

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation
P.O. Box 179
500 Mt. Pisgah Avenue
Oxford, NJ 07863

Meeting Minutes November 20, 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 7:37 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, Jason Menegus, Joel Schnetzer

Members absent: Wendy Willever

Others present: C. Tierney, T. Kaminski, Staff; Rick Warren, substitute Special County Council for Michael Lavery; Donna Rue, White Township; Giulia Iannitelli, Harmony Twp.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on October 16, 2014 were approved on a motion by Mr. Baduini and seconded by Mr. Menegus. Mr. Gourniak abstained. Motion carries.

Executive Minutes of the meeting held on October 16, 2014 were approved on a motion by Mr. Baduini and seconded by Mr. Gibbs. Mr. Gourniak abstained. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

Drainage Issues on McCullough Road Development, LLC – Mr. Tierney stated that he met on site with the Assistant County Engineer, the farmer who is farming the land, and the County Road Dept. Supervisor about the drainage issue on the property. Mr. Bill Gleba, the County Engineer proposed a drainage easement. Mr. Tierney stated that they were already under contract and that it didn't provide for a drainage easement. Mr. Tierney stated that Mr. Gleba is concerned that the access to the 4 acre severable exception may not meet the County driveway standard. If not, the landowner would have to reconfigure the severable exception or do a driveway easement.

Roes Island Wetland Mitigation Project – Mr. Tierney stated that the Warren County Mosquito Control Commission passed a resolution against this project and that they would have the strongest argument. Mr. Tierney stated that farmland preservation isn't an option. Mr. Baduini attended the Independence Township meeting where the Roes Island landowner was claiming protection from the Right-to Farm Act for forestry on the property and is proposing to leave a portion of the farm in agriculture. Mr. Tierney stated that the landowner would have to come before the CADB to get Right-to-Farm protection. Mr. Tierney said that he will ask Mr. Lavery to contact the Independence Township Land Use Board Attorney regarding the matter.

New Business:

Food Shed Alliance – postponed until another time

Certification of Commercial Farm

- **Cerqueira Farm, – BL 700 L 700, Hope Twp., approx. 10.05 acres** – 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 receipt for sale of steers, 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. The operator of the farm, Manuel Cerqueira is the relative of the owner of the farm, Jorge De Sousa.

Mr. Baduini made a motion to justify the Certification of Commercial Farm for the Cerqueira/De Sousa Farm, owner Jorge De Sousa and operator Manuel Cerqueira, BL 700 L 700 in Hope Township. The applicant provided all the required documents for certification. Mr. Bodine seconded the motion.

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

- **Memorialization of Certification of Commercial Farm Resolution #14-19, KelRick Farm, LLC, – BL 4 L 3, Harmony Twp., approx. 33.25 acres** – This application met the eligibility criteria for Certification of a Commercial Farm at last month's meeting. Mr. Baduini made a motion to memorialize the Certification of Commercial Farm Resolution for the KelRick Farm, LLC, BL 4 L 3 in Harmony Township. Mr. Menegus seconded the motion.

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

- **Memorialization of Certification of Commercial Farm Resolution #14-20, Star D Farm, LLC, – BL 7 L 1 & 1.03, Harmony Twp., approx. 150+ acres** – This application met the eligibility criteria for Certification of a Commercial Farm at last month's meeting. Mr. Baduini made a motion to memorialize the Certification of Commercial Farm Resolution for the Star D Farm, LLC, BL 7 L 1 & 1.03 in Harmony Township. Mr. Gibbs seconded the motion.

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

- **Memorialization of Certification of Commercial Farm Resolution #14-21 Stoneyfield Orchard Farm – BL 50 L 1, White Twp., approx. 8.61 acres** – This application met the eligibility criteria for Certification of a Commercial Farm at last month's meeting. Mr. Baduini made a motion to memorialize the Certification of Commercial Farm Resolution for the Stoneyfield Orchard, BL 50 L 1 in White Township. Mr. Bodine seconded the motion.

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

Cancelled – SSAMP Hearing on Stoneyfield Orchard – White Township granted building permit for replacement of agriculture building.

ADA Hearing – This hearing was publicized in the Star-Ledger and the Daily Record on 11/8/14. The CADB discussed the addition of the EAI Investment properties, BL 93, L 4 & 5, Pohatcong, approx. 168.26 acres and the Homa Property, BL 97 L 3, Alpha Boro, 93.67 acres totaling 265 acres. The total farm assessed property in the County's ADA is now 97,573.24 acres. The total farm assessed property in Warren County is 113,287.26 acres. The percentage of farm assessed property in the County's ADA is now 86.13% (versus 85.90% prior to the addition of this farmland. Mr. Tierney stated that the EAI properties are currently in active agricultural production.

