

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation
P.O. Box 179
500 Mt. Pisgah Avenue
Oxford, NJ 07863

**Meeting Minutes
April 21, 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: Lou Baduini, Tim Bodine, Bradley Burke, Jason Menegus, Joel Schnetzer, Wendy Willever

Members absent: Dave Dempski

Others present: C. Tierney, T. Kaminski, Staff; Steven Gruenberg, Substitute Special County Council for Michael Lavery; Attorney Robert Boke, Craig & Christine Erhard, Ed McConnell, Robert Nyland, Deputy Mayor, Oxford.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on March 17, 2016 were approved on a motion by Mr. Baduini and seconded by Mr. Burke. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

Roes Island Wetland Mitigation Project – Mr. Baduini stated that the attorneys are working on the brief that needs to be filed by June 10th.

Erhard - Certification of Commercial Farm Resolution #16-07, BL 24 L 5, Oxford Township – Mr. Baduini made a motion to memorialize the resolution of the decision that was made at last month's meeting. Mr. Bodine seconded the motion.

Roll Call: Mr. Schnetzer – abstain; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Ms. Willever – abstain; Motion passes.

Mr. Menegus joined the meeting at this time.

CADB Funding Discussion – Mr. Tierney stated that he was cautiously optimistic that state funding would be made available. The funding legislation passed on 4/7/16. If Gov. Christie takes no action, it becomes law. However, Gov. Christie would like to allocate 20 million towards Parks Administration so he may veto the bill again. If he does so, it isn't clear at this point whether the legislature can muster enough votes for an override. Mr. Tierney stated that the County can pre-acquire the farms then seek SADC reimbursement within 3 years of closing. He stated that other counties routinely do this procedure. Mr. Baduini made a motion to send letter from CADB to Governor Christie regarding support of Corporate Business Tax funding for farmland preservation and open space. Mr. Burke seconded the motion.

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

Mr. Baduini made a motion for the CADB to pay for the luncheon ticket for Ms. Kaminski's attendance that honors Frank Gibbs at Centenary College for Senior Area Hall of Fame. Ms. Willever seconded the motion. Motion carries.

New Business:

River Friendly Farm Program – Kara Hasko, from North Jersey Resource Conservation gave a presentation on the River Friendly Farm Program for areas surrounding the Neshanic and Musconetcong Rivers Watershed Areas. This is a voluntary program for cost-share funding and the participants would receive a sign posted on their farm after they receive certification and be able to label their produce and livestock as "River Friendly". The farms that participate would have manure stacking pads that are leak proof. Ms. Hasko stated that 180 acres of cover crop was planted last year and so far 480 acres were planted this year that consists of a mixture of rye and clover. Ms. Hasko stated that this helps in soil erosion and keeping soil in place.

CADB Approval of Farmland Applications for SADC Submission

Nonnenmacher #1, BL 506 L 9, Blairstown Township, approximately 98+ net 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 65.29. There are 46.49 tillable acres used for soybeans and 46.32 acres for woodland. There is Prime Soil consisting of 52.72 acres. There are no structures on the premises to be preserved. The application has one non-severable exception area of 8 acres for future single family residence and future non-agricultural use in case of low milk or crop prices. The application is located in the North Project Area.

Nonnenmacher #2, BL 506 L 8.04, Blairstown Township, approximately 11+ net 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 61.03. There are 16.58 tillable acres used for soybeans and 1.98 acres for woodland. There is Prime Soil consisting of 13.248 acres. There are no structures on the premises to be preserved. The application has one severable exception area of 6 acres for future single family residence and future outbuildings. The application is located in the North Project Area.

Mr. Baduini made a motion to approve both Nonnenmacher applications as presented and to send to the SADC for Green Light Approval. Mr. Bodine seconded the motion.

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

Stefan Schoen, Beaver Brook Ranch, LLC, BL 3400 L 400, 1400 & BL 3401 L 400, Hope Township, Certification of Commercial Farm – 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 farmer's estimation of 2016 planting from Farmland Assessment Form, 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. Burke made a motion to justify the Certification of Commercial Farm for the Beaver Brook Ranch, LLC Farm, owner Stefan Schoen, BL 3400 L 400, L 1400 & BL 3401 L 400, Hope Township, approximately 136 acres. The applicant provided all the required documents for certification. Ms. Willever seconded the motion.

