

# WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

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## AGENDA

May 19, 2011

7:30 PM

In compliance with Chapter 231 of the Public Laws of 1975, adequate notice of this meeting has been given by forwarding a notice of the date, time and location of the meeting to the Warren County Clerk, THE DAILY RECORD, THE STAR LEDGER, and by posting a copy thereof on the bulletin board in the hall of the Warren County Courthouse and the Department of Land Preservation. In order to assure full public participation, those individuals with disabilities who wish to attend the meeting should submit any requests for special accommodations one week in advance of the meeting.

### Pledge of Allegiance

**Minutes:** Meeting of April 21, 2011  
Executive Minutes of April 21, 2011

**Public Input:** Non-Agenda Items

### Correspondence:

- NRCS Award Letter to NJCF re: Dumont Road, LLC

### Old Business:

- Smith/Rasa update
- Kenco Land Division of Premises

### New Business:

- Perfect Christmas Tree Farm - Determination Site Specific for AMP on a Commercial Farm
- Ridge & Valley's Wind-Kissed Farm
- Piasecki Farm - 8 Year Program Renewal
- DC Partners, LLC - 8 Year Program Termination
- Agreement with NJFC on Dumont Road

### Administrator's Report

### Public Input

### Adjourn

**Next Meeting:** June 16, 2011 at 7:30 p.m.

**WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

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

**Meeting Minutes  
May 19, 2011**

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 7:35 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, Mike Toretta, Joel Schnetzer, Wendy Willever

Members absent: none

Others present: R. Resker, T. Kaminski, Staff; Michael Lavery, Special County Counsel, Steven Gruenberg, Substitute County Counsel; Joel McGreen, Ridge & Valley Conservancy & Blirstown Township; John & Cynthia Curtis, Lopatcong Township; Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

Mr. Lavery swore in Ms. Wendy Willever to the CADB. Ms. Willever is an At-Large Public Representative. CADB members welcomed Ms. Willever to the Board.

**Minutes** of the regular session meeting held on April 21, 2011 were approved with changes to amend the minutes to limit Warren County's contribution to \$270,000 in the motion to approve the Dumont Road, LLC application for processing on a motion by Mr. Race and seconded by Mr. Toretta. Motion carries.

Roll Call:

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

Motion carries.

**Minutes** of the Executive Session meeting held on April 21, 2011 were approved with changes to amend Mr. Sigler's name from Carl to Ronald by roll call on a motion by Mr. Toretta and seconded by Mr. Gibbs.

Roll Call:

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

Motion carries.

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

Mr. Resker spoke on behalf of the Martins, who want to petition for a higher acre price, but will come back next month because Ms. Martin had eye surgery and couldn't stay.

**Blairstown ADA & Mitchell Farmland Application** - Joel McGreen brought up the Mitchell Farmland Application to the Board. It is outside the ADA. The Board asked Mr. McGreen if there was acreage in the township that could be removed from the ADA so that the ADA lines could be re-arranged to include this farm. Mr. Brill, SADC, told Mr. Resker that this could be the solution for a farm that is outside of the ADA and would like to apply for farmland preservation since the County's ADA is already above the 90% limitation. Mr. McGreen will look into re-adjusting Blairstown's ADA and giving a proposal to the County.

**Correspondence:** Noted

### **Old Business**

**Smith/Rasa Farm** – Mr. Lavery state that they are still waiting for survey. The wetlands delineation was done by Ferraro Engineering and they are getting the coordinates to Maser to plot on the survey.

**Kenco Division of Premises Resolution** – Mr. Lavery explained revision to the resolution and will provide it to the CADB members next meeting.

**Sigler Farm** – Mr. Toretta said there will be a Franklin township meeting Monday night.

**Wattles I & II** – Mr. Lavery said he spoke to Larry Riley on the odd lot. The owner will sign it over to Mr. Wattles and hopefully will be able to transfer it to Warren County next month (Wattles I). The SADC has asked for detailed changes on the Wattles II survey.

### **New Business:**

#### **Perfect Christmas Tree Farm Site Specific –**

Please be noted that Mr. Lavery and Mr. Baduini left the meeting room because of conflict of interest and did not participate as active counsel or as CADB member, respectively, in this discussion.

Mr. Gruenberg swore in John & Cynthia Curtis.

Mrs. Curtis stated that she wanted to have a tailgate farmer's market on her property for the summer that would occur seven days a week. Mrs. Curtis said it would promote agriculture by allowing farmers to sell produce out of their trucks and on a table provided by the Curtis'. Customers would park in the parking lot and she stated the parking lot was designed to DOT specifications and was approved by Lopatcong and the State Highway Department. Mrs. Curtis was hoping the Board would find her tailgate famer's market as a generally accepted agriculture management practice.

