

# **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

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

## **Meeting Minutes December 19, 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 7:31 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, Frank Gibbs, Joe Gourniak, Jason Menegus, Joel Schnetzer, Wendy Willever

Members absent: none

Others present: C. Tierney, T. Kaminski, Staff; Michael Lavery, Special County Council; Tom Sharko, Alba Vineyards, Pohatcong Twp.; Giulia Iannitelli, WC Tourism; Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

Mr. Tierney swore in Mr. Menegus as the new CADB member that replaced Mr. Sam Race. The other CADB members welcomed Mr. Menegus to the Board.

**Minutes** of the meeting held on November 21, 2013 were approved on a motion by Mr. Baduini and seconded by Mr. Gibbs. Mr. Menegus abstained. Motion carries.

**Executive Minutes** of the meeting held on November 21, 2013 were approved on a motion by Mr. Baduini and seconded by Mr. Gibbs. Mr. Menegus abstained. Motion carries.

**Correspondence:** Noted

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

**Public Hearing on the Amendments to the County Agriculture Development Area** – A motion was made by Mr. Gourniak to open up the meeting for comments for the public hearing on the ADA amendments. Mr. Gibbs seconded the motion. Motion carries. Mr. Tierney went over the information and mapping for the amendments to the ADA with the Board. The maps of the amendment were on display in the meeting room. There are four County applications that have lots outside the ADA:

Bartha – BL 12 L 16 & 16.01, Oxford Township, 16.2764 acres  
Barton #1 – BL 23 L 1, Independence Township, 21.8501 acres  
Oberly – BL 97 L5, Alpha Borough, 7.675 acres  
Klimas – BL 14, L 10 & 12.01, Independence Township, 48.999 acres  
Total 94.8005 Acres

One request from White Township regarding amending the County ADA for a target farm on their MUNI PIG:

Fratezi – BL 51 L 4, 22.6412 acres

Request from Frelinghuysen Township to amend the County ADA for expansion of their target farm on their MUNI PIG:

BL 201 L 17, 17.02, 21, 22, 23, 31, 32 32.06, 32.07, & 33  
Total 337.6021 acres

Total GIS acres for the ADA amendments are 455.0437 and the ADA percentage is at 85.87% of the County's farm assessed land and is below the threshold of 90% per the SADC requirements.

Chairman Schnetzer asked if there were any comments from the public regarding the ADA. No comments by the public were given. Mr. Baduini made a motion to close the comments to the public hearing for the County's ADA amendments. Mr. Gibbs seconded the motion. Motion carries. Mr. Baduini made a motion to approve the amendments to the County's ADA and forward them to the SADC for approval. 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; Mr. Menegus – yes;  
Motion carries.

## **Old Business**

**River Edge Estates/Stampf Farm, BL 62 L 9.01, 9.02 & 24, White Township, 81.85 acres (Fee Simple)** – There was a site visit made on December 5<sup>th</sup> by Mr. Tierney, Chairman Schnetzer, Tim Bodine, and Lou Baduini. They met with Butch Shoemaker and Walt Menegus and discussed the current state of the property and the steps it would take to get the property cleared and farmable again. To be further discussed in Executive Session.

**O'Dowd Properties, Greenwich & Franklin Twps.** – There will be three County Farmland Applications: 1) West Farm, BL 16 L 6, 112.8 acres, Greenwich Twp. with a 30' wide easement 2) East Farm, BL 17 L 1, 2, Greenwich Twp. & BL 40 L 1, Franklin Township, 93.8 acres 3) South Farm, BL 18 L 3, BL 19 L 1, Greenwich Twp. & BL 41 L 1 & BL 42 L 1, Franklin Twp., 119.2 acres. Each farm will have a 1 acre non-severable exception. Mr. Tierney is waiting to hear from Greenwich Township to see if they are willing to submit BL 20 L 2 as a MUNI PIG. Two lots in Greenwich Twp. that include the Morris Canal, BL 14 L 10 & BL 15 L 1, 59.1 acres will be for Open Space.

## **New Business:**

**Chelsea Forge Vinters, LLC/Tom Sharko, Alba Vineyards Certification of Commercial Farm, BL 110 L 13 & 13.04, Pohatcong Township** – Mr. Sharko provided the FA-1 form & proof of income of \$2,500 and completed the request for the Certification of Commercial Farm Form A. The property is a preserved farm and is in a municipal zoning ordinance where agriculture is a permitted use. Mr. Sharko is seeking Commercial Farm Certification because he would like to construct an agricultural building for tractor storage on his property. Mr. Gourniak made a motion to certify Chelsea Forge Vinters, LLC, owner Tom Sharko of Alba Vineyard as a commercial farm. Mr. Baduini seconded the motion.

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

**Walburn Funding Resolution #13-11, BL 13 L 22, White Twp. MUNI PIG** approx. 26 acres – The County's cost share on this farm is approximately \$26,650 depending upon surveyed acres. Mr. Gourniak made a motion to approve the cost-share on this farm and to make a recommendation to the Freeholder's for approval. Mr. Baduini seconded the motion.

