

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

**Meeting Minutes
December 16, 2021**

The regular monthly meeting was held virtually by the Department of Land Preservation via Webex. The meeting was called to order by Chairman Schnetzer at 7:32 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Tim Bodine, Bradley Burke, Matthew Hood, Rene Mathez, Jason Menegus, Joel Schnetzer, Melissa Watters

Members absent: none

Others present: T. Kaminski, C. Tierney, Staff; Aaron Culton, Substitute County Counsel; Timothy Wilmont, SADC; Patrick & Kelley Smith, Harmony Township; Jacob Tanis, Elizabeth Sands, Franklin Township.

Minutes of the meeting held on November 18, 2021 were approved on a motion by Mr. Burke and seconded by Mr. Hood.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

Deed of Easement Compliance – Plainview Growers, BL 105 L 8, Allamuchy Township

Mr. Tierney spoke with Mr. Van Vugt regarding entering into a written agreement that will specify what is expected for compliance and a time frame for completion of the outstanding issues and concerns for outstanding title issues for a small triangle piece across the street from the property (was not included in Deed when purchased, but part of the Division of Premises) and the Township drainage easement over the preservation easement.

Deed of Easement Compliance – Kero, BL 29 L 1 & 1.01, Knowlton Township

Mr. Tierney stated that he is still pursuing this matter pertaining to material that was brought in to fill depression on the preserved farm.

Update to County farmland Plan/Target List (TLCNJ)

Mr. Tierney had stated that the State has passed a law withholding names on parcels and it has made getting information for the Target List.

Brunkhorst Land Donation, BL 301 L 29, 30, 31.01 & BL 805 L 19.01 Mansfield

Mr. Tierney had forwarded the Deed of Easement with additional language regarding forest conservation to Sandy Urgo of The Land Conservancy of NJ to discuss with the landowner. He is waiting to hear back regarding the restrictions and if it is acceptable.

New Business:

Resolutions for Certification of Commercial Farm Applications

Resolution #21-11 Kelrick Farms, LLC, BL 4 L 3, Harmony Township

A motion was made by Mr. Mathez to memorialize Certification of Commercial Farm Resolution #21-11, Kelrick Farms, LLC as presented. Mr. Bodine seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes; Mr. Menegus- yes; Mrs. Watters – yes.

Resolution #21-12 Star D Farm, LLC, BL 7 L 1 & 1.03, Harmony Township

A motion was made by Mr. Mathez to memorialize Certification of Commercial Farm Resolution #21-12 Star D Farm, LLC of Harmony Township. Mrs. Watters seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

SSAMP Right to Farm Hearing Star D Farm, LLC BL 7 L 1.03, Harmony Township

Mr. Tierney had stated that the SSAMP Application was deemed complete. Attorney Culton swore in Patrick Smith to give testimony for the hearing. Mr. Culton stated that the SSAMP has been adequately published in the local newspaper and noticed of hearing served to all adjacent landowners, Township and other appropriate parties and may proceed. Mr. Smith stated that he would like to build a 180' L x 80' W x 24' H indoor riding arena with the 24' being a lean to that would, at some point, contain 13 stalls for horses and is seeking relief from Township Site Plan Approval.

Chairman Schnetzer asked what his plans were for the proposed building and asked about the horses. Mr. Smith stated that there it would be for boarding horses and that there is no training, but has one personal horse for his daughter. Mr. Smith said that there are currently 12 horses on the farm and proposing 13 stalls at some point.

Mr. Burke asked if the proposed building would meet local ordinance for setback. Mr. Smith replies yes and stated that they would be aligned with the other building on the property which is also within the setback.

Mr. Culton stated that they weren't seeking any other relief than a site plan review regarding local ordinances. Mr. Culton stated that the NJ regulations for the AMP for equine is listed under NJ 2:76-2A.10 (e) are:

(e) The standards for riding and training areas are as follows:

1. Riding and training areas include, but are not limited to, indoor and outdoor arenas, racetracks, training tracks.
2. Riding and training areas shall be located in a well-drained area of the farm.
3. Arenas shall be maintained as follows:

i. Manure, shavings and straw shall not be placed in arenas, as these materials can increase the amount of dust in the arena and serve as a breeding area for flies, vectors, and other fomites.

ii. The arena surface, and the area immediately outside the arena, shall be maintained to prevent weeds, unmowed grass, and an accumulation of debris, which can impede the flow of rainwater out of the arena, and serve as habitat for insects and rodents.

