

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes January 19, 2023

The regular monthly meeting was at the Department of Land Preservation offices. The meeting was called to order by Mr. Tierney 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, Matthew Hood, Rene Mathez, Jason Menegus, Joel Schnetzer, Melissa Watters

Members absent:

Others present: C. Tierney, T. Kaminski Staff, Paul D. Mitchell, County Counsel; Kevin & Stephanie Snyder, Andrew Melendez, Zoning Officer, James Stasak, Pohatcong Township; Johnathan Pinkerton, Farm Manager for Hidden Hollow Farm, Washington Township; Timothy Willmott, SADC.

Reorganization

Mr. Tierney called for nomination for Chairman. Mr. Menegus nominated Mr. Schnetzer. Mr. Mathez seconded the motion.

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

Chairman Schnetzer took over the meeting and asked for nominations for Vice-Chairman. Mr. Menegus nominated Mr. Mathez which was seconded by Mr. Burke.

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

Minutes of the meeting held on October 20, 2022 were approved on a motion by Mr. Mathez and seconded by Mrs. Watters. Motion carries.

Approval of 2023 Meeting Schedule

Mr. Menegus made a motion to approve the meeting dates for 2023 which was seconded by Mr. Bodine. Motion carries.

Correspondence: Noted, no comment.

Public Input (Non-agenda Items): no comment from public.

Old Business:

Deed of Easement Compliance

➤ **Plainview Growers Update, Allamuchy Township**

Mr. Tierney stated that there was no update on the two outstanding title concerns on the drainage easement and the small triangular lot.

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

Mr. Tierney stated that this issue is being pursued by the Township and the NJ DEP is involved.

New Business:

SSAMP Right to Farm Hearing

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

Kevin and Stephanie Snyder owners of the Snyder Farm in Pohatcong Township has applied for a Site Specific Agricultural Management Practice for relief from Pohatcong Township's Zoning Ordinance Section: 285-26L, Section 22-8A (1, 3, 8, 10,

11, 13, 14) and Section 222-11 for farm equipment use and storage, agricultural use for production, storage, maintenance, marketing and sales on this property by the Warren County Agriculture Development Board. This farm was previously Certified as a Commercial Farm on September 15, 2022 that was memorialized by Resolution #22-15 on October 20, 2022.

Chairman Schnetzer stated that this SSAMP RTF application is complete.

County Counsel Paul Mitchell swore in Stephanie and Kevin Snyder for testimony on their SSAMP RTF Application. Mrs. Snyder stated that she and her husband operate a small seasonal family farm with some animals and would like to increase production and take more acreage and that they are being harassed by a neighbor who calls the Township Zoning Officer repeatedly. There is a farm stand in their yard for neighbors and they also sell wholesale. The neighbor lodged a complaint against that. The property has been in the farm for over 100 years and her husband took ownership 9 years ago and they have raised corn and pumpkins and would like to reestablish the farm. Mr. Snyder stated that the house was previously unoccupied for 40 years and that the property was jointly owned by family members where they have completely renovated the home and doubled it in size. Mr. Snyder stated that they both have full time jobs and the farm stand is secondary and they have been trying to keep up with the maintenance on the property and adding additional farming things like the pumpkins that they did before they lived there. Mr. Snyder stated that since the day that they started construction on the house, they have had multiple complaints. He stated that he had obtained all the required permits but they were constantly being double checked and triple checked. The most recent violations now are for farm equipment. They received violations for farm equipment, unregistered vehicles, trees being down on farm. Mrs. Snyder stated that it has been unsuccessful with meetings with violations zoning officer. The farm is on 15 acres with corn maze and bean crops and also lease out to steam train. The pumpkins are rotated on the rest of the farm with corn and beans from neighbor farmer. The farm with the house is 16+ acres. Across the road is a separate piece and is an unusable lot (farmland assessed) because of the river and railroad (downed tree located).

The farm stand located on Snyder Road is on farmland assessed property on the house portion. The Snyders presented a map to the Board with locations marked on the property as it will be entered into as Exhibit A-1. Mrs. Snyder confirmed the farmland assessed property on the map. The Farm stand is a cart and tables is put up around Labor Day and comes down in first week of November.

