

## **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

### **Meeting Minutes October 17, 2013**

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, Joe Gourniak, Joel Schnetzer, Wendy Willever

Members absent: none

Others present: C. Tierney, T. Kaminski, Staff; Michael Lavery, Special County Council; Peter Jansen, Harmony Twp.; Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

**Minutes** of the meeting held on September 19, 2013 were approved on a motion by Mr. Baduini and seconded by Mr. Bodine. Motion carries.

**Correspondence:** Noted

#### **Public Input (Non-agenda Items):**

Peter Jansen, owner of a preserved farm in Harmony Township approached the Board about installing solar panels on his farm. Mr. Jansen intends to submit an application to the SADC for consideration at their November 14<sup>th</sup> meeting, but the rules are that the CADB needs to have the right to review the application and provide comments within 30 days. Mr. Jansen stated that in order to receive government reimbursement, the solar panels must be installed and functional before the end of the year. Mr. Jansen discussed his plans with the Board members and provided handouts of the site plan to them. Mr. Jansen pointed out that the only logical place to install the solar panels were behind his greenhouses. Mr. Jansen stated that the State rules do not allow the landowner to install panels on more than 1% of the property. His installation will be .7% of the total property and the panels will be screwed into the ground. Mr. Jansen stated that the solar panels array will be 300' away from the nearest neighbor and 150' set back from his property line. Chairman Schnetzer stated that he knew this property well and agreed that is the most logical place for the installation. Mr. Jansen stated that he has two meters and it would be a 3 phase service and currently has 600 AMPS or 480 volt service. The Board members voiced that they were okay with the placement of the installation and the presentation. Mr. Tierney will send out a copy of Mr. Jansen's solar panel installation application to the Board members and if they have any negative comments, they will be sent to the SADC prior to the November 14<sup>th</sup> meeting date.

#### **Old Business**

**Smith/Rasa Farm** – Mr. Lavery stated that the wire transfer of \$397,000 was received and that this farm officially closed on 10/1/13.

**River Edge Estates/Stampf Farm (Fee Simple)** –Mr. Tierney stated only one appraisal was received at this time and that it will be discussed at the next meeting.

**O'Dowd Properties, Greenwich & Franklin Twps. (Fee Simple)** – Mr. Tierney stated both appraisals were received, but one appraiser determined no difference between the current and hypothetical values and did not provide an analysis of the restricted and easement values as requested. With the board's approval, Mr. Tierney will contact the appraiser to request the additional information before the next meeting.

**AJR/Misar/Horse Sleigh Farm** – Mr. Gourniak stated that he received a postcard in the mail advertising the activities on the farm that still included paint ball. Mr. Tierney stated that he did not receive a response from the letter that was sent to Mr. Misar regarding ceasing the paint-ball activity. Mr. Tierney stated that perhaps the postcards were ordered before the site inspection and violation letter were sent. If there is no response before the next meeting from Mr. Misar, the Board would like Mr. Tierney to make another visit to the property.

#### **New Business:**

#### **CADB Approval of County Farmland Applications**

- **J&K Smith Farm #1** – BL 37 L 17.02, Harmony Twp., approximately 49 gross acres. 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 68.37. There are 46.66 tillable acres used for corn and 1.74 acres of woodland with Prime Soil consisting of 48.4 acres. There are no structures on the premises to be preserved and the landowner is taking a 1 acre non-severable exception for future single family residence. This block and lot is within the County ADA and in the West Project Area and located in the Highlands Planning Area.
- **J&K Smith Farm #2** – BL 37 L 17, Harmony Twp., approximately 53 gross acres. This application meets the minimum eligibility criteria, has a County ranking score of 64.02, 46.14 tillable acres used for corn, 5.86 woodland acres, 49.44 acres of Prime Soil, is located in the West Project Area and in the Highlands Planning Area. The landowner is taking a 1 non-severable exception of 1 acre for a future single family residence. There are no structures on the premises to be preserved.

Mr. Gourniak made a motion to approve both Smith County Farmland Applications and for submission to the SADC for preliminary Green Light Approval. Mr. Gibbs seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Mr. Gourniak – yes;  
Ms. Willever – yes

Motion carries.

