

## **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

### **Meeting Minutes**

**July 19, 2018**

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.

Chairman Schnetzer led the Pledge of Allegiance.

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

Members absent: Abigail Postma

Others present: C. Tierney, T. Kaminski Staff, Steve Gruenberg, Substitute County Counsel.

**Minutes** of the meeting held on June 21, 2018 were approved on a motion by Mr. Baduini and seconded by Mr. Burke. Motion carries.

**Correspondence:** Noted

**Public Comment:** Chairman Schnetzer open the comments up to the public and announced that the Santini SSAMP will be carried to the next meeting.

**Old Business:**

#### **O'Dowd Farms Remediation Status**

Mr. Tierney stated that the remediation had been postponed because of the rain and are awaiting a new date for the remediation.

#### **PVCA Update**

Mr. Tierney stated that the SADC staff has completed the review and are compiling questions.

**New Business:**

#### **Certification of Commercial Farm – New Village Farms, Santini, BL 39 L 6.03, Franklin Township, 12 acres**

Robert Santini owns BL 39 L 6.03 in Franklin Township and operates under New Village Farms. 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 2017 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.

Chairman Schnetzer stepped down from his position on the Board and took a seat in the audience due to his business relationship with Mr. Santini. Vice-Chairman Baduini took over the meeting.

Mr. Menegus made a motion to justify the Certification of Commercial Farm for New Village Farms, owner Robert Santini, BL 39 L 6.03 in Franklin Township. The applicant provided all the required documents for certification. Mr. Burke seconded the motion.

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

Motion carries.

Chairman Schnetzer returned to his position on the Board.

#### **Resolutions**

##### **Mazza Farm – BL 66 L 1, 19.80 net acres, Knowlton Twp. MUNI PIG Funding Resolution#18-05**

SADC Cost Share \$65,538 (\$3,310/acre) Warren County Cost Share \$15,246 (\$770/acre), Knowlton Cost Share \$15,246 (\$770/acre), Total Cost \$96,030 (\$4,850/acre - CMV). There are no existing structures or ag labor housing units on premises to be preserved. There is one non-severable exception of 1.8 acres for existing single family residence, two car garage, and one barn restricted to one single family residential unit, no RDSOs allocated, no preexisting non-agriculture uses on premises and no proposed trails. Any easements are to be determined with title search. There are zero acres of prime farmland soil and 18.9 acres are tillable. The farm is in and soybeans.

Mr. Menegus made the motion to support the Warren County Cost Share amount for the preservation funding on this MUNI PIG farm and Resolution #18-05 as presented to make a recommendation to the Freeholders 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  
Motion carries.

**Snyder, BL 96 L 9 & 9.01 and BL 97 L 46, Pohatcong Twp. Certification of Commercial Farm Resolution #18-06 Memorialization**

Mr. Menegus made a motion to approve the memorialization of the Certification of Commercial Farm Resolution #18-06 for the Snyder Farm, owners and operators Glenn, Kevin & Stephanie Snyder, BL 96 L 9 & 9.01 and BL 97 L 46, Pohatcong Township. Mr. Baduini seconded the motion.

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

**Shandor, BL 46 L 2, Harmony Twp. 108.15 (3%+) CPIG Funding Res. #18-07**

SADC Cost Share \$244,419.00 (\$2,260/acre) Warren County Cost Share \$90,846.00 (\$840/acre), Total Cost \$335,265.00 (\$3,100/acre - CMV). There are no existing structures or ag labor housing units on premises to be preserved. There is one non-severable exception of 1 acre for future single family residence restricted to one single family residential unit, one RDSOs allocated, no preexisting non-agriculture uses on premises and no proposed trails. Any easements are to be determined with title search.

Mr. Menegus made the motion to support the Warren County Cost Share amount for the preservation funding on the Shandor CPIG farm Resolution #18-07 as presented and 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. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes  
Motion carries.

