

## WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

### Meeting Minutes

July 21, 2022

The regular monthly meeting was held at the Department of Land Preservation offices. The meeting was called to order by Chairman Schnetzer at 7:40 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Bradley Burke, Matthew Hood, Rene Mathez, Joel Schnetzer, Melissa Watters

Members absent: Tim Bodine, Jason Menegus

Others present: C. Tierney, T. Kaminski, Staff; Aaron Culton, County Counsel; Alex Ferri, Mike Ferri, Washington Township; Linda Stettler, Gene Farber, Belvidere; Timothy Willmott, Dave Zaback, SADC.

**Minutes** of the meeting held on June 16, 2022 were approved on a motion by Mrs. Watters and seconded by Mr. Burke with addition of "at least" added to 1<sup>st</sup> paragraph on second page before the word 75. Mr. Mathez abstained. Motion carries.

**Correspondence:** Noted, no comment.

**Public Input (Non-agenda Items):** no comments

**Old Business:**

#### Deed of Easement Compliance

➤ **Plainview Growers Update, Allamuchy Township**

Mr. Tierney stated Plainview Growers had fulfilled all of the SSAMP conditions except for two items, the merger deed for the one lot that was left out of acquisition when the property was subdivided under the Division of Premises and is under different ownership and the outstanding deed of easement violations. Plainview Grower's attorney is in touch with the SADC regarding these matters.

➤ **Kero Update (Brugler #1), Knowlton Township**

Mr. Tierney stated that the DEP responded to the Mr. Kero's remediation plan and the DEP responded with a corrective action work plan to Mr. Kero. His professionals will need to conduct additional investigation and provide a more detailed report which is still ongoing, but they have a limited period of time to provide that information to DEP. Mr. Kero pointed to the third party that brought in the soil/fill material to the property, but DEP's response was that it was the landowner's responsibility. DEP is pursuing a separate investigation into the party that delivered the soil/fill material to the farm and does not absolve Mr. Kero of his responsibility. The soil on the property has not yet been tested, but there was limited visual inspection and the DEP's response was that more investigation and testing on the property is needed. No determination has been made by the DEP if the soil/fill material will be removed from the property.

**New Business:**

#### Resolutions

➤ **McEvoy #1 Cost-Share Funding#22-08, BL 13 Lots 11 & 17.01, BL 18 L 58, White Township, 84.33 acres**

This application is a County PIG with cost-share from the SADC. The CMV value is \$4,800/acre, the total cost to purchase the development easement is \$404,784.00 and WC's cost share is \$1,520/acre and SADC is \$3,280/acre. There are three exceptions: 1) one 4.75 acre severable exception on BL 13 L 17.01 around existing single family residence, garage and outbuildings and future flexibility restricted to one single family residential unit; and 2) one 7 acre non-severable on BL 13 L 11 around existing single family residence, three existing recreational cabins and for future flexibility restricted to one single family residential unit; and 3) one 2.5 acre non-severable on BL 18 L 58 around exiting single family residence and outbuildings, for future flexibility restricted to one single family residential unit. There are no existing structures or ag labor building on the premises; no RDSO's; possible access easement from BL 18 L 58 to adjoining BL 18 L 59 and no proposed

trails. Mr. Mathez made a motion to approve the cost-share funding resolution as presented and to recommend to the Commissioners for approval which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes. Motion carries.

### **SSAMP RTF Hearing (carried from 6.16.22 meeting)**

#### ➤ **SueEd Farms, LLC (Alex & Ashley Ferri), BL 48 L 69, Washington Township**

Attorney Culton stated that the applicant adequately noticed their SSAMP RTF Hearing. Attorney Culton swore in Alex Ferri and asked him to state his full name. Mr. Ferri testified that he would like to put up a 110' L x 40' W x 29' H tarp building with gravel floor and the Township had referred him to the CADB because there is no primary residence on the property and the Zoning Ordinance 123-15 (b) does not allow accessory buildings on the property without a primary building. Mr. Ferri is seeking relief from Washington Township Ordinance 123-15 (b). Mr. Ferri stated that he would keep the building within the Township setbacks and near an existing driveway and that the purpose of the building is to store his agricultural equipment and sod that is used on the property for ag production. Mr. Ferri stated that this farm is currently under farmland preservation application, that there is a two acre non-severable exception area for future single family residence and that this proposed ag building will not be in the exception area, but located on the premises to be preserved.