Mrs. Snyder went over the photos that were submitted in the violation. On page one, is a picture of a downed tree next to the corn field and the second picture is the same tree. That unusable lot that is farmland assessed was once used for pasture, but is now mowed with trees on it. The downed tree is part of the tree line and it has been down a while and received a violation for that. It is visible from the road if you stop and look for it. The first three pictures are of that downed tree.

Another picture is of their outside wood furnace and during a storm a branch fell off the maple tree that came down behind the garage. It has been removed. Downed trees were part of the violation.

The next picture is of a bush with a 35 MPH sign and rocks. The rocks are from a rock wall that they needed to take down when they did the house renovation. Mr. Snyder stated that those rocks were there when they officially bought the property, well over 10 years, and has been deteriorating. There is a sight violation with the rocks at the intersection. It is a new sight violation as it has been there for almost a decade. Behind the 35 MPH sign, there is another tree down in the lot across the street where the grass is mowed. The bush at the end of the sidewalk is a sight violation and has since been trimmed. The bush has been there roughly 80 years. They are not sure if the sticker-type bush with red berries has been trimmed to the satisfaction of the zoning code. There used to be two bushes there, one on each side of the sidewalk with 5 steps that come up from the road. Steps are not visible from the angle shown. To the right of that bush, there are steps from the road that go to the house for the side entrance. There is a photo of a tape measure.

There are several pictures of the tree across the street. There is a second tree that just shows the trunk. They have been working on removing that when they can. Mr. Snyder stated that these trees shown are down on his property, but there are other more important ash trees that came down in the fields that were removed so that the field could be plowed and planted. There are multiple trees that they have worked on and they use the firewood and it downed trees occur every year and the trees that come down in the field are prioritized to remove first.

There is a photo of their 80 year old metal scrap pile in which they received a violation. Since they started working on the property, they have removed 6-7 truckloads and reduced the size of the pile.

The next photo is a photo of changed out beds on their farm trucks because of rust and has since been rectified. They received a violation for that, but it is workable farm equipment.

The last picture on the one page is another picture of the same downed tree along the cornfield that is used as the maze. It is the same tree that was in 4 or 5 previous pictures.

Mr. Snyder stated that the bottom line is that most of the stuff is just nuisance stuff that the zoning official has been pulled into because of neighbor complaints/domestic disputes. Everything that they have done has been doubled, tripled and even more checked. There were about 25 calls from the same neighbor to the zoning official when the house was under construction. If there is a contractor at their house, a neighbor calls to see if there is a license on their permit. There were calls to the Division of Youth and Family Services regarding their children's pool. All complaints have been from their same neighbor. There was a DYFS investigation where nothing came of the complaint, but it was still something that they had to deal with and states that there is continual harassment.

The Snyders are located on the right side of Snyder Road and the complaining neighbor's acreage is on the left side, though his house is on River Road. There are 5 residential homes across from that corner. The Snyders stated that those neighbors have not raised any issue with them.

On the tax map, located in red for sight triangle, Mrs. Snyder pointed out the location of the rock pile to the Board and where all of the sight violations are located. The sidewalk is approximately 50-75 feet from the road. The rock pile is away from the corner itself. She stated that where the stop sign sits on that road and where 100 feet from the stop sign would be measured, you cannot stop at that stop sign and have safe passage onto River Road. You have to go 15-20 feet past the stop sign, which is well past anything on their property, to be able to make a right or left turn because of the way the intersection is engineered. It is a poor sight intersection. Mr. Snyder said that when you come to that intersection, their property is on the right, that section of the road is several feet wider to make a right turn than you would to make a left turn, so that the opening to the right is larger and they are being sighted for the bush and the rocks on their side to the right, but if you were in the same position and look to the left, you can't even see down that road without pulling out several feet more because of the road starts out further.

Snyder Road is a County Road and River Road is a Township Road. No County improvements to the road have been discussed, that they know of. Mr. Snyder stated that under that road there is a drainage pipe that the County did put in all along their property starting on Snyder Road where their lot begins. From there above is open, but all along their property down to their intersection and then under the road is a 6 foot drainage pipe. This was an improvement the County made approximately 30 years ago to stop the flooding on the road. No sight issue from the County has ever been made. There is a curb and then steps up and then a small pile of rocks on his property. From the road height to the rock pile position, they stick up a bit, and from the yard height, they are less than 2 feet high.

