

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

September 17, 2020

The regular monthly meeting was held outside at the Meadow Breeze Park Pavilion in Washington Township due to the COVID-19 restrictions for public gathering imposed by the Governor Murphy. The meeting was called to order by Chairman Schnetzer at 5:05 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present, Tim Bodine, Bradley Burke, Jason Menegus, Joel Schnetzer

Members absent: Lou Baduini, Melissa Watters

Others present: T. Kaminski, C. Tierney, Staff; Guy Wilson, Substitute County Counsel, Pat & Kelley Smith, Jim Smith, Harmony Township; Arie Van Vugt, Allamuchy Township; Steven Gruenberg, attorney for the Smiths.

Minutes of the meeting held on August 20, 2020 were approved on a motion by Mr. Bodine and seconded by Mr. Menegus. Mr. Burke abstained. Motion passes.

Correspondence: noted

Public Input (Non-agenda Items): none

Old Business:

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

Mr. Tierney stated that there were still deficiencies that the landowner was working on improving.

Possible Deed of Easement Violations

- **O'Dowd West & East Farms, Franklin & Greenwich Townships** – Mr. Tierney stated that there have been no more complains; he will follow up after the crops are harvested.
- **Rocha (Getto), Mansfield Township** – Mr. Tierney had a site visit to the property on September 10, 2020 with the NJ Department of Agriculture, the State Health Department and the County Health Department to check on the number of violations concerning animal waste and ongoing concerns. A member from the NJ DEP could not make the visit that day. The landowner was present and has been ordered to cease cheese making operations. The landowner has also put millings on the driveway and plans to install swales to divert stormwater into the adjacent ditch; he plans to pave over the millings and swales. The landowner is required to submit a driveway permit application; Mr. Tierney has notified the County Engineer and County Counsel and will send a letter to Mr. Rocha. Chairman Schnetzer asked if NRCS was involved with the run-off from the cattle. Mr. Tierney stated that there were no outstanding violations through soil conservation district that he is aware of and that Mr. Rocha is purportedly working on a nutrient management plan with a technical service provider to address the manure run-off. Mr. Tierney stated that Mr. Rocha did say he retained a Professional Engineer for the septic and storage tank and has been working to remedy the outstanding concerns and issues on the preserved farm.
- **Bogyos/Steinhardt, Franklin Township** – Mr. Tierney was notified by a neighbor of an application with Franklin Township Land Use Board for an ultralight application. Mr. Tierney notified the LUB and the landowner's attorney that the proposed airfield would violate the deed restrictions, per the explanation Mr. Tierney received from SADC. The attorney stated that it was for personal use only. A short runway on grass or existing farm lane will be utilized for the take off. The Township was favorable to the landowner for the application. The landowner has applied to the state for an aeronautical license. Mr. Tierney said that the SADC stated that it would be prohibited. Mr. Tierney is waiting for Mr. Roohr from the SADC to get back to him regarding this issue. Mr. Burke made a motion to reach out to the landowner with a letter that the Ultralight is only permissible for personal use and would be a violation of the Deed of Easement for Commercial use. Mr. Menegus seconded the motion.

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

New Business:

Certification of Commercial Farm

Plainview Growers, Inc., BL 105 L 8, Allamuchy Township, 145 acres

Arie Van Vugt owner of Plainview Growers, Inc. in Allamuchy Township has applied for a Certification of Commercial Farm on BL 105 L 8, a preserved farm. Mr. Van Vugt has 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 receipts from 2019 tax return showing 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. Menegus made a motion for Certification of Commercial Farm which was seconded by Mr. Burke. Motion carries.

