

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

May 21, 2020

The regular monthly meeting was held via Webex video and teleconference due to the COVID-19 restrictions for public gathering imposed by the Governor Murphy. 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.

Members present: Lou Baduini, Tim Bodine, Bradley Burke, Jason Menegus, Melissa Watters

Members absent: none

Others present: T. Kaminski, C. Tierney, Staff; Katrina Campbell, County Counsel; Art Charlton, Public Information Officer; Pat & Kelley Smith, Harmony Township; Kathleen Enz Finken, Washington/White Township.

Minutes of the meeting held on February 20, 2020 were approved on a motion by Mr. Baduini and seconded by Mrs. Watters.

Executive Minutes of the meeting held on February 20, 2020 were approved on a motion by Mr. Baduini and seconded by Mr. Burke.

Correspondence: Mr. Dempski's resignation was noted by the Board and would like to recognize his service in a letter.

Public Input (Non-agenda Items): Chairman Schnetzer opened and closed the public portion non agenda items without having any comments from any callers.

Old Business:

Pipers Hills Farms, LLC, TLC-NJ Non-Profit, BL 48 L 72, Washington Township, approx. 28 gross acres

No update to report.

Quest Environmental – O'Dowd Oil Tank Litigation

The resolution and contract agreement has been signed and a payment is being coordinated.

Possible Deed of Easement Violations

- **O'Dowd West & East Farms, Franklin & Greenwich Townships** - no update
- **Getto, Mansfield Township** - no update

New Business:

Certification of Commercial Farm

Star D Farm, LLC, BL 7 L 1 & 1.03, Harmony Township

Pat and Kelley Smith owners of the Star D Farm, LLC in Harmony Township have applied for a Certification of Commercial Farm on BL 7 L 1 & 1.03. They have provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form (both 2019 & 2020) showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from profit or loss from 2019 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Mr. Burke made a motion for Certification of Commercial Farm which was seconded by Mr. Baduini. Motion carries.

Kelrick Farms, LLC, BL 4 L 3, Harmony Township

Pat and Kelley Smith owners of Kelrick Farms, LLC in Harmony Township have applied for a Certification of Commercial Farm on BL 4 L 3. They have provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form (both 2019 & 2020) showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from 2019 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Mr. Baduini made a motion for Certification of Commercial Farm which was seconded by Mrs. Watters. Motion carries.

K&A Farms, LLC, BL 57 L 13 & 14, Franklin Township

Mr. Menegus recused himself from this Certification as there was a conflict of interest.

Keith Zipprich and Amanda Adam owners of K&A Farm, LLC in Franklin Township have applied for a Certification of Commercial Farm on BL 57 L 13 & 14. They have provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form (2020) showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from profit or loss from 2019 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Mr. Bodine made a motion for Certification of Commercial Farm which was seconded by Mr. Burke. Motion carries.

Cericola Division of Premises, BL 58 L 8, 8.01, 9, 9.01, 10, 12, 13, 13.01, Franklin Township

Mr. Cericola would like to scale back on farming abilities and retire to the small portion of the farm and subdivide his preserved farm and sell to Ron Sigler, Jr. The proposed division is along pre-existing lot lines, a new division of Premises and a combination of creating new lot lines and division along pre-existing lot lines. The land is both leased out to Mr. Sigler and farmed by Mr. Cericola. Mr. Cericola currently resides on the farm and is planning to live in existing home and operate smaller farm upon retiring. The current agricultural use is crop production with corn, soybeans, grass hay, beef production at times. There will be no real agricultural change and the proposal is to make the two preserved farms more equal in size. All structures including house remain on #1 preserved farm. There is no RDSO as the application indicated, but a non-severable exception area of one acre. There is one existing single family residence on preserved farm, BL 58, L 8, 9, 12, 13 & 15 (#1). On BL 58 L 10 (#2), there is a one acre non-severable exception area for future Single Family Residence restricted to one residential unit. There is a ROW access on BL 58 L 8 that will remain and provides access to L 12, 13 & 15. No acreage would be taken out of production with the proposed division of premises. Currently #1 farm, has 174+ acres preserved and #2 has 29+ acres preserved and the division would make the farms more equally divided in acreage, with 104+ acres for #1 and 109+ acres for #2. The Board was provided with soil maps and soil data for both farms and a tax maps that show the existing lot lines and the proposed division as well as the existing access road. Lots 8 and 9 (#1) would be divided from that preserved farm and added to Lot 10 (#2).