Regarding the vehicle clarification, the vehicles cited were registered, but there are some older trucks on the property. Not exactly sure to the citing per vehicle. The truck that was swapping the bed wasn't in current use, but was cited. It is licensed, registered and insured, they just haven't been using it.

Mr. Tierney asked if there was a sight triangle easement recorded on the property or are they only referring to the ordinance? Mrs. Snyder replied that it was only referring to the ordinance and to her knowledge no sight triangle easement on the property. She believes that the ordinance was passed well after the house was there.

This portion of the meeting is now opened for questions from the audience members to the Snyders.

Mr. Melendez, Pohatcong Zoning Officer stated he had no questions for the applicants and that it was cut and dry.

Mike Stasak, 376 River Road stated that he has 40 acres across the street from the Snyders and has had problems with the family for a long time. The piece of property right across the street has a spring on the property. Due to a DEP complaint, he had to stop cleaning up the property. Then he received complaints regarding the weeds and many other things and had to go to the Township Council meeting on these things. Mr. Stasak wanted to know if the rocks, bushes and farm stand were on the one acre of the house or on the farm. Mrs. Snyder explained that it was all one block and lot. Mr. Menegus explained that the house and building on the farm area separated from the farm for differential tax rate purposes, but it is still one block and lot and considered part of the farm. Mr. Stasak asked where is the bush, rock pile and farm stand located on the one acre with the house or on the farm. Mrs. Snyder answered that it didn't matter because it is not divided and it is all farmland, therefore, they can sell the goods and what they raise on that farm stand, on that block and lot. Chairman Schnetzer stated that the rock wall, bush and farm stand are on a 15 acre lot farmland assessed lot, there is a home site. Mr. Stasak asked for how many years were down two big trees, one on River Road and one on Snyder Road. Mr. Snyder answered the tree on River Road came down last year and that he was not sure about the year on the other one because he doesn't mark them down, but has trees come down all the time.

Mr. Snyder stated that they have had a problem with Mr. Stasak for years and that people have moved because of him.

Mr. Mitchell swore in Pohatcong Zoning Officer, Andrew Melendez. Mr. Melendez stated that these two neighbors have problems with each other and the Snyders called on Mr. Stasak about some brush on his property and that he went to court on. Mr. Melendez stated that is when he learned that there is a green space on that side of the road and not being able to cut it per DEP. Mr. Stasak moved the brush and it got dismissed in court, then Mr. Stasak lodged a complaint against the Snyders on the corner sight clearance, the downed trees so it was cited and then the Snyders started to OPRA every piece of violation that he sent over then started to throw their commercial farmland assessment and that he has no right. The Township Attorney stated that he comes to the Commercial Board and that they always dismiss the violation. Mr. Melendez is not sure what disconnect his predecessor had with the commercial farm and the Snyders and at this junction, he did not take the attorney's word for it and followed through with whatever was going on. He stated that he did his first inspection and then his second inspection, gave them time and then the final notice, and the Snyders decided to come through this process as opposed to dealing with on a municipal level regarding these issues. The downed trees can be seen from the road, the Township Engineer stated that the rocks may predate the ordinance. The bush is a corner sight clearance. There are trucks that go up and down the quarry and there is concern about others speeding up and down the road and it is a safety thing. He stated that you can see these things from the road and he is not telling the Snyders to get rid of all of their vehicles, understanding that it is a farm, but what is not being used they need to get rid of it. Their property is in a mini residential area, no one else really goes there except the trucks and the violations are there.

Chairman Schnetzer stated that this was not the first time other municipal attorney's or municipalities make a guess on how the Board is going to rule. He explained we do not dismiss every single thing that comes in here. He would challenge anyone to how they deliberate between municipalities, neighbors and farmers on how serious the Board takes these SSAMP RTF Hearing. He stated that they are not a rubber stamp board and never have been and that they always give deference to the municipality and the applicant to work it out and takes issue with the blanket statement from the Town attorney saying that the Board will just dismiss it. That is not accurate of the Board. Mr. Melendez stated that it what he figured, but wanted to follow through with the process.

Mr. Menegus stated that the sight issue is out of the Board's prerogative, but asked should the County or the Town Road Department take care of that for the road with the bush there as it is usually their responsibility when they trim the road to take care of that and to clean up sides of the roads for Right-of-Ways. Mr. Melendez stated that it was a zoning ordinance because it is on the Snyder's property and the bush is more towards the Township road. Mr. Hood stated that the triangle is outside of the Right-of-Way. Mr. Tierney stated it appears that the bush is outside the Right-of-way and the Town enacted an ordinance which would capture that bush in a sight distance triangle, but there is no recorded easement.