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

Erhard, BL 24 L 5, Oxford Township – SSAMP Hearing

Chairman Schnetzer and Ms. Willever recused themselves. Mr. Baduini as Vice-President took over the meeting. Mr. Gruenberg stated that all notifications for this SSAMP Hearing have been met. Mr. Gruenberg swore in Mrs. Erhard for testimony. Mr. Robert Boke, attorney for Mrs. Erhard presented as handouts to the CADB labeled Exhibit A-1, Copy of Oxford Tax Map of BL 24 L 5, most recent recorded deed to property, and excerpt of Oxford Zoning ordinance. Mrs. Erhard stated that she and her husband have owned the property since August 15, 2015. Mrs. Erhard stated that their home is next to the approximately 60 acre lot. Mrs. Erhard stated that there is a mechanic business on their lot that they live on. Mrs. Erhard stated that last year's crop was corn on the 60 acre property. Mr. Boke presented Exhibit A-2, an aerial map of the property and Exhibit A-3, large tax map of the property. Mrs. Erhard stated that the driveway was 300 feet long and that the trucks for the logging used to track mud down the lane and onto Belvidere Road so they wanted to apply gravel to the road to reduce the mud. The parking area is approximately 100-200 feet. Mrs. Erhard stated that there is a box trailer to be used for agriculture purposes and a little white trailer on the parking area. Mr. Baduini asked how many trucks can be parked on the pad. Mrs. Erhard stated approximately 5 depending on the size. Mr. Bodine asked if there was a current Woodland Management Plan. Mrs. Erhard said the Woodland Management Plan was current. Mr. Burke asked how wide the driveway was and was the road widened significantly? Mrs. Erhard stated that the road is approximately 15 feet and that the road was not widened, but the gravel was placed on the existing roadway. Mrs. Erhard referred to the photographs and also stated that the gate is the same width. Mr. Menegus confirmed that the Township's issue with the Erhard's were that they did not obtain a permit from the Township or site plan approval for the parking area or gravel lane. There were no witnesses that testified.

Mr. Gruenberg swore in Robert Nyland, Deputy Mayor for Oxford Township. Mr. Nyland stated that the Township's major concern was that this parking area and gravel lane be used for agricultural purposes only and no non-ag use for commercial parking of trucks.

Mr. Burke read the Township violation issued asking for a site plan approval. Mrs. Erhard responded that the area that was improved was pre-existing.

Mr. Baduini closed the public portion of the hearing.

Mr. Menegus made a motion that the gravel driveway and parking area improvements be accepted as agricultural purposes, that commercial purposes could not be used at that location, and that the approval was limited to agricultural purposes. Mr. Bodine seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Menegus – yes. Motion carries.
 Ms. Willever and Chairman Schnetzer returned to their position on the Board. Mr. Tierney stated that this decision will be memorialized by resolution at next month's meeting.

Administrator's Report:

Pohatcong Superfund Contamination Area - Mr. Tierney, Mr. Bodine, and Ms. Willever met with SADC staff members and stated that the SADC was unwilling to cost-share on farms that are in the Pohatcong Valley Superfund Contamination Area because the contamination affects the development potential on these properties. The CADB discussed their frustration over this matter and NJ American Water's available capacity to service 24 units in its franchise area covering Oxford, Mansfield, Franklin, Washington Borough and Washington Township. Mr. Tierney explained that while POET systems may be another option, there are no comparable sales on of new developments utilizing POET Systems for appraisal purposes. Mr. Tierney stated the NJ American Water capacity is limited by NJ DEP regulations. They apparently sought to increase capacity but were prohibited from doing so by the Highlands Council. The EPA settlement is paying to install water pipes connecting Aqua Water and NJ American Water, but that is an emergency interconnection. Aqua water has 5,000 units in excess capacity, but doesn't have permission to transfer water to NJ American Water to service future development in that franchise area. NJ American Water's service ends at Franklin and Aqua begins at Greenwich. Mr. Tierney stated that the Pohatcong Superfund does not appear to provide monetary damages to landowners for lost development potential, but rather to repay the State for its costs and to extend public water service to existing residences. The CADB asked Mr. Tierney to notify the affected applications after exhausting all other options.

New Applications:

County Applications

- **Nonnenmacher #1** – Blirstown (Approx. 106 acres) On CADB Agenda for approval.
- **Nonnenmacher #2** – Blirstown (Approx. 17 acres) On CADB Agenda for approval.
- **O'Dowd (Water St.)** – Greenwich (Approx. 20 acres) Waiting to hear if Greenwich will participate.
- **Total Applications: 3 Total Acres: 143**

Municipal Applications

- **Buckaloo View** – Hope Twp. (Approx. 22 acres)
- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships – (Approx. 107 acres) Switched to MUNI FIG.
- **Murphy Farm** – Frelinghuysen Twp. (Approx. 206 acres) Municipal/County cost-share agreement*
- **Zukoski Farm** – Hope Twp. (Approx. 52 acres) Did not receive Green Light. SADC staff asked Blirstown to include additional lot.
- **Total Applications: 4 Total Acres: 387**

