

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes October 16, 2014

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 7:33 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, Frank Gibbs, Jason Menegus, Joel Schnetzer

Members absent: Joe Gourniak, Wendy Willever

Others present: C. Tierney, T. Kaminski, Staff; Michael Lavery, Special County Council; Patrick & Kelley Smith, Harmony Township; Jeffrey & Katherine Kolibas, White Township; Gary Pohorely, SADC

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on September 18, 2014 were approved on a motion by Mr. Bodine and seconded by Mr. Menegus. Mr. Baduini abstained. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

Drainage Issues on McCullough Road Development, LLC – Mr. Tierney explained that he will meet with the County Engineer, McCullough's engineer, the farmer who is farming the land, and the County Road Dept. Supervisor on site to address the drainage issue on the property after the crops are harvested. Chairman Schnetzer would like Mr. Tierney at the meeting to represent the CADB or Sandy Meyers of WCSD since they do the monitoring of the farms. Mr. Tierney said that either he or Ms. Meyers will attend. The landowner is aware that this issue must be resolved before closing.

Roes Island Wetland Mitigation Project – Mr. Tierney contacted NJDEP and a representative explained that the project is taking place on a private lot and is part of a larger PSE&G project restoration for wetlands. Mr. Tierney explained the concerns of neighbors and the agricultural community regarding changing the land from agricultural production to wetlands. The representative stated that the lateral drains will be blocked, but not the main drains and that their review won't cause flooding on neighbor's property. Mr. Tierney filed an OPRA Request and was told that he needed to go to Trenton to look at the documents requested.

Carl Crouse Farmland Application, Washington Twp. – Mr. Baduini inquired about the status of this application and how it fits into the Morris Canal acquisition. Mr. Tierney stated that this property was designated as a target parcel for acquisition in the 25 Year Plan. Mr. Tierney went over the plan to purchase properties that contain the Morris Canal from Phillipsburg to Allamuchy Township. Mr. Tierney spoke with the Crouse family a second time regarding the Morris Canal piece on their property. Mr. Crouse is thinking about the option of selling in fee simple to the County. The CADB members asked how many pieces are connected in this area of the township. Mr. Tierney explained that the Santos property east of the Crouse property would also need to be acquired, but that this would then allow the adjacent homeowners to access Meadow Breeze Park on foot instead of driving to the park.

New Business:

Certification of Commercial Farm

- **KelRick Farm, LLC, – BL 4 L 3, Harmony Twp., approx. 33.25 acres** – This application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied tax map; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by a 2013 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.

Mr. Baduini made a motion to approve the Certification of Commercial Farm for the KelRick Farm, LLC, owners Patrick & Kelley Smith, BL 4 L 3 in Harmony Township. The applicant provided all the required documents for certification. Mr. Gibbs seconded the motion.

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

- **Star D Farm, LLC, – BL 7 L 1 & 1.03, Harmony Twp., approx. 150+ acres** – This application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied tax map; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by a 2013 Schedule F; (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.

Mr. Baduini made a motion to approve the Certification of Commercial Farm for the Star D Farm, LLC, BL 7 L 1 & 1.03 in Harmony Township. The applicant provided all the required documents for certification. Mr. Gibbs seconded the motion.

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

- **Stoneyfield Orchard – BL 50 L 1, White Twp., approx. 8.61 acres** – This application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied USDA map; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by a 2013 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.

Mr. Baduini made a motion to approve the Certification of Commercial Farm for the Stoneyfield Orchard, owners Jeffrey & Katherine Kolibas, BL 50 L 1 in White Township. The applicant provided all the required documents for certification. Mr. Menegus seconded the motion.

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

CADB Funding Approval on Farmland Applications

- **Cericola Farm #1 Funding Resolution #14-17 – BL 58 L 8, 9, 12, 13, 13.01 & 15 Franklin Twp., approx. 187.46 (+3%) acres** – This farm, owned by Robert Cericola is located in the Highlands Planning Area and the South East Project Area. There is one existing single family residential dwelling, one barn, and two sheds on premises, no existing ag labor housing on premises, no exception areas, no RDSO's, no preexisting non-ag uses on premises, no preexisting access easements or proposed trails. The CMV is \$6,200 per acre at an estimated total easement purchase price of \$1,162,252 out of which the cost share breakdown is as follows: SADC \$4,000/acre or \$749,840 and Warren County \$2,200/acre or \$412,412. This application has received preliminary approval from the SADC. Mr. Baduini made a motion to approve the County's cost-share funding on the Cericola Farm #1 and to recommend the estimated County funding of the development easement purchase of \$245,700 to the Freeholders for their approval. Mr. Menegus seconded the motion.