Mr. Melendez confirmed to Mr. Bodine that it was just one neighbor who complained. Mr. Melendez replied to Mr. Mathez that he has not been back to the property to reinspect the bush to see if it was smaller. Mr. Melendez also stated to Mr. Mathez that the pile of the rocks is about two feet and it predates the ordinance and is in the corner sight clearance. Mr. Melendez is really concerned about the bush and the downed trees and that it is really a matter of maintenance. Mr. Mathez thought a forested area on the property was worrisome about downed trees as that is what naturally happens with forested areas having down trees. Mr. Melendez stated that he does not think that the ordinance takes forestry into consideration, but that the downed tree was visibly seen right alongside the road and within the residential area.

Mr. Tierney asked if there was an ordinance that would prohibit the area to be left fallow and regrowing into woods. Mr. Melendez replied no, not that he was aware of. Mr. Melendez told Mr. Menegus that he believed the tree was further than the 33 feet right of way from the Town road.

Mr. Melendez stated to Mr. Burke that down trees weren't generally a problem in the area, but when downed trees come down and there are complaints, the ordinances are enforced.

The summary that Mr. Melendez wrote are the summary of the infractions for the violations and what he expects the property owners to do. At this point, those violations are outdated and they adopted a 2018 property maintenance code and it will be a lot more than what is listed.

Mr. Mathez asked if there was a lot of rubbish that wasn't agricultural. Mr. Melendez stated that he was not a farmer, but if it has been there for 80 years, maybe it could be removed if they are not using it. Mr. Melendez confirmed that washers were not there in the pile, but some metal rubbish and felt that it was neatly organized as compared to some other properties that he has seen.

Mrs. Snyder asked if there was a difference in ordinances on farms vs. residential lot or preserved farms vs. residential lots and Mr. Melendez replied that there is no difference and none on property maintenance and that the downed tree were not on a residential lot, but a wooded lot. Pohatcong Township does have a right to farm municipal ordinance that would apply to the farm stand. If the lot were the downed tree was, if they planted saplings, and it was all wooded, would it still be an

issue? Mr. Melendez stated that if a downed tree is in two blocks on a farmland property, he is not going into see, but this downed tree is visible from the road.

Mr. Stasak asked Mr. Melendez if he got cited for his brush pile alongside the road because Mrs. Snyder complained and Mr. Melendez replied yes and he stated that went to court for it and his property is also a farm. Mr. Melendez replied that the area that is designated as green by the DEP does not allow brush pile.

Mr. Melendez replied to Mr. Burke that he does not go around the property looking for downed trees, but does respond when there is a complaint.

Mr. Mitchell swore in Mr. Mike Stasak, 376 River Road, Carpentersville to provide testimony on this matter. Mr. Stasak said the Snyders do not abide by Town ordinances. Mr. Stasak stated that he was maintaining and cleaning up the property across the road and the DEP came in to stop his maintaining of his property and he could not touch it so it all grew up with big trees and brush and then he is cited for the weed growth there, but that got straightened out at a Town Council meeting. He stated that he did put a pile of brush there on his property and his property is farmed, too, but that it was totally disregarded, anything on his property. Mr. Stasak stated that he was made to cut the brush on the River Road property. Mr. Stasak stated that the bush on Snyders' property, you cannot see when at the stop sign on River Road and stated that they did cut some off the bush. Mr. Stasak pointed out to the Board where his property was on the map. Mr. Stasak stated that he tries to keep his property clean, but that the whole thing is back and forth. Mr. Stasak asked the Board to inspect the property. He stated that the junk pile is piled up the one side of the garage. He stated that in the back, there is honeysuckle growing all over everything and tractors, cars, whatever, big piles of wood laying around. He stated that he is not trying to stop them from farming, but to clean up their property. He stated that there were abandoned cars that have been there for 50 years where his father was cited, they get rid of a couple and then some more come in.