Right to Farm Hearing, Site Specific Agriculture Management Practice

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

Pat and Kelley Smith owners of Kelrick Farms, LLC in Harmony Township on February 28, 2020 have applied for a Site Specific Agricultural Management Practice on BL 4 L 3 for relief from Harmony Township Municipal Ordinance 18-8, regulating use of permanent storage or shipping containers for agricultural storage use. They have been Certified as a Commercial Farm by CADB Resolution #20-04 dated June 14, 2020. The applicants SSAMP Request Form is described in detail as to farm activity and production: "Existing activities include grain bin, equipment storage building, truck and trailers associated with farming activities, equipment necessary for production of agricultural products, mobile trailers for storage of agricultural related items (hay, bagged shavings, etc.) outdoor riding area, 4 fenced pastures for animals such as horses, cows, goats, etc., parking area." The applicants have noticed all adjacent landowners within 200 feet of their property, the Harmony Township Land Use Board, Harmony Township, Warren County Planning Department, the SADC and published the RTF hearing in The Express Times on September 2, 2020. All documents and noticing are in order to have this RTF hearing. Mr. Wilson swore in Mr. Smith to give testimony.

Mr. Gruenberg, Mr. & Mrs. Smith's attorney stated that Harmony Township passed an ordinance on November 6, 2018 by Ordinance No 18-8. The ordinance does not allow for permanent storage container or shipping containers to be on the same property for more than six months and Storage Container or Shipping Container is described in Chapter 140-1 Definition as "Any metal container, box or other enclosure, pod, enclosed trailer, sea box traditionally used for storage or shipping". Chapter 140-2 Permanent Storage or Shipping container Prohibited "no person or persons, firm or corporation shall place a permanent storage or shipping container on their property. Temporary shipping containers such as pods are not prohibited provided they are on the property for no more than six months. Mr. Gruenberg stated that the trailers were for agriculture use. Mr. & Mrs. Smith have not received any violation or notices regarding the trailers.

Mr. Gruenberg questioned Mr. Smith regarding the trailers on his property. Mr. Smith stated that he was currently using the trailers and took photos this morning of the containers. Mr. Gruenberg entered them as Exhibit A-1. All members, staff and CADB Counsel received copies of the photos for their review. Mr. Smith stated that the photos show that the trailers house round bales except for photo #6, which holds bagged shavings for bedding for the horses. Mr. Gruenberg asked Mr. Smith if there were no outside business and that the containers were for agriculture use and bedding for on farm use and that this did not increase the impervious surface coverage. Mr. Smith replied that all uses were for agricultural on site and that there was no increase to impervious surface coverage.

Mr. Burke asked if the trailers exempted any pre-existing or were grandfathered in before the ordinance was passed. Mr. Gruenberg was not aware of such. Mr. Schnetzer asked if 3 box containers/trailers were sufficient for future use. Mr. Smith stated that it was easier to park in a stationary place to load the hay bales than it was to bring the trailers to the field. Mr. Wilson asked if they were parked on a hard surface and what was the years of usage. Mr. Smith replied that they were on a hard surface and about 15-20 years of usage. Mr. Gruenberg stated that there was no notice of violation given by Harmony Township but someone raised a question about them. Mr. Burke wanted to know what the Smiths were seeking, to continue to use the trailers on the farm since there was no violation from the Township. Mr. Wilson stated that it was a declarative action. Mr. Gruenberg stated that it would be a SSAMP under RTF act.

Chairman Schnetzer opened it up to the public for discussion. There was no comment and no Harmony Township representative was present. The WC Planning Department sent a letter in response to the noticing advising that "this property abuts County Route 622, and that the WC Planning Board may have jurisdiction for site plan review pursuant

to N.J.S.A. 40:27-1 et. eq. In addition, a Highway Access and Construction Permit may be required from the WC Engineer's Office prior to the construction or expansion of any temporary or permanent access to the site from a County Road."

Chairman Schnetzer proposed a limit on the action of up to 5 storage containers/trailers. Mr. Burke wanted to know if all the containers would be located in the same area. Mr. Smith stated that they are 50 yards off of road, next to building marked #1 on the sketch in the parking area and that there was a berm around the property. Mr. Gruenberg stated that they would like to use the 3 trailers as discussed and be exempt from Harmony Township Zoning Ordinance #18-8 and yet be able to move around as needed. Mr. Burke wanted to know if the normal setback pertain to the trailers. Mr. Gruenberg stated that they would have protection with RTF with the 50 yards set back and they are mobile.