Mr. Baduini made a motion to approve and send the Division of Premises application on condition that the SADC review the need for an access easement or driveway ROW. Mr. Burke seconded the motion. Motion carries.

Kathleen Enz Farm, BL 3 L 20, White Township

Ms. Kathleen Enz Finken, Owner and Manager of Enz Capital Investment, LLC, Hidden Hollow Farm, a preserved farm in White Township, BL 3 and Lot 20, and Washington Township, BL 16 L 9 & 17 has applied to the CADB for septic placement outside the exception area on the preserved lot, BL 3 and 20. Mr. Enz Finken stated that she is replacing the existing house due to its deteriorated state and the current septic system is past end-of-life and is located approximately 40 feet from the pond within the exception area. Under the State septic code law, the current septic location is no longer a viable option for placement. The exception area is 1.45 acres and approximately half of it is covered by a pond. There is an underground spring and spring house, march, and creek all within or on the border of the area and feeding into the local watershed which abuts the property. It is not possible to place the new septic system on the exception area at a distance from water sources sufficient to meet code requirements. Also, the remaining portion of the exception area land slopes downward to the pond and creek. The best and least disruptive area on which to place the new system determined by the Engineer is immediately outside the boundary of the exception area. This area is sufficiently far from water to meet code and it is flat and soil test confirm appropriate conditions to support septic bed.

The house and new septic system has been designed to meet all applicable SADC Policy P-49 requirements:

- 1) Replacing the existing 5 bedroom house with a 4 bedroom house. The main part of the new house will be in the same area as the old house, with a garage and extension added and proposed house is located entirely in the exception area.
- 2) Due to the specifics of the site as noted above, there is no feasible alternative location on which to place the new septic system which will meet modern code requirements.
- 3) The proposed site for the new system does not impact the agricultural operations of the preserved farm. The proposed site is a lawn area along the driveway and serves no agricultural functions.

From G. Gloede and Associates, Consulting Engineering Services

"Based on the proposed building footprint (and required 25' offset from the bed to the dwelling) and the fact that there is an existing pond on the Exception Parcel that will require a minimum 50' buffer, there is an extremely limited area, if any area, on Parcel to install a new septic disposal bed. The buildable area that is unconstrained the 25' foundation offset and pond buffer contains steep slopes and is insufficient in area to construct the required disposal bed for a four bedroom dwelling.

The new disposal bed will be located outside of the Parcel, but will not impact any agricultural areas. The proposed location of the disposal bed will be located approximately 55 feet to the northeast of the Parcel, but will remain on the overall subject parcel. It should be noted that this proposed location lies within the existing yard area of the dwelling and is located approximately 150' from any agricultural areas on the property. The proposed location also serves as the best possible location near the proposed dwelling due to the topography of the existing parcel as the new disposal bed will be placed in an area that has a minimal cross slope. This also adheres to the best practices as prescribed by the N.J.A.C.7:9A, Standards for Individual Subsurface Sewage Disposal Systems.

It is the opinion of this office that the proposed location of the septic system and its components are placed in the best possible location to facilitate the construction of a new four bedroom dwelling on the Parcel."

Our office has included a draft copy of the proposed Individual Subsurface Sewage Disposal System that will be submitted to the Warren County Health Department for review and approval. This design plan contains the soil log results and the results of the soil permeability class rating (SPCR) tests. The SPCR test resulted in a K-3 permeability rate which will facilitate the installation of the proposed disposal bed. The design will also introduce 48" of suitable fill. Due to constraining slopes on the Parcel, the system will also be required to be designed as a pup/pressure dosed septic system."