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) Waiting for landowners decision regarding SADC application change again.
- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) SADC not funding because area located in the Pohatcong Groundwater Contamination Area.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) SADC not funding because area located in 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. Farm also located in Pohatcong Groundwater Contamination Area.
- **Tasevski** – Franklin Twp. (Approx. 88 acres) SADC not funding because area located in the Pohatcong Groundwater Contamination Area.
- **Total Applications: 3 Total Acres: 260**

Municipal Applications

- **High Acres Farm** – Blairstown Twp. (Approx. 121 acres) Appraisals received.
- **Malon Farm** – Hope Twp. (Approx. 65 acres) Received appraisals.
- **Myers/Toretta** – Franklin Twp. (Approx. 64.42 acres) Received resubmitted application. Farm located in the Pohatcong Groundwater Contamination Area.

Total Applications: 3 Total Acres: 250

Received CMV & Offer Made:*County Applications*

- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) \$3,500 CMV.
- **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) CMV \$6,100. Applicant may remove exception area.
- **Crouse, Carl** – Washington Twp. (Approx. 120 acres) CMV \$4,700. Accepted offer; contract sent out. SADC not funding because area located in the Pohatcong Groundwater Contamination Area.
- **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) CMV \$5,500. Waiting for a decision from landowner.
- **Sigler, Carl** – Franklin Twp. (Approx. 174 acres) CMV \$4,600. Waiting for reply. SADC not funding because area located in the Pohatcong Groundwater Contamination Area.

Total Applications: 5 Total Acres: 421

Municipal Applications

- **Heatherfields** – Harmony Twp. (Approx. 78 acres) \$5,200 CMV. Waiting for town to authorize offer.
- **Post** – Frelinghuysen Twp. (Approx. 41 acres) – Waiting for landowner to return from vacation and sign the contract
- **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) – CMV \$4,000. Accepted offer. Contract review.
- **Spencer (Terra Bella Farm)** – White (Approx. 20 acres) CMV. Waiting for landowner's decision.

Total Applications: 4 Total Acres: 196

Under Contract (Title Search & Survey):*County Applications*

- **Apple Mountain**– White Twp. (Approx. 70 acres) CMV \$3,900. Received draft survey. Road & Engineering Departments Concerned with access and runoff.
- **Bartha** – White/Oxford Twps. (Approx. 52 acres) CMV \$4,500. Survey underway.
- **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) CMV \$4,500. Received draft survey.
- **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) CMV \$4,800. Received draft survey.
- **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) CMV \$5,800. Received draft survey. CADB needs to approve removal of BL 13 Lot 6.02, 1.21 acres. Mr. Bodine made a motion to remove BL 13 L 6.02. 1.21 acres from the application which was included by error. Ms. Willever seconded the motion.
Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Ms. Willever – yes; Mr. Menegus – yes.
Motion carries.
- **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) Acquired fee simple title on March 11th; SADC granted final approval and reviewing easement survey.
- **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. CMV may be reduced due to Pohatcong Groundwater Contamination Area.
- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) CMV \$4,600. Final subdivision approval pending. Final inspection performed.
- **Smith, John & Jean #2** – Harmony (Approx. 36 acres) CMV \$6,000. Final subdivision approval pending. Final inspection performed.
- **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) CMV \$5,500. Survey underway. SADC not funding because area located in the Pohatcong Groundwater Contamination Area.
- **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Title issues resolved. Survey underway; on hold while landowner decides whether to reduce size of exception areas.

Total Applications: 13 Total Acres: 1004

Municipal Applications

- **Campbell Foundry Company** – Hope (Approx. 170 acres) – CMV \$2,000. Received SADC Final Approval. Survey underway.
- **Croucher** – Blairstown (Approx. 90 acres) – CMV \$4,100.

Total Applications: 2 Total Acres: 260

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*

- **Unangst** – White Twp. (Approx. 85 acres) CMV \$3,625. Waiting to close. Legal estate issues need to be worked out.
Total Applications: 1 Total Acres: 85

Municipal Applications

- **Twin Brook Farm** – White Twp. (Approx. 22 acres) CMV \$6,600. Waiting on final survey.
Total Applications: 1 Total Acres: 22

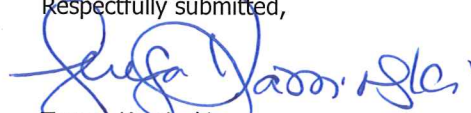
Recent Closings:

- None

Public Comment – None.

Adjournment: A motion for adjournment was made by Ms. Willever and seconded by Mr. Baduini. Motion carries. Chairman Schnetzer adjourned the meeting at 9:07 pm.

Respectfully submitted,



Teresa Kaminski