Mr. Tierney noted that since there are issues with run-off from surrounding properties including a nearby large solar panel facility, issues with run-off onto an adjacent farm, and a large drainage ditch on applicant's farm, that the applicant, Mr. Ferri, should contact the NRCS for a conservation plan. Mr. Mathez made a motion to approve the SueEd Farms, LLC, BL 48 L 69, Washington Township SSAMP RTF request to grant relief from the Washington Township Zoning Ordinance 123-15 (b) for the proposed construction of the 110' L x 40' W x 29' H tarp building with gravel floor for the purpose of storing agriculture equipment and that the proposed construction adhere to the Township's setback of 100 feet and also with the condition that the applicant obtain a conservation plan from the NRCS. Mrs. Watters seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes. Motion carries.

### **Certification of Commercial Farm**

#### ➤ **Gene's Farm, BL 48 L 8, Belvidere**

Mr. Farber provided his 2021 Schedule F showing income of \$2,500 from agricultural production and his FA-1 forms from all the properties that he farms in Knowlton and White Townships. The property in which he has applied for Certification is not 5 acres or more and does not allow agriculture use and is zoned for Light Manufacturing. Mr. Farber stated that he was applying for Certification because he has to park his equipment on the subject parcel which is his residence to work/repair the equipment and that equipment has been stolen on the parcels that he farms when left there. He has lived on the parcel all his life and has always had ag equipment there. He stated that Mr. Steinhardt, esq., had stated that he was grandfathered in for ag use on that property. The Board and Mr. Tierney advised Mr. Farber to seek counsel for the violations from the Town and its concerns/issues on the property. Mr. Culton stated that this parcel, BL 48 L 8, Belvidere, does not qualify for the Certification requirements because there was no agriculture activity taking place on this parcel, was less than 5 acres, ag not a permitted use in zoning, and that it was not contiguous with any other parcel that Mr. Farber operates. Mr. Burke made a motion to deny Gene' Farm, BL 48 L 8, Town of Belvidere based on the parcel not meeting the RTF legislation minimum requirement for qualifications, less than 5 acres, ag not permitted use in zoning which was seconded by Mr. Hood.

Roll Call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes. Motion carries.

#### ➤ **Hill Top Farm (Brink), BL 601 L 62, Blairstown Township**

This has been carried until next month

#### ➤ **Montalvena Farms, BL 5200 Lot 600, Hope Township**

This has been carried until next month

**Administrator's Report:** Mr. Tierney stated that we closed a number of farms last month and are going to be closing more soon.

### New Applications:

#### *County Applications*

- **Brunkhorst Land Donation** - Mansfield (Approx. 49.83 acres)

**Total Applications: 1      Total Acres: 49.83**

*Non-profit applications*

- **Delaware Road** – Hope (Approx. 125 acres)

**Total Applications: 1      Total Acres: 125**

Awaiting Green Light Approval:

- **Waters** – Harmony Township (Approx. 78.28 acres)

**Total Applications: 1      Total Acres: 78.28**

Received Green Light Approval:*County Applications*

**Total Applications: 0      Total Acres: 0**

*Non-profit applications*

- **Shotwell Family Partnership, LP** – Blirstown Township (Approx. 154.5 acres)
- **Silver Pine Farm, LLC** – Frelinghuysen Township (Approx. 33.23 acres)
- **Watercress** – Frelinghuysen Township (Approx. 117 acres)

**Total Applications: 3      Total Acres: 304.73**

Received CMV & Offer Made:*County Applications*

- **McEvoy #1** – White Township (Approx. 102 acres) CMV \$4,800. Offer accepted, on meeting tonight for cost-share.

**Total Applications: 1      Total Acres: 102**

*Municipal Applications*

- **Hoh** – Knowlton (Approx. 31 acres) CMV \$4,800.
- **Rick Smith Farm** – White (Approx. 25 acres) CMV \$4,800.

**Total Applications: 2      Total Acres: 56**

*Non-profit applications*

- **Mt. View Farms** – Franklin Township (Approx. 55.30 acres) \$4,250 CMV.
- **Santini Home Farm** – Franklin Township (Approx. 39.905 acres) \$4,750 CMV.

**Total Applications: 2      Total Acres: 95.205**

Under Contract (Title Search & Survey):*County Applications*

- **Anema, Ralph** – Washington Township (Approx. 123 acres) Survey at Engineering for review. Requested subdivision resolution from Township.
- **Ferri** – Washington Township (Approx. 65 acres) \$4,200 CMV. Under contract. SADC final approval in June conditional upon exception area moving to border with adjacent lot line. Received title and survey underway.
- **McEvoy #2** – White Township (Approx. 20 acres) \$5,200 CMV. Received SADC final approval on 12/2. SADC staff requested another confirmation from landowner regarding exception area being located in wetlands buffer area. Put out RFP's on survey and ordered title. Issue with exception area location will be addressed by SADC again.