**Anderson, BL 1103 L 9 & BL 1104 L 6 & 7, Hardwick Twp. SSAMP Right-to-Farm Hearing continued from June 21, 2018**

Mr. Tierney and Chairman Schnetzer made a site visit to the property on Tuesday, July 17, 2018 where Mr. Anderson had informed them that he will not be continuing the SSAMP RTF with the CADB and pursue the appeal with the Superior Court. Mr. Gruenberg stated that after last month's meeting he sent correspondence to Mr. Anderson and Mr. Sposaro asking for certain documents to provide to the Board which included: 1) Copies of any orders of disposition and relevant document with respect to the two Summonses; 2) Copies of any pleadings or transcripts with respect to an appeal of the two Summonses; 3) Copies of any orders of disposition of any appeal of the two Summonses; 4) Present status of any appeal of the two Summonses and intentions with respect to same; 5) Provide any legal argument in advance of the hearing as to the impact or effect of the purported guilty findings and the current status of the appeal to the within application before the Board. Mr. Sposaro provided Mr. Gruenberg with documentation that the appeal had been filed and was dismissed for failure to file a brief and dismissed without prejudice. Mr. Gruenberg indicated that he reached out to Mr. Charlie O'Connell, the attorney that filed the appeal for Mr. Anderson, but that Mr. O'Connell had not been retained to represent Mr. Anderson for this matter. Mr. Gruenberg stated that given the situation and the status of the appeal, the question was raised at the last meeting about what effect the two Summonses and the guilty findings might have on this Board. Mr. Gruenberg stated that this Board cannot reverse or overrule a Municipal Court Judge's findings of guilt. Mr. Anderson's option at that point is to file an appeal which has been done and seek a Superior Court Judge to either reverse those guilty findings or refer the matter to this Board as having primary jurisdiction. Mr. Anderson could still seek a SSAMP with respect with the two structures, but it would not have affect those two tickets that he was found guilty of unless he seeks relief from the Law Division Judge for the appeal. Mr. Gruenberg stated that he understood Mr. Anderson had elected to withdrawal the application and seek to reactivate his appeal before Superior Court in order to address those matters there. Mr. Gruenberg stated that the Board has the ability to entertain a motion to accept the withdrawal of the SSAMP application without prejudice, and under the condition that the conditional Certification of Commercial farm would still need to be satisfied with the relevant Schedule F and other supporting documentation, should the matter return before this board. Mr. Anderson stated that his attorney told him that they did get an extension for an appeal and he was going to pursue the matter with the Superior Court and therefore wishes to withdraw his SSAMP application with the CADB.

Mr. Menegus asked if we could not hear the SSAMP because there was already Summonses issued. Mr. Gruenberg stated that we could hear an SSAMP for the two structures, but Mr. Anderson filed the application on the basis of Summonses being filed. They are guilty findings and the only way a guilty finding can be overturned is through the Superior Court Law Division. The Court could continue to hear the SSAMP and let him deal with that issue in the Law Division as he sees fit, but he is welcome to withdraw the application. Mr. Menegus asked if the Court could also send it back to us. Mr. Gruenberg stated that the Court could entertain a motion to refer this matter to the CADB as having primary jurisdiction.

Mr. Baduini asked if we received the application for extension and the Schedule F for the 2017 taxes. Ms. Kaminski replied that it was not received. Mr. Anderson replied that he was having that done within the week and will have the accountant supply us with the documents. Mr. Baduini asked if we should rescind the Certification of Commercial farm at this time. Mr. Gruenberg suggested that the Board condition any reinstatement of this application for SSAMP upon providing those documents to the Board. Mr. Gruenberg stated that when Mr. Anderson was Certified as a Commercial Farm, it was done conditionally and that the conditions, such as providing a copy

of the Schedule F which was filed with the I.R.S., have not yet been satisfied. Mr. Anderson won't be Certified as a Commercial Farm until the requested documents are supplied to satisfy the commission of the resolution.

Mr. Burke made a motion to accept Mr. Anderson's withdrawal of his SSAMP and that the Certification of Commercial farm remains unsatisfied until the relevant documents are received (Application for extension and Schedule F 2017 taxes) and any reinstatement of Certification or SSAMP upon that condition. Mr. Baduini seconded the motion.

