

**WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

**Meeting Minutes**

**May 19, 2022**

The regular monthly meeting was held at the Department of Land Preservation offices. The meeting was called to order by Chairman Schnetzer at 7:29 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, Joel Schnetzer, Melissa Watters

Members absent: Jason Menegus

Others present: C. Tierney, T. Kaminski, Staff; Katrina Campbell, County Counsel; Stefanie Miller, Dave Zaback, SADC; Bob McNinch, Knowlton Township; Mike Ferri, Alex Ferri, Washington Township

**Minutes** of the meeting held on April 21, 2022 were approved on a motion by Mr. Mathez and seconded by Mrs. Watters. Motion carries.

**Correspondence:** None

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

**Old Business:**

**Deed of Easement Compliance**

➤ **Plainview Growers Update**

Mr. Tierney stated that there was no update. The landowner has to coordinate with Allamuchy Township and his legal counsel regarding SADC compliance.

➤ **Kero Update**

Mr. Tierney stated that he reached out to the landowner but does not have any updates.

**Update to Target List**

Mr. Tierney stated that it was 90% completed and that once the list has been reviewed, we can proceed with outreach letters to these new landowners.

**Krouse vs. Skoog RTF Complaint – White Township - Withdrawn**

Ms. Campbell stated that Mr. Culton had not written a letter but contacted the attorneys via email to let them know the CADB dismissal of this matter.

**Montalvo**

Ms. Campbell stated that Mr. Culton has been in constant contact with Montalvo's new attorney and that in a phone call it was put on record with the judge the CADB's decision that the applicant not reapply for Certification of Commercial Farm until August 2022 and that the judge would carry it until a resubmission by the applicant. If the CADB denies Certification again, it will continue with the judge.

**McEvoy #2 Exception Area**

The exception area is located in the wetlands buffer zone and the SADC reached out again about the exception area location before their final approval. The applicant did not respond in time before the SADC meeting regarding the exception area but much time later. So, the relocation of the exception area outside the wetlands buffer zone has been designated by the applicant. The applicant has been advised to get perk tests for the exception area and that she may not be able to build due to Highlands Preservation Area. Mrs. Watters made a motion on the relocation of the exception area and Mr. Bodine seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Mathez – abstain; Mr. Burke – yes; Mr. Hood – yes;

Mrs. Watters – yes. Motion carries.

## **New Business:**

### **Certification of Commercial Farm**

#### **SueEd Farms, LLC, BL 48 L 69, Washington Township**

Alex and Ashley Ferri, owners of the SueEd Farms, LLC in Washington Township has applied for a Certification of Commercial Farm on BL 48 L 69. Mr. Ferri has provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from profit or loss Schedule F from 2021 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Chairman Schnetzer stated that the applicant has supplied the sufficient documentation requested and met the criteria for Certification of Commercial Farm. A motion was made by Mr. Bodine to grant certification to SueEd Farms, LLC, of Washington Township as a Commercial Farm. Mr. Mathez seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes; Mrs. Watters – yes.  
Motion carries.

#### **Harrison Farm, BL 48 L 25, 79 & 81, Washington Township**

Mr. Tierney brought this application to the Board as he was contacted by the landowner for preservation and since the CADB has made the decision to change its acreage requirements for the County applications. Ms. Kaminski and Ms. Miller, SADC made a site visit and talked with the landowner a couple of year back, but the SADC determination was that it did not qualify for the program because it does not meet minimum eligibility requirements for tillable acreage. The Board and Mr. Tierney discussed the property and County requirements. It adjoins and is near preserved farmland and has some prime soils and in the VR district of 4 acres minimum lot size for residential and has some wetlands towards the North East of the property. It appears to have development potential and is outside the Highlands Preservation Area. Mr. Tierney to talk to landowner about doing a lot line adjustment to possible preserve Lot 81 and for the landowner to clear some land to meet the tillable requirements.

### **Fee Simple Purchase Criteria Discussion**

Mr. Tierney stated that fee simple purchases require more staff time and environmental PAR work performed on the property. The Board stated that the farms that Mr. Tierney should look for that are for sale are to be 75 acres, be on the Target List, in the ADA, and meet the minimum tillable requirements for the program so that it is eligible for the SADC cost-share for preservation. CADB members may point out any farm under 75 acres to Mr. Tierney and these farms will be done on a case by case basis and that the total that Mr. Tierney thinks the Department can handle with all the work involved in acquiring, listing and auctioning would be 3-4 per year. Ms. Campbell stated that the Board may want to send a letter to municipalities that do not have agriculture in all permitted zones to change that so they can adjust their Master Plans as Chairman Schnetzer stated that Washington Township did not have agriculture use allowed in zoning along Route 31.

### **Draft Soil Protection Discussion**

The Board members and Mr. Tierney had long discussion about the Draft Soil Protection Rule Proposal Standard. The comments are due by June 10, 2022. The Board discussed the waiver, how these standards may affect the new landowners, cut and fill concerns, impervious surface coverage limitations and devaluing of preserved farm as limitation to what unpreserved neighbor farm may be able to do as far as livelihood and income. Chairman Schnetzer suggested that members submit individual comments as Board members.