Mrs. Snyder asked what was the percentage of his property that was wooded and Mr. Stasak replied probably a third or not quite of his property is wooded. Mrs. Snyder stated that a third of the property is wooded, but found it appropriate to clean up some of that wooded property and bring that brush down and drop it in the DEP zone across the street from their front yard property. Mr. Stasak stated that it was brought from the same lot right along the road.

At this point, there was some verbal discourse between Mr. Stasak and Mrs. Snyder and an objection was noted by the Board and will be stricken from the minutes.

Mr. Mathez asked about the old cars on their property and Mrs. Snyder stated that they had gotten rid of quite a few from her husband's father, but there was still work to be done. Mr. Snyder stated that none of those vehicles on the property were theirs, but his fathers. Mrs. Snyder stated that there were 2 left on driveway and 7 were there when they had taken over the property from Mr. Snyder's father. Mr. Mathez asked if there were appliances on the property. Mrs. Snyder stated that there were no appliances or washers on the property, but Mr. Snyder stated that there was a large scrap iron pile that had grown and gotten smaller over the years located on one place of the property the entire time up against one side of a 20 foot length garage where the pile sticks out 8 feet from the side and it is visible from the road about 75 - 100 yards away. Mr. Burke pointed out the photos containing the vehicles, there is a driveway and red barn, two cars and a pickup truck, a larger truck, and a tractor trailer, and another picture shows a forklift and yellow tractor and wanted to know if they were all functioning. Mrs. Snyder replied that the green Ford pickup truck is functioning and currently working on the dump truck, and are restoring the tractor trailer. There is a red thunderbird and a station wagon are remaining that they are trying to get rid of. Out behind the barn, there are tractors and they removed the cars that were outback. Mr. Snyder stated that there were a couple of tractors around the property that they don't intend to get rid of them as they receive a fee from Photographers so they can take pictures of them. Mrs. Snyder stated that there was a camper on the property and it is registered and licensed.

Mr. Stasak offered to show pictures to the Board that were on his phone. Mr. Tierney stated that it would be difficult to enter as evidence now during the meeting. Afterward if Mr. Stasak wanted to, a digital copy could be to sent and a physical copy could be made afterward if the Board is inclined to accept it. Mr. Bodine asked if they were the exact same pictures that were already provided and Mr. Stasak stated that he had no idea and said that there was an old boat on the property.

Chairman Schnetzer stated that the Board was dealing with the summary of infraction from the zoning violations with two separate violations from Pohatcong Township and that is what the Board will be deliberating on and that is what needs to be focused on. Mr. Mitchell agreed.

Mr. Kevin Snyder stated that the violation before the Board were the only violations that they have been officially given since they have owned the property and did not know of any prior citations in the past that Mr. Stasak referred to regarding the property. The reason they OPRA requested Mr. Melendez is because they wanted to see if anyone else in the Township was getting these kind of violations, more specifically for downed trees and unregistered vehicles to see if they were being singled out or if it was a specific complaint and that the metal pile is getting smaller.

Mr. Menegus stated that Board members should visit the property.

The Board discussed the violations as the downed trees, unregistered vehicles, scrap pile, sight triangle and relief from Township putting lien on property as on the applicant's SSAMP Request Form.

Mr. Melendez stated that there were two separate violations 1) corner sight (bush) clearance violation, and 2) property maintenance that includes the scrap pile, unregistered vehicles and downed trees. There were first and second notices and then final notice issued along with the pictures of the violation.

The Board discussed that the corner sight clearance violation was a public safety issue and the Board does not have jurisdiction over that. Mr. Tierney confirmed and stated that the second violation was a nuisance violation and that there hasn't been a health concern expressed so this was more of an aesthetic concern.

Chairman Schnetzer stated that the relief sought by the applicant on the SSAMP Request Form were relief from Ordinances are downed trees, unreasonable timeline, storage of harvesting equipment and farm vehicles used for farm work.

Mr. Menegus asked Mr. Snyder if the trees could be pushed back into the fence row and Mr. Snyder stated that the one downed tree in question in the photo is an ash tree and that most of the branches have been removed and it is good for firewood use and the other one has mostly been cleaned up. He stated that there are multiple trees down on the property that are on tillable land. Mrs. Snyder stated that there were two downed trees in the upper acreage that needs to be prioritized to get out for planting more than the one across the street from their house.

Mr. Burke asked if the cars and the one large truck in the photos could be moved out of site and Mr. Snyder replied that they could and that their intention was to get rid of more of his father's vehicles.

