

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

August 18, 2022

The regular monthly meeting was held at the Department of Land Preservation offices. The meeting was called to order by Chairman Schnetzer at 7:30 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Tim Bodine, Bradley Burke, Rene Mathez, Jason Menegus, Joel Schnetzer

Members absent: Matthew Hood, Melissa Watters

Others present: C. Tierney, T. Kaminski, Staff; Aaron Culton, esq. Substitute County Counsel; Ed Purcell, esq., Alex Montalvo, Hope Township; Jack Brink, Blairstown Township; Timothy Willmott, Dave Zaback, SADC; Commissioner Lori Ciesla.

Minutes of the meeting held on July 21, 2022 were approved on a motion by Mr. Mathez and seconded by Mr. Burke. Motion carries.

Executive Minutes of the meeting held on July 21, 2022 were approved on a motion by Mr. Burke and seconded by Mr. Mathez. 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 for Block 105 Lot 12 in Allamuchy. The SADC will not require the Block 105 Lots 8 and 12 to be merged since the new greenhouse structure on Lot 12 will now be a separate, stand-alone structure. The SADC has no objection and no deed of easement compliance concerns with regard to the new structure on Lot 12. It was noted that construction has begun on the new greenhouse. The County and SADC, however, communicated to Plainview Growers that there are still outstanding deed of easement violations on Lot 8 which must be addressed.

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

Mr. Tierney stated that there was no update.

New Business:

Resolutions

➤ **Gene's Farm Denial of Certification of Commercial Farm Resolution #22-09, Belvidere**

Mr. Mathez made a motion to accept the resolution as presented which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Burke – yes; Mr. Bodine and Mr. Menegus abstained. Motion carries.

➤ **Sue-Ed Farms, LLC, Washington Township SSAMP Resolution #22-10**

Mr. Burke made a motion to add a condition to the resolution specifying that the structure shall be used only for agricultural storage purposes and to accept the resolution as otherwise presented. Seconded by Mr. Mathez.

Roll Call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Burke – yes. Mr. Bodine and Mr. Menegus abstained. Motion carries.

➤ **Hoh Cost-Share Funding #22-11 BL 8 Lot 6.01, Knowlton Township 31 acres**

The total cost to preserve this MUNI PIG farm is estimated at \$136,320 or \$4,800/acre per CMV. The cost-share is as follows: SADC \$93,152.00 (\$3,280/acre) and Warren County \$21,584.00 (\$760/acre), Knowlton Township \$21,584.00

(\$760/acre). There are no existing residential units, no existing ag labor, no buildings, and no preexisting non-ag uses on the premises with a 1.7 acre non-severable exception area for existing single family residence restricted to one single family unit and no proposed trail areas. Mr. Menegus made a motion to accept this resolution for cost-share funding and to make a recommendation to the Commissioners as which was seconded by Mr. Bodine.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Mathez – yes; Mr. Burke – yes; Mr. Menegus – yes. Motion carries.

Certification of Commercial Farm

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

Alex Montalvo and Karen Garces, owners of the Montalvena Farms in Hope Township have applied for a Certification of Commercial Farm on BL 5200 L 600. The applicants have provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from profit or loss Schedule F from 2021 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Chairman Schnetzer stated that the applicant has supplied the sufficient documentation requested and met the criteria for Certification of Commercial Farm. A motion was made by Mr. Bodine to grant certification to Montalvena Farms of Hope Township as a Commercial Farm. Mr. Menegus seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Mathez – yes; Mr. Menegus – yes. Mr. Burke recused. Motion carries.

Mr. Menegus recused himself from the Hill Top Farm Certification.

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

Jack Brink, owner of the Hill Top Farm in Blairstown Township has applied for a Certification of Commercial Farm on BL 601 L 62. Mr. Brink has provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from profit or loss Schedule F from 2021 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Chairman Schnetzer stated that the applicant has supplied the sufficient documentation requested, took verbal testimony from Mr. Brink and found the application meets the criteria for Certification of Commercial Farm. A motion was made by Mr. Bodine to grant certification to Hill top Farm of Blairstown Township as a Commercial Farm. Mr. Burke seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Mathez – yes; Mr. Burke – yes. Mr. Menegus abstained. Motion carries.