4. Dust management requirements shall be as follows:

i. The goal of dust management shall be to minimize dust, as dust can never be completely eliminated.

ii. Farm operators shall take all reasonable and economically feasible measures to minimize dust production and dissemination, including, but not limited to, applying water, applying other recommended products in accordance with manufacturer guidelines, and establishing and maintaining vegetative buffers or windbreaks.

iii. Water application standards are as follows:

(1) Water is the most effective dust control and bonding agent in indoor and outdoor arenas.

(2) The frequency of watering shall depend upon weather conditions, the type of arena footing, and the intensity of arena use.

(3) Water shall be applied to riding and training areas and driveways in the evening, as it allows a deeper absorption of water, and less water is lost due to wind and evaporation.

(4) If dust is a persistent problem, water shall be applied additional times during the day.

Mr. Smith stated that he has a manure and storm water management plan and had submitted that to the Board and that this activity meets these requirements.

Mr. Tierney asked Mr. Smith is he was not proposing any changes to driveway access to Route 622 or 519? Mr. Smith replied no that he was not changing any driveway access on those roads. Mr. Tierney asked Mr. Smith if he was not proposing to modify existing parking area and no proposing of any grading in County ROW. Mr. Smith replied that he was not. Mr. Tierney stated that any grading isn't permitted in the County ROW and that the storm water needs to be diverted

away from ROW. Mr. Tierney stated that County Planning noticed a typo in the calculation for the storm water management amount and that the dimension was calculated for 74' x 80' which is not the measurement of the proposed building. Mr. Smith will get that corrected and contact the Engineer tomorrow to represent the building drainage calculation at 104' x 180'.

Mr. Mathez asked why they are seeking a Site Plan Review from the Board and not going through the Township. Chairman Schnetzer had stated that they basically were asking the Board for a Site Specific to protect and arm themselves with the Site Specific. Mr. Smith confirmed that was correct. Mr. Culton agreed, but the Board would grant them site plan approval. Mr. Mathez was concerned to override the Township's wish. Mr. Tierney said that the Township was noticed and had an opportunity to come before the Board if it had any concerns.

Chairman Schnetzer stated that the applicant has gone well above what we usually receive from SSAMP applicants.

Chairman Schnetzer asked if there was anyone from Harmony Township present. No one replied. Chairman Schnetzer stated to let the record show that no one from Harmony Township was with us.

Mr. Bodine made a motion to approve the SSAMP for the proposed construction of the 180' L x 80' W x 24' H indoor riding arena with 13 horse stalls under the 24 foot lean-to on condition that the drainage calculations are updated. Mr. Mathez seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Division of Premises for Oostdyk Farm, BL 57 L 23, 24, 25, 26, 27.02

Mr. Tierney stated that our office was contacted by Mrs. Elizabeth Sands inquiring about approval for addition to her house on the preserved farm and that she was referred to us by Franklin Township. When the file was looked at, it was apparent that this farm was subdivided as Mrs. Sands owns BL 57 L 23, 24 & 25 and Mr. Tanis owns BL 57 L 26 & 27.02. These block and lots were preserved 20 years ago as one farm unit and now has two separate owners. Mr. Culton stated that these five lots are subject to one Deed of Easement and was preserved in 1997. Prior to preservation 3 lots were owned by one owner, Oostdyke (now Sands) and two lots by Mr. Tanis then transferred under common ownership between Oostdyk and Tanis, but immediately after 2 lots taken out of common ownership and 3 lots sold to a third party 25 years later is a violation of the deed of easement. One deed of easement to seek after the fact farm division with two separate conveyable interests. Mr. Culton stated that the Board should determine that each separate ownership would still have agriculture viability and agriculture purpose which could be more difficult to demonstrate.

Mr. Tanis stated that his father-in-law John Oostdyk was encouraged to preserve a large piece for preservation so Mr. Tanis entered his two block and lots into joint ownership with Mr. Oostdyk for preserving in 1995. Mr. Tanis stated that his father-in-law was told that it was better to have more property than less property put into preservation. They were always two viable farms on their own before the preservation. Mr. Tanis stated that the closing for the preservation and the deed transfer all happened at one sitting. Mrs. Sands never intended to violate easement and wasn't trying to do anything.

