

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

October 19, 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 7:30 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

Members absent: none

Others present: C. Tierney, T. Kaminski, Staff; Katrina Campbell, County Counsel; Christopher Mulch, Knowlton Township; Max. E Spann, Jr.; Eric Zottlemoyer, Zottlemoyer Auction; Jeffrey Fiedler and Henry Riewerts, Fielder Real Estate.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on September 21, 2017 were approved on a motion by Mr. Baduini and seconded by Mr. Bodine. Motion carries.

Correspondence: Not discussed

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

Hardwick Township Proposed Livestock Running at Large Ordinance #2017-07

Mr. Crisman approached the Board regarding the Township of Hardwick's proposed Livestock Running at-large Ordinance and gave copies of the ordinance to the Board members. Chairman Schnetzer stated that the discussion would continue later in the meeting after the members got a chance to review the ordinance.

Old Business:

PVCA Update

Mr. Tierney stated that he is waiting for the analysis from the appraisers.

O'Dowd South Update

This to be discussed in Executive Session.

New Business:

O'Dowd South Auction Presentation

Max E. Spann – Mr. Spann, Jr. presented his terms for the auction and provided each member with a color brochure and discussed marketing targets for the auction.

Fiedler Real Estate – Mr. Fielder presented his terms for the auction and provided each member with a color brochure and discussed marketing targets for the auction.

Zottlemoyer – Mr. Zottlemoyer presented his terms for the auction and provided each member with a color brochure and discussed marketing targets for the auction.

Executive Session

Mr. Burke made a motion to enter into Executive Session which was seconded by Mr. Dempski.

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

Motion carries.

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. Dempski and the Board came out of Executive Session at 9:20 pm where Ms. Campbell stated that contractual matters regarding the O'Dowd East and West Farm Auction and the O'Dowd South Farm were discussed and the minutes will be available when the need for confidentiality no longer exists.

Mr. Baduini made a motion to give the O'Dowd's until October 25th to make a decision on the South farm and to halt the preservation application on the 20 acre Greenwich parcel which was seconded by Mr. Bodine.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Mr. Menegus – no.
Motion carries.

Mr. Baduini made a motion to select Fiedler Real Estate to auction off the O'Dowd East and West farms which was seconded by Mr. Dempski.

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

Chairman Schnetzer thanked the auction presenters for coming.

Resolutions

Memorialization of Harmony Greenhouses, LLC, BL 34 L 4, Harmony Twp. SSAMP Resolution #17-11

On a motion by Mr. Menegus and seconded by Mr. Baduini, the Board approved the Harmony Greenhouses, LLC SSAMP Resolution #17-11 as presented.

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

Memorialization of Certification of Commercial Farm, Sun High Farms, Christopher J. Mulch, BL 66 L 2.17, Knowlton Twp. Resolution #17-12

On a motion by Mr. Menegus and seconded by Mr. Dempski, the Board approved the Certification of Commercial Farm, Sun High Farms, Christopher J. Mulch, Knowlton Twp. Resolution #17-12 as presented.

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

DeBoer, BL 32 Lots 8, 8.02 & 8.03, White Township MUNI PIG Final Funding Resolution#17-13

SADC Cost Share \$206,973 (\$3,900/acre) Warren County Cost Share \$63,684 (\$600/acre), White Township Cost Share \$63,684 (\$600/acre), Total Cost \$270,657 (\$5,100/acre - CMV). There is one shed and no existing residences on the premises; no existing agriculture labor housing units on premises to be preserved; one non-severable exception of 3 acres on BL 32 Lot 8 around agricultural outbuildings, two car garage, for future single family residence restricted to one single family residential unit and for future flexibility for no-agriculture use; no RDSOs allocated, no preexisting non-agriculture uses on premises and no proposed trails. Easements are a 200 foot wide power line easement that crosses the westerly portion of the subject site and a 225 foot by 240 foot common driveway and drainage easement located in front of lots 8.02 & 8.03 and a well access from adjacent property. Mr. Dempski moved to support the Warren County Cost Share amount for the preservation funding on the DeBoer White Township MUNI PIG and to make a recommendation to the Freeholders which was seconded by Mr. Baduini.

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

Amendment to Donaldson Family Farm, LP SSAMP Resolution #17-14

It came to staff's attention, that there was an error in the second paragraph regarding the request for an SSAMP. The amended resolution makes the correction. Mr. Bodine made a motion to approve the Amendment to the Donaldson Family Farm, LP SSAMP Resolution #17-14 as presented. Mr. Menegus seconded the motion.

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

SSAMP Right-to-Farm Hearing - Mulch, BL 66 L 2.17, Knowlton Twp.

