

# **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

(908) 453-2650

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## **AGENDA**

**August 19, 2010**

**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 July 15, 2010  
Executive Meeting Minutes of July 15, 2010

**Public Input:** Non-Agenda Items

### **Correspondence:**

- July 7, 2010 letter from SADC re: review of Green Energy Projects on Non-Preserved Farms
- July 29, 2010 Memo from R. Resker re: funding
- July 30, 2010 Article re: Raub
- Attention Live Stock Owners Reminder Handout
- August 4, 2010 SADC document on Solar, Wind and Biomass Energy on Farms

### **Old Business:**

- Resolution and Letter for rule proposals on auctioning off a farm
- Discuss Solar, Wind and Biomass Energy on Farms (correspondence enclosed)
- Contradictions to deed of easement report

### **New Business:**

- Right-to-Farm Hearing for Horse Sleigh Farm, LLC, Glen Misar, Washington Township

### **Administrator's Report**

### **Public Input**

### **Adjourn**

**Next Meeting:** September 16, 2010 at 7:30 p.m.

## **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

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### **Meeting Minutes**

**August 19, 2010**

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. Chairman Schnetzer led the Pledge of Allegiance.

Members present: George Baldwin, Lou Baduini, Joe Gourniak, Sam Race, Joel Schnetzer, Mike Toretta

Members absent: Frank Gibbs

Others present: R. Resker, T. Kaminski, S. Beall, Staff; Kristina Campbell, Special County Counsel; Richard Keiling, substituting for Michael Lavery, Special County Counsel; Dave Dech, Planning Department; Gary Pohorely, SADC; Glenn Miser, Horse Sleigh Farm, LLC, Washington Twp., Tom Bocko, Zoning Officer, Washington Twp.

**Minutes** of the regular session meeting held on July 15, 2010 were approved on a motion by Mr. Baldwin and seconded by Mr. Race. Mr. Baduini abstained. Motion carries.

**Executive Minutes** of the meeting held on July 15, 2010 were approved on a motion by Mr. Race and seconded by Mr. Baldwin, and Mr. Baduini abstained. Motion carries.

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

**Correspondence:** Noted

### **Old Business**

***Rule proposals on auctioning off a farm*** – Ms. Campbell noted that Pequest Farm does not apply to these rules. Ms. Campbell went over the rules with the Board. SADC wants to change statute regarding these rules but they haven't been put into place yet. On a motion by Mr. Baldwin and seconded by Mr. Race the motion carries to move the discussion on this matter until the September Meeting.

***Solar, Wind & Biomass Energy on Farms*** – Mr. Resker and the Board discussed the subject and Mr. Resker said that the CADB has no input regarding this and that the application goes directly to the SADC. The application is for preserved farms only that want to put up solar panels on existing buildings. Mr. Pohorely, SADC confirmed this information and added that at this time, the farms can only generate power for themselves until regulations are in place.

***Contraindications on the interpretation of the Deed of Easements*** – Ms. Campbell again made reference to Mr. Lavery's letter sent to the SADC regarding the CADB's position on the subject.

## **New Business**

Please be noted that Chairman Schnetzer removed himself from his position on the Board and sat in the audience. Vice-Chairman Race took over the meeting.

### ***Right-to-Farm Hearing***

#### ***Horse Sleigh Farm, LLC, Washington Twp. –***

Horse Sleigh Farm, LLC, Mr. Glenn Misar, owner was sworn in by Mr. Keiling before giving testimony. Mr. Misar stated that he was denied a zoning permit for his plan to put up a building and parking lot on his property and wanted to see if the CADB would override the decision. He stated he would use the area on his property for giving hayrides, and selling pumpkins and apples. He stated that his site plan is in conformance with the municipal codes. He stated financial hardship regarding going before the Land Use Board with having to send out over 100 certified mail to surrounding property owners and the cost of the escrow and the long process of it all would likely go into or past the fall season and he would not be able to have his building up in time for the season.

Mr. Bocko, Washington Township's zoning officer, stated that Mr. Misar's plan to use the property is within the municipal use and everything presented complies with the ordinances but he feels he needs to go with a site plan to see where the cars will enter and exit and turn around on the property. So Mr. Misar would have to go before the Land Use Board to get a parking lot permit, Mr. Bocko does not issue that. Mr. Misar said that he did go to the municipal engineer and did get a driveway approval. Mr. Bocko said that he was willing to write a letter in support of Mr. Misar to give to the Land Use Board. Mr. Bocko said the Mr. Misar had the right to appeal his decision by going to the Land Use Board and state that he is not interpreting the site plan exemption properly.

On a motion by Mr. Baduini and seconded by Mr. Baldwin, the motion carries to have Mr. Misar go back to the Land Use Board with his site plan for review and if he has difficulty to come back to the CADB.

Mr. Race added that the motion should say is in conformance with the right-to-farm, but he still must meet municipal standards.

On a motion by Mr. Race and seconded by Mr. Baldwin,

The motion is now as read by Mr. Keiling:

"Board recommends that the applicant go back to the municipal authority seeking minor site plan approval with the notation from this Board that under the Right-to-Farm act specifically Subsection C that the operation of a farm market subject to compliance with municipal standard is accepted use which CADB would encourage." Motion has been restated and motion carries.

Chairman Schnetzer returned to his position on the Board.

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

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

***Wohlers*** - On a motion by Mr. Gourniak and seconded by Mr. Baldwin, the Board approves the motion to authorize this application to be sent to the SADC for further processing.

On a motion by Mr. Baldwin and seconded by Mr. Race, the Board approves the motion to go into executive session at 8:52 p.m.

Please be noted that Ms. Campbell left the Executive Session before discussion of the Raub and Jansen matters.

On a motion by Mr. Gourniak and seconded by Mr. Baldwin, the Board approves the motion to come out of executive session. Mr. Resker stated that the Board came out of Executive Session at 9:50 p.m. where the Raub and Jansen litigation matters and Millburn appraisals were discussed and no official action was taken. (Mr. Keiling left the meeting before the Millburn discussion.)

On a motion by Mr. Baduini to not go forward with the Millburn property appraisals, Greenwich Township, is seconded by Mr. Baldwin and roll call is taken:

Mr. Baldwin – yes  
Mr. Toretta – no

Mr. Race – no  
Mr. Baduini – yes

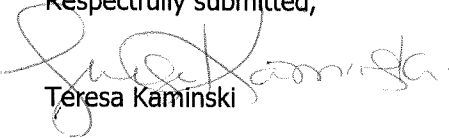
Mr. Schnetzer – yes  
Mr. Gourniak – no

The Board's decision was stalled with equal members voting for and against. No action was taken.

**Public Input:** None

**Adjournment:** On a motion by Mr. Toretta and seconded by Mr. Baldwin, a motion was made to adjourn the meeting. Motion carries. Chairman Schnetzer adjourned the meeting 9:55 p.m.

Respectfully submitted,



Teresa Kaminski