

# WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

(908) 453-2650

(908) 453-3150 fax

## REVISED AGENDA

October 20, 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 September 15, 2011  
Executive Meeting of September 15, 2011

**Public Input:** Non-Agenda Items

### Correspondence:

- Blirstown Township Resolution 2011-111 for Wohlers
- Letter of 9/19/11 re Outstanding Young farmer from State
- Letter of 10/5/11 re Wattles from CKC
- Oxford Township Resolution 2011-71 for ADA support
- Blirstown Township Resolution 2011-119 for Race
- Letter of 10/17/11 re Oxford Twp. farms in ADA

### Old Business:

- Smith/Rasa update

### New Business:

- Oxford ADA - Public Hearing
- Kenco Land 8 Year Program Termination
- Race Farm, Blirstown Resolution #11-12
- Kinney Amended Resolution #11-13
- Blirstown/Warren County ADA Resolution #2011-14
- Oxford/Warren County ADA Resolution #2011-15

### Administrator's Report

Public Input

Adjourn

Next Meeting: November 17, 2011 at 7:30 p.m.

## **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

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P.O. Box 179  
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Oxford, NJ 07863

### **Meeting Minutes October 20, 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 7:37 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

Members absent: Wendy Willever

Others present: C. Tierney, T. Kaminski, Staff; Katrina Campbell, Special County Counsel; Joel McGreen, Frank Wohlers, Blairstown Township.

Chairman Schnetzer led the Pledge of Allegiance.

**Minutes** of the regular session meeting held on September 15, 2011 were approved with on a motion by Mr. Race and seconded by Mr. Baduini. Motion carries.

**Executive Minutes** of meeting held on September 15, 2011 were approved on an amended motion by Mr. Baduini and seconded by Mr. Gourniak. The amended motion was to put a period after 2010 and change "that" to "it" in the last sentence of the Executive Minutes.

**Correspondence:** noted

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

**Wohlers Farm, Blairstown Township** – Mr. Wohlers would like to add a 5 acre severable exception to his application. The application currently has a 3 acre non-severable exception around the house and carriage house. The Board suggested that Mr. Wohlers talk to his surveyor about where to put the 5 acre severable exception. After the placement of the severable exception area, Mr. Tierney will contact the appraisers. The appraisers will provide a letter on whether or not the severable exception has caused a change in the property value, if so, then the price per acre would have to be recertified by the SADC. At the last meeting, Mr. McGreen let the Board know that Blairstown Township had agreed to cost-share on the property and pay an additional \$1,000 per acre for the purchase price (\$5,200, CMV is \$4,200). A copy of the Blairstown Township resolution of support was included in the packet to the CADB members.

#### **Old Business**

**Smith/Rasa Farm** – Ms. Campbell informed the Board that she contacted another title company, Central Jersey Title, two weeks ago to see if they could resolve the ongoing issue. Ms. Campbell has not heard back from them. The current title company will not insure Warren County to Warren County. Mr. Brian Smith, SADC said that there is a title company in Burlington County that will do that. The Board suggested that Ms. Campbell contact them.

**Wattles** – The driveway issue still has not been resolved. Ms. Campbell has written a letter to Mr. Wattles' attorney giving 7 days to buy property from Mr. Bibko or Mr. Bibko will be pursued directly for purchase. Ms. Campbell said if that doesn't work, will have to sue the title company. The Board suggested that the driveway be moved over so the County wouldn't have to purchase the easement. Mr. Tierney to look into this matter. The other Wattles property should be closed by the end of this year.

## **New Business:**

### **Oxford ADA Public Hearing**

Mr. Tierney presented the proposed area which includes two separately owned farms containing a cumulative 103.85 acres of relatively contiguous farmland assessed properties. The impetus for modification is landowner interest in preserving Block 25 Lot 10, known as the McConnell Farm. This 52 acre farm is largely tillable (approx. 63%) and contains 31 acres (approx. 59%) designated as having soils of Statewide Importance (AnoC and NetCb). Not only have these properties traditionally been farmland containing soils capable of supporting agriculture, but the McConnell farm has submitted an County application for farmland preservation and the Township of Oxford supports the ADA amendment as reflected in the Township's resolution dated October 5, 2011.

