

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

September 21, 2017

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.

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

Members absent: none

Others present: C. Tierney, T. Kaminski, Staff; Steve Gruenberg, Substitute County Counsel; Peter Jansen, Dinah Rush, Harmony Township; Christopher Mulch, Knowlton.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on August 17, 2017 were approved on a motion by Mr. Baduini and seconded by Mr. Bodine. Chairman Schnetzer and Mr. Menegus abstained. Motion carries.

Correspondence: Not discussed

Public Input (Non-agenda Items): Chairman Schnetzer opened the meeting for public comment.

Old Business:

SADC PVCA Update

Mr. Tierney, Ms. Kaminski, Dan Kennedy, Assistant Commissioner for Water Supply at DEP, and Susan Payne, Executive Director of the SADC, had a conference call to discuss the status of the PVCA. Mr. Tierney requested permission to obtain DEP's data regarding any change in value to contaminated properties that was given to the SADC. Mr. Kennedy agreed that this data could be shared with the county. Mr. Tierney explained to the Board that the DEP will need to evaluate its policy regarding funds for properties affected by contamination before it can commit funding towards the PVCA affected farms. In addition, the County is still waiting for proposals from the appraisers.

O'Dowd Auction Discussion and South farm status

Discussed the sale of the East and West Farms, as well as the status of the South Farm. Mr. Baduini made a motion to have the County auction off the East and West Farms, and to also send a letter to O'Dowd's attorney providing 30 days to close on the South Farm fee simple purchase or else the contract shall be terminated. Mr. Bodine seconded the motion.

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

New Business:

Mulch, BL 66 L 2.17, Knowlton Twp. Certification of Commercial Farm Application

Christopher Mulch owns BL 66 L 2.17 in Knowlton Township and operates under Sun High 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 2016 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.

Ms. Willever made a motion to justify the Certification of Commercial Farm for Sun High Farms, owner Christopher J. Mulch, BL 66 L 2.17, in Knowlton Township. The applicant provided all the required documents for certification. Mr. Baduini seconded the motion.

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

Harmony Greenhouses, LLC, BL 34 L 4, Harmony Twp. Memorialization of Certification of Commercial Farm Res. # 17-10

Mr. Baduini made a motion to memorialize the resolution of the action for Certification of Commercial farm of the Harmony Greenhouses, LLC, made at the August 20th meeting which was seconded by Ms. Willever.

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

Right-to-Farm Hearing - Harmony Greenhouses, LLC, BL 34 L 4, Harmony Twp.

Mr. Gruenberg stated that all required documents were supplied and proper notice was given to all parties necessary and that the CADB does have jurisdiction to proceed with the hearing. Mr. Gruenberg swore in Mr. Jansen to give testimony and asked him to spell his last name. Mr. Jansen is seeking a 56,100 square foot expansion, 220 feet by 255 feet addition to the westerly side of his existing greenhouse that would extend to setback of the property line. Mr. Jansen was denied by Harmony Township zoning because the expansion exceeded the Township's 165-11 AR-250 zoning allowance in which the property is located and required a site plan approval. The Zoning Officer referred Mr. Jansen to the CADB for determination. Harmony Township Land Use Board by Resolution dated 7/2/08 approved a variance to permit a total impervious cover of 8.49% on the site to facilitate the construction of greenhouses. Mr. Jansen provided his plot plan for the expansion which shows the main metal building, the existing greenhouse and the expansion. Mr. Jansen provided his NRCS Conservation Plan to the Board which he has implemented on his property.

The Board questioned Mr. Jansen regarding his proposal and his answers were as follows:

Mr. Jansen stated that the additional greenhouse construction will be within the township's setback requirements on his property. Mr. Jansen would like to expand the greenhouse to offset costs of vegetables and herbs that they have to buy in for their sales. Mr. Jansen stated that there will be no grading involved. The SADC did testing on the grading and the current grading is sufficient. The SADC allows to put footing in for structure. The expansion will only require footings for the support posts reducing the amount of concrete for the infrastructure. The March 28, 2017 letter is purported to permit an approximate 55,000 square foot expansion. These efforts minimize the long-term impacts to the soil resulting from the use of permanent footings within the structure as noted by Charles Roohr, Farmland Stewardship Program Manager, SADC in an email dated June 1, 2017. Mr. Jansen states that the 1,600 feet over is not an issue since it was approximate. Mr. Jansen stated that he made an estimate by tape measure for the expansion when reported to the SADC a year ago, but the actual expansion is 56,100 square feet.

Mr. Jansen stated that there is no gravel underneath the greenhouse, but uses weed fabric for ground cover and that there are growing tables in the greenhouse.

