

## **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

### **Meeting Minutes**

**February 16, 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 7:39 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Joe Gourniak, Sam Race, Joel Schnetzer, Wendy Willever

Members absent: Lou Baduini, Frank Gibbs, Mike Toretta

Others present: C. Tierney, T. Kaminski, Staff; Michael Lavery, Special County Counsel; D. Keiling, substituting Special County Counsel; Albert & Theresa Steckel, Mitchell Jones, Lauren Robbins, John Chisamore, Rudy Walz, Raymond & Gail Raub III, Harmony Township; John Fritts, Harmony Township Zoning Officer; Frank and Ellen Demeter; White Township/Harmony Township; James Smith, White Township; John Anderson, Montana Berson, Knowlton Township, George Rabtzw, Knowlton Township Zoning Officer, Alan Y. Lowcher, William Maxwell, Washington Township.

Chairman Schnetzer led the Pledge of Allegiance.

**Minutes** of the regular session meeting held on January 19, 2012 were approved on a motion by Mr. Race and seconded by Mr. Gourniak. Motion carries.

**Minutes** of the executive session meeting held on January 19, 2012 were approved on a motion by Mr. Race and seconded by Mr. Gourniak. Motion carries.

**Correspondence:** noted

**Public Input (Non-agenda Items):** None

### **Old Business**

**Smith/Rasa Farm** – Mr. Lavery informed the Board that he requested that the SADC use their title company to resolve the problem.

**Wattles Easterly**– Mr. Lavery informed the Board that we are still waiting for Mr. Wattles to sign the corrective deed.

**Wattles Westerly** – Mr. Lavery informed the Board that the moving of the driveway was complete and Mr. Robert Lee, original surveyor, is revising the metes and bound to reflect the change.

### **New Business:**

**Steckle** - Mr. Albert Steckle presented a survey to the Board in regards to his application. His original application consisted of 58.8 acres for Block 38 Lot 6, the survey now shows 61.381 acres, but two small lots were subdivided off the property. The two lots total 7.32 acres, most of it tillable with 1.32 acres of

woodland in a small corner of one lot. The 2010 FA-1 listed 27 acres as woodland, and Mr. Steckle will work with Mr. Tierney on submitting an application.

\*Please note that Mr. Lavery left the meeting room due to conflict with the Mitchell Jones Site Specific Determination issue.

### **Mitchell Jones Site Specific Determination**

Mr. Keiling swore in Mitchell Jones to give testimony on his farm and state why he is seeking a site specific determination. Mr. Jones stated that his farm has seven acres located in Harmony Township, is used for corn and feed and that Harmony Township's ordinance does not allow for his 15 pigs on the seven acres.

Mr. Keiling asked Mr. Fritts, Harmony Township's zoning officer regarding the violations. Mr. Fritts stated that there are several alleged violations and no more than 15 pigs are allowed.

Mr. Jones is seeking to allow pigs to be raised on his farm in Harmony Township and to allow manure to be spread on his whole property. Mr. Jones currently has 10 feeders, 1 bore, and 2 sows. Mr. Jones stated that he cleans the pens to control the odor.

Open to Public comment for Mr. Jones: Ellen Johnson asked Mitchell Jones if any other neighbors complained about his operation. Mr. Jones replied no.

Mr. Fritts said there was a discrepancy/interpretation where the line is between Harmony and White Townships as to where the pigs are located. There are approximately 5.9 acres of the farm in Harmony based on the tax map.

Closed for Public comment.

Mr. Jones stated that he spreads the manure every two weeks, the pigs have been on the farm since 1992 or 1993 and they are not visible from the front of the farm. The two front hayfields are approximately 4 ½ acres. Mr. Jones' pen is 260 feet of rear from Mr. John Chisamore's property.

Open Public for testimony:

Mr. Fritts, Harmony Township zoning officer stated that White Township is 180 feet to rear of lot line. Mr. Fritts stated that Mr. Jones doesn't meet the requirements of 10 acres and 200 feet off the property line. Mr. Fritts, however, wouldn't have an objection until someone builds a house next door.

Mr. Demeter stated that the adjoining farms are preserved and that no houses will be built near the property.

Mr. John Chisamore, neighbor, stated that Mr. Jones spread manure on his property and left some on the road. Mr. Chisamore stated that he has mowed the property for 34 years when Mr. Jones's father owned it and he didn't have a problem with it.

Closed for Public testimony.

Chairman Schnetzer asked if Mr. Jones had a problem with his spreader. Mr. Jones said that the manure ended up on Demeter Road when turning around in the driveway.

