

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

**Meeting Minutes
September 15, 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: Tim Bodine, Bradley Burke, Matthew Hood, Jason Menegus, Joel Schnetzer, Melissa Watters

Members absent: Rene Mathez

Others present: C. Tierney, T. Kaminski, Staff; Paul D. Mitchell, esq., Larry Cohen, esq., County Counsel; Jack Brink, Blirstown Township; some residents of White Township and surrounding area.

Minutes of the meeting held on August 15, 2022 were approved on a motion by Mr. Burke and seconded by Mr. Menegus.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – abstain; Mrs. Watters – abstain; Mr. Menegus – yes. Motion carries.

Correspondence: Noted, no comment.

Public Input (Non-agenda Items):

Chairman Schnetzer opened comment up to the public for non-agenda items:

Jaindl

Elaine Reichert, White Township addressed the Board regarding the Department’s ARDA letter request to White Township on the Jaindl property. Ms. Reichert stated that there is an underwater aquifer on the land and that the businesses would affect the fields which have Karst streams above and underground. Mr. Reichert made calls to the Delaware River Authority and that it needs to be seriously analyzed to assess the detriment to the Township and County. She asked if there was a gray area and would the Board write a letter to White Township in support of farmland?

Chairman Schnetzer replied that there was no gray area. We have done what we are supposed to do by writing letter to White Township Land Use Board under the ARDA regulation.

Mr. Menegus stated that the Township can require an agriculture impact statement.

Chairman Schnetzer stated that the Board has done all that it is required and it now rests solely on White Township Land Use Board.

Ms. Reichert asked if something could be done on the State level. Mr. Tierney stated that a copy of the letter to the Township LUB was sent to the SADC.

Butch Van Setters of Harmony Township stated that there are numerous small streams coming out of the property into the Delaware River. He recorded that and sent to the DEP.

Chairman Schnetzer closed the public comment portion of the meeting.

Old Business:

Deed of Easement Compliance

- **Plainview Growers Update, Allamuchy Township**
Mr. Tierney stated that there was no update.

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

Mr. Tierney stated that there was no update.

New Business:

CPIG application for approval

➤ **Christian, BL 1802 L 4 & 4.05, Blirstown Township, 30 acres**

This County application was submitted to staff on August 25, 2022. There are 30 gross acres, 16 tillable acres of soybeans, 14 acres of acres of woodland, no acres of prime soil or statewide soil. There are no structures on the premises to be preserved, no ag-labor housing and a one non-severable exception of 1 acre for future single family residence. This application is in the North Project Area. This application is 1.15 points below the 70% County Ranking Score which is 44 points. If there were any prime or statewide soil, it would bump up the score. There are many preserved farms within ½ mile of the application. Mr. Menegus made a motion for the Board to approve this application for preservation and to waive the minimum rank score and to send it to the SADC for Green Light Review. Mr. Burke seconded the motion.

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

Resolutions

➤ **Hill Top Farm (Brink), BL 601 L 62, Blirstown Township, Certification of Commercial Farm Res. #22-12**

Mr. Bodine made a motion to approve the resolution as presented which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – abstain; Mrs. Watters – abstain; Mr. Menegus – abstain. Motion carries.

➤ **Montalvena Farms, BL 5200 Lot 600, Hope Township, Certification of Commercial Farm Res. #22-13**

Mr. Menegus made a motion to approve the resolution as presented which was seconded by Mr. Bodine.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – abstain; Mr. Hood – abstain; Mrs. Watters – recused; Mr. Menegus – yes. Motion carries.

Certification of Commercial Farm

➤ **Snyder Farm, BL 96 L 9.01, BL 97 L 46, 15.63 acres, Pohatcong Township**

Kevin and Stephanie Snyder owner of the Snyder Farm in Pohatcong Township has applied for a Certification of Commercial Farm on BL 96 L 9.01. The applicant 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. This application is deemed complete for Certification.

A motion was made by Mr. Menegus to grant certification to the Snyder Farm, BL 96 L 9.01 of Pohatcong Township as a Commercial Farm. Mrs. Watters seconded the motion.

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

Mr. Menegus recused himself from the Hill Top Farm RTF hearing, stepped down from the dais, and seated himself in the audience.

SSAMP Right to Farm Hearing

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

Jack Brink, owner of the Hill Top Farm in Blirstown Township has applied for a Site Specific Agriculture Management Practice to seek relief from Blirstown Land Development Ordinance Article 19-400, Section 19-401 f for the construction of a 70 ft. L x 50 ft. W x 20 ft. H metal pole barn for agriculture use and storage of farm equipment on BL 601 L 62. Mr. Mitchell swore Mr. Brink in and asked him to state and spell his last name. Mr. Brink stated that he has come before the Board for the proposed construction of the ag-building for a non-conforming use and that the zoning officer stated that the proposed placement of the farm doesn't permit the building because he has two residences on the property and the placement is in

front side of his driveway. Mr. Brink stated that Blairstown Township's Zoning Officer referred him to the Board. David Diehl, Zoning Officer noted in the August 31, 2022 letter that there is a pre-existing, non-conforming use per Chapter 19-105 – number of principal uses, building and dwellings per lot, the two dwellings on one lot does not conform, and; noted that the second dwelling is a COAH unit, and; an accessory building (barn) already exists on the property. Mr. Brink stated that he was not seeking relief with regard to the nonconforming use.