Mr. Tierney stated that the Harmony Township denial was that the proposed expansion exceeded the zoning allowance for impervious coverage. The impervious surface coverage with the expansion would be approximately 10% of 83.9 acres or 8.4 acres. The current impervious surface coverage applied by Harmony Township Resolution dated 7/2/08 is 8.49% of 83.9 acres or 7.12 acres. There is no impervious surface coverage limitation with the SADC deed of easement, but the Federal easement has impervious surface limitation. This farm does not have Federal funding. Mr. Jansen stated that the greenhouses are glass structure. Mr. Jansen's only other possible addition in the future could be tomato hot houses because the property is on a slope. There are currently 6 on the property.

Mr. Jansen showed the Board by an aerial map the location of swales on the property into the retention basin to deal with the storm water from the mountain and from his property and from the Township road issues, and the retention basin has never gone to overflow. Mr. Jansen pointed out the buildings on the property and how they drain, indicated where the water goes into the drainage ditch.

Mr. Jansen will grow switchgrass obtained from the Audubon Society for fuel. The seeds take 3 years for establishment for yield. Mr. Jansen ordered a boiler from Denmark that processes bales of hay straight from the field, the first of its kind in the United States.

Mr. Gruenberg pointed out to the Board that the March 28, 2017 SADC letter refers to prior disturbance as a potential violation of the Deed of Easement and in 2008 they referred that action on any violation to the County and the SADC are not making a determination of any prior activities potential violations, and the SADC does not have an objection to the proposed work now. The Board should consider this in making a determination on the current situation and not make a determination from the past.

The Board again discussed the retention basin. Mr. Jansen stated that the retention basin was decided on by himself and the Township to help with the street flooding and works really well for the Township because it captures the whole mountain's run off and runoff from his greenhouses. The expansion is miniscule in comparison of the basin capacity. The basin takes on a lot of water of what was originally intended. Mr. Jansen stated that the street had flooded for years and that the retention basin designed by Ferriero Engineering, Inc. in 2007 was made to accommodate that overflow, the mountain and the current greenhouse. Mr. Jansen pointed out again on the aerial map, the location of the drainage ditches and the travel of the overflow and the pipelines and where the discharge goes.

Chairman Schnetzer asked counsel how much deference does the Board had to give to the storm water since the Harmony Township denial was for the impervious surface coverage and the SADC letter does not mention it. Mr. Gruenberg stated that the denial letter addresses the storm water in the next paragraph. The letter states that potential storm water impacts should be considered as required in Condition 7 of the November 13, 2007 deed of easement between Jansen and Warren County. It would go to the CADB evaluation on whether this could impact the health, safety and welfare of the community. The issue of storm water requirements would not come to issue until a formal site plan application before the municipality, but the issue for this Board, is health and safety.

Mr. Jansen stated the retention basin design was just for the existing greenhouse and takes on water for the Township. Mr. Jansen conversed with the Board and again pointed out locations on the map. The Board was satisfied with the storm water concern.

Chairman Schnetzer opened up for public comment. Dinah Rush, a neighbor that borders the property, stated that Mr. Jansen was a good neighbor and was concerned the environmental concerns over the retention basin. Ms. Rush asked Mr. Jansen if the retention basin is already larger than necessary. Mr. Jansen replied, yes, and that we take on the run off from the mountain and went over the location of the property's building in relation to the water run-off and basin. Ms. Rush was satisfied. Chairman Schnetzer closed the meeting for public comment.

Mr. Baduini made a motion that the applicant, Harmony Greenhouses, LLC, owners Peter & Heather Jansen have previously been determined to be Certified as a Commercial Farm, have met all notification requirements for the SSAMP Right-To-Farm hearing, are engaged in a generally accepted Agricultural Management Operation or Practice, that the applicant has a legitimate farm based reason not to comply with Harmony Township's zoning site plan approval requirements, that the Board grants relief from the impervious surface coverage standards and that the improvements (56,100 sq. foot greenhouse expansion) will not implicate any health, safety or welfare issues, that the Township shall issue any and all permits presented in the application, and the Board has reviewed the SADC correspondence of March 2017 and takes no position with respect to any prior violations of the deed of easement, and that the Board has jurisdiction over this matter. The motion was seconded by Ms. Willever.

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

Hoffman-LaRoche, BL 46 L 37, White Township CPIG Application

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 58.89. There are a total of approximately 93.73 gross acres, 46.38 tillable acres used for hay and corn, 50.88 acres woodland. There are 3.46 acres of Prime soil and 36.99 acres of Statewide soils. There are no structures on the premises to be preserved. There are no exception areas on the property. Mr. Tierney stated that he spoke several times with the attorney representing the Corporation and they are not interested in taking an exception area. It currently is being leased to the Unangst family. The application is located in the West Project Area and the Highlands Planning Area. Mr. Dempski made a motion to approve the application as presented and to send to the SADC for Green Light Approval. Mr. Menegus seconded the motion.

