

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes October 15, 2015

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, David Dempski, Jason Menegus, Joel Schnetzer

Members absent: Wendy Willever

Others present: Corey Tierney, T. Kaminski, Staff; Katrina Campbell, Special County Counsel; Stefanie Miller, Jeff Everett, SADC; Henry Riewerts, Diane Tribble, Greenwich Township.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on September 17, 2015 were approved on a motion by Mr. Baduini and seconded by Mr. Burke. Mr. Dempski abstained. Motion carries.

Executive Minutes of the meeting held on September 17, 2015 were approved on a motion by Mr. Baduini and seconded by Mr. Bodine. Mr. Dempski abstained. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): Mr. Riewerts addressed the CADB regarding his concerns over his request with the SADC to realign the driveway on the preserved Schuster farm, Greenwich Township, through which he has an access easement to his property that is in behind the preserved farm. Mr. Riewerts provided photos of the soil erosion that occurs. He also provided a map showing the existing lane and potential alternate routes. Mr. Riewerts explained that the existing lane makes two right angle bends as it approaches a railroad underpass, which creates an unsafe condition as this is extremely difficult for an emergency vehicle to navigate. Mr. Riewerts also stated that the current lane presents a safety hazard where it enters the county road because the farmer utilizes this area to stage trucks and equipment which obstructs visibility of traffic traveling on the county road.

Mr. Riewerts explained that he has been working with the SADC and NRCS for about 3 years now to address this problem. He retained a professional engineer to assist with preparing a plan to relocate the driveway. This proposal would not only improve the site distance on the county road by moving it west of the staging area, but it would also enable the emergency vehicles to access the underpass straight on. In addition, it would reduce the overall length of the lane and mitigate the runoff problem. Mr. Riewerts said that he submitted engineering reports to the SADC to this effect, but that these were ignored by the SADC. Despite the benefits, Mr. Riewerts expressed his frustration that the SADC has not fairly considered his proposal.

Mr. Riewerts also stated that he feels the SADC does not have authority to dictate the access to his property. Mr. Riewerts claims that Mr. Schuster did not have the authority to sell rights affecting Mr. Riewerts property. Mr. Riewerts stated that the access easement does not contain a metes and bounds description and therefore is not set in any particular location on Santini's farm. By selling the development rights, therefore, Mr. Riewerts believes Mr. Schuster improperly restricted Mr. Riewerts right to move the lane without proper authorization. The current landowner, Mr. Santini, is in support of the realignment, but the SADC has opposed it. Therefore, Mr. Riewerts has requested that the Board support him and that it recommend to the Freeholders to write a letter to the SADC in support of the realignment.

Mr. Tierney advised the CADB that since this matter is currently before the New Jersey Superior Court Appellate Division, the CADB should discuss this further in executive session prior to taking any action. No decision was made and the discussion will be continued in Executive Session.

Old Business:

Roes Island Wetland Mitigation Project – To be discussed in Executive Session.

Dale & Pamela Crouse Revised Application – BL 44 L 9 & 23, Harmony Township

Mr. & Mrs. Crouse have decided to combine the two separate applications into one and the exception areas are as follows: 1) one non-severable exception of one acre for future single family home on Lot 23; 2) one severable exception of 35.5 acres for industrial use that is zoned for Industrial on Lot 23; 3) one severable exception area of 6 acres around existing single family home and farm buildings on Lot 9; and 4) a severable exception area of approximately 1.5 acres around Merritt Lane that runs through both lots for access to two land locked lots. The total gross acreage for the property is 93.9 acres minus the exceptions leaving 49.9 net acres. There are 50+ acres

of prime soil and same for tillable acreage used for corn and hay. There are no structures on the premises to be preserved. This farm has a ranking score of 60.03 and is in the West Project Area and Highlands Planning Area. Mr. Baduini made a motion to approve the revised application as submitted which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Ms. Dempski – yes; Mr. Menegus – yes. Motion carries. Revised application will be submitted to SADC for Green Light Approval.