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

- **Cericola Farm #2 Funding Resolution #14-18, BL 58, L 10, Franklin Twp., approx. 31.42 (+3%) acres** – This farm, owned by Robert Cericola is located in the Highlands Planning Area and the South East Project Area. There are no existing dwellings or structures on premises, no existing ag labor housing on premises, no RDSO's, no preexisting non-ag uses on premises, and no proposed trails. There is a one non-severable exception area of one acre for future single family residence restricted to one residential unit, a pre-existing access easement to Block 58 Lot 11, and a 60 foot wide Transcontinental gas line easement on the property. The CMV is \$5,750 per acre with a negotiated purchase price of \$6,000 per acre at an estimated total easement purchase price of \$188,520 out of which the cost share breakdown is as follows: SADC \$4,000/acre or \$118,610.50 and Warren County \$2,225/acre or \$69,909.50. This application has received preliminary approval from the SADC. Mr. Baduini made a motion to approve the County's cost-share funding on the Cericola Farm #2 and to recommend the estimated County funding of the development easement purchase of \$69,909.50 to the Freeholders for their approval. Mr. Menegus seconded the motion.

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

Jason Menegus would like a letter sent to Maureen Heritage regarding possible interest in farmland preservation. The land currently is for sale.

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

New Applications:

- **Crouse, Dale & Pamela (#1)** – Harmony Twp. (Approx. 54 acres) SADC requested info re sludge.
- **Crouse, Dale & Pamela (#2)** – Harmony Twp. (Approx. 17 acres) SADC requested info re sludge.
- **Shoemaker** – White Twp. (Approx. 81 acres) – Need more info; applicant may subdivide.
- **Crouse, Carl** – Washington Twp. (Approx. 120 acres)

Total Applications: 4 Total Acres: 191

Awaiting Green Light Approval:*County Applications*

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) SADC requested DEP info.
 - **Bartha** – White/Oxford Twps. (Approx. 52 acres) Two lots outside ADA. SADC requested more income verification.
 - **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) SADC requested change on exception configuration.
 - **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) Landowner checking on location of exception area.
 - **Klimas** – Independence/Mansfield Twp. (Approx. 174 acres) Two lots outside of ADA.
 - **Meadows at Mansfield** – Mansfield Twp. (Approx. 124 acres) Application on hold until appeal is resolved.
 - **RLL Enterprises, Inc.** – Franklin Twp. (Approx. 51 acres) Applicant compiling information for subdivision approvals.
 - **Sigler, Carl** – Franklin Twp. (Approx. 174 acres)
 - **Smith, Skip #1** – Franklin Twp. (Approx. 21 acres) Application does not qualify for highlands dual appraisal; unclear whether lots created through will are buildable under highlands act.
 - **Tasevski** – Franklin Twp. (Approx. 88 acres)
 - **Unangst** – White Twp. (Approx. 85 acres)
- Total Applications: 11 Total Acres: 948**

Municipal Applications

- **Rothman (Oxbow Acres)** – White Twp. MUNI PIG (Approx. 57 acres)
- Total Applications: 1 Total Acres: 57**

State Applications

- **Hannema** – SADC Direct - Mansfield Twp. (Approx. 164 acres)
 - **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 acres)
 - **Santini/Chambers** – Pohatcong Twp. (Approx. 56 acres)
- Total Applications: 3 Total Acres: 301**

Active Projects:*State Applications*

- **Kleindienst** – Frelinghuysen Twp. & Stillwater Twp., Sussex County (Approx. 130 acres, 45 acres in Warren) Sent out for Federal appraisal review. Expected closing in October.
 - **Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) Application switched to SADC Direct.
 - **Santini** – Lopatcong/Greenwich Twp. (Approx. 105 acres) Landowner accepted SADC's offer.
- Total Applications: 3 Total Acres: 242**