Mr. Menegus made a motion to allow up to 5 storage trailers on the Smith's property, Kelrick Farms, LLC, BL 4 L 3, Harmony Township. Mr. Bodine seconded the motion.

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

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 on February 28, 2020 for a Site Specific Agricultural Management Practice on BL 7 L 1 & 1.03 for relief from Harmony Township Municipal Site Plan requirement, Zoning Ordinance Chapter 137 for proposed construction of an in-door riding arena and seeking protection for existing outdoor riding arena. They have been Certified as a Commercial Farm by CADB Resolution #20-05 dated June 14, 2020. The applicants SSAMP Request Form is described in detail the specific activity seeking WCADB for SSAMP: "Farming activities including the production of hay, corn, soybeans, pasture, equine activities. Currently on-site are 2 grain bins. 5 equipment/storage buildings, trucks & trailers used for ag production, mobile trailers for ag product storage, parking areas for vehicles. Existing barn with stalls for horses. Miscellaneous equipment used for farming practices. Storage of round hay bales and square bales. 8 Fenced in Pastures for boarding of horses or pasturing of any other farm animal, i.e. cows, goats, etc. Outdoor riding arena for riding, clinics, training, shows, charitable events, therapeutic equine options. Maintenance shop building for repairs and maintain the equipment use for farming activities." The applicants have noticed all adjacent landowners within 200 feet of their property, the Harmony Township Land Use Board, Harmony Township, Warren County Planning Department, the SADC and published the RTF hearing in The Express Times on September 3, 2020. All documents and noticing are in order to have this RTF hearing.

Mr. Smith went over locations of buildings on property in the sketch that was provided with the packet. Mr. Smith stated that he had 20 acres of pasture, soybean crop in field and all have been approved by NRCS. He stated that they have 8 horse borders, mostly rescues and private lessons given on the property for their daughter, no lessons given by applicants. Mr. Smith stated that the barn and riding area is for boarding and agriculture use and they would like to convert the existing outdoor arena in indoor arena, to enclose it as for safety reason because trucks that go by spook the horse during their daughter's riding lessons. Their daughter is currently not receiving riding lessons. Mr. Gruenberg entered photos #7-14 as Exhibit A-1 and all members and staff received and reviewed the photos. Mr. Smith stated that #14 aerial photo was taken in the 60's or 70's based on the car in the photo. Photos #7 & #8 are the existing outdoor area which is sanded every couple of years. Photo #9 is the runway down each pasture. It was just a pathway when farm was purchased, but the NRCS approved the trail as it is now. Photo #10 shows the driveway and concrete with the existing curve cut. Photo #11 is taken from across the street to show the existing curve cut. Photo #12 is a blow up to show the age of the car in the aerial that shows the existing curve cut on the driveway. Photo #13 is the back entrance to the farm to Roxburg Station Road. Photo #14 is the access on Route 519 & Route 622 for many years. Mr. Smith stated that other than the trail, there has not been any increase to impervious surface coverage. Mr. Gruenberg stated that the plan for the indoor riding arena is to place it exactly over the existing outdoor arena. Mr. Smith stated that they are not planning on expanding their business and that there will be no increase to parking. That it is for equine use.

Mr. Smith stated that they don't have any plans yet for the proposed indoor riding arena; they just are seeking approval for what is there now. This farm is preserved but the buildings and riding arena are in the non-severable exception area. The proposed building would be a Morton building. It would not be open to the public. Mr. Gruenberg stated that they would be in compliance with Warren County Planning, but does not think it applies. Mr. Wilson wanted it known that he is Counsel for the Warren County Planning Department.