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

LaBarre Family Limited Partnership, BL 600 L 2300, Hope Twp. & BL 64 L 1, Knowlton Twp. CPIG Application

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 48.05. There are a total of approximately 104.33 gross acres, 62.87 tillable acres used for hay, corn, and soybeans, 33.87 acres woodland. There are no Prime or Statewide soils. There are no structures on the premises to be preserved. The application has one non-severable exception area of 5 acres for future single family residence and the SADC requested that this area encompass the pre-existing excavation site and there is one severable exception area of 4.6 acres around lake used for adjacent campsite. The application is located in the North West Project Area and the Highlands Planning Area. Mr. Menegus made a motion to approve the application 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; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

Shandor BL 46 L 2, Harmony Township CPIG Application approval of RDSO

This application has one RDSO available for approval. The application is at the SADC for Green Light Review. Stefanie Miller, SADC recommended contacting the applicant and inquiring about agreeing to an RDSO since the application is over 100 acres. There is currently a one acre non-severable exception area. The RDSO would be another housing opportunity in addition to the one acre non-severable exception. Mr. Dempski made a motion to approve the RDSO on the Shandor, BL 46 L 2, Harmony Twp. CPIG application which was seconded by Mr. Baduini.

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

Yeager, BL 26 Lot 84 & 84.02, BL 31 L 25, Oxford Township SADC Direct Application

Mr. Tierney stated that this application was a State Direct Application and was outside the County ADA. Mr. Baduini made a motion to support the SADC application which was seconded by Mr. Menegus.

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

Approval for TLC-NJ to submit annual CPIG application for SADC funding

Tabled until next month.

Winery Special Occasion Events on Preserved Farmland Proposed New Rules NJAC 2:76-27

The Board had no comments.

Administrator's Report: Mr. Tierney went over the important matters.

New Applications:

County Applications

- **Claeyssens** – Liberty Township (Approx. 100 acres) Does not meet minimum eligibility requirements. Landowner stated that more acreage has been cleared. Will require a site visit. Currently has an application with Highlands Council.
- **DeLorenzo** – Blirstown & Knowlton Townships (Approx. 57.07) Checking on tillable acreage. Asked landowner about adding another lot.
- **Haydu** – Harmony Township (Approx. 46 ac.) Not currently on our target list because it is made up of 6 smaller lots. CADB approved MUNI PIG Transfer at last meeting, but Joe Haydu would like it to stay a County PIG and it is on hold.
- **Hoffman-LaRoche** – White (Approx. 93 ac.) On hold pending review of sludge removal letter.
- **Noel** – Franklin Township (Approx. 44 ac.) On hold pending PVCA review.
- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) Brenda James verified transfer to County Application. Inspected on 9/20/17.

Total Applications: 6 Total Acres: 447

Municipal Applications

Total Applications: 0 Total Acres: 0

Non-Profit Applications

- **Heeres** – Harmony Twp. (Approx. 67 ac.)
- **Hensler** – White Twp. (Approx. 40 ac.)

Total Applications: 2 Total Acres: 107

Awaiting Green Light Approval:

County Applications

- **Shandor** – Harmony Township (Approx. 100 ac.) On CADB for RDSO approval.

Total Applications: 1 Total Acres: 100

Municipal Applications

Total Applications: 0 Total Acres: 0

Received Green Light Approval:

County Applications

Total Applications: 0 Total Acres: 0

Municipal Applications

- **Mazza** – Knowlton (Approx. 21 ac.)

Total Applications: 1 Total Acres: 21

Preliminary Approval:

Non-Profit Applications

Total Applications: 0 Total Acres: 0

Received CMV & Offer Made:

County Applications

- **O'Dowd (Water St.)** – Greenwich (Approx. 20 ac.) CMV \$4,500. On hold depending O'Dowd South CMV possible revision.

Total Applications: 1 Total Acres: 20

Municipal Applications

- **Conti** – Knowlton (Approx. 280 ac.) CMV \$3,750. Received signed contract.
- **DeBoer** – White Twp. (Approx. 56 ac.) CMV \$5,100. Landowner reviewing contract.
- **Nonnenmacher #1** – Blirstown (Approx. 106 ac.) CMV \$3,100. Waiting on landowner decision. Applied for Federal funding.
- **Nonnenmacher #2** – Blirstown (Approx. 17 ac.) CMV \$5,000. Waiting on landowner decision. Applied for Federal funding.
- **Pittenger (Dark Moon)** – Frelinghuysen (Approx. 92 ac.) CMV \$3,700. Received Highlands Grant. SADC pulled from Agenda pending contract with Highlands.