The Board was given the Engineering letter, topography, proposed plan, and SADC Policy P-49 for review and discussed the issue with and had questions for Ms. Enz-Finken.

The existing house is 3,000 square feet and the proposed new house will be 6,000 square feet.

Mr. Baduini had concerns about the size of the house and that the septic area would be outside of the exception area and if there could be another solution. Mr. Baduini would like the SADC to review before the CADB makes a decision. Chairman Schnetzer stated that the SADC wanted the CADB OK first. Mr. Tierney stated that the SADC wants the CADB input and that according to Paragraph #3 of the septic policy P-49, there was not an increase number of bedrooms, but a reduction from five to four bedrooms, the placement has minimal impact on agriculture, and there is no other feasible alternative location. Mr. Bodine has stated that it can be sent to the SADC as he thought the landowner did their due diligence and everything done correctly. Mr. Tierney stated that the location of the new septic system from the County Health Department is in two acts for approval. Mr. Burke stated that if it would be part of the agriculture use on the farm, then it would be perfectly feasible and accessible.

Mr. Burke made a motion to accept the proposed new septic system to be located outside of the exception area as a conditional approval and to forward to the SADC for their review and concerns and if the SADC would give approval, then the CADB would also. Mr. Bodine seconded the motion. Mr. Baduini voted no while the rest of the Board agreed with the motion and motion carries.

MUNI PIG Funding Resolutions

Brook Hollow Winery, LLC Farm MUNI PIG Funding Resolution #20-02, BL 10 L 6, Knowlton Township, 12.5 net acres

The cost of funding as \$18,000/acre (CMV) and breakdown is as follows: Total cost \$225,000; SADC \$135,000 (\$10,800/acre); Warren County \$45,000 (\$3,600/acre); Knowlton Township \$45,000 (\$3,600/acre). There are no structures, no existing agriculture labor housing units, no preexisting non-ag uses on premises, and the exception area is one non-severable exception of 3.5 acres for future flexibility and restricted to zero single family residential unit.

Mr. Burke made a motion to approve the County's cost share funding of \$45,000 and to make a recommendation to the Board of Chosen Freeholders for purchase. Mr. Bodine seconded the motion and motion carries.

McLain Farm MUNI PIG Funding Resolution #20-03, BL 44 L 15 & 19, BL 45 L 1 and BL 46 L 3, Harmony Township, 140.38 acres

The cost of funding as \$5,700/acre (CMV) and breakdown is as follows: Total cost \$800,166; SADC \$526,425 (\$3,750/acre); Warren County \$136,870.50 (\$975/acre); Harmony Township \$136,870.50 (\$975/acre). There are two existing dwellings, one garage, one barn foundation and two sheds on premises, no existing agriculture labor housing units, no preexisting non-ag uses on premises, and the two exception areas 1) one non-severable exception of 1 acre for future single family dwelling restricted to one single family residential unit; 2) one non-severable exception of .5 acre for current non-ag use and future flexibility.

Mr. Baduini made a motion to approve the County's cost share funding of \$45,000 and to make a recommendation to the Board of Chosen Freeholders for purchase. Mr. Bodine seconded the motion and motion carries.

County PIG Application for CADB approval and to send to SADC for Green Light Approval **Ralph & Dianna Anema Farm, BL 66 L 1, Washington Township, approximately 121 acres**

This block and lot was a previous SADC Direct application and was withdrawn by the landowners due to low CMV and is being resubmitted at this time and is past the two year period of withdrawal date. This application has a CADB rank score of 65.63, has 112.97 Prime Soil acres, 5.26 Statewide Soil acres and is 99.98% tillable with 98.28 cropland harvested and 23.7 acres of permanent pasture. There is a 6.9 acre severable exception for future single family house and flexibility.

