mr. Schnetzer - Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries.

Preserved Farm Concerns

John Kurland, (Farley Acres/Stern Farm) driveway improvement, BL 33 L 47, Harmony Township

Mr. Kurland approached the Board with a survey and indicated the driveway improvement on the map was mostly located in an exception area on Slater Lane, which he owns. Mr. Kurland stated that it is a multi-use driveway for the residents of other lots and for agriculture purposes. There is a short row of trees on Slater Lane that have become overgrown and encroach upon the road. Mr. Kurland would like to build alongside on the preserved premises next to Slater Lane for a small portion of the driveway rather than take out the trees and also disturb that road from that. A combine cannot traverse the lane in its current condition, so Mr. Kurland would like to make a 12-foot wide improvement and would use old recycled concrete and millings. Mr. Tierney had contacted Mr. Roohr, Land Steward, for the SADC and he indicated that the proposition and location is acceptable and that the Deed of Easement permits driveway construction for agriculture purpose. There is no FRPP funding on this farm that would restrict impervious coverage.

Mr. Bodine made a motion to approve the driveway improvement on a preserved farm provided that it was clean fill which was seconded by Mr. Dempski.

Roll Call: Mr. Schnetzer - Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries.

WCSCD Monitoring Reports 2019**Campbell Foundry Farm, BL 5200 L 1100, Hope Township possible DOE violation**

A concerned neighbor had called our office regarding seeing many dump truck depositing materials on this preserved farm in Hope Township. Warren County Soil Conservation District made an inspection and took photographs provided to the Board of the possible violation of the Deed of Easement. Ms. Greason of WCSCD, had talked to the tenant farmer and he stated that both bridges on the farm were destroyed during storms this past year and the farm lane was unpassable for his truck and farm equipment. He was unable to get to his back field for the second cutting of hay last year. They are using crushed concrete and bricks to raise the level of the lane and then putting the sand on top as a base. Mr. Roohr, Land Steward, SADC had indicated that the Deed of Easement allows a landowner to repair, maintain, or create new roads on preserved farm to service ag production as long as the material is clean it would be acceptable.

Mr. Bodine made a motion to accept WCSCD inspection and report and that the WCADB & SADC have jurisdiction in this matter as long as the fill is clean and there is no violation. Mr. Baduini seconded the motion.

Roll Call: Mr. Schnetzer - Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – abstain; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries.

Administrator's Report: Ms. Kaminski went over the report with the Board members.

New Applications:*County Applications*

- **Oberly** – Franklin/Greenwich (Approx. 96 ac.)
Total Applications: 1 Total Acres: 96

Municipal Applications

- **Brook Hollow Winery** – Knowlton (Approx. 16 ac.)
Total Applications: 1 Total Acres: 16

Non-Profit Applications

- **Hidden Woods Farm (Rogers)** – Frelinghuysen (Approx. 107 ac.)
- **Kimball** – White (Approx. 45 ac.)
- **Navesink Roots** – Hardwick (Approx. 24 ac.)
- **Promised Land** – Franklin (Approx. 58 ac.)
- **River Hollow Farms** – Washington (Approx. 60 ac.)
Total Applications: 5 Total Acres: 294

Awaiting Green Light Approval:

Total Applications: 0 Total Acres: 0

Received Green Light Approval:*County Applications*

- **Beatty North** – Greenwich (Approx. 86 ac.) Sent appraisals to SADC for CMV.
- **Beatty South** – Greenwich (Approx. 57 ac.) Sent appraisals to SADC for CMV.
- **Stampone** – Knowlton Township (Approx. 38 ac.) Sent appraisals to SADC for CMV.

Total Applications: 3 Total Acres: 181

Municipal Applications

- **Dokie's Acres** - White Township (Approx. 43 ac.) Appraisals underway.
Total Applications: 1 Total Acres: 43

Non-Profit Applications

Total Applications: 0 Total Acres: 0

State Applications

- **Total Applications: 0 Total Acres: 0**

Received CMV & Offer Made:*County Applications*

- **Dykstra** – Mansfield Township (Approx. 209 ac.) CMV \$2,600. Corey met with landowner to discuss offer.
- **Hoffman-LaRoche** – White (Approx. 93 ac.) CMV \$5,100. Accepted offer.

- **Route 57 Partnership** – Franklin Township (Approx. 70 ac.) CMV \$3,200. Accepted offer. CADB Approval tonight.

Total Applications: 3 Total Acres: 372

Municipal Applications

- **Kitchen** – Knowlton (Approx. 28 ac.) CMV \$5,100. Offer sent out, landowner reviewing contract.