J&J Smith Farms #1 & #2 reconfiguration, BL 14 p/o L 9, BL 14 L 2, Harmony Township & BL 12 L 20 & BL 12 L 16, White Township

During the survey, Mr. Jack Smith requested to change the lot line configuration of the South (#2) farm, new lot 9.08, because it was too close to the existing house and additional woodland acreage was added, but that made the farm ineligible for funding due to not meeting the minimum eligible criteria for the County and SADC cost-share. Mr. Smith revised the South farm again to meet the eligible requirement and during the title search, two additional lots, BL 14 L 2, Harmony & BL 12 L 16, White, were found to be owned by Mr. Smith and they will be added to the application of the North (#1) farm. They are being presented to the CADB because of the change and additional lots. There is enough County funds encumbered to cover the surveyed acreage on both farms. This farm is being subdivided before closing and needed to be subdivided in order to have an exception area and meet the septic density for the Highlands Preservation Area. There is already an existing single family home on the property. This application is being presented for acceptance of the new configuration since it is slightly different than the original application and contains more acreage for the South farm. Mr. Baduini made a motion to accept the changes to the application and the additional lots for preservation. Mr. Menegus seconded the motion.

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

**Certification of Commercial Farm Resolution #15-18 Memorialization
Chelsea Forge Vintners/Alba Vineyard, BL 113 L 6 & BL 110 L 13.02 & 13.04, Pohatcong Township**

Mr. Baduini made a motion to memorialize the decision made at the last meeting on the certification of commercial farm for Chelsea Forge Vintners/Alba Vineyard in Pohatcong Township. Mr. Menegus seconded the motion.

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

New Business:

Soil Disturbance Discussion

Jeffrey Everett, SADC was at the meeting to discuss the CADB's input on guidelines and restrictions on soil disturbance on a preserved farm. This all came about due to the cut and fill of the Quaker Valley Farms in Hunterdon County. The original draft of the Soil Disturbance rules by the SADC were scrapped. An SADC subcommittee of staff members had been meeting for 5 years discussing the topic. There is a State Agricultural Board subcommittee that Chairman Schnetzer is a member of; Mr. Schnetzer suggested that Mr. Everett be included in those meetings. Mr. Everett explained that other states are struggling with the same issues regarding the permissible extent of soil disturbance, what the limits should be, etc. Mr. Everett stated that Mr. Den Hollander did not seek permission from the SADC for cut and fill of 20 acres for his hoop greenhouses. Mr. Everett explained that there is so much diversity in the state regarding agriculture that it is hard to pin down what is restricted and what is not based on the farm type.

Chairman Schnetzer gave his personal opinion regarding Quaker Valley Farms and soil disturbance. He stated that leveling 20 acres of farmland was due to some negligence of the SADC clamping down and this was not done in a weekend. Chairman Schnetzer felt that the restrictions will take away interest in the preservation program and that the owner of the farm should make the determination regarding the soil disturbance based on what they think they need to operate in order to be financially viable and not be held back. Chairman Schnetzer suggested that stockpiling top soil on the farm and keeping different layers separated to replace top soil back on top should be an option. Mr. Everett stated that the SADC, CADBs, Soil Conservation District and NRCS need to come up with some kind of plan that doesn't unduly limit the farmer, but that it will take a joint effort.

Mr. Menegus stated that removal of rock off the preserved farm should be allowed because it makes the farm more profitable and helps provide for better soils. The SADC is opposed to digging below the 1,000 year buildup of the sub soil. Mr. Everett stated that perhaps soils uses that are reversible shouldn't count, referring to compaction of dirt but not asphalt. Mr. Burke stated that if he had to comply with the regulations for farmland preservation, he would never be able to comply and run his agriculture business. There should be a case by case basis for determination and that the SADC is deteriorating the program by micromanaging and making soil disturbance more restrictive. He said that it is a deterrent. Mr. Everett stated that it looked at a 10% disturbance maximum and that the average disturbance is 1 acre of farmland. Ms. Campbell suggested perhaps the disturbance maximum could be based on a sliding scale to accommodate farm size. Mr. Baduini felt there was no need to put in 10%.