Total Applications: 5 Total Acres: 551

Non-Profit Applications

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. Landowner considering offer.
- **Shoemaker I** – White Twp. (Approx. 115 ac.) CMV rcvd (\$5,650) Under contract review.
- **Shoemaker II** - White Twp. (Approx. 12 ac.) CMV \$5,000. Under contract review.
- **Tjalma II** – Harmony Twp. (Approx. 61 ac.) CMV rcvd (\$4,900) Landowner considering offer.
- **Tjalma III** – Harmony Twp. (Approx. 36 ac.) CMV \$1,700. Landowner considering offer.

Total Applications: 5 Total Acres: 475

Under Contract (Title Search & Survey):

County Applications

- **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 ac.) Revised \$7,800. Final Surveys Received.
- **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 ac.) Provided revised CMV to landowner. Fee simple draft survey received.
- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed.
- **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.

Total Applications: 4 Total Acres: 255

State Applications

- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 ac.) CMV \$4,400. Surveys received. County and DOT have concerns regarding easement.
- **Santini/Chambers** – Pohatcong Twp. (Approx. 56 ac.) CMV \$3,000. Surveys received.

Total Applications: 2 Total Acres: 140

Municipal Applications

Total Applications: 0 Total Acres: 0

Waiting to Close (Final Legal Review):

County Applications

- **Apple Mountain**– White Twp. (Approx. 65 ac.) CMV \$3,900. Waiting on County Attorney Bell to give permission to close pending review of driveway permit.
- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 ac.) CMV \$3,500. Final Surveys Received.
- **Unangst** – White Twp. (Approx. 85 ac.) CMV \$3,625. Inspection performed. Estate issues being worked out.

Total Applications: 3 Total Acres: 231

Municipal Applications

- **Ardia (High Acres) Farm** – Blirstown Twp. (Approx. 121 ac.) CMV \$4,800.
- **Buckaloo View (Maertens)** – Hope Twp. (Approx. 22 ac.) CMV \$4,200. Received final survey. Working on mortgage subordinations.
- **Murphy Farm** – Frelinghuysen Twp. (Approx. 206 ac.) CMV \$4,800. Received draft survey. Working on mortgage subordinations.

Total Applications: 3 Total Acres: 349

Non-profit Applications

- **K-J Farm** – Harmony Twp. (Approx. 60 ac.) Revised CMV \$3,850, was \$3,175 on 100+ acres. Received draft survey. Lawsuit resolved. Conducted revised appraisals rcvd revised cert (\$3,850) new easement acreage (with new 40 acre severable exception) is ~59.665 acres.

Total Applications: 1 Total Acres: 60

Recent Closings:

- None

Pohatcong Contamination Area Projects:

SADC restrictions and conditions for appraisals:

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Received Federal Funding Grant. Received appraisals. Landowner stated not enough money, but is reviewing options. Awaiting SADC/DEP response regarding groundwater.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Received Federal Funding Grant. Received appraisals. Landowner stated not enough money, but is reviewing options. Awaiting SADC/DEP response regarding groundwater.
- **Myers/Toretta** – Franklin Township (Approx. 38 acres) Awaiting SADC/DEP response regarding groundwater to do appraisal..

Received CMV & Offer Made:

- **Crouse, Carl** – Washington Twp. (Approx. 90 ac.) Estimated CMV \$6,244 removal of two lots. Received Federal Funding Grant. Awaiting SADC/DEP response regarding groundwater.

Under Contract (Title Search & Survey):

- **Smith, Skip #2** – Franklin Twp. (Approx. 22 ac.) CMV \$5,500. Received Federal Funding Grant. Awaiting SADC/DEP response regarding groundwater.

Total Applications: 4 Total Acres: 492

Wendy Willever CADB resignation – Ms. Willever submitted a resignation letter from CADB this month ending her service on September 22, 2017. Chairman Schnetzer stated that Ms. Willever was a valuable asset to the Board, that her presence will be missed, that she provided a different view of looking at issues to the Board and that she will be sorely missed.

Other

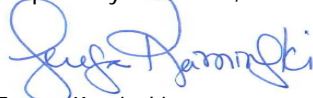
Public Comment - None

Hackettstown High School – FFA Program

Mr. Burke stated that there was no update on the Board of Agriculture following up on sending a letter to Hackettstown High School in support of the FFA program.

Adjournment: A motion for adjournment was made by Mr. Menegus and seconded by Ms. Willever. Motion carries. Chairman Schnetzer adjourned the meeting at 9:16 pm.

Respectfully submitted,



Teresa Kaminski