Chairman Schnetzer asked if Mrs. Curtis would be providing produce to the public during the market. Mrs. Curtis replied that she would sell landscape material and eggs.

Mr. Gruenberg gave the definition of a farm market: a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm and products that contribute to farm income except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm.

Mrs. Curtis asked if this was true for both protected land and also for commercial farms that are not preserved land? Mr. Gruenberg stated that he believed it was for all commercial farms if you are seeking for protection under the Right to Farm Act and the Farm Market has to meet that definition. Chairman Schnetzer agreed, whether you are preserved or not, it has to do with the agricultural output of the farm and the fact that it is a commercial farm. Mrs. Curtis stated that she would certainly sell much more of her product over the year, not necessarily at that time, but the output of her farm will far exceed

anything that is sold at this farm market. Most of her product is sold at Christmas since they are a Christmas Tree farm. Mr. Gruenberg read a part of the definition again, ... 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, 51% of the market itself, shall be generated from the farm. Mrs. Curtis stated that she is a retail farm market the whole year. Mr. Curtis stated that they sell about 25% of their Christmas sales for the year for a Jewish holiday before Christmas.

Chairman Schnetzer asked how many vendors will they have at the Farm Market? Mrs. Curtis replied with 12-15 vendors on the weekend and 3 or 4 during the week daily, but it will rotate. She stated that she had parking for 75 customers. Mrs. Curtis would like to have the Farm Market everyday because corn and eggs need to go out daily.

Mr. Gruenberg stated that the difficulty in determining the Board's charge is whether it is an AMP, whether this meets the definition of a Farm Market or whether it is an AMP under some other scenario. Mr. Gruenberg gave the definition of a farm market, where the operator of the farm is selling their own product plus perhaps, 49% of their income is other product that they are supplementing it with, but here it is more a type of cooperative expanding the farm market throughout the year to be other vendors (12-15) that are using this site to market their goods.

Mr. Toretta asked if they were going to charge a fee to the vendors. Mrs. Curtis stated a possible nominal fee or trade products.

Mr. Race asked if, on their own, could they become qualified under the guidelines to become a certified farm market? Mr. Gruenberg stated if they meet the qualifications, correct. Mr. Race asked if that could stand by itself, Mr. Gruenberg stated yes. Mr. Race asked, if they wanted to rent space to other people, why is that our concern at all? Why can't we qualify them for the farm market for their own products and then whatever else they do is not our business, but their business. Mr. Gruenberg stated it is a way they can approach it and if someone raises an issue about whether that particular type of use of vendors on site still qualifies as a farmer's market, you can leave that for another day, but you can qualify the parking lot area and the marketing of the products as it meets this definition as a permitted AMP for their own products. As long as it meets the definition and leave for another day, the vendors and tables and parking lot and tailgate could be addressed via this Board as RTF challenge if the township raises a concern. At that time, jurisdiction would be decided on the vendors. Mr. Race stated that if they do this with other people, that is at their own risk and their option, unless you think that option is impaired by township regulations and you are coming here to help you overcome that. Mrs. Curtis stated there is a second situation that has to do with having to get a surety bond for a farmer selling corn out of his truck. The statute itself, has an exclusion for anyone selling produce that they produce themselves or with the help of others. Mrs. Curtis stated that an itinerant vendor is a person that goes from street to street and house to house, but feels that calling a Warren County farmer an itinerant vendor is out of line. Lopatcong Township has not explained why the surety bond is wanted, and the issue gets passed around from person to person, there is a conflict, and Mrs. Curtis cannot get an answer.

Mr. Gruenberg stated that if the Board felt that they had enough information based on what has been testified this evening that the Board can make an indication that there is a certified farm market so long as it continues to comply with the definition and leave for another day any dispute between the township and concerns regarding the health and general welfare which might be raised in terms of traffic or facilities, that type of farm market use would be appropriate given the testimony. If you still have major concerns regarding health and general welfare regarding traffic or parking, this Board can refer back to the township so that the applicant can present some type of concept plan to the Board to get the input of the township.

The township was not notified of the meeting because it was not a RTF issue.

A motion was made by Mr. Race to determine Perfect Christmas Tree Farm as a Certified Farmer's Market and as an accepted AMP as long as it meets the definition of a farm market contained within the statute and does not violate the health and general welfare of the Township of Lopatcong. Mr. Toretta seconded the motion. Mr. Gruenberg will put in the resolution that the Board took no action in respect to the issue of tail gate marketing and vendors.