Mr. Bodine made a motion to accept the application and to submit to the SADC for Green Light Approval which was seconded by Mrs. Watters. Motion carries.

SADC Direct Application for CADB approval

Talc, LLC (Shen) BL 501, L 3, Mansfield Township, 222.9 gross acres

This application has 65.93 acres in the Wetlands Reserve Program and the remaining would be for farmland preservation.

Mr. Baduini made a motion to approve the Talc, LLC Direct Application which was seconded by Mr. Burke. Motion Carries.

Gardner, BL 48 L 12.01 & 14, Franklin Township, 104.2 acres

This application has a 6 acre severable exception for future building lot and a 2 acre non-severable exception around existing house.

Mr. Baduini made a motion to approve the Gardner SADC Direct Application which was seconded by Mr. Menegus. Motion carries.

Application Change

Murlan Non-Profit Application, BL 301 L 6, Frelinghuysen, 249.4 gross acres

This application had a landowner recently pass away and was in the process of settling the Estate. The application has one non-severable exception area of 1 acre and one severable exception area of 7 acres limited to 2 single family residences. The proposed change is for a 26 severable exception limited to 3 single family residences and exchange the RDSO for the existing residence.

Mr. Tierney stated that the appraisals have been updated with the proposed change of the 26 acre severable exception area.

Mr. Burke made a motion to accept the proposed 26 acre severable exception area in the Murlan Non-Profit application. Mrs. Watters seconded the motion. Motion carries.

Public Comment:

Pat Smith asked the Board why if a farm was previously certified as a commercial farm, why did the landowner have to go through the process again. Chairman Schnetzer replied that it was to ensure that the farm still qualifies with the income and can meet certification requirements from year to year.

New Applications:

County Applications

- **Anema, Ralph** – Washington Township (Approx. 123 acres)
- **Anema, Brenda** – Washington Township (Approx. 64 acres)
- **Vliet** – Washington Township (Approx. 119 acres)

Total Applications: 3 Total Acres: 306

SADC applications

- **Shen** – Mansfield Township (Approx. 222 acres)
- **Gardner** – Franklin Township (Approx. 91.5 acres)

Total Applications: 2 Total Acres: 314.4

Awaiting Green Light Approval:

Total Applications: 0 Total Acres: 0

Received Green Light Approval:

County Applications

- **Dykstra** – Mansfield Twp. (Approx. 209 ac.) Waiting for CMV.

Total Applications: 1 Total Acres: 209

Municipal Applications

- **Vass** – Knowlton Twp. (Approx. 100 ac.) Received appraisals. At SADC for CMV.

Total Applications: 1 Total Acres: 100

Received CMV & Offer Made:*County Applications*

- **Khan** – Hardwick Twp. (Approx. 75 ac.) CMV \$3,400. Waiting to hear response from landowner.

Total Applications: 1 Total Acres: 75

Municipal Applications

Total Applications: 0 Total Acres: 0

Non-Profit Applications

- **Hidden Woods Farm (Rogers)** – Frelinghuysen Twp. (Approx. 107 ac.) CMV \$4,150.
- **Kimball** – White Twp. (Approx. 45 ac.) CMV \$4,200.
- **Navesink Roots (Black)** – Hardwick Twp. (Approx. 24 ac.) CMV \$4,100.
- **Promised Land (M. Santini)**– Franklin Twp. (Approx. 58 ac.) CMV \$4,650.
- **River Hollow Farms (R&S Santini)** – Washington Twp. (Approx. 60 ac.) CMV \$5,200.

Total Applications: 5 Total Acres: 294

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

- **Haydu** – Harmony Twp. (Approx. 46 ac.) CMV \$4,900. Title search done & received draft survey. Survey sent to Engineering Dept. for review on 2/27/19. Engineering finalized review of survey and survey was sent to SADC.
- **Smith, John & Jean #1** – Harmony/White Twps. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Highlands Application has been approved. Waiting for landowner to complete municipal subdivision.
- **Smith, John & Jean #2** – Harmony Twp. (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Application has been approved. Waiting for landowner to complete municipal subdivision.