Mr. Fritts stated that the current ordinance limiting pigs got drafted based on a large pig farm years ago.

Closing Testimony:

Chairman Schnetzer stated that it is not the Board's job to figure out the property line. Chairman Schnetzer thought that 4 acres was adequate to spread manure from 10 feeders, 2 sow and 1 bore and that Mr. Jones should be allowed to spread manure right up to his property line.

Mr. Race agreed with most of what Chairman Schnetzer said, and that there was more than enough land to spread the manure around.

Mr. Gourniak sees no problem with Mr. Jones spreading the manure for 20 years before having it fly off target one day.

Ms. Willever stated that she would like Mr. Jones to clean up the manure with a shovel if it falls on the road again and that she concurs with the other Board members.

Mr. Keiling read the motion: To approve the Site Specific Determination to allow various pigs not to exceed a maximum number of 10 animal units based on nutrient management, to indicate location of pigs, the pigs to be penned as mapped, to spread manure up to property line, but not onto neighbor's property, to remove manure from road, and slaughter all pigs offsite if they're to be sold to the general public.

This Site Specific Determination will override Harmony's Township Ordinance 78.4.

\*8,000 pounds is the nutrient management for 10 animal units.

Mr. Gourniak made a motion to approve the Site Specific Determination on Mr. Jones's farm which was seconded by Mr. Race.

Roll Call:

Mr. Schnetzer – yes      Mr. Race – yes      Mr. Gourniak – yes      Ms. Willever – yes

Motion passes.

**Certification of a Commercial Farm – John Anderson, Knowlton Township, Block 3 Lot 3, 120 acres**

The Board acknowledged that everything was provided that was requested from Mr. Anderson, the letter from Knowlton Township's tax assessor, Rich Motyka, stating that the block and lot was farmland assessed and proof of ownership. At last month's meeting, the Board agreed that the farm as listed on the FA-1 form and income sheet provided meets the criteria; it is over five acres, forestry management is a permitted agricultural use, and income is \$2,500 or more on the property. Mr. Race made a motion to certify John Anderson, Knowlton Township, Block 3 Lot 3 as a Commercial farm. Mr. Gourniak seconded the motion.

Roll Call:

Mr. Schnetzer – yes      Mr. Race – yes      Mr. Gourniak – yes      Ms. Willever – yes

Motion passes.

**D. Race, LLC Resolution #12-02 – Municipal PIG, Blairstown Township, Block 1803 Lots 3.02 & 3.03 approximately 30.57 acres.** Mr. Gourniak made a motion to approve this resolution to fund the D. Race, LLC farm at a cost of CMV for \$6,700 per acre, total cost to purchase the development easement is \$204,819; SADC \$4,250 per acre, Warren County \$1,225 per acre and Blairstown \$1,225 per acre, total County cost of \$37,448.25. Ms. Willever seconded the motion.

Roll Call:

Mr. Schnetzer – yes      Mr. Race – yes      Mr. Gourniak – yes      Ms. Willever – yes

Motion passes.

\*Note – Mr. Race recused himself from this vote, but by doing so, quorum was lost. On the advice of Special Counsel, Mr. Race does not have to recuse himself under the doctrine of necessity to have a quorum and therefore, he decided to vote.

**McConnell Farm Resolution #12-03** – Mr. Race made a motion to approve this resolution which is the waiver of the minimum rank score to send with the application to the SADC. Mr. Gourniak seconded the motion. This application's ranking came in at 38.23, which is below the county average score of 40 and needs to have a waiver by the CADB for submission to the SADC for Green Light approval.

Roll Call:

Mr. Schnetzer – yes      Mr. Race – yes      Mr. Gourniak – yes      Ms. Willever – yes

Motion passes.

**Martin Amended Resolution # 12-04** – BL 14 Lot 38 & 37, White Township.

Mr. Tierney informed the Board that when Harris Surveying, Inc. completed a title search on the adjacent properties, BL 14, Lot 37 had the applicant as owner. Mr. Martin was unaware of the ownership and asked to have it put into preservation. Block 38 Lot 37 is 3.976 acres and is landlocked and if it were sold off, a driveway easement would have to run across the preserved farm. The cost of this lot is an additional \$11,621.78. Mr. Gourniak made a motion to approve this resolution as stated which was seconded for Ms. Willever.

Roll Call:

Mr. Schnetzer – yes      Mr. Race – yes      Mr. Gourniak – yes      Ms. Willever – yes

Motion passes.