The Board and Mr. Tierney asked Mr. Brink questions regarding the proposed building located from the stream, COAH building, setback lines encroaching placement of proposed building. Mr. Brink responded that the edge of the building would be located 200-220 feet from the stream that the COAH is Section 8 and is currently rented out and there will be no setback lines encroached upon. Mr. Tierney asked Mr. Brink if he contacted DEP and Mr. Brink had not done so and did not know if that was a requirement. Mr. Tierney believed that this placement was subject to Flood Act Rules. Mr. Cohen asked Mr. Brink if that proposed building location was the only placement on the property for that it could be located and Mr. Brink stated yes, that there already was another pre-existing barn on the property and that the proposed location is the only place because Yard Creek is located behind his house and winds around his property. Mr. Cohen stated that the applicant should check with the Township Engineer or DEP to find out if he may need a flood plain permit and that this Board does not have jurisdiction to waive any NJ DEP requirements. Mr. Cohen stated that the Township Engineer would be able to tell Mr. Brink if the location of the building on the property would need to contact the NJ DEP.

Chairman Schnetzer opened the hearing up for public comment, but there were no comments and the public comment period was closed.

A motion was made by Mr. Bodine to grant relief to Hill Top Farm, owner Jack Brink, from the Blairstown Land Development Ordinance Article 19-400, Section 19-401 for the construction of a 70 ft. L x 50 ft. W x 20 ft. H metal pole barn for agriculture use and storage of farm equipment on BL 601 L 62. Mr. Hood seconded the motion adding that the motion be subject to review of Township Engineer and, if relevant, to NJ DEP if found that applicant may need a flood plain permit if determined by the Township Engineer.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus recused. Motion carries.

Mr. Menegus returned to his position on the Board.

Administrator's Report: Mr. Tierney gave a brief update of the report.

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

- **526 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

- **Ullman** – Knowlton Township (Approx. 188 acres) Contract sent to Landowner and is under attorney review. (Fee Simple Purchase)

Total Applications: 1 Total Acres: 188

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) Final approval by TWP. On CADB for cost-share approval tonight.
- **Rick Smith Farm** – White (Approx. 25 acres)

Total Applications: 2 Total Acres: 56

Non-profit applications

- **Mt. View Farms** – Franklin Township (Approx. 55.30 acres)
- **Santini Home Farm** – Franklin Township (Approx. 39.905 acres)

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 #1** – White Township (Approx. 102 acres) CMV \$4,800. Fully executed contract.
- **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. Issue with exception area location will be addressed by SADC again. Survey to commence soon.

Total Applications: 4 Total Acres: 310

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

Public Comment

Chairman Schnetzer opened comment up to the public again.

Jaindl

Bill of Belvidere stated that he read that 1.3 million acres of farmland destroyed per year and 3,500 acres/day. Because of the drought and livestock loss in the west, he asked are we going to eat warehouses and solar panels?

Sara Hare of Hope Township thanked the Board and Mr. Tierney for writing the opposition letter to NJ DEP against the proposed amendment to the Upper Delaware River Water Quality Management Plan.

Howard Ott of Belvidere and White Township brought up concerns for a warehouse fire and that the wind travels NorthEast over the stream for potential contamination.

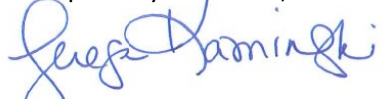
Chairman Schnetzer thanked the public for their interest in the farmland preservation program. He commented that there were tight restraints on appraisals for the valuation of the preservation easement that the Board had to follow and that the program would be completely unsuccessful if the landowner did not want to participate in the preservation program. Chairman Schnetzer stated that he advocated to the Freeholders in the past for 75% of the open space tax for farmland preservation. Chairman Schnetzer also stated that he was no longer a NJ Farm Bureau member because NJFB allowed solar panels on farm. He thanked the public for coming.

Mr. Burke stated that there were low appraisal values for the development easement on the farms in Warren County as compared to neighboring Counties.

Chairman Schnetzer closed the public comment portion of the meeting.

Adjournment: A motion for adjournment was made by Mrs. Watters and seconded by Mr. Bodine. Motion carries. Chairman Schnetzer adjourned the meeting at 9:35 pm.

Respectfully submitted,



Teresa Kaminski