

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes December 20, 2012

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 7:32 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Lou Baduini, Frank Gibbs, Joe Gourniak, Sam Race, Joel Schnetzer,
Mike Toretta, Wendy Willever

Members absent: None

Others present: C. Tierney, T. Kaminski, Staff; Katrina Campbell, Special County Council; Fred Grotenhuis, Harmony Twp., Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the regular session meeting held on November 15, 2012 were approved on a motion by Mr. Race and seconded by Mr. Baduini.

Roll Call: Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Mr. Toretta – abstained; Ms. Willever - yes

Motion carries.

Executive Minutes of the executive session meeting held on November 15, 2012 were approved on a motion by Mr. Race and seconded by Mr. Baduini.

Roll Call: Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Mr. Toretta – abstained; Ms. Willever - yes

Motion carries.

Correspondence: noted

Public Input (Non-agenda Items): None

Old Business

Smith/Rasa Farm – Ms. Campbell stated that she has contacted Brian Smith several times regarding him reviewing the title binder and the endorsed survey that was done in accordance to his specifications. Mr. Smith told Ms. Campbell that he is very busy with the Farm Stand and Solar Energy laws.

Wattles Auction – Mr. Tierney stated that the Freeholders' authorized Norton Conservation Company to remove the contaminated soil from the two sites and that it will be completed by the end of January before the public auction on February 2nd.

New Business:

Grotenhuis Farm – BL 37 Lot 14, Harmony Twp. - Mr. Tierney was contacted by the NRCS regarding a report that there was excavation activity on the preserved farm. There is a NRCS conservation plan, but there are no design specifications for the pond. Mr. Tierney asked Dan Mull for the

conservation plan, but the NRCS is not allowed to give us the plan. It has to come from the landowner. Mr. Grotenhuis stated that the fertile soil remains on the farm and is spread on the field, but that the clay is removed offsite. Mr. Grotenhuis said that he completed a well and wanted to use the pond for irrigation. Mr. Resker contacted him regarding a complaint of removing the soil in 2006. Mr. Grotenhuis explained to Mr. Resker that he was removing the sub-soil clay because it can't be put on topsoil. Mr. Resker advised Mr. Grotenhuis to stop digging and was going to discuss this issue with the CADB at the next meeting, but there wasn't a quorum. According to Mr. Grotenhuis, Mr. Resker came back to the property and told Mr. Grotenhuis that everything was fine. The pond is graded and is being filled now. Mr. Grotenhuis worked with Dave Schaaff, NRCS Soil Conservationist. According to Mr. Grotenhuis, the pond can hold 2,558 million gallons of water, 1.8 million gallons of water per 50 acres is needed with three days reserve, and the surface area is approximately 222 ft. in length x 170 ft. in width and 15 feet in depth. Mr. Grotenhuis had guidance from David Schaff four years ago and that design was in the farmland plan. Mr. Grotenhuis started digging a few years ago and is now starting to fill and finish the pond. Mr. Grotenhuis said that the pond is located in an area of the field that is swampy, but not in wetlands. The Board advised Mr. Grotenhuis to stop removing anymore soil from the property and go to the NRCS and get a plan for the pond as to what the usage is going to be and to provide that copy of the plan to the Board.

DiRisio Farm – Resolution # 12-18

BL 501 L 14 & BL 602 L 6, 67 acres, Mansfield Twp.

Mr. Race made a motion to approve the funding resolution of \$7,000/acre for purchase price of the development easement on the farm. Mr. Gourniak seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Toretta – yes; Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

County ADA Revision Resolution #2012-19

Mr. Baduini made a motion to approve the resolution to amend the County ADA to include Block 2 Lot 6, 6.13 acres in Lopatcong Township. The County ADA is being amended to include this parcel that is in a current non-profit application. Mr. Gibbs seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Toretta – yes; Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Pruden Farm Resolution # 12-20

BL 700 Lots 100, 1300 & 1302, 127 acres, Hope Twp.

Mr. Baduini made a motion to approve the funding resolution of \$4,000/acre for the purchase price of the development easement on this farm. Mr. Race seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Toretta – yes; Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Czar Farm Application – BL 111 L 6, 94 acres, Pohatcong Twp.

This application has met the minimum eligibility criteria and has ranked above the county's score of 43. Mr. Baduini made a motion to approve this application and forward it to the SADC for Green Light Approval. Mr. Toretta seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Toretta – yes; Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Smith/Demers Application – BL 71 L 8, Knowlton Twp., BL 56 L 2, White Twp., 79 acres

This application has met the minimum eligibility criteria and has ranked above the county's score of 43. Mr. Baduini made a motion to approve this application and forward it to the SADC for Green Light Approval. Mr. Toretta seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Toretta – yes; Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

County/TLC-NJ Non-Profit Farmland Preservation Agreement

Mr. Tierney stated that TLC-NJ is seeking 50% cost-share for three non-profit farmland application, K-J Farm, Star D Farm in Harmony Twp., Sunny Hill Farm in Harmony & Lopatcong Twps. and the May Farm in Hope Township. The total estimated cost-share by the County would be \$577,320 for the three farms. This amount is based upon the estimated appraisal value of the farms. TLC-NJ would like the County to provide 100% of the appraisals, 50% of the total bills for the surveys and title. TLC-NJ will seek 50% reimbursement for due diligence costs from the SADC and that amount will be remitted back to the County. TLC-NJ will provide the County with all copies of the documents that are required by the SADC. The County will provide funding to TLC-NJ for closing. They will take title of the non-profit farms, but will immediately assign the deed of easements to the County. Ms. Campbell is to review the agreement and make any necessary revisions.