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

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

- **Skip Smith Farm** – BL 18 L 1, 1.03, 1.04, 26 & BL 16 L 18, Franklin Twp. approx. 43 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 64.30. There are 30.35 tillable acres used for corn and soybeans, and 8.69 acres of woodland, with Prime Soil consisting of 37.053 acres. The structures on the premises to be preserved are one barn, silo, garage and two sheds. The NJ GIS Mapping indicates that the property contains a Category I stream. The landowner is taking a 1 acre non-

severable exception area for future single family residence or possible future non-ag use. These block and lots are within the County ADA and in the Southeast Project Area and located BL 18 L 1, 1.03, 1.04, 26 are in the Highlands Preservation Area and BL 16 L 18 is in the Highlands Planning Area.

Mr. Gibbs made a motion to approve the Skip Smith 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 – yes; Mr. Gibbs – yes; Mr. Gourniak – yes;  
Ms. Willever – yes; Mr. Menegus – yes

Motion carries.

- **715 Harmony Station Road LLC** – BL 44 L 14, Harmony Twp. approx. 108 acres. This application meets the minimum tillable acreage eligibility criteria, has a County ranking score of 77.97, 92 tillable acres used for corn, 8.7 acres of woodland, with 89.47 acres of Prime Soil, and 14.372 acres of Statewide soil. The landowner is taking a 1 non-severable exception of 5 acres for a future family residence and possible future non-ag use. There are one single family residence, one garage and two sheds on the premises to be preserved and there is a Transcontinental Gas line easement of 60 foot wide on the property. This block and lot is within the County ADA and in the West Project Area and located in the Highlands Planning Area.

Mr. Baduini made a motion to approve the 715 Harmony Station Road, LLC County Farmland Application and for submission to the SADC for preliminary Green Light Approval. Mr. Menegus seconded the motion.

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

Motion carries.

- **Bullock (Yellow Rock Horse Farm)** – BL 69 L 3, White Twp., approx. 63 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 48.89. There are 31 tillable acres used for hay and wheat, and 30 acres of woodland, with Prime Soil consisting of 2.32 acres, and 19.35 acres of Statewide Soil and 15.69 acres of Unique Soils to Warren County. There are no structures on the premises to be preserved. The landowner is taking a 2.8 acre non-severable exception area for future single family residence or possible future non-ag use. This block and lot is within the County ADA and in the West Project Area and located in the Highlands Preservation Area. Mr. Tierney stated that most of the vehicles were removed and that there were several left that will be removed in the Spring.

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

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

Motion carries.

**John & Jean Smith Farmland Application Revision** – BL 14 L 9, Harmony Twp., BL 12 L 20, White Twp. Because of the septic density restrictions in the Highlands, the 4 acre severable exception was denied by the Highlands Council and the applicant has requested that his current application become two applications. There would be one application that would be approximately 32 acres with a 1 acre non-severable exception area and the other application would be approximately 75 acres with no exception areas. Both applications meet the minimum eligibility criteria with the division. Mr. Gourniak made a motion to approve the revision of the current John & Jean Smith farmland application to 2 applications with the requested revisions. Mr. Gibbs seconded the motion.

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

Mr. Baduini abstained from voting since he was not present at the time of discussion. Motion carries.

**Ridge & Valley Conservancy – Discuss Easement Assignment** – The Ridge and Valley Conservancy had inquired several years ago whether the CADB would be willing to accept assignment of development easements on a number of preserved farms, including the 78 acre Motyka Farm (BL 1100 L 2300) in Hope Township. The CADB affirmed it would still accept the assignments provided the conditions set forth in the previous resolution are met.

**Jansen Solar Application review & comments** – The Board members reviewed the SADC application for solar panels. Mr. Gibbs made a motion to approve the application as submitted. Mr. Baduini seconded the motion. Mr. Gourniak expressed his disagreement with the SADC's position on disallowing Biosolids on preserved farms while approving solar facilities on preserved farms. Mr. Gourniak believes the solar facilities cause more disturbance than spreading certain Biosolids. He clarified that he does not object to the approval of solar facilities on preserved farms in general, or this facility in particular, but that farmers wishing to use Biosolids should be afforded the same latitude.

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

Motion carries.

**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. Processing application.
- **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) One lot outside ADA. Processing application.
- **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) Processing application.
- **Barton #3** – Mansfield/Liberty Twps. (Approx. 36 acres) Processing application.
- **Barton #4** – Mansfield/Liberty Twps. (Approx. 49 acres) Processing application.
- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) Processing application.
- **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) Processing application.
- **Kinney Estate** – Blirstown/Knowlton Twps. (Approx. 34 acres) Waiting for subdivision.
- **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) Processing application.
- **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) Processing application.
- **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) Processing application.
- **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: 12      Total Acres: 788**

CADB Approval:

- **Bullock (Yellow Rock Horse Farm)** – White Twp. (Approx. 64 acres)
- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres)
- **Smith, Skip** – Franklin Twp. (Approx. 44 acres)