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

**Administrator's Report:** Mr. Tierney went over the report.

**TLC-NJ Non-profit applications – Deer Haven Farm, Frelinghuysen Township and Pipers Hill Farm, Washington Township.**  
Mr. Tierney pointed out the Piper Hill & Deer Haven TLC-NJ non-profit farms have asked for up to 50% cost-share for an estimated \$6,000/acre on both farms. Mr. Menegus made a motion to approve the County's cost share both the non-profit farms which was seconded by Mr. Bodine.

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

New Applications:

*County Applications*

- **Beatty North** – Greenwich (Approx. 86 ac.) Need 04 zoning clarification.
- **Beatty South** – Greenwich (Approx. 57 ac.) Need 04 zoning clarification.
- **Noel** – Franklin Township (Approx. 44 ac.) On hold pending SADC PVCA review. Submitted application to Highlands Open Space Grant Program.
- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) On hold pending SADC PVCA review. Submitted application to Highlands Open Space Grant Program.
- **Pereira** – Franklin Township (Approx. 30 ac.) On hold pending SADC PVCA review. Submitted application to Highlands Open Space Grant Program.

**Total Applications: 5                      Total Acres: 209**

*Municipal Applications*

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

*Non-Profit Applications*

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

Awaiting Green Light Approval:

- **Route 57 Partnership** – Franklin Township (Approx. 70 ac.) On CADB Agenda for Approval.

*County Applications*

**Total Applications: 1                      Total Acres: 70**

Received Green Light Approval:

*County Applications*

- **Anema, Kris** – Washington (Approx. 20 ac.) Appraisal resolutions for 7/25/18 Freeholder Agenda
- **Dykstra** – Mansfield Township (Approx. 209 ac.) Sent to SADC for CMV.
- **Haydu** – Harmony Township (Approx. 46 ac.) Sent to SADC for CMV.
- **LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) Sent to SADC for CMV.
- **Hoffman-LaRoche** – White (Approx. 93 ac.) Appraisal resolutions for 8/22/18 Freeholder Agenda.

**Total Applications: 5                      Total Acres: 475**

*Municipal Applications*

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

*Non-Profit Applications*

- **Heeres** – Harmony Twp. (Approx. 67 ac.) CMV expected at SADC July meeting.
- **Hensler** – White Twp. (Approx. 40 ac.) Appraisals sent to SADC for CMV.
- **Total Applications: 2                      Total Acres: 107**

*State Applications*

- **Anema, Ralph** – Washington (Approx. 115 ac.)

- **Total Applications: 1      Total Acres: 115**

Received CMV & Offer Made:

*County Applications*

- **Shandor** – Harmony Township (Approx. 100 ac.) CMV \$3,100. Received signed contract.  
**Total Applications: 1      Total Acres: 100**

*Municipal Applications*

- **Mazza** – Knowlton (Approx. 21 ac.) CMV \$4,850. On CADB Agenda for funding approval. SADC final approval on 7/26/18.  
**Total Applications: 1      Total Acres: 21**

*Non-Profit Applications*

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

Under Contract (Title Search & Survey):

*County Applications*

- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Highlands Application has been submitted.
- **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. Highlands Application has been submitted.  
**Total Applications: 2      Total Acres: 118**

*Municipal Applications*

- **Nonnenmacher #1** – Blairstown (Approx. 106 ac.) CMV \$3,100. Survey underway. Ordered Title Search.
- **Nonnenmacher #2** – Blairstown (Approx. 17 ac.) CMV \$5,000. Survey underway. Ordered Title Search.  
**Total Applications: 2      Total Acres: 123**

*Non-Profit Applications*

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. Survey underway.
- **Shoemaker I** – White Twp. (Approx. 115 ac.) CMV rcvd (\$5,650) Survey underway.
- **Shoemaker II** - White Twp. (Approx. 12 ac.) CMV \$5,000. Survey underway.
- **Tjalma II** – Harmony Twp. (Approx. 61 ac.) CMV rcvd (\$4,900) Survey underway. Engineering department reviewing survey.  
**Total Applications: 4      Total Acres: 439**

Waiting to Close (Final Legal Review):