Mr. Snyder replied to Mr. Mathez that some of these older vehicles are used for photo shoots along with the corn maze for agritourism.

It was decided after discussion that the Board would not be conducting a site visit and were satisfied with the photos submitted. The Board discussed the relief on the ordinances that the applicant has requested in their SSAMP.

Mr. Melendez stated that it was not against the ordinance to have an unregistered car covered or located in a garage. Mr. Snyder stated that the station wagon and the firebird are unregistered cars.

Mrs. Snyder stated that if their whole farm wasn't visible from the road, they wouldn't be sitting before the Board.

The vehicles are 2 dump trucks (registered), tractor trailer (registered), tractors, hay wagon, camper (registered) and pickup truck (registered) and a firebird and station wagon which are Mr. Snyder's father's vehicles and are not registered.

Mr. Melendez stated that the Snyders are working on the concerns when they can get time outside of their busy schedules and that he is satisfied with that.

Mr. Burke made a motion to grant relief for the Snyder SSAMP RTF application with exception to sight triangle on Pohatcong Township's Zoning Ordinance Section: 285-26L, the non-farm vehicles such as the firebird and station wagon, and the non-farm items, and including relief from Ordinance Section 222-8A - 1, 3, 8, 10, 11, 13 & 14 for farm related vehicles and for the scrap pile alongside the garage and relief from Zoning Ordinance Section 222-11. This motion after much discussion was seconded by Mr. Bodine.

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

Mr. Mitchell recused himself from this part of the meeting as there is a conflict with his firm.

Certification of Commercial Farm

➤ Hidden Hollow Farm (Enz), BL 3 L 20, Washington Township, BL 14 L 2, 4, 14, 52, BL 12 L 13, White Township, BL 14 L 4, Harmony Township, 171.93 acres

Kathleen Enz-Finken (Enz Capital Investment), owner of the Hidden Hollow Farm in Washington and White Townships has applied for a Certification of Commercial Farm on BL 3 L 20, Washington Township BL 14 L 2, 4, 14, 52, BL 12 L 13 White and BL 14 L 4 in Harmony Township. There is a preservation easement on BL 3 L 20 in Washington Township, BL 14 L 4 &

52 in White Township The rest of the block and lots are not preserved. Mr. Johnathan Pinkerton is the farm manager and was present to provide the Board with the hay yield on the property for 2022 which was first cutting with 80 round bales at \$60/bale, and 42 bales at \$50/bale and 2nd cutting produced 30 at \$60/bale with a total amount of \$8,700. He stated that there were 25 acres of hay that was used for production in 2022 and previously Mitchell Jones had farmed this property for 10 years and that now Enz Capital Investment is the owner and operator. Mitchell Jones had farmed the property for the last 10 years. 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) Receipts from hay sales income and hay yield production 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.

Chairman Schnetzer stated that the farm has met the requirements for production and the application is complete.

A motion was made by Mr. Menegus to grant certification to the Hidden Hollow Farm, BL 3 L 20, Washington Township, BL 14 L 2, 4, 14, 52 and BL 12 L 13, White Township and BL 14 L 4 in Harmony 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. Hood – yes; Mrs. Watters – yes; Mr. Menegus – yes. Motion carries.

Mr. Mitchell returned to join the meeting.

Carafio, Mansfield Township, approx. 57 acres

Mr. Tierney presented this property to the Board that was once under contract with the Green Acres program, then also applied for Highlands Development Credits. This property is located near Rockport Road and near the Pheasant Farm. Mr. Tierney asked the Board if they would be in agreement for pursuing farmland preservation but in fee simple purchases. The Board agreed for Mr. Tierney to pursue this project for preservation.

Administrator's Report:

New Applications:

County Applications

- **Brunkhorst Land Donation** - Mansfield (Approx. 49.83 acres)
- **Sigler** – Franklin (Approx. 173 acres) Fee simple purchase.
- **Rapid NJ LLC** – Allamuchy (Approx. 92 acres)

Total Applications: 3 Total Acres: 314.83

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) Waiting for SADC to certify appraisals.

Total Applications: 1 Total Acres: 78.28

Non-profit applications

- **Shotwell Family Partnership, LP** – Blainstown Township (Approx. 154.5 acres) This property has been sold. TLC-NJ reaching out to new landowner for preservation.
- **Watercress** – Frelinghuysen Township (Approx. 117 acres) This property has been sold. TLC-NJ reaching out to new landowner for preservation.