Bob McNinch of Knowlton Township had comments on the proposed rule and read them to the Board regarding having 4 acres of land covered with concrete and asphalt and that it would be better for the Township to be subdivided for houses would be less of impervious surface coverage disruption. Mr. McNinch stated that Federal Easements only allow less than 1 acre impervious surface coverage per 50 acres and Highlands have 3-9% limitation. Mr. McNinch thought that this proposed rule was too much as far as impervious soil limitation for preserved farms when tax payer money goes into keeping the farm from development.

**Administrator's Report:** Mr. Tierney stated that Haydu had recently closed and Dykstra is lined up next for closing in June followed by Beatty North and South Farms and 7 Old Orchard Road (Khan) Farm as well as working to get the PVCA farms closed that have received 100% funding.

## New Applications:

*County Applications*

- **Brunkhorst Land Donation** - Mansfield (Approx. 49.83 acres)

**Total Applications: 1      Total Acres: 49.83**

Awaiting Green Light Approval:

- **Waters** – Harmony Township (Approx. 78.28 acres)

**Total Applications: 1      Total Acres: 78.28**

Received Green Light Approval:*County Applications*

**Total Applications: 0      Total Acres: 0**

*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 #1** – White Township (Approx. 102 acres) CMV received, waiting to receive offer letter.

**Total Applications: 1      Total Acres: 102**

*SADC applications*

**Total Applications: 0      Total Acres: 0**

*Non-profit applications*

- **Giordano** – Frelinghuysen Township (Approx. 33.98 acres) CMV \$4,000. Received contract. Issue with driveway and improvement permits for survey review.
- **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. Landowner did not apply for subdivision yet.
- **Ferri** – Washington Township (Approx. 65 acres) \$4,200 CMV. Under contract. On SADC May meeting for final funding approval. Ordering title and contract for surveyor obtained.
- **McEvoy #2** – White Township (Approx. 20 acres) \$5,200 CMV. Received SADC final approval on 12/2. SADC staff requested another confirmation from landowner regarding exception area being located in wetlands buffer area. Put out RFP's on survey and ordered title. Issue with exception area location will be addressed by SADC again.

**Total Applications: 3      Total Acres: 208**

*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. Surveyor working on reaching Engineering compliance on survey. Engineering Department comments sent out to surveyor again.

**Total Applications: 2      Total Acres: 148.5**

*Non-Profit Applications*

- **Campgaw Farm** – Hope/Blairstown Townships (Approx. 135.54 acres) Received title work. Survey cleared by Engineering.
- **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. This is in preliminary review by SADC. Still waiting for Engineering sign off with compliance.
- **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. Requesting title be transferred from Investment Title. SADC wants to close by June 30<sup>th</sup>.
- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Requesting title be transferred from Investment Title. SADC wants to close by June 30<sup>th</sup>.
- **Dykstra** – Mansfield Twp. (Approx. 209 ac.) CMV \$3,900. In SADC preliminary review.
- **Khan (7 Old Orchard Road)** – Hardwick Twp. (Approx. 75 ac.) CMV \$3,400. Hardwick Township to cost-share at \$600/acre.

**Total Applications: 4      Total Acres: 427**

*Municipal Applications*

- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700. On hold pending resolution of erosion issue with SADC.

**Total Applications: 1      Total Acres: 140**

*SADC applications*

- **Gardner** – Franklin Township (Approx. 91.5 acres)
- **Shen** – Mansfield Township (Approx. 222 acres) Coordinating with SADC, County Engineering, and County Counsel to facilitate drainage easements requested by Engineering.

**Total Applications: 2      Total Acres: 313.5**

Recent Closings:

**Haydu** – Harmony Twp. (Approx. 46 ac.) CMV \$4,900. Closed in April!

Pohatcong Contamination Area Projects:

*Seeking Highlands Council Open Space Funding cost-share*

- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Changed title agency. BoCC approved 100% County funding. Waiting for survey updates, then ready to close.
- **Pereira** – Franklin Township (Approx. 30 ac.) Changed title agency. BOCC approved 100% County funding. Waiting for survey updates, then ready to close.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Waiting for update to title to move forward to close. BCC approved 100% County funding.

- **Noel** – Franklin Township (Approx. 44 ac.) Changed title agency. BOCC approved 100% County funding. Waiting for survey updates, then ready to close.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) CADB recommended 100% County funding. Accepted offer letter. Contract sent out. BOCC approved 100% cost-share.
- **Santini (O'Dowd South)** – Franklin & Greenwich Township – (Approx. 132 ac.) CADB Recommended 100% County funding. Still waiting for applicant to sign application and other documents for updated appraisals to determine development easement value.

**Total Applications: 6**

**Total Acres: 402**

2022 Closings YTD: 3 farms totaling 118.357 acres  
Program Totals: 316 farms totaling 27,396.514 acres

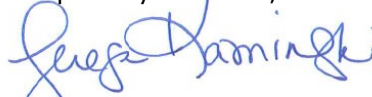
**Public Comment** – none

**SADC Update**

Ms. Miller stated that the Gardner Farm in Franklin Township closed today and that Moyer in Pohatcong Township would be closing soon.

**Adjournment:** A motion for adjournment was made by Mr. Bodine and seconded by Mr. Mathez. Motion carries. Chairman Schnetzer adjourned the meeting at 9:32 pm.

Respectfully submitted,



Teresa Kaminski