The Board wanted to know why the Kiszoniak property, Block 25, Lot 1, 51 acres was included because it was all wooded. Mr. Tierney explained that the property does not appear eligible for farmland preservation, but is being included so as to avoid creating holes in the otherwise contiguous ADA. Mr. Race stated that Mr. Kiszoniak should have been notified. Mr. Schnetzer had stated that no land owners were notified when we did the original Comprehensive Farmland Plan, nor when we did the Blairstown ADA public hearing last month.

The public hearing notice was published in the Star-ledger on October 10, 2011, it was included in the CADB packet. The legal notice read:

A Public Hearing on the Oxford and the County Agriculture Development Areas will be held at the regularly scheduled Warren County Agriculture Development Board Meeting on Thursday, October 20, 2011 at 7:30 p.m. located at the Department of Land Preservation, 500 Mt. Pisgah Avenue, Oxford, NJ.

Mr. Race made a motion to open up to the Public Hearing for comment and was seconded by Mr. Gibbs.

#### Roll Call:

Mr. Schnetzer – yes	Mr. Race – yes	Mr. Baduini – yes	Mr. Gibbs – yes
Mr. Toretta – yes	Mr. Gourniak – yes		

Chairman Schnetzer asked if anyone would like to make a comment. No one from the public made any comments.

Mr. Toretta made a motion to close the Public Hearing for public comments and Mr. Gourniak seconded the motion. Motion carries.

Mr. Toretta made a motion to approve Oxford Township's Resolution 2011-71, then withdrew his motion after Mr. Tierney and Ms. Campbell explained that there were two CADB resolutions up for approval pertaining to the Blairstown/County ADA and the Oxford/County ADA.

Mr. Race made a motion to approve Resolution #2011-14 to amend the Blairstown ADA and a portion of the County's ADA, which was seconded by Mr. Baduini.

## Roll Call:

Mr. Schnetzer – yes	Mr. Race – yes	Mr. Baduini – yes	Mr. Gibbs – yes
Mr. Toretta – yes	Mr. Gourniak – yes		

Motion carries.

Mr. Gourniak made a motion to approve Resolution #2011-15 to amend the Oxford ADA and a portion of the County's ADA, which was seconded by Mr. Race.

## Roll Call:

Mr. Schnetzer – yes	Mr. Race – yes	Mr. Baduini – no	Mr. Gibbs – yes
Mr. Toretta – yes	Mr. Gourniak – yes		

Motion carries.

**Kenco 8-Year Farm Termination** – Independence Township, Block 29, Lots 61 & 63, 40 acres. Mr. Baduini made a motion to accept termination as long as we don't receive any correspondence otherwise from the landowner by October 21, 2011 (the expiration date). 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		

Motion carries.

**Race Farm #1 Resolution #11-12, Blairstown Township, Block 1803, Lots 3.01, 3.04, 3.06 & 3.07** – Mr. Toretta made a motion to approve this resolution for cost-share of \$1,475 per acre on the Municipal PIG which was seconded by Mr. Gibbs.

## Roll Call:

Mr. Schnetzer – yes	Mr. Race – abstained	Mr. Baduini – yes	Mr. Gibbs – yes
Mr. Toretta – yes	Mr. Gourniak – yes		

Motion carries.

**Kinney amended Resolution #11-13** – The original resolution from March 2011 listed a non-severable exception when in fact, the exception area was severable. This amended resolution is to correct the error and list the exception area as severable. Mr. Toretta made a motion to approve the resolution which was seconded by Mr. Gibbs.

## Roll Call:

Mr. Schnetzer – yes	Mr. Race – yes	Mr. Baduini – yes	Mr. Gibbs – yes
Mr. Toretta – yes	Mr. Gourniak – yes		

Motion carries.

Mr. Tierney stated that the Kinney farm is scheduled to close on Friday, October 28, 2011.