Total Applications: 1 Total Acres: 28

Non-Profit Applications

- **Deer Haven Farm** – Frelinghuysen Township (Approx. 15 ac.) CMV \$5,600.

- **Pipers Hill Farm** – Washington Township (Approx. 27 ac.) CMV \$5,500.

Total Applications: 2 Total Acres: 42

Under Contract (Title Search & Survey):

County Applications

- **Anema, Kris** – Washington (Approx. 20 ac.) CMV \$4,000. Received landowner signed contract.

- **LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) CMV \$3,200. Draft Survey completed, waiting for Engineering Dept. review.

- **Haydu** – Harmony Township (Approx. 46 ac.) CMV \$4,900. Title search done & received draft survey, waiting for Engineering Dept. to review survey.

- **Shandor** – Harmony Township (Approx. 100 ac.) CMV \$3,100. Survey underway & title work ordered.

- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Highlands Application has been approved.

- **Smith, John & Jean #2** – Harmony (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Application has been approved. NJDEP & SADC working out Deed of Easement language.

Total Applications: 6 Total Acres: 391

Municipal Applications

Total Applications: 0 Total Acres: 0

Non-Profit Applications

- **Heeres** – Harmony Twp. (Approx. 67 ac.) CMV \$3,800. Landowner accepted offer. Survey underway.

- **Hensler** – White Twp. (Approx. 40 ac.) CMV \$3,700. Landowner accepted offer. Received draft survey, in review by SADC & engineering.

Total Applications: 2 Total Acres: 107

Waiting to Close (Final Legal Review):

County Applications

Total Applications: 0 Total Acres: 0

Municipal Applications

- **Nonnenmacher #1** – Blairstown (Approx. 106 ac.) CMV \$3,100. Landowner passed away.

- **Nonnenmacher #2** – Blairstown (Approx. 17 ac.) CMV \$5,000. Landowner passed away.

- **Mazza** – Knowlton (Approx. 21 ac.) CMV \$4,850. SADC preliminary review. Engineering Dept. responded review N/A.

Total Applications: 3 Total Acres: 144

Non-Profit Applications

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. SADC Preliminary Review. One landowner passed away.

- **Shoemaker I** – White Twp. (Approx. 115 ac.) CMV (\$5,650). SADC Preliminary Review. Under Engineering Dept. review.

- **Shoemaker II** – White Twp. (Approx. 12 ac.) CMV \$5,000. SADC Preliminary Review. Under Engineering Dept. review.

- **Tjalma II** – Harmony Twp. (Approx. 61 ac.) CMV rcvd (\$4,900) Survey received. Under Engineering Dept. completed review.

Awaiting abandonment of ROW by Municipality.

Total Applications: 4 Total Acres: 439

Recent Closings: None at this time

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Price agreement and contract sent to landowners. Received 50% matching Highlands Grant.

- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Price agreement and contract sent to landowners. Received 50% matching Highlands Grant.
- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Received 50% matching Highlands Grant. Appraisals underway.
- **Pereira** – Franklin Township (Approx. 30 ac.) Received 50% matching Highlands Grant. Appraisals underway.
- **Myers/Toretta #1**– Franklin Township (Approx. 38 acres) Received 50% matching Highlands Grant. Appraisals awarded 3/27/19.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Received 50% matching Highlands Grant. Appraisals awarded 3/27/19.
- **Noel** – Franklin Township (Approx. 44 ac.) Received 50% matching Highlands Grant. Appraisals awarded 3/27/19.
- **O’Dowd South** – Franklin & Greenwich Township – (Approx. 93 ac.) Sent application to Mylod for landowner signature. Will apply in 2019 Round for new farmland application with HC. On BOCF 4/24/19 agenda for approval.
- **Tasevski** – Franklin Twp. (Approx. 87 ac.) Received 50% matching Highlands Grant.

Total Applications: 9

Total Acres: 782

2019 Closings YTD: 2 farms totaling 179 acres

Program Totals: 286 farms totaling 25,482 acres

Public Comment – Chairman Schnetzer noted that there was no public comment and closed meeting for public comment.

Executive Session

Mr. Baduini made a motion to go into Executive Session to discuss potential litigation issues on O’Dowd environmental findings which was seconded by Mr. Burke. Motion Carries. The Board entered into Executive Session at 8:39 PM.

Mr. Bodine made a motion to come out of Executive Session which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer - Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes;

Mr. Menegus – yes.

Motion carries and the Board came out of Executive Session at 8:59 pm where Ms. Campbell stated that Quest Diagnostics litigation issue and Right-to-Farm Application Procedures were discussed and that the minutes will be available at a later time to the public when the Board deems there is no harm and no official action was taken.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 9:01 pm.

Respectfully submitted,

Teresa Kaminski