**Total Applications: 3      Total Acres: 208**

*Municipal Applications*

**Total Applications: 0      Total Acres: 0**

*Non-Profit Applications*

- **Giordano** – Frelinghuysen Township (Approx. 33.98 acres) CMV \$4,000. Received contract. Issue with driveway and improvement permits for survey review.
- **Kimball** – White Twp. (Approx. 45 ac.) CMV \$4,200. TLC-NJ has signed contract, draft survey and title. Sent draft survey and title to Engineering for their review. This is in preliminary review by SADC. Still waiting for Engineering to sign off with compliance.
- **Promised Land (M. Santini)** – Franklin Twp. (Approx. 58 ac.) CMV \$4,650. Received title and survey.
- **Stecker** – Harmony Township (Approx. 18.988 acres) \$5,175 CMV

**Total Applications: 4      Total Acres: 155.968**

Waiting to Close (Final Legal Review):

*County Applications*

- **Beatty South** – Greenwich Twp. (Approx. 57 ac.) CMV \$9,500. Requesting title be transferred from Investment Title. SADC wants to close by June 30<sup>th</sup>.
- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Requesting title be transferred from Investment Title. SADC wants to close by June 30<sup>th</sup>.

**Total Applications: 2      Total Acres: 143**

*Municipal Applications*

- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700. On hold pending resolution of erosion issue with SADC.
- **Gugel** – Hope Township (Approx. 48.5 acres) CMV \$4,000. Engineering cleared survey for closing.
- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700. Landowner confirmed location of exception area to 3.3 acres. Received contract. Surveyor working on reaching Engineering compliance on survey. Engineering Department comments sent out to surveyor again.

**Total Applications: 3      Total Acres: 288.5**

*SADC applications*

**Total Applications: 0      Total Acres: 0**

Recent Closings:

- **Shen** – Mansfield Township (Approx. 153 acres) Closed on 6.22.22!
- **Dykstra** – Mansfield Twp. (Approx. 286 ac.) Closed on 6.23.22!
- **Campgaw Farm** – Hope/Blairstown Townships (Approx. 125 acres) Closed on 6.24.22!
- **Khan (7 Old Orchard Road)** – Hardwick Twp. (Approx. 70 ac.) Closed on 6.27.22!

Pohatcong Contamination Area Projects:

*Seeking Highlands Council Open Space Funding cost-share*

- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) BOCC approved 100% County funding. Survey updates, waiting for County Counsel to review them for closing.
- **Pereira** – Franklin Township (Approx. 30 ac.) BOCC approved 100% County funding. Received survey updates, waiting for County Counsel to review them for closing.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Transferred title to Title Lines. BCC approved 100% County funding.
- **Noel** – Franklin Township (Approx. 44 ac.) BOCC approved 100% County funding. Received survey updates, waiting for County Counsel to review them for closing,
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) BOCC approved 100% cost-share. Requested changes to contract. County Counsel reviewing.
- **Santini (O'Dowd South)** – Franklin & Greenwich Township – (Approx. 132 ac.) CADB Recommended 100% County funding. Updated appraisals underway.

**Total Applications: 6      Total Acres: 402**

2022 Closings YTD: 9 farms totaling 975.616 acres  
Program Totals: 322 farms totaling 28,253.3104 acres

**Public Comment** – none

**SADC Update**

Timothy Willmott, SADC, stated that the next SADC meeting is in person on Thursday, July 28<sup>th</sup> via livestream. Mr. Willmott stated that the Soil Protection Standards will not be discussed.

**Executive Session**

Mr. Mathez made a motion to enter into Executive Session which was seconded by Mrs. Watters and the Board entered into Executive Session at 8:27 pm. Mr. Mathez made a motion to come out of Executive Session which was seconded by Mr. Burke and the Board came out of Executive Session at 8:51 pm where the Board discussed the Kowalick Estate in Independence Township.

**Adjournment:** A motion for adjournment was made by Mrs. Watters and seconded by Mr. Hood. Motion carries. Chairman Schnetzer adjourned the meeting at 8:51 pm.

Respectfully submitted,



Teresa Kaminski