Mr. Race made a motion to recommend this agreement to the Freeholders that is subject to any revisions deemed by counsel. Mr. Baduini seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Toretta – yes; Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Randall Paul Farm (Hillyerd) – BL 46 L 3, Knowlton Twp.

Mr. Tierney stated that he received a report from the Township that dumping of unknown debris was occurring on this preserved farm. Mr. Tierney inspected the property with the County Health Department's Kevin Covatta. The debris is made mostly of leaves, and there are some sticks and paper bags. The Health Dept. is monitoring the farm and will issue a violation if the pile is not being distributed on the fields. If the pile of debris is not spread soon, in accordance with DEP regulations, it will become waste material which is prohibited under the deed of easement. Knowlton Twp. advised Mr. Tierney that the pile was still present today, Thursday, December 20th. Mr. Tierney will be in contact with the Health Department regarding this issue.

Mr. Tierney advised the Board that Assemblyman John DiMaio offered to have a meeting with the CADB and the SADC in response to the letter regarding the CADB's response to the Solar Energy Laws. The Board decided that it would be best to advertise a special meeting held at the Dept. of Land Preservation. Mr. Tierney will get back to Assemblyman DiMaio's office with the Board's response.

Administrator's Report: Mr. Tierney briefly went over the status of the applications on the report.

New Applications:

- Czar Farm – Pohatcong Twp. (Approx. 94 acres)
- Smith/Demers – Knowlton Twp. (Approx. 79 acres)

Awaiting Green Light Approval:

- Apgar Cider Press – Harmony (Approx. 19.3 acres - Muni PIG)
- Freedom Group, L.P. – Mansfield Twp. (Approx. 41.65 acres)
- Kleindienst – Frelinghuysen Twp. & Stillwater Twp., Sussex County SADC Direct (Approx. 130 acres, 45 acres in Warren) Application at SADC.
- Walburn Farm – White Twp., (Approx. 28 acres – Muni-PIG)
- Al-Ruby Farm – Harmony Twp., (Approx. 27 acres – Muni-PIG)
- Cooke – Hope & Frelinghuysen Twp. (Approx. 59 acre County-PIG): RFP's for quotes.
- McCullough – Washington Twp. (Approx. 44 acre County-PIG): Applicants have received another one year extension on subdivision approval in May; SADC requesting information.
- May – Hope Twp., Non-Profit (Approx. 22.8 acres)
- Star D Farm – Harmony Twp., Non-Profit (Approx. 46.74 acres)
- K-J Farm – Harmony Twp., Non-Profit (Approx. 104.72 acres)
- Sunny Hill Farm – Harmony Twp. & Lopatcong Twp., Non-Profit (Approx. 30.647 acres)

Active Projects:

County Applications

- Bowers – Pohatcong Twp. (Approx. 50 acres): Waiting for certification of FRPP appraisal. Received contract, Survey being conducted, received title.
- Carson – Frelinghuysen Twp. (Approx. 297 acres): CMV shared with landowner; waiting for decision.
- Di Risio – Mansfield Twp. (Approx. 67 acres): Contract sent to landowner.
- Gardner – Franklin Twp. (Approx. 108 acres): CMV shared with landowner; waiting for decision.
- Martin – White Twp. (Approx. 86 acres): Under final legal review; outstanding muni and estate taxes to be resolved before farm can close.
- McConnell – Oxford Twp. (Approx. 52 acres): On SADC January Agenda for CMV.
- Pruden – Hope Twp. (Approx. 162 acres): CMV \$4,000. Landowner accepts offer.
- Schnetzer – Franklin Twp. (Approx. 62 acres): Property is being surveyed; 5-acre exception area on estate portion removed and amended appraisal letters sent to SADC; waiting for final approval.
- Smith/Rasa – Special Counsel is pursuing this.

Municipal Applications

- Bertholf – Knowlton Twp. (Approx. 61 acres): Expected to close soon.
- Domingues – Greenwich Twp. Muni-PIG (Approx. 63 acres): Expected to close soon.
- Erhardt – White Twp. Muni-PIG (Approx. 27 acres): CMV \$7,200.
- Ritter – Knowlton Twp. Muni-PIG (Approx. 9 acres): Appraisals in process.

Public Comment:

Gary Pohorely, SADC informed the Board that the SADC revised the AMP for tourism and that it will go back on the NJ Register and that the SADC will send copies of the revised rule to the CADB and they will have 60 days to comment.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Mr. Toretta. Motion carries. Chairman Schnetzer adjourned the meeting at 8:54 p.m.

Respectfully submitted,



Teresa Kaminski