Total Applications: 3 Total Acres: 164

Municipal Applications

- **Brook Hollow Winery** – Knowlton Twp. (Approx. 16 ac.) On CADB Agenda for funding approval.
- **Dokie's Acres (Thompson)** – White Twp. (Approx. 43 ac.) CMV \$6,000. Received signed Contract. Title and survey underway.
- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700. On CADB Agenda for funding approval.

Total Applications: 3 Total Acres: 199

Non-Profit Applications

- **Pipers Hill Farm (Gibb)** – Washington Twp. (Approx. 27 ac.) CMV \$5,500. Received draft survey. Received County Engineer review letter 11/19; landowner to address unpermitted access and power box; revisions to survey needed.

Total Applications: 1 Total Acres: 27

Waiting to Close (Final Legal Review):*County Applications*

- **Beatty South** – Greenwich Twp. (Approx. 57 ac.) CMV \$9,500.
- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Mrs. Beatty has died, estate being settled.
- **Hoffman-LaRoche** – White Twp. (Approx. 93 ac.) CMV \$5,100. Finalizing SADC legal review.
- **Route 57 Partnership** – Franklin Twp. (Approx. 70 ac.) CMV \$3,200. Finalizing SADC legal review.
- **Shandor** – Harmony Township (Approx. 100 ac.) CMV \$3,100. Survey completed. Waiting for landowner to provide NJDEP Consent Order so SADC can undertake final legal review.
- **Stampone** – Knowlton Twp. (Approx. 38 ac.) Engineering signed off on survey. In SADC legal review.

Total Applications: 5 Total Acres: 444

Municipal Applications

- **Kitchen** – Knowlton Township (Approx. 28 ac.) CMV \$5,100. SADC completed preliminary review. Survey sent to County Engineer for review on 10/15/19.

Total Applications: 1 Total Acres: 28

Non-Profit Applications

- **Murlan Farm (Murphy)** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. Survey completed. SADC Preliminary Review. One landowner passed away. On Agenda for CADB approval for exception size change.

Total Applications: 1 Total Acres: 251

Recent Closings:

- **Heeres (R&S Santini)** – Harmony Township (Approx. 67 ac.) CMV \$3,800. Closed March 30, 2020!

Pohatcong Contamination Area Projects:*Seeking Highlands Council Open Space Funding cost-share*

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Fully executed contract. Received 50% matching Highlands Grant. Waiting for final survey revisions and financial settlement statement from sibling for release to close.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Fully executed contract. Received 50% matching Highlands Grant. Waiting for final survey revisions and financial settlement statement from sibling for release to close.
- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Received up to 50% matching Highlands Grant. Received draft survey. No County comments. Waiting for title company to review.
- **Pereira** – Franklin Township (Approx. 30 ac.) Received up to 50% matching Highlands Grant. No County comments. Waiting for title company to review.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Received up to 50% matching Highlands Grant. Received signed offer letter. Fully executed contract. Survey underway.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Received up to 50% matching Highlands Grant. Received signed offer letter. Fully executed contract. Survey underway.
- **Noel** – Franklin Township (Approx. 44 ac.) Received 50% matching Highlands Grant. Sent to Engineering to review. Waiting for title company to review.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Applied for Highlands Grant. Inspected by HC staff.
- **O'Dowd South** – Franklin & Greenwich Township – (Approx. 132 ac.) Applied for Highlands Grant. Inspected by HC staff.

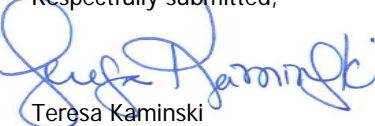
Total Applications: 9 Total Acres: 830

2019 Closings YTD: 11 farms totaling 546 acres

Program Totals: 296 farms totaling 25,867 acres

Adjournment: A motion for adjournment was made by Mrs. Watters and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 8:53 pm.

Respectfully submitted,



Teresa Kaminski