Mr. Tanis stated that 40-50 tillable acres on BL 57 L 23, 24 & 25 and 26 & 27.02 and over 60+ acres tillable. Ms. Kaminski did a GIS measure and has BL 23, 24 & 25 at 48.36 tillable acres (approx.) including small pastureland and BL 57 L 26 & 27.02 at 67.130 tillable acres (approx.) including small pastureland. Mr. Tanis provided a tax map that shows the division and soils maps and an aerial map were provided to the Board. The soil log for BL 57 L 23, 24 & 25 has 43.320 acres for Prime Soils, 2.432 acres for Statewide Soils out of 67.819 total acres. The soil log for BL 57 L 26 has 59.032 acres for Prime Soil out of 73.766 total acres. Ronald Sigler currently farms all the lots and grows corn for grain and applies on Tanis farm, L 26 & 27.02 and corn for grain on L 23, 24 & 25.

Chairman Schnetzer asked if Ron Sigler's driveway was included in the preservation and Mr. Tanis stated that it was taken care of where that triangle piece at the top of Lot 23 was transferred to Mr. Sigler prior to preservation in 1994, but the Township has not updated that portion of the tax map and that is why it still appears to have that configuration.

Mr. Culton said that it Board for a Division of Premises was to concern the viability of each parcel ad has enough to support its own viability and also to weight the agricultural purpose for the division should be a concern. Not sure we need to justify the viability, believe viability is established for 3 decades. The uses are in question.

Mr. Mathez stated that he would like to find a solution.

Chairman Schnetzer stated that this was a very unique situation. Might be a challenge to increase use, but very valuable to sell for cropland is enough reason. Chairman Schnetzer believes that these are 2 viable, sellable pieces of property.

Mr. Culton stated that the Board would need to provide the SADC with an ag purpose. The ag viability is easy to demonstrate. Ag purpose is to create diverse products. It is a SADC policy now. He would like to talk to Katrina Campbell to make additional findings.

The Board discussed these issues. Ms. Kaminski stated that in 1997, the program was different than it is now and that to become preserved, a larger farm would rank higher for the funding that was limited at that time in the State and that there was not the proper guidance or education to landowners at that time. Chairman Schnetzer agreed that farms that were preserved early on were not offered exceptions at that time.

Mr. Burke made a motion to approve this Division of Premises based on the fact that these two individual farms are saleable, viable and marketable farm parcels. The motion was seconded by Mr. Mathez.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Oberly Farm

Mr. Tierney went over the two independent appraisals for the before, easement and after values with the Board for the Oberly Farm in Greenwich and Franklin Townships. Mr. Menegus made a motion to approve the \$5,100 per acre amount for the development easement on the farm. This value is the average of the two appraisals. Mr. Bodine seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Mannon Farm, Mansfield Township

This farm is on our Target List and has been on our yearly outreach letters, however, we have not had a response for preservation by the landowners. Mr. Tierney had looked into the listing and drove by the farm. It is listed at \$1.3 million. He compared it with Wattles value from 10 years ago, but that was a unique situation where part was for green acres. Mr. Tierney believes that the landowners are looking for an outright sale as proposed to a development easement. The Board expressed that they were very interested in preserving this farm and did not want to see it fall to solar panels like an nearby farm on the same road.

Mr. Burke asked about the County expenditure. Chairman Schnetzer stated that the County would recoup the after value, but spend the easement value for the farm.

Mr. Mathez made a motion to for Mr. Tierney to approach the realtor with a possible outright sale because of Township's redevelopment, warehouse pressure and fallacy of solar panels and to be subject to the agreement between the realtor and the landowner, and if the landowner was agreeable, proceed with appraisals. Mr. Burke seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Administrator's Report

Mr. Tierney stated that the J&J Smith farms have closed and expect to be closing Myers/Toretta #1 by the end of the year.

New Applications:

None at this time

Awaiting Green Light Approval:

County Applications

- **Ferri** – Washington Township (Approx. 65 acres) Appraisals have been updated for this application.

Total Applications: 1 Total Acres: 65

Received Green Light Approval:

County Applications

- **McEvoy #1** – White Township (Approx. 102 acres) Appraisals underway.

Total Applications: 1 Total Acres: 102

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) Received Green Light Review Letter.
- **Rick Smith Farm** – White (Approx. 25 acres)

Total Applications: 2 Total Acres: 56

Non-profit applications

- **Shotwell Family Partnership, LP** – Blairstown Township (Approx. 154.5 acres)
- **Silver Pine Farm, LLC** – Frelinghuysen Township (Approx. 33.23 acres)
- **Watercress** – Frelinghuysen Township (Approx. 117 acres)

Total Applications: 3 Total Acres: 304.73

Received CMV & Offer Made:

County Applications

- **McEvoy #2** – White Township (Approx. 20 acres) \$5,200. Received SADC final approval on 12/2. SADC staff requested another confirmation from landowner regarding exception area being located in wetlands buffer area.