Mr. Tierney stated that, from an administrative standpoint, he receives calls from farmers who are unsure what is permissible and what is prohibited. Mr. Tierney suggested that perhaps the proposed rule could focus on what is permissible, or "safe harbors", rather than what is prohibited, and that the extreme disturbances continue to be addressed on a case by case basis. Mr. Tierney acknowledged the

devil is in the details, but explained to the CADB that from an administrative standpoint a clear rule about what is allowed would be very helpful to farmers.

Mr. Menegus mentioned cranberry bogs. Mr. Everett stated that they were fine with the 1st draft and that homogeneous soil type is ok to manipulate.

Public Input – other

Stefanie Miller, SADC stated that she is closely watching the pot fall for funding on Warren County farms. Mr. Menegus asked about re-appropriating municipal funds to County for the CPIG applications. Ms. Miller stated that the SADC is not able to move forward on that. Ms. Miller asked if there were any volunteers to the e-farm to learn about the system, please contact her. Mr. Dempski stated that he would volunteer.

Executive Session

Mr. Baduini made a motion to go into Executive Session which was seconded by Mr. Menegus. Motion carries and the Board entered into Executive Session at 8:46 pm. Mr. Baduini made a motion to come out of Executive Session which was seconded by Mr. Menegus. Motion carries. Ms. Campbell stated that the Board came out of Executive Session at 9:30 pm where Riewerts litigation, Roes Island Wetlands Mitigation litigation and the O'Dowd's contract matter were discussed and no official action was taken and that these minutes will be available to the public when confidentiality is no longer an issue.

Mr. Baduini made a motion for Mr. Tierney to write a letter to Mr. Riewerts stating that no recommendation of support will be given since this Board has no jurisdiction in this matter as it is being heard in NJ Superior Court. Mr. Dempski seconded the motion.

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

Administrator's Report: Mr. Tierney briefly went over the status of the applications on the report.

New Applications:

County Applications

- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships – (Approx. 107 acres)
- **Crouse, Dale & Pamela** – Harmony Twp. (Approx. 50 acres) Application has been revised.
- **Total Applications: 2 Total Acres: 157**

Non-Profit Applications

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 acres)
- **Shoemaker I** – White Twp. (Approx. 115 acres)
- **Shoemaker II** – White Twp. (Approx. 12 acres)
- **Tjalma II** – Harmony Twp. (Approx. 61 acres)
- **Tjalma III** – Harmony Twp. (Approx. 36 acres)
- **Total Applications: 5 Total Acres: 475**

Awaiting Green Light Approval:

County Applications

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) SADC requested meeting with EPA, DEP, Health Dept., Twp. Engineer re Pohatcong Superfund Contamination as this is holding up the Green Light.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres)
- **Total Applications: 2 Total Acres: 380**

Municipal Applications

- **Myers/Toretta** – Franklin Twp. (Approx. 64.42 acres) Received resubmitted application.
- **Total Applications: 1 Total Acres: 64**

State Applications

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

Received Green Light Approval:

County Applications

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) Appraisals on hold. Applicant wants to add another exception area.
- **Brandywine** – Franklin Twp. (Approx. 64 acres) Appraisals sent to SADC for CMV. Additional information needed from township regarding COAH and Zoning.
- **Tasevski** – Franklin Twp. (Approx. 88 acres) Appraisals sent to SADC for CMV. This is being held up because of Pohatcong Superfund Contamination.
- **Total Applications: 3 Total Acres: 260**

Municipal Applications

- **Post** – Frelinghuysen Twp. (Approx. 41 acres) Received appraisals.
 - **Heatherfields** - Harmony Twp. (Approx. 78 acres)
 - **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) Received appraisals.
 - **Spencer (Terra Bella Farm)** – White (Approx. 20 acres)
- Total Applications: 4 Total Acres: 196**

State Applications

- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 acres) Appraisals underway.
 - **Santini/Chambers** – Pohatcong Twp. (Approx. 56 acres) Appraisals underway.
- Total Applications: 2 Total Acres: 140**