- **Klimas Farm** – BL 14 L 10 & 12.01, Independence Twp., and BL 101.02, L 43 & 44, approximately 196 gross acres. This application meets the minimum eligibility criteria and has a County rank score of 53.23. There are 30.5 tillable acres used for corn, 13.901 acres are permanent pasture with 136.44 acres for woodland and there are 14.218 acres of wetlands. The farm consists of 24.365 acres of Prime Soil, 12.55 acres of Statewide Soil, and 24.01 acres of Unique Soils to Warren County. The property contains Power & Light Lines and Towers on the Mansfield lots. A garage and hunting cabin will remain on the premises with the landowner taking a 1 acre non-severable exception area for the existing single family residence and two garages on BL 14 L 10 in Independence. The Mansfield Township lots are within the Central Project Area. The two Independence lots are being added to the County's ADA revision this year.

Mr. Gibbs made a motion to approve the Klimas County Farmland Application and for submission to the SADC for preliminary Green Light Approval. Mr. Gourniak seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – abstained; Mr. Gibbs – yes;  
Mr. Gourniak – yes; Ms. Willever – yes

Motion carries.

- **Sam & Jean Race Farm** – BL 16 L 42, White Twp., approximately 85.10 gross acres. This application meets the minimum eligibility criteria and has a County rank score of 53.23. There are 46.90 tillable acres consisting use of strawberries, cropland pasture and permanent pasture with 5.86 acres of woodland, 5.73 acres of wetlands and 4.46 acres of water. The farm consists of 16.08 acre of Prime Soil, 28.78 acres of Statewide Soil, there are no structures on the premises to be preserved and there is a sight easement and a ROW for Electric Power Lines. The landowner is taking a 1 non-severable exception of ½ acre for future single family residence and 1 severable exception of 4 acres around existing duplex and farm building and for possible future non-ag use. The farm is located in the West Project Area and in the Highlands Preservation Area.

Mr. Gourniak made a motion to approve the Sam & Jean Race County Farmland Application and for submission to the SADC for preliminary Green Light Approval. Ms. Willever seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Mr. Gourniak – yes;  
Ms. Willever – yes

Motion carries.

**Wallburn Resolution #13-11** – Mr. Tierney stated that this resolution will be tabled until a later date. The Township is waiting for the landowner to sign the contract.

**Schanzlin/Bigelow Farm, Harmony Twp.** – Harmony Township's legal counsel has sent the landowners a letter regarding ceasing the paragliding activity immediately on the preserved farm citing that it is not a permitted use in the Agriculture/Residential zone, is a violation of the Deed of Easement, and is extremely dangerous. The Township Emergency Squad has responded to calls of injured paragliders. To continue, they advised that the landowner must make an application to the Township Land Use Board for a Site Plan. Gary Pohorely, SADC, notified the Dept. of Land Preservation Staff to an article in the Star-Ledger regarding the farm is also the site of the annual Pumpkin Sling Competition which is sponsored by the NJ Highlands Coalition and the NJ Department of State, Division of Travel and Tourism and the Star-Ledger. This is the fourth year that this event is held on this preserved farm. This year they are adding a beer and chili festival, sand castle, on site camping and vendors. Mr. Pohorely felt that the pumpkin slinging was minor, but that if it is not monitored it could grow out of control since this year they are adding the beer and chili contest and having vendors. Mr. Baduini made a motion that Mr. Tierney send correspondence to the landowner notifying of the Deed of Easement violations. Mr. Gibbs seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Mr. Gourniak – yes;  
Ms. Willever – yes

Motion carries.

**Discussion of Farmland Applications not in the ADA** – Mr. Tierney stated The Land Conservancy of NJ is in the process of working on this and that it will be tabled until the next meeting.

Mr. Gibbs brought up the proposed NJ Microenterprise Act, 4034 Bill in regards to providing copies of Burlington CADB's comments on the act and of their pressing to try and get a NJ Senate Agriculture Committee created. All agriculture issues go through the Senate Environmental Committee.