Mr. Burke asked if they wanted protection as it exists and want Site Plan relief and does the Board have that authority to grant that? Mr. Gruenberg replied that the Board did. Mr. Burke stated that we would need to look at the plans, but still needed to follow the municipal codes and that the locations and drainage is enforced by the municipality and

RTF doesn't protect from State regulations. Mr. Wilson stated that they may have to comply with the County Planning Department.

Chairman Schnetzer opened it up to the public for discussion. There was no comment and no Harmony Township representative was present. The WC Planning Department sent a letter in response to the noticing advising that "this property abuts County Route 519 and County Route 622, and that the WC Planning Board may have jurisdiction for site plan review pursuant to N.J.S.A. 40:27-1 et. eq. In addition, a Highway Access and Construction Permit may be required from the WC Engineer's Office prior to the construction or expansion of any temporary or permanent access to the site from a County Road."

Ms. Kaminski asked if there were trailers on this property, Mr. Gruenberg and Mr. Smith responded that there were none.

Mr. Burke made a motion to approve the existing outdoor riding arena as it exists and the current farming activities which was seconded by Mr. Bodine.

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

Mr. Wilson made a statement regarding granting continuance to the Applicants to carry this meeting for up to 60 days and that this would be carried until next meeting of October 15, 2020 until further notice.

Riggs, BL 51 L 1, Franklin Township, Approx. 34 acre, 20% Cost-share with a SADC Direct Application Request

Stefanie Miller, SADC had asked that this farm be presented to the CADB for possible cost-share of 20% as a SADC Direct Application so that it would boost its ranking in the Competitive Round. It is not on or Target List, but in our ADA. Aaron Cela has also reached out to the landowner for a possible MUNI PIG Application. Ms. Miller has ranked the farm and it has a score of 67.75, 82% Prime Soil and 77% tillable acres. It currently is for sale and has a large house on the property. The SADC would take care of the due diligence costs. Mr. Burke made a motion to be amenable to partnering with the SADC for a cost-share for a later agreement for farmland preservation. Mr. Menegus seconded the motion.

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

Administrator's Report

New Applications:

County Applications

- **Anema, Brenda** – Washington Township (Approx. 64 acres) Approved by CADB, waiting for exception size confirmation.

Total Applications: 1 Total Acres: 64

Non-profit applications

- **Campgaw Farm** – Hope/Blairstown Townships (Approx. 135.54 acres)
- **Giordano** – Frelinghuysen Township (Approx. 33.98 acres)
- **Mt. View Farms** - Franklin Township (Approx. 55.30 acres)
- **Santini Home Farm** - Franklin Township (Approx. 39.905 acres)
- **Silver Pine Farm, LLC** – Frelinghuysen Township (Approx. 33.23 acres)
- **Stecker** – Harmony Township (Approx. 18.988 acres)

Total Applications: 6 Total Acres: 316.943

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:*County Applications*

- **McEvoy #1** – White Township (Approx. 102 acres) Currently processing application.
- **McEvoy #2** – White Township (Approx. 20 acres) Currently processing application.
- **Vliet** – Washington Township (Approx. 119 acres) Sent to SADC for GLA.

Total Applications: 3 Total Acres: 241

Received Green Light Approval:*County Applications*

- **Anema, Ralph** – Washington Township (Approx. 123 acres) RFPs for appraisals out.

Total Applications: 1 Total Acres: 123

Received CMV & Offer Made:*County Applications*

- **Dykstra** – Mansfield Twp. (Approx. 209 ac.) CMV \$3,900. Received signed offer letter; contract sent out.
- **Khan** – Hardwick Twp. (Approx. 75 ac.) CMV \$3,400. Hardwick Township to cost-share at \$600/acre. Waiting for landowner response.

Total Applications: 2 Total Acres: 284

Municipal Applications

- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700. Revised contract sent out as per Township ROW revisions.