Ms. Campbell stated that all notice requirements were met applicant submitted all required materials and that the CADB has jurisdiction over this matter. Ms. Campbell swore in for testimony, Christopher Mulch, owner of BL 66 L 2.17 in Knowlton Township who operates under Sun High Farms. Mr. Mulch stated that he has 10-15 cattle and the Livestock 40' x 80' CNMP building will have a concrete floor and roof and two sides to house his cattle in the winter and to store the manure. There will be a front sliding door and an enclosed 10' feed bunk. This proposed building was approved by the NRCS 590 Nutrient Management Plan. Ms. Campbell referred to the Knowlton Township Zoning ordinance #11-299 (4): The maximum square foot area of all accessory buildings on any single residential lot shall not exceed 1,200 square feet for lots less than two acres, 1,500 square feet for lots not less than three acres, 1,800 square feet for lots not less than five acres and 2,300 square feet for lots not less than 10 acres. This calculation shall include the square footage of accessory nonagricultural structures and agricultural structures; and Zoning Ordinance #11-296 R: The maximum square footage allowed for all farm structures on a single lot shall not exceed 1% of the total square footage of the lot with a maximum size of any single structure to be more than 20,000 square feet. The building will be on the 16 acre farm lot next to the other farm buildings. No one from the public or a representative from Knowlton Township were present. The Knowlton Township Zoning Officer, Joe Rossi, had referred Mr. Mulch to the CADB for a ruling. Mr. Baduini made a motion to grant relief from Knowlton Township's zoning ordinance #11-249 & #11-296 for construction of the proposed 40' x 80' Livestock CNMP Building. Mr. Dempski seconded the motion.

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

Motion carries.

CADB Code of Ethics Discussion

The Board discussed its Code of Ethics and the SADC Code of Ethics and handout. Mr. Baduini made a motion to keep the current CADB's code of ethics and Mr. Dempski seconded the motion.

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

Motion carries.

Right-to-Farm Publications comments

The CADB had no comments.

County PIG Updates

Apple Mountain – Mr. Tierney stated that Tim Matthews had submitted a letter to the Engineering Department stating that he is willing not to use the new driveway and use the historical agriculture driveway on the property for access. Mr. Matthews had blocked off the driveway with a log. Mr. Bodine made a motion to accept the change for the driveway on the property made by Mr. Matthews and to close the property ASAP. Mr. Menegus seconded the motion.

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

Motion carries.

Myers/Toretta – Mike Toretta would like to do an agricultural lot line adjustment and submit the portion that is not in the contamination area for preservation and submit the remainder after the issue is resolved. Mr. Tierney has sent an email with Mr. Toretta's request to Stefanie Miller, SADC. Mr. Toretta will check at the Township for verification of his plans. The two lots would be about 25 acres each and the zoning is for 5 acres minimum lot size.

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** – Blainstown & 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.
- **Noel** – Franklin Township (Approx. 44 ac.) On hold pending PVCA review.
- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) On hold pending PVCA review.
- **Pereira** – Franklin Township (Approx. 30 ac.) On hold pending PVCA review.

Total Applications: 6 Total Acres: 339

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

- **Hoffman-LaRoche** – White (Approx. 93 ac.)
- **LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.)

Total Applications: 2 Total Acres: 200

Municipal Applications

Total Applications: 0 Total Acres: 0

Received Green Light Approval:

County Applications

- **Shandor** – Harmony Township (Approx. 100 ac.)
- Total Applications: 1 Total Acres: 100**

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

- **DeBoer** – White Twp. (Approx. 56 ac.) CMV \$5,100. Landowner reviewing contract, Township passed funding resolution for cost-share.
- **Nonnenmacher #1** – Blairstown (Approx. 106 ac.) CMV \$3,100. Waiting on landowner decision.
- **Nonnenmacher #2** – Blairstown (Approx. 17 ac.) CMV \$5,000. Waiting on landowner decision.
- **Pittenger (Dark Moon)** – Frelinghuysen (Approx. 92 ac.) CMV \$3,700. Received Highlands Grant. SADC pulled from Agenda pending contract with Highlands.
Total Applications: 4 Total Acres: 271

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. Mylod responded to CADB letter.
- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Still waiting for Highlands Application to be submitted.
- **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. Still waiting for Highlands Application to be submitted.
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

- **Conti** – Knowlton (Approx. 280 ac.) CMV \$3,750. Received signed contract.
Total Applications: 1 Total Acres: 280

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. Waiting for #2 to close on both.
- **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** – Blairstown 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 appraisals. Landowner stated not enough money, but is reviewing options. Awaiting SADC/DEP response regarding groundwater. Federal Appraisal expected in December.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Received appraisals. Landowner stated not enough money, but is reviewing options. Awaiting SADC/DEP response regarding groundwater. Federal Appraisal expected in December.
- **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.. Awaiting SADC/DEP response regarding groundwater. Federal Appraisal expected in December.

Under Contract (Title Search & Survey):

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

Total Applications: 4

Total Acres: 492

2017 Closings YTD: 9 farms totaling 595 acres

Program Totals: 272 farms totaling 24,190 acres

Other Public Input:

Hardwick Township Proposed Livestock Running-at-Large Zoning Ordinance #2017-07

The Board reviewed the proposed ordinance. The fines are as follows: 1) 1st Violation of \$100 2) 2nd Violation of \$250 3) 3rd Violation of \$500 4) A fine for a fourth or any subsequent offenses in the amount of \$1,000 each. Mr. Crisman stated that the ordinance is too punitive and suggested that the 1st offense be a verbal warning, the 2nd offense, a written warning, the 3rd offense, a fine. Mr. Dempski made a motion to write a letter to the Mayor of Hardwick regarding the too punitive proposed Livestock Running-at-Large Ordinance #2017-07 which was seconded by Mr. Bodine.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Mr. Dempski. Motion carries. Chairman Schnetzer adjourned the meeting at 10:00 pm.

Respectfully submitted,

Teresa Kaminski