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

New Applications:

**Bartha** – White/Oxford Twps. (Approx. 52 acres) Two lots outside ADA. Requested Title search.

**Bullock** – White Twp. (Approx. 64 acres) Processing application.

**715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) Processing application; requested more info.

**Estate of Roy Chambers** – Pohatcong Twp. (Approx. 89 acres) Processing application.

**Kinney Estate** – Blairstown/Knowlton Twps. (Approx. 34 acres) Waiting for subdivision.

**Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) Processing application; requested more info. Alpha lot outside of ADA.

**Smith/Demers** – Knowlton Twp. & White Twp. (Approx. 79 acres) Investigating access issues with road. Applicant claims lawyer has requested documents regarding parcel ownership in White Twp.; request made to lawyer to acquire access easement from NJ DEP.

**Total Applications: 7 Total Acres: 410**

CADB Approval:

**Klimas** – Independence/Mansfield Twp. (Approx. 174 acres) On Agenda for CADB Approval. Two lots outside of ADA.

**Race, Sam & Jean** – White Twp. (Approx. 85 acres) On Agenda for CADB approval.

**Smith Farm #1, J&K** – Harmony Twp. (Approx. 49 acres) On Agenda for CADB approval.

**Smith Farm #2, J&K** – Harmony Twp. (Approx. 53 acres) On Agenda for CADB approval.  
**Total Applications: 4 Total Acres: 361**

Awaiting Green Light Approval:

**Brandywine** – Franklin Twp. (Approx. 64 acres)  
**Santini** – Lopatcong/Greenwich Twp. (Approx. 105 acres) State Direct Application.  
**Santini, R&S** – Harmony Twp. (Approx. 71 acres)  
**Meadows at Mansfield** – Mansfield Twp. (Approx. 124 acres) SADC requested additional info.  
**Myers/Toretta** – Franklin Twp. Muni-PIG (Approx. 48 acres)  
**Smith, John & Jean** – Harmony/White Twp. (Approx. 119 acres) Awaiting Highlands response.  
**Total Applications: 6 Total Acres: 531**

Active Projects:

*State Applications*

**Kleindienst** – Frelinghuysen Twp. & Stillwater Twp., Sussex County (Approx. 130 acres, 45 acres in Warren) Survey & Title Search underway.  
**Total Applications: 1 Total Acres: 45**

*County Applications*

**Beaver Brook Farm** – Hope Twp. (Approx. 137 acres) Received GLA. RFP's for appraisals.  
**Bowers** – Pohatcong Twp. (Approx. 50 acres) Received FRPP 2<sup>nd</sup> appraisal. Waiting for closing.  
**Czar Farm** – Pohatcong Twp. (Approx. 94 acres) Awaiting survey contract approval; requested title search; SADC final approval 11/14.  
**Cooke** – Hope & Frelinghuysen Twp. (Approx. 59 acre County-PIG) RFP's out for survey & FRPP appraisal, requested title search. SADC final approval 11/14.  
**Freedom Group, L.P.** – Mansfield Twp. (Approx. 42 acres) CMV \$9,000. Sent CMV letter to landowner; awaiting decision.  
**McConnell** – Oxford Twp. (Approx. 52 acres) Received draft survey; ownership issue on Lot 11.  
**Pruden** – Hope Twp. (Approx. 162 acres) Final Inspection performed. Under final legal review; expect to close in Oct/Nov.  
**A. Schnetzer** – Franklin Twp. (Approx. 62 acres) Under final legal review; closing expected soon.  
**Total Applications: 8 Total Acres: 720**