Received CMV & Offer Made:*County Applications*

- **Apple Mountain**– White Twp. (Approx. 70 acres) CMV \$3,900. Offer letter sent to landowner.
 - **Bartha** – White/Oxford Twps. (Approx. 52 acres) CMV \$4,500. Offer letter sent to landowner.
 - **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) CMV \$4,500. Sent contract out.
 - **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) CMV \$4,800. Sent contract out.
 - **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) CMV \$5,800. Sent contract out.
 - **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) \$3,500 CMV. Received signed contract. SADC Final Approval in November. Waiting for verification of exception area with township before ordering survey
 - **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) CMV \$6,100. Received signed contract. SADC Final Approval in November.
 - **Crouse, Carl** – Washington Twp. (Approx. 120 acres) CMV \$4,700. Offer letter sent to landowner.
 - **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) CMV \$5,500. Offer sent to landowner.
 - **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) Ordered title search, survey & Phase I underway.
 - **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) Ordered title search, survey & Phase I underway.
 - **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) Ordered title search, survey & Phase I underway.
 - **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) CMV \$5,500. Offer letter sent to landowner.
 - **Sigler, Carl** – Franklin Twp. (Approx. 174 acres) CMV \$4,600. Waiting for reply.
- Total Applications: 14 Total Acres: 1032**

Municipal Applications

- **Campbell Foundry Company** – Hope (Approx. 170 acres) – CMV \$2,000.
 - **Croucher** – Blairstown (Approx. 90 acres) – CMV \$4,100.
- Total Applications: 2 Total Acres: 260**

State Applications

Total Applications: 0 Total Acres: 0

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

- **Klimas** – Independence/Mansfield Twp. (Approx. 190 acres) CMV \$3,700. Received title search & survey underway.
 - **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) CMV \$4,600. Received title search & survey underway. Changed lot configuration.
 - **Smith, John & Jean #2** – Harmony (Approx. 36 acres) CMV \$6,000. Received title search & survey underway. Changed lot configuration.
 - **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Survey underway.
 - **RLL Enterprises, Inc.** – Franklin Twp. (Approx. 51 acres) CMV \$7,600. Received title search; survey underway.
 - **Thompson Farm** – White Twp. (Approx. 38 acres) CMV \$3,600. Received title search; survey underway.
 - **Unangst** – White Twp. (Approx. 85 acres) CMV \$3,625. Received title search; survey underway.
- Total Applications: 7 Total Acres: 567**

Municipal Applications

- **Berry Farm** – Frelinghuysen Twp. (Approx. 106 acres) CMV \$6,250. Survey underway; title received.
 - **Twin Brook Farm** – White Twp. (Approx. 22 acres) CMV \$6,600. Survey and title have been authorized.
- Total Applications: 2 Total Acres: 128**

State Applications

- **Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) CMV \$4,000. Survey underway.
- Total Applications: 1 Total Acres: 92**

Non-profit Applications

- **K-J Farm** – Harmony Twp. (Approx. 104.72 acres) \$3,175 CMV. Received draft survey.
- **Star D Farm** – Harmony Twp. (Approx. 46.74 acres) \$6,900 CMV. Received draft survey.

Total Applications: 2 Total Acres: 152

Waiting to Close (Final Legal Review):

County Applications

Total Applications: 0 Total Acres: 0

Municipal Applications

- **Schanzlin** – Harmony Twp. (Approx. 87 acres) CMV \$6,000. Final inspection performed.
- **Walburn Farm** – White Twp. (Approx. 28 acres) CMV \$5,900. Final inspection performed.

Total Applications: 2 Total Acres: 115

State Applications

Total Applications: 0 Total Acres: 0

Recent Closings: None

Adjournment: A motion for adjournment was made by Mr. Menegus and seconded by Mr. Dempski. Motion carries. Chairman Schnetzer adjourned the meeting at 9:40 pm.

Respectfully submitted,

 Teresa Kaminski