**McCullough Farm** – Washington Township, BL 47 L 9, approximately 44 acres

Mr. Lowcher, applicant's attorney and holder in McCullough Road Land Development, LLC stated that the Rail Road was conveyed to Ralph and Carol Anema, previous owners of the property and therefore the RR is not an issue for driveway access to the property. Mr. Lowcher stated that the 1 acre non-severable exception was for a future residence on the premises and that the 4 acre severable exception was the minimum amount allowable in Washington Township's Valley Residential zone. Mr. Lowcher stated that the 4 acre exception is not tillable, is rocky, and is isolated from the rest of the property. The retaining of the 4 acre severable exception was to get more value out of the land. Mr. William Maxwell currently farms the property with the option to buy. Mr. Gourniak made a motion to move forward with this application for Green Light at the SADC.

Roll Call:

Mr. Schnetzer – no      Mr. Race – yes      Mr. Gourniak – yes      Ms. Willever – yes

Motion passes.

**Pruden Application** – Hope Township, BL 700 Lots 100, 1300 & 1302, approximately 163 gross acres.

Mr. Pruden would like to add two severable exceptions to his application. One severable exception of 5 acres around the house and one severable exception around the grass air strip of 6.16 acres. There are currently 2 one acre non-severable exception areas. This application is currently at the SADC waiting for

Green Light approval. Mr. Gourniak made a motion to accept the additional exceptions on this application. Mr. Race seconded the motion.

Roll Call:

Mr. Schnetzer – yes      Mr. Race – yes      Mr. Gourniak – yes      Ms. Willever – yes

Motion passes.

**Farm Market AMP Discussion** - Mr. Race made a motion to table this discussion until next month with respect to having more Board members in the discussion. Mr. Gourniak seconded the motion and motion passes.

### **Administrator's Report:**

Mr. Tierney briefly went over the important matters on the report.

### **PROJECT STATUS:**

#### New Applications:

- **McConnell** – Oxford Township (Approx. 52 acre County-PIG)
  - On agenda for approval of waiver resolution
- **McCullough** – Washington Township (Approx. 44 acre County-PIG)
  - On agenda for approval
- **Steckle** – Harmony Township (Approx. 53 acre County-PIG)
  - Application under review

#### Awaiting Green Light Approval:

- **Di Risio** – Application submitted; waiting green light approval.
- **Pruden** – Application being revised, at SADC for Green Light approval.
  - On Agenda for approval of revision

#### Active Projects:

##### *County Applications*

- **Bowers** – Appraisals received January 18, 2012 and forwarded to State for CMV.
- **Carson** – CMV issued and the applicant has been notified; awaiting response.
- **Drake** – On SADC's February 23, 2012 meeting for Final Approval.
  - Landowner sent a contract; title and survey work ordered.
- **Gardner** – CMV issued and the applicant has been notified; awaiting response
- **Martin** – Under contract; survey revealed an additional lot which must be added to the application.
  - On tonight's agenda for amended approval
- **Schnetzer** – Communications are ongoing between the applicant and the SADC.
- **Smith/Rasa** – Special Counsel is pursuing this.
- **Wattles #1** - Special Counsel is pursuing this.
- **Wattles #2** - Special Counsel is pursuing this.
- **Wohlers** – On SADC's February 23, 2012 meeting for Final Approval.
  - Landowner sent a contract; title and survey work to be ordered.

##### *Municipal Applications*

- **Bertholf** – Green light granted; waiting for appraisals.
- **CR Race** – Under contract; waiting for survey.
- **Fox River** – Under legal review; site inspection December 19<sup>th</sup>
- **Linz** – Property is under contract and has been granted final approval by SADC; waiting for survey.
- **Race #2 (Douglas)** – CMV issued.

- On tonight's agenda for approval
- On Freeholders February 22<sup>nd</sup> agenda for approval

*Nonprofit Applications*

- **R. Santini** – Survey received and under legal review.

\*No closings this period.

Mr. Gourniak asked if Chairman Schnetzer called Secretary Fisher regarding the response from the Smith/Rasa letter. Chairman Schnetzer held off calling the SAG and requesting a meeting with the SADC to see if the State's title company will resolve the problem.

**Public Comment:** None

**Adjournment:** On a motion by Mr. Race and seconded by Ms. Willever, a motion was made to adjourn the meeting. Motion carries. Chairman Schnetzer adjourned the meeting at 9:40 p.m.

Respectfully submitted, '

  
Teresa Kamjinski