County Applications

- **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) Waiting for Barton #1 to appraise together
 - **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) Waiting for Barton #1 to appraise together
 - **Brandywine** – Franklin Twp. (Approx. 64 acres) Appraisals sent to SADC for CMV. Twp. & SADC are trying to resolve dispute over zoning for appraisals; additional information requested from township.
 - **Bullock (Yellow Rock Horse Farm)** – White Twp. (Approx. 64 acres) CMV \$3,900. Requested title search & RFP's for survey.
 - **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) Appraisals underway.
 - **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) Appraisals underway.
 - **Cericola Farm #1** – Franklin Twp. (Approx. 182 acres) CMV \$6,200. Received contract.
 - **Cericola Farm #2** – Franklin Twp. (Approx. 31.5 acres) \$6,000. Received contract.
 - **Cooke** – Hope & Frelinghuysen Twp. (Approx. 59 acre County-PIG) FRPP reviewing file.
 - **Czar Farm** – Pohatcong Twp. (Approx. 94 acres) Final Inspection performed. Waiting to close.
 - **Kinney Estate** – Blairstown/Knowlton Twps. (Approx. 34 acres) Appraisals sent to SADC for CMV.
 - **McCullough** – Washington Twp. (Approx. 44 acres) Survey received. FRPP appraisal sent for NRCS review.
 - **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) Appraisals sent to SADC for CMV.
 - **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) Appraisals sent to SADC for CMV.
 - **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) Appraisals sent to SADC for CMV.
 - **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Offer letter sent to landowner.
 - **Santini, R&S** – Harmony Twp. (Approx. 71 acres) CMV \$2,000. Offer letter sent to landowner.
 - **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) Received appraisals.
 - **Smith, John & Jean #2** – Harmony (Approx. 36 acres) Received appraisals.
 - **Smith Farm #1, J&K** – Harmony Twp. (Approx. 49 acres) CMV \$6,000. Requested title search & RFP's for survey.
 - **Smith Farm #2, J&K** – Harmony Twp. (Approx. 53 acres) CMV \$5,500. Requested title search & RFP's for survey.
 - **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) Appraisals underway.
 - **Thompson Farm** – White Twp. (Approx. 38 acres) Appraisals underway.
- Total Applications: 23 Total Acres: 1531**

Municipal Applications

- **Apgar Cider Press** – Harmony (Approx. 19 acres - Muni PIG) CMV \$7,000. Survey underway.
- **Al-Ruby Farm** (Waters & Schanzlin) – Harmony Twp. (Approx. 27 acres – Muni PIG) CMV \$7,000. In legal review.

- **Anderson** – Knowlton Twp. Muni-PIG (Approx. 119 acres) CMV \$5,200. Received SADC Final Approval.
 - **Farley Acres (Stern)** – Harmony Twp. (Approx. 108 acres - Muni PIG) CMV \$5,600. Received survey & title search.
 - **Myers/Toretta** – Franklin Twp. Muni-PIG (Approx. 48 acres) Issue with water; possible lot addition to app.
 - **Schanzlin** – Harmony Twp. (Approx. 87 acres - Muni PIG) CMV \$6,000. In legal review.
 - **Paternostro** – Greenwich Twp. MUNI PIG (Approx. 40 acres) Appraisals sent to SADC for CMV.
 - **Twin Brook Farm** – White Twp. MUNI PIG (Approx. 22 acres) Appraisals underway.
 - **Walburn Farm** – White Twp., (Approx. 28 acres – Muni-PIG) CMV \$5,900; In legal review.
- Total Applications: 9 Total Acres: 498**

Non-profit Applications

- **K-J Farm** – Harmony Twp., Non-Profit (Approx. 104.72 acres) \$3,175 CMV. Received draft survey.
 - **Star D Farm** – Harmony Twp., Non-Profit (Approx. 46.74 acres) \$6,900 CMV. Received draft survey.
- Total Applications: 2 Total Acres: 152**

Public Comment – None

Gary Pohorely informed the CADB that the pilot program for special occasion events at a wineries is a 44 month program. The SADC has to monitor the program and get the municipalities input and opinion on the program and report this information back to the legislature. The CADB will be responsible for special events in each county.

Mr. Gibbs made a motion to enter into Executive Session. Mr. Baduini seconded the motion.

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

The Board entered Executive Session at 8:25 pm to discuss the litigation concerning the PRO letter regarding Harmony Greenhouses.

Mr. Bodine made a motion to come out of Executive Session which was seconded by Mr. Baduini. Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Mr. Menegus – yes. Motion carries.

Mr. Lavery stated that the Board came out of Executive Session at 8:43 pm where litigation matters of Harmony Greenhouses and On-Farm Direct Marketing Facility was discussed and where no official action was taken and that these minutes will be available to the public when the CADB deems there will be no harm to the public.

Mr. Baduini made a motion for Mr. Lavery to write a letter in response to PRO's letter regarding Harmony Greenhouses. Mr. Bodine seconded the motion. Motion carries.

Adjournment: A motion for adjournment was made by Mr. Menegus and seconded by Mr. Gibbs. Motion carries. Chairman Schnetzer adjourned the meeting at 8:45 pm.

Respectfully submitted,


Teresa Kaminski