*County Applications*

- **Apple Mountain**– White Twp. (Approx. 65 ac.) CMV \$3,900/\$2,000. Tim Matthews purchased property. Need new deed.
- **Unangst** – White Twp. (Approx. 85 ac.) CMV \$3,625. Inspection performed. Estate issues being worked out.  
**Total Applications: 2      Total Acres: 150**

*Municipal Applications*

- **DeBoer** – White Twp. (Approx. 56 ac.) CMV \$5,100. Grant Agreement received; note needed on survey per Engineering.
- **Pittenger (Dark Moon)** – Frelinghuysen (Approx. 92 ac.) CMV \$3,700. Received Highlands Grant. Received final survey. Engineering department reviewing survey.  
**Total Applications: 2      Total Acres: 148**

Recent Closings:

- **Conti** – Knowlton (Approx. 280 ac.) CMV \$3,750. Closed on 6/28/18!

Pohatcong Contamination Area Projects:

SADC restrictions and conditions for appraisals:

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Landowner stated revised SADC value not enough, but is reviewing options. Awaiting valuation analysis. Federal Appraisal of \$2,325/ac. being reviewed.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Landowner stated revised SADC value not enough, but is reviewing options. Awaiting valuation analysis. Federal Appraisal of \$3,750/ac. being reviewed.
- **Myers/Toretta #1**– Franklin Township (Approx. 38 acres) Applicant wants to do an agricultural lot line adjustment and submit the portion of the parcel that is not in the PVCA for preservation. Submitted application to Highlands Open Space Grant Program.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Submitted application to Highlands Open Space Grant Program.
- **Tasevski** – Franklin Twp. (Approx. 87 ac.) Submitted application to Highlands Open Space Grant Program.

Received CMV & Offer Made:

- **Crouse, Jennie** – Washington Twp. (Approx. 90 ac.) Landowner accepted offer of \$4,700 for development easement and Highlands Open Space Grant is matching up to 50%. Survey expected soon.

Under Contract (Title Search & Survey):

- **Smith, Skip #2** – Franklin Twp. (Approx. 22 ac.) CMV \$5,500. Awaiting valuation analysis. Federal Appraisal of \$4,500/ac. being reviewed. Landowner accepted Highlands Open Space Grant matching up to 50%. Received updated signed contract. Trying to coordinate documents for closing.

**Total Applications: 7                      Total Acres: 665**

2018 Closings YTD: 6 farms totaling 717.6605 acres

Program Totals: 281 farms totaling 25,135 acres

**Kregar Farm, BL 1004, L 3 & BL 1301 L 22.01, Hardwick Twp. Ridge & Valley Assignment** – Mr. Tierney stated that the letter in the packet was the SADC's response to the preserved farms post-preservation addition of approximately .8 acre portion of BL 1301 L 22.03. The SADC stated that the suggestion by R&V of adding the .8 acre parcel to the preserved premises while expanding the size of the non-severable exception area by .8 acre is not viable, as the reconveyance of land encumbered by a development easement is prohibited under N.J.S.A. 4:1C-32a. The SADC posed three options to resolve the issue: (1) obtain planning board approval to return the approximately .8 acre back to its original lot, and record a deed to perfect such approval; (2) amend the farmland preservation deed of easement by including the parcel as an exception area; or (3) add the parcel to the preserved premises. In order to accomplish both (2) and (3), the farmland preservation survey and metes and bounds description would need to be revised, and the deed of easement re-recorded in order to reflect the revision. Be advised that with regard to (3), SADC will not be providing a cost-share grant for the newly annexed area should that option be pursued. RVC had asked to transfer the assignment of deed of easement to the County along with other RVC preserved farms, which the County has already taken on.

Mr. Tierney noted that the County has preserved over 25,000 acres that included County funded only farms. It is expected by September after a few more farms to close that the SADC's cost-share inventory with the County will exceed 25,000 acres and a publicity event and publication will be planned.

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

**Adjournment:** A motion for adjournment was made by Mr. Baduini and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 8:06 pm.

Respectfully submitted,



Teresa Kaminski