Roll Call:

|                     |                    |                           |                    |
|---------------------|--------------------|---------------------------|--------------------|
| Mr. Schnetzer – yes | Mr. Race – yes     | Mr. Baduini – not present |                    |
| Mr. Gibbs – yes     | Mr. Gourniak – yes | Mr. Toretta – yes         | Ms. Willever – yes |

Motion passes.

Mr. Gruenberg to draft the Certified Farmer's Market resolution for the Perfect Christmas Tree Farm and have it for the next meeting.

Mr. Lavery returned as counsel representative and Mr. Baduini returned to his position on the Board.

**Wind-Kissed Farm** – Mr. McGreen presented this farm property to the Board and asked for 50% cost-share from the Board with an estimate of \$5,000 - \$6,000 per acre. Ridge & Valley would do all the work up until the closing. The SADC has agreed to give a grant for 50% cost-share. The Board asked Mr. McGreen to see if Frelinghuysen would participate in the cost-share and then come back and present it to the Board. Mr. Race made a motion for Mr. McGreen to seek cost share from Frelinghuysen before committing to cost-share from the County. Mr. Baduini seconded the motion.

Roll Call:

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

Motion carries.

**Piasecki 8-Year Farm Program Renewal** – Mr. Race made a motion to approve this farm for another renewal. Mr. Baduini seconded the motion.

Roll Call:

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

Motion carries.

**DC Partners, LP (Crouse) 8-Year Farm Program Termination** – Mr. Race made a motion to approve this farm for termination from the program. Mr. Toretta seconded the motion.

Roll Call:

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

Motion carries.

**Dumont Road, LLC Agreement** – Mr. Baduini pointed out that Greenwich Township was missing from the agreement.

Mr. Toretta made a motion to move to amend the Dumont Road, LLC Resolution #11-04 to delete the roll call on the Resolution last month and replace with this meeting's roll call and motions. Mr. Gourniak seconded the motion.

Chairman Schnetzer commented that Resolution #11-04 and the agreement will be reviewed to reflect one another, and then the agreement will be sent to the Board of Chosen Freeholders.

Roll Call:

|                    |                    |                   |                        |
|--------------------|--------------------|-------------------|------------------------|
| Mr. Schnetzer – no | Mr. Race – yes     | Mr. Baduini – no  |                        |
| Mr. Gibbs – yes    | Mr. Gourniak – yes | Mr. Toretta – yes | Ms. Willever – abstain |

Motion carries.

Mr. Baduini made a motion to amend the Dumont Road, LLC Agreement to show all three participants, the County of Warren, Greenwich Township, and the NJ Conservation Foundation as stated in Resolution #11-04. Mr. Gibbs seconded the motion.

Roll Call:

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

Motion carries.

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

Mr. Resker briefly went over the important matters on the report. Mr. Resker stated that he was not able to attend the SADC meeting in April. No CADB Administrators meeting this period.

Project Status:

Schnetzer – 2004 application still open, communications are ongoing between applicant & SADC.

Getto – Applicant has decided to move forward and proceed with closing.

Special Projects:

Singley – still on hold, waiting for open space parcel resolution.

**Drake Farmland Application Greenlight Approval** - Allamuchy Township, Block 201, Lot 11, approximately 200 acres. Mr. Gourniak made a motion to approve this application for submittal to SADC for Greenlight and was seconded by Mr. Race.

Roll Call:

|                     |                    |                   |                    |
|---------------------|--------------------|-------------------|--------------------|
| Mr. Schnetzer – yes | Mr. Race – yes     | Mr. Baduini – yes |                    |
| Mr. Gibbs – abstain | Mr. Gourniak – yes | Mr. Toretta – yes | Ms. Willever – yes |

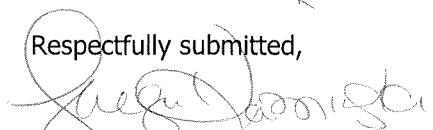
Motion carries.

**Public Comment:**

Mr. Pohorely stated to the Board that state funds were available for cost-share and is encouraging farmland applications to be sent in.

**Adjournment:** On a motion by Mr. Race and seconded by Mr. Gibbs, a motion was made to adjourn the meeting. Motion carries. Chairman Schnetzer adjourned the meeting at 9:06 p.m.

Respectfully submitted,



Teresa Kaminski