**Raub Case** – Chairman Schnetzer notified the Board that Mr. Keiling called him in regards to the Raub case and that it has been rescheduled before the Administrative Law Judge on April 18 & 19<sup>th</sup>, 2012.

Mr. Toretta stepped down from his position on the Board to represent the Warren County Farmer's Fair and ask the Board members if the WCFF can have the Wattles farm horse stables to use at the fair since

the flooding had caused damage to their existing stables. Mr. Tierney identified three concerns to address before removing the stalls: (1) potential liability to volunteer workers who would be removing the stalls; (2) the stalls are public property subject to the Local Lands and Buildings Law; and (3) the farm is pending preservation before the SADC.

Mr. Toretta stated that the WCFF qualifies as a non-profit and insurance would be covered on the volunteers removing the stables. Mr. Tierney to contact the SADC to ensure no objections.

Mr. Gibbs made a motion to approve WCFF request to remove the horse stables for use at the WCFF which was seconded by Mr. Gourniak.

Roll Call:

Mr. Schnetzer – yes      Mr. Race – yes      Mr. Baduini – yes      Mr. Gibbs – yes  
Mr. Gourniak – yes

Motion carries.

Mr. Toretta returned to his position on the Board.

Ms. Campbell informed the Board of the lawsuit of Gronwald vs. Modica interpreting N.J.S.A. 2A:42A-10 (titled "Farmers immunity for invitees-pickers").

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

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

SADC MEETING: Nothing to report.

CADB ADMINISTRATORS MEETING: None this period. Nothing to report.

PROJECT STATUS:

Awaiting Green Light Approval:

- **Bowers** – Application submitted; waiting for Green Light Approval.
- **Dalrymple** – Landowner is seeking severable exception; application on hold.
- **Di Risio** – Application submitted; waiting for green light approval.
- **Pruden** – Application submitted; SADC requesting more information from landowner.

Active Projects:

County Applications

- **Carson** – Currently being appraised.
- **Drake** – Currently being appraised.
- **Gardner** – Currently being appraised.
- **Kinney** – Closing scheduled for Friday October 28, 2011; Amended Resolution required (on Agenda).
- **Martin** – The Contract of Sale has been fully executed; Currently being surveyed.
- **Schnetzer** – Communications are ongoing between the applicant and the SADC
- **Singley** – This project is still on hold; Special Counsel is pursuing this.
- **Smith/Rasa** – Waiting for clarification on matter by Title Company Attorney; Special Counsel is pursuing this.
- **Wattles #1**- The title issue regarding the driveway is being resolved by Special Counsel.
- **Wattles #2**- Preliminary review by SADC revealed additional survey questions which are being resolved by Special Counsel.

- **Wohlers** – Landowner indicated he is willing to accept CMV plus Township contribution, provided he can take an additional 5 acre severable exception area; Waiting for SADC clarification regarding whether the CMV must now be revised.

Municipal Applications

- **Fox River** – Final approval to be amended; Currently being surveyed.
- **Linz** – Property is under contract and has been granted final approval by SADC; Currently being surveyed.
- **CR Race** – CMV issued; On agenda to be approved.
- **Race #2** (Douglas) – Application sent to SADC for Green light Approval.
- **Ring** – Waiting for final closing review by SADC.
- **Sigler** – Currently waiting for survey to be revised.

Nonprofit Applications

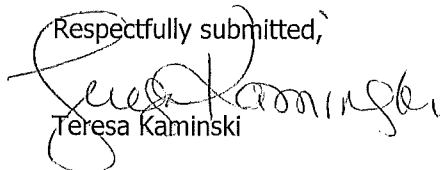
- **R. Santini** – Waiting for SADC final approval.

Project Closings:

- None this period.

**Public Comment:** None

**Adjournment:** On a motion by Mr. Toretta and seconded by Mr. Gibbs, a motion was made to adjourn the meeting. Motion carries. Chairman Schnetzer adjourned the meeting at 9:16 p.m.

Respectfully submitted,  
  
Teresa Kaminski