Total Applications: 1 Total Acres: 20

SADC applications

- **Gardner** – Franklin Township (Approx. 91.5 acres)
- **Riggs** – Franklin Township (Approx. 34 acres)

Total Applications: 2 Total Acres: 125.5

Non-profit applications

- **Giordano** – Frelinghuysen Township (Approx. 33.98 acres) CMV \$4,000. Received contract.
- **Mt. View Farms** – Franklin Township (Approx. 55.30 acres) \$4,250 CMV.
- **Santini Home Farm** – Franklin Township (Approx. 39.905 acres) \$4,750 CMV.
- **Stecker** – Harmony Township (Approx. 18.988 acres) \$5,175 CMV

Total Applications: 4 Total Acres: 148.173

Under Contract (Title Search & Survey):

County Applications

- **Anema, Ralph** – Washington Township (Approx. 123 acres) Landowner proceeding with Township to subdivide 6 acres severable exception. Received signed contract. Survey underway.

Total Applications: 1 Total Acres: 123

Municipal Applications

- **Gugel** – Hope Township (Approx. 48.5 acres) CMV \$4,000.
- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700. Landowner confirmed location of exception area to 3.3 acres. Received contract. Received title work and draft survey and sent to Engineering for review

Total Applications: 2 Total Acres: 148.5

Non-Profit Applications

- **Campgaw Farm** – Hope/Blairstown Townships (Approx. 135.54 acres) Received title work.
- **Kimball** – White Twp. (Approx. 45 ac.) CMV \$4,200. TLC-NJ has signed contract, draft survey and title. Sent draft survey and title to Engineering for their review. Waiting to receive from surveyor Engineering's requested revisions.
- **Promised Land (M. Santini)** – Franklin Twp. (Approx. 58 ac.) CMV \$4,650. Received title and survey.

Total Applications: 3 Total Acres: 238.54

SADC applications

- **Moyer** – Pohatcong Township (Approx. 128.3 acres)

Total Applications: 1 Total Acres: 128.3

Waiting to Close (Final Legal Review):

County Applications

- **Beatty South** – Greenwich Twp. (Approx. 57 ac.) CMV \$9,500. Mrs. Beatty has died, estate being settled.
- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Mrs. Beatty has died, estate being settled.
- **Dykstra** – Mansfield Twp. (Approx. 209 ac.) CMV \$3,900. Received completed survey revisions and sent to SADC.
- **Haydu** – Harmony Twp. (Approx. 46 ac.) CMV \$4,900. Waiting to close.
- **Khan (7 Old Orchard Road)** – Hardwick Twp. (Approx. 75 ac.) CMV \$3,400. Hardwick Township to cost-share at \$600/acre.

Total Applications: 5 Total Acres: 473

Municipal Applications

- **Dokie's Acres (Thompson)** – White Twp. (Approx. 43 ac.) CMV \$6,000.
- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700. On hold pending resolution of erosion issue with SADC.

Total Applications: 2 Total Acres: 183

SADC applications

- **Shen** – Mansfield Township (Approx. 222 acres) Coordinating with County Engineering, SADC, and NRCS to facilitate drainage easements requested by Engineering.

Total Applications: 1 Total Acres: 222

Recent Closings:

- **Smith, John & Jean #1** – Harmony/White Twps. (Approx. 82 ac.) CMV \$4,600. Closed 11/23!
- **Smith, John & Jean #2** – Harmony Twp. (Approx. 36 ac.) CMV \$6,000. Closed 11/23!

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Pereira** – Franklin Township (Approx. 30 ac.) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Noel** – Franklin Township (Approx. 44 ac.) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Received appraisals. CADB recommended 100% County funding.
- **O'Dowd South** – Franklin & Greenwich Township – (Approx. 132 ac.) CADB Recommended 100% County funding.

Total Applications: 7 Total Acres: 450

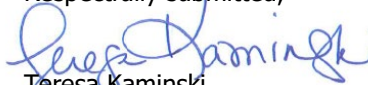
2021 Closings YTD: 11 farms totaling 808.003 acres

Program Totals: 312 farms totaling 27,229.5204 acres

Public Comment: Kelley Smith thanked everyone for the SSAMP on her farm. Commissioner Ciesla thanked the Board for the hard work for preserving farmland in the County. The Board thanked Commissioner Ciesla for her attendance to the meetings and for her support.

Adjournment: A motion for adjournment was made by Mr. Bodine and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 8:57 pm and everyone wished each other a Merry Christmas.

Respectfully submitted,


Teresa Kaminski