Total Applications: 1 Total Acres: 100

Non-Profit Applications

- **Kimball** – White Twp. (Approx. 45 ac.) CMV \$4,200.
- **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: 3 Total Acres: 163

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 signed off, sent final survey to SADC for review.
- **Smith, John & Jean #1** – Harmony/White Twps. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Highlands Application has been approved. Received recorded subdivision deeds. Survey sent to Engineering for review.
- **Smith, John & Jean #2** – Harmony Twp. (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Application has been approved. Received recorded subdivision deeds. Survey sent to Engineering for review.

Total Applications: 3 Total Acres: 164

Municipal Applications

- **Brook Hollow Winery** – Knowlton Twp. (Approx. 16 ac.)
- **Dokie's Acres (Thompson)** – White Twp. (Approx. 43 ac.) CMV \$6,000. Received draft hard copy survey and sent to Engineering for review in February, 2020.
- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700. Waiting for survey and title.

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. Mrs. Beatty has died, estate being settled.
- **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. One landowner has passed away.
- **Stampone** – Knowlton Twp. (Approx. 38 ac.) Engineering signed off on survey. In SADC legal review. Mr. Stampone passed away, estate being settled.

Total Applications: 6 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. County still working out revisions.

Total Applications: 1 Total Acres: 28

Non-Profit Applications

- **Hidden Woods Farm (Rogers)** – Frelinghuysen Twp. (Approx. 107 ac.) CMV \$4,150. Survey sent to Engineering for review on 6.4.20.
- **Murlan Farm (Murphy)** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. Survey completed. SADC Preliminary Review. One landowner passed away.
- **Navesink Roots (Black)** – Hardwick Twp. (Approx. 24 ac.) CMV \$4,100. Received survey on 9.1.20. Engineering previously stated no comments for this farm.

Total Applications: 3 Total Acres: 382

Recent Closings: None.

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **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 received and sent to Engineering on 2.27.20
- **Noel** – Franklin Township (Approx. 44 ac.) Received 50% matching Highlands Grant. Sent to Engineering to review on 1.14.20. Waiting for title company to review. Received Engineering review letter on 9.1.20, forwarded to Surveyor, Title Co.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Applied for Highlands Grant. Inspected by HC staff. Waiting to hear from Highlands on Grant.
- **O'Dowd South** – Franklin & Greenwich Township – (Approx. 132 ac.) Applied for Highlands Grant. Inspected by HC staff. Waiting to hear from Highlands on Grant.

Total Applications: 7 Total Acres: 450

2020 Closings YTD: 4 farms totaling 531.591 acres
Program Totals: 300 farms totaling 26,397 acres

Public Comment: None**Solar Panels on Farms**

Mr. Menegus brought up the State's bill on passing for allowance to put solar panels on up to 800,000 acres of farmland to meet their energy requirement. The Board discussed the topic. Mr. Burke stated that the Farm Bureau is strongly advising against putting any solar panels on productive farmland, but not opposed to marginal farming. Chairman Schnetzer stated that a letter should be sent to the SADC stating that if it qualifies for Farmland Assessment, that the CADB does not support this bill.

Mr. Menegus made a motion to have a letter from the CADB sent to the SADC stating their concern and opposition to solar development on any farmland. This motion was seconded by Mr. Bodine.

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

October 15, 2020 CADB Meeting

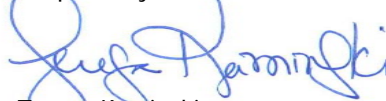
The CADB discussed the location and time for the next meeting for in person because there are RTF Hearing scheduled for next month. Mr. Van Vught offered his cafeteria at his farm operation for the meeting. Mr. Menegus made a motion to have the next meeting at the Plainview Grower's Cafeteria located in Allamuchy Township at 7:30 pm for the October 15, 2020 meeting and if that is not allowable to have the next meeting at 5 pm at Meadow Breeze Park Pavilion which was seconded by Mr. Bodine.

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

Mr. Tierney to check with the County for confirmation of meeting location.

Adjournment: A motion for adjournment was made by Mr. Menegus and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 6:33 pm.

Respectfully submitted,



Teresa Kaminski