Mr. Baduini made a motion to approve the amendment to the ADA with adding the properties of EAI Investment, BL 93 L 4 & 5, Pohatcong Twp., approx. 168.26 acres and the Homa Property, BL 97 L 3, Alpha Boro, approx. 93.67 acres. Mr. Gourniak seconded the motion.

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

Highlands Regional Plan Meeting – Mr. Baduini attended this meeting that took place on November 13 2014. Mr. Baduini thought that the meeting was well attended and that they will be given an update in a month. He suggested to the Highlands that it look at the ADA of each County when doing the planning.

Executive Session

Mr. Menegus made a motion to go into Executive Session to discuss contractual matters regarding the O'Dowd properties. Mr. Gourniak seconded the motion. Motion carries and the Board entered into Executive Session at 8:10 pm.

Mr. Gourniak made a motion to come out of Executive Session which was seconded by Mr. Gibbs. Motion carries. Mr. Warren stated that the Board came out of Executive Session at 8:30 pm where no official action was taken and contractual matters on the O'Dowd properties were discussed.

Mr. Baduini made a motion for Mr. Tierney to make a presentation to the landowners of the amount discussed in Executive Session. Mr. Menegus seconded the motion.

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

- **Apple Mountain (Tim Matthews contract purchaser)** – White Twp. (Approx. 70 acres) Waiting to process.
 - **Crouse, Dale & Pamela (#1)** – Harmony Twp. (Approx. 54 acres) SADC requested info re sludge & township approval on application.
 - **Crouse, Dale & Pamela (#2)** – Harmony Twp. (Approx. 17 acres) SADC requested info re sludge & township approval on application.
 - **Shoemaker** – White Twp. (Approx. 81 acres) – Need more info; applicant may subdivide.
 - **Crouse, Carl** – Washington Twp. (Approx. 120 acres) Jenny Crouse called and stated that they would not want an easement on their property for the Morris Canal Trail. Mr. Tierney had talked to the landowners 3 times regarding this issue. Mr. Baduini wants Mr. Tierney to make one more attempt at contacting them. Mr. Baduini is not for moving ahead with the preservation of the farm without the easement. Mr. Schnetzer is for moving ahead without the easement. The Board did not make a decision on whether to approve this application at this time. It will be discussed again after Mr. Tierney contacts the landowners again.
- Total Applications: 5 Total Acres: 342**

Awaiting Green Light Approval:

County Applications

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) SADC requested DEP info & township approval on application.
 - **Bartha** – White/Oxford Twps. (Approx. 52 acres) SADC received landowner's confirmation about changing exception area.
 - **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) Landowner confirmed he is assuming risk that wetlands will not impact proposed exception area; SADC requested 2013 Schedule F.
 - **RLI Enterprises, Inc.** – Franklin Twp. (Approx. 51 acres) Additional information requested from township engineer; landowner's development approvals set to expire December 2014.
 - **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: 7 Total Acres: 433**

Municipal Applications

- **Myers/Toretta** – Franklin Twp. (Approx. 64.42 acres) Additional lot added. Need revised GLA.
 - **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) Mr. Menegus stated that this application is being revised with a 10 acre subdivision in the woodlands for an autistic group home. The application will be resubmitted.
- Total Applications: 2 Total Acres: 121**

State Applications

- **Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) On hold due to Pohatcong zoning Ordinance.
 - **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 acres) On hold due to Pohatcong zoning Ordinance.
 - **Santini/Chambers** – Pohatcong Twp. (Approx. 56 acres)
- Total Applications: 3 Total Acres: 232.5**

Received Green Light Approval:

County Applications

- **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) Requested RFP's for appraisals.
 - **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) Appraisals underway.
 - **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) Appraisals underway.
 - **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.
 - **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) Appraisals sent to SADC for CMV.
 - **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) Appraisals underway.
 - **Klimas** – Independence/Mansfield Twp. (Approx. 174 acres) Requested RFP's for appraisals.
 - **Sigler, Carl** – Franklin Twp. (Approx. 174 acres) Requested RFP's for appraisals.
 - **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) Sent appraisals to SADC for CMV.
 - **Smith, John & Jean #2** – Harmony (Approx. 36 acres) Sent appraisals to SADC for CMV.
 - **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) Appraisals underway.
 - **Thompson Farm** – White Twp. (Approx. 38 acres) Appraisals sent to SADC for CMV.
- Total Applications: 12 Total Acres: 830**