**Total Applications: 3      Total Acres: 216**

Awaiting Green Light Approval:

- **Brandywine** – Franklin Twp. (Approx. 64 acres)
- **Cericola Farm #1** – Franklin Twp. (Approx. 182 acres)
- **Cericola Farm #2** – Franklin Twp. (Approx. 31.5 acres)
- **Klimas** – Independence/Mansfield Twp. (Approx. 174 acres) Two lots outside of ADA.
- **Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) Requested more info.
- **Paternostro** – Franklin Twp. MUNI PIG (Approx. 40 acres)
- **Race, Sam & Jean** – White Twp. (Approx. 85 acres)
- **Santini, R&S** – Harmony Twp. (Approx. 71 acres) SADC requested town vacate Esposito Rd. through property.
- **Smith Farm #1, J&K** – Harmony Twp. (Approx. 49 acres)

- **Smith Farm #2, J&K** – Harmony Twp. (Approx. 53 acres)
  - **Meadows at Mansfield** – Mansfield Twp. (Approx. 124 acres) Application on hold until appeal is resolved.
  - **Myers/Toretta** – Franklin Twp. Muni-PIG (Approx. 48 acres)
  - **Smith, John & Jean** – Harmony/White Twp. (Approx. 119 acres)
- Total Applications: 13      Total Acres: 1,132.5**

Active Projects:

*State Applications*

- **Kleindienst** – Frelinghuysen Twp. & Stillwater Twp., Sussex County (Approx. 130 acres, 45 acres in Warren) Survey & Title Search underway.
  - **Santini** – Lopatcong/Greenwich Twp. (Approx. 105 acres) Appraisals underway.
- Total Applications: 2      Total Acres: 150**

*County Applications*

- **Beaver Brook Farm** – Hope Twp. (Approx. 137 acres) Received appraisals; sent to SADC for CMV.
  - **Bowers** – Pohatcong Twp. (Approx. 50 acres) FRPP appraisal review received, closing soon.
  - **Czar Farm** – Pohatcong Twp. (Approx. 94 acres) Survey underway; requested title search;
  - **Cooke** – Hope & Frelinghuysen Twp. (Approx. 59 acre County-PIG) Survey & FRPP appraisal underway, requested title search.
  - **Freedom Group, L.P.** – Mansfield Twp. (Approx. 42 acres) CMV \$9,000; awaiting landowner decision.
  - **McConnell** – Oxford Twp. (Approx. 52 acres) Under final legal review; ownership issue on Lot 11.
  - **McCullough** – Washington Twp. (Approx. 44 acres) Preparing Agreement to Sell Contract.
  - **Pruden** – Hope Twp. (Approx. 162 acres) Under final legal review; expect to close soon.
- Total Applications: 8      Total Acres: 640**

*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) Appraisals being conducted.
  - **Erhardt** – White Twp. Muni-PIG (Approx. 27 acres) SADC waiting for closing docs.
  - **Farley Acres (Stern)** – Harmony Twp. (Approx. 108 acres - Muni PIG) Appraisals received.
  - **Ritter** – Knowlton Twp. Muni-PIG (Approx. 7 acres) Under final legal review; expected to close soon.
  - **Schanzlin** – Harmony Twp. (Approx. 87 acres - Muni PIG) CMV \$6,000.
  - **Walburn Farm** – White Twp., (Approx. 28 acres – Muni-PIG) CMV \$5,900; received fully executed signed contract. On CADB Agenda for approval.
- 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**

County Fee Simple::

- **Stampf Farm** – White Twp. (Approx. 82 acres) Appraisals received. Site visit completed.
- Total Applications: 1      Total Acres: 82**

Closings:

- **A. Schnetzer** – Franklin Twp. (Approx. 62 acres) Closed on 12/17/13!!

**Public Comment:**

Gary Pohorely advised the Board that the on farm direct marketing AMPs are at the Governor's office and after his approval it will go back to the SADC and then to the register for publication in March or April then there would be 60 days for comment.

Mr. Gibbs made a motion to enter into Executive Session which was seconded by Mr. Baduini.

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

Motion carries. The Board entered into Executive session at 8:42 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; Mr. Menegus – yes

Motion carries.

Mr. Lavery stated that the Board came out of Executive Session at 8:59 pm where contractual matters were discussed regarding the Stampf property where no official action was taken and that these minutes will be made available to the public when the CADB deems that there will be no harm to the public.

**River Edge Estates/Stampf Farm, BL 62 L 9.01, 9.02 & 24, White Township, 81.85 acres (Fee Simple)** Mr. Baduini made a motion to notify the attorney and realtor for the Stampf Farm that the CADB will not consider the property until the barn is removed and the fields made tillable. Mr. Bodine seconded the motion.

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

Motion carries.

**Adjournment:** A motion for adjournment was made by Mr. Baduini and seconded by Mr. Gibbs. Motion carries. Chairman Schnetzer adjourned the meeting at 9:00 pm.

Respectfully submitted,



Teresa Kaminski