Jaindl, White Township

Mr. Menegus had asked that the Board discuss sending two separate letters or resolutions to the Township and the NJDEP. The first letter would be addressed to the Municipality requesting that it require the applicant to submit for Section 19 review under Section 18 of ARDA. The second letter would be addressed to the DEP as public comment from the Board about the proposed amendment to the Upper Delaware River Water Quality Management Plan, emphasizing the potential impacts to agriculture, including ground water contamination, from the proposed warehouse development and associated improvements.

Mr. Burke stated that the Warren County Board of Agriculture at Wednesday night's had decided to send a letter to the DEP regarding that they oppose the changes to the sewer expansion on the project.

Mr. Menegus made a motion which was seconded by Mr. Mathez for two separate letters, the first to be directed to White Township regarding the Section 19 ARDA review and the second to be directed to NJDEP regarding the proposed amendment to the water quality management plan. This motion was seconded by Mr. Mathez.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Mathez – yes; Mr. Menegus – yes. Mr. Burke recused. Motion carries.

Administrator's Report: Mr. Tierney stated that the owners of the Ullman Farm have given verbal acceptance of the offer and he has prepared a purchase agreement to buy the farm in fee simple and then resell at public auction. Mr. Tierney stated that

the O'Dowd South farm owner by Bob Santini requested the highest appraisal amount. Mr. Tierney contacted Greenwich and Franklin for \$300/acre each and waiting for response.

New Applications:

County Applications

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

Total Applications: 1 Total Acres: 49.83

Awaiting Green Light Approval:

Non-profit applications

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

Total Applications: 1 Total Acres: 125

Received Green Light Approval:

County Applications

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

Total Applications: 1 Total Acres: 78.28

Non-profit applications

- **Shotwell Family Partnership, LP** – Blairstown 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. Sent contract out to landowners for signatures.

Total Applications: 1 Total Acres: 102

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) CMV \$4,800. Final approval by TWP. On CADB for cost-share approval tonight.
- **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) Engineering Review letter sent to surveyor. Landowner attorney needs description for subdivision.
- **Ferri** – Washington Township (Approx. 65 acres) \$4,200 CMV. 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. PIssue with exception area location will be addressed by SADC again. Survey to commence soon.

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. Waiting for surveyor to comply with Engineering.
- **Stecker** – Harmony Township (Approx. 18.988 acres) CMV \$5,175. Waiting for Engineering Review Letter.

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. Survey has been deemed complete by SADC; still some issues to wrap up before closing.
- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Waiting for SADC follow-up status on preliminary review.

Total Applications: 2 Total Acres: 143

Municipal Applications

- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700. Landowner has NRCS plan, site visit TBD for follow up.
- **Gugel** – Hope Township (Approx. 48.5 acres) CMV \$4,000. Engineering cleared survey for closing.
- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700. ROW request sent to NJDOT.

Total Applications: 3 Total Acres: 288.5

SADC applications

Total Applications: 0 Total Acres: 0

Recent Closings: none.

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

Murlan Farm, Frelinghuysen

Mr. Tierney had stated that he has been contacted by the contract purchaser of the preserved farm who would like to grow cannabis, among other herbs and plants, and that is asking for a letter of support from the CADB. The SADC has stated that growing cannabis is not allowed on a preserved farm. The contract purchaser and her attorney disagree with the SADC interpretation. Mr. Tierney stated that this doesn't qualify under the Right-to-Farm Act and the Deed of Easement does not have a provision regarding this either. The Board discussed briefly but took no action.

Public Comment – none

SADC Update

Timothy Willmott, SADC, stated that there is no August meeting and the next SADC meeting is in person on Thursday, September 22, 2022 and via livestream. He stated that the staff will be finalizing the Soil Protection Standards and they will go back to the Committee and if they are approved will then go to the registry. The public comments have been reviewed and considered by staff.

Commissioner Ciesla stated that the Board was passionate and was thankful that the Jandl was brought up and appreciate creativity and that the Board is meeting their targets. She asked about getting new signs for farmland preservation for the upcoming County's Bi-Centennial celebration.

Adjournment: A motion for adjournment was made by Mr. Mathez and seconded by Mr. Bodine. Motion carries. Chairman Schnetzer adjourned the meeting at 9:14 pm.

Respectfully submitted,



Teresa Kaminski