Municipal Applications

- **Berry Farm** – Frelinghuysen Twp. (Approx. 106 acres) RFP's out for appraisals.
 - **Twin Brook Farm** – White Twp. (Approx. 22 acres) Appraisals underway.
- Total Applications: 2 Total Acres: 128**

State Applications

- **Hannema** – SADC Direct - Mansfield Twp. (Approx. 164 acres) RFP's for appraisals.
- Total Applications: 1 Total Acres: 164**

Received CMV & Offer Made:*County Applications*

- **Kinney Estate** – Blairstown/Knowlton Twps. (Approx. 34 acres) \$5,600 CMV. Offer letter sent to Landowner.
 - **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) CMV Received.
 - **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) CMV Received.
 - **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) CMV Received.
 - **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.
- Total Applications: 6 Total Acres: 516**

Municipal Applications

- **Paternostro** – Greenwich Twp. MUNI PIG (Approx. 40 acres) \$6,250. Received CMV.
- Total Applications: 1 Total Acres: 40**

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

- **Bullock (Yellow Rock Horse Farm)** – White Twp. (Approx. 64 acres) CMV \$3,900. Received title search & survey underway.
 - **Cericola Farm #1** – Franklin Twp. (Approx. 182 acres) CMV \$6,200. Requested title search & RFP's for survey.
 - **Cericola Farm #2** – Franklin Twp. (Approx. 31.5 acres) \$6,000. Requested title search & RFP's for survey.
 - **McCullough** – Washington Twp. (Approx. 44 acres) FRPP appraisal sent for NRCS review.
 - **Smith Farm #1, J&K** – Harmony Twp. (Approx. 49 acres) CMV \$6,000. Requested title search & survey underway.
 - **Smith Farm #2, J&K** – Harmony Twp. (Approx. 53 acres) CMV \$5,500. Requested title search & survey underway.
- Total Applications: 6 Total Acres: 423.50**

Municipal Applications

- **Anderson** – Knowlton Twp. (Approx. 119 acres) CMV \$5,200. Draft survey received.
 - **Apgar Cider Press** – Harmony (Approx. 19 acres) CMV \$7,000. Survey underway.
- Total Applications: 2 Total Acres: 138**

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*

- **Cooke** – Hope & Frelinghuysen Twp. (Approx. 59 acre County-PIG) FRPP reviewing file. Final inspection performed.
 - **Czar Farm** – Pohatcong Twp. (Approx. 94 acres) Final Inspection performed.
- Total Applications: 2 Total Acres: 153**

Municipal Applications

- **Al-Ruby Farm** (Waters & Schanzlin) – Harmony Twp. (Approx. 27 acres) CMV \$7,000. Final inspection performed.
 - **Farley Acres (Stern)** – Harmony Twp. (Approx. 108 acres) CMV \$5,600. Final inspection performed.
 - **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: 4 Total Acres: 250**

State Applications

- **Kleindienst** – Frelinghuysen Twp. & Stillwater Twp., Sussex County (Approx. 130 acres, 45 acres in Warren) Sent out for Federal appraisal review.
 - **Santini** – Lopatcong/Greenwich Twp. (Approx. 105 acres) Closing file review. Waiting for survey revisions.
- Total Applications: 2 Total Acres: 150**

Applications withdrawn:

- **Meadows at Mansfield** – Mansfield Twp. (Approx. 124 acres) Landowner is under contract to sell farm.

Public Comment – None

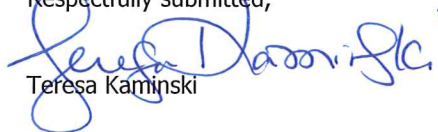
Ms. Iannitelli would like the CADB to be proactive with the Ballot question on the Preservation/Open Space funding and request that funds be allocated for farmland preservation.

Ms. Rue stated to the Board that she had attended the last 16 SADC meetings and that no decision will be made on her preserved farmland because of the den Hollander case. She is a resident of Warren County, but has a preserved family farm in Monmouth County

that her and her sister own and the buyer would like to put up high-tech greenhouses that do not disturb the soil and open from the top to let the rain in. The SADC will not make a decision on her farm because of the den Hollander case. Ms. Rue discussed with the Board about the upcoming rule proposal changes on the definition of soil disturbance and soil description at the December 11, 2014 meeting.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Mr. Gibbs. Motion carries. Chairman Schnetzer adjourned the meeting at 9:22 pm.

Respectfully submitted,



Teresa Kaminski