*Municipal Applications*

**Apgar Cider Press** – Harmony (Approx. 19 acres - Muni PIG) CMV \$7,000.  
**Al-Ruby Farm** (Waters & Schanzlin) – Harmony Twp. (Approx. 27 acres – Muni PIG) CMV \$7,000  
**Anderson** – Knowlton Twp. Muni-PIG (Approx. 119 acres) Received GLA; RFP's out for appraisals.  
**Erhardt** – White Twp. Muni-PIG (Approx. 27 acres) SADC waiting for closing docs.  
**Farley Acres (Stern)** – Harmony Twp. (Approx. 108 acres - Muni PIG) Waiting for appraisals.  
**Ritter** – Knowlton Twp. Muni-PIG (Approx. 7 acres) SADC waiting for closing docs.  
**Schanzlin** – Harmony Twp. (Approx. 87 acres - Muni PIG) CMV \$6,000.  
**Walburn Farm** – White Twp., (Approx. 28 acres – Muni-PIG) CMV \$5,900; town approved contract on 10/9; waiting for landowner signature.  
**Total Applications: 8 Total Acres: 422**

*Non-profit Applications*

**K-J Farm** – Harmony Twp., Non-Profit (Approx. 104.72 acres) \$3,175 CMV.  
**May** – Hope Twp., Non-Profit (Approx. 22.8 acres) \$5,950 CMV.  
**Star D Farm** – Harmony Twp., Non-Profit (Approx. 46.74 acres) \$6,900 CMV.  
**Sunny Hill Farm** – Harmony Twp. & Lopatcong Twp., Non-Profit (Approx. 30.647 acres) \$6,650 CMV. Under contract.  
**Total Applications: 4 Total Acres: 205**

Closed Farms:

**DiRisio** – Mansfield Twp. (Approx. 71 acres) Closed 9/27.  
**Smith/Rasa** – Mansfield Twp. (Approx. 161 acres) Closed 10/2.  
**Total Applications: 2 Total Acres: 142**

County Fee Simple::

**O'Dowd Farms** – Greenwich/Franklin Twps. County-PIG (Approx. 385 acres) Appraisals received.

**Stampf Farm** – White Twp. (Approx. 82 acres) Waiting for second appraisal.

**Total Applications: 2 Total Acres: 467**

SADC Denial Reconsiderations:

**Domingues** – Greenwich Twp. Muni-PIG (Approx. 63 acres) Application denied; reconsideration pending.

**McCullough** – Washington Twp. County-PIG (Approx. 44 acre County-PIG) Application denied; reconsideration pending (11/14/03 SADC meeting)

**Total Applications: 2 Total Acres: 107**

Gardner and Carson have been removed from the active County list. Carson has not responded and the appraisal is expiring this month. Gardner may reapply.

**Executive Session** – Ms. Willever made a motion to go into Executive Session seconded by Mr. Gibbs.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Mr. Gourniak – yes;

Ms. Willever – yes

Motion carries. The Board went into Executive Session at 8:27 pm.

Mr. Gourniak made a motion to come out of Executive Session which was seconded by Mr. Gibbs.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Mr. Gourniak – yes;

Ms. Willever – yes

Motion carries.

Mr. Lavery stated that the Board came out of Executive Session at 8:37 pm to discuss a contractual issue that is an attorney/client privilege matter regarding the O'Dowd property appraisals where no official action was taken and copies of these minutes will be available at such time as the Board determines there is no harm to the public interest. Mr. Baduini made a motion to wait to make a decision until the second corrected appraisal from Holzhauser & Hostenstein is received before making an offer on the O'Dowd & Associates and Brian O'Dowd properties. Mr. Gourniak seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Mr. Gourniak – yes;

Ms. Willever – yes

Motion carries.

**Reorganization** - Chairman Schnetzer brought up that the Vice-Chair position needs to be filled due to Mr. Race's resignation. Mr. Gibbs made a motion to nominate Mr. Baduini as Vice-President which was seconded by Mr. Bodine.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Gibbs – yes; Mr. Gourniak – yes; Ms. Willever – yes

Motion carries.

Since Mr. Baduini is now the Vice-President, his former position as Secretary of the Board needs to be filled. A motion was made by Mr. Baduini for Mr. Gourniak as Secretary of the Board which was seconded by Mr. Gibbs.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Gibbs – yes; Ms. Willever – yes

Motion carries.

**Public Comment: None**

**Adjournment:** A motion for adjournment was made by Mr. Baduini and seconded by Mr. Gibbs. Motion carries. Chairman Schnetzer adjourned the meeting at 8:40 p.m.

Respectfully submitted,



Teresa Kaminski