Total Applications: 2 Total Acres: 271.5

Received CMV & Offer Made:

County Applications

- **Ullman** – Knowlton Township (Approx. 188 acres) Contract under attorney review; Sellers' requested significant changes to County purchase agreement. (Fee Simple Purchase)

Total Applications: 1 Total Acres: 188

Municipal Applications

- **Rick Smith Farm** – White (Approx. 25 acres)

Total Applications: 1 Total Acres: 25

Non-profit applications

Total Applications: 0 Total Acres: 0

Under Contract (Title Search & Survey):

County Applications

- **Anema, Ralph** – Washington Township (Approx. 123 acres) \$4,300 CMV. Sent Engineering letter to surveyor and SADC.
- **Ferri** – Washington Township (Approx. 65 acres) \$4,200 CMV. Sent to County Counsel for review, then surveyor to make Engineering Review revisions together then send to Engineering for compliance, after that onto SADC for preliminary review.
- **McEvoy #1** – White Township (Approx. 102 acres) CMV \$4,800. Survey underway.
- **McEvoy #2** – White Township (Approx. 20 acres) \$5,200 CMV. Survey underway. Waiting for Engineering Review and to get back to surveyor on her questions.

Total Applications: 4 Total Acres: 310

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) CMV \$4,800. Title received and survey underway.

Total Applications: 1 Total Acres: 31

Non-Profit Applications

- **Kimball** – White Twp. (Approx. 45 ac.) CMV \$4,200. Waiting for revised survey from surveyor to send to Engineering for compliance.

Total Applications: 1 Total Acres: 45

Waiting to Close (Final Legal Review):

Municipal Applications

- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700.
- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700.

Total Applications: 2 Total Acres: 240

Non-Profit Applications

- **Giordano** – Frelinghuysen Township (Approx. 33.98 acres) CMV \$4,000.
- **Promised Land (M. Santini)** – Franklin Twp. (Approx. 58 ac.) CMV \$4,650. Sent Engineering comments to SADC regarding their inquiries on easements.
- **Stecker** – Harmony Township (Approx. 18.988 acres) CMV \$5,175. Minor inconsistency noted by County Counsel sent to TLC-NJ to send to surveyor to modify then send to SADC.

Total Applications: 3 Total Acres: 110.968

Recent Closings:

- **Noel** – Franklin Township (Approx. 44 ac.) Closed on October 12, 2022.

- **Beatty South** – Greenwich Twp. (Approx. 57 ac.) Closed on November 4, 2022.
- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) Closed on November 4, 2022.
- **Gugel** – Hope Township (Approx. 48.5 acres) Closed on November 17, 2022.

Withdrawn

- **Silver Pine Farm, LLC** – Frelinghuysen Township (Approx. 33.23 acres) Landowner does not want to get another mortgage.
- **Mt. View Farms** – Franklin Township (Approx. 55.30 acres) Turned down offer.
- **Santini Home Farm** – Franklin Township (Approx. 39.905 acres) Turned down offer.

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) Landowner may be revising application and survey to get this closed due to problem with unclear title on one lot.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) BOCC approved 100% cost-share. Revised contract sent to Mr. Russo, landowner's attorney. County Counsel and Mr. Russo working on contract.
- **Santini (O'Dowd South)** – Franklin & Greenwich Township – (Approx. 132 ac.) Survey and title being updated. Have signed contract and BOCC funding. Franklin and Greenwich Township cost-sharing on their respective acreages.

Total Applications: 5

Total Acres: 358

2022 Closings YTD: 13 farms totaling 1190,429 acres

Program Totals: 326 farms totaling 28,468.1234 acre

Public Comment – none

Press Release – Mr. Tierney spoke about the press release for the 2022 preservation accomplishment of preserving over 1,000 acres and discussed with the Board the support of the Commissioners.

SADC – Mr. Willmott was unable to attend the meeting so Ms. Kaminski let the Board know that cannabis is now allowed on preserved farms, but cannot receive Right-to-Farm protection due to Federal law. Also, let the Board know the Chuck Rohr is now the Executive Deputy Director.

Executive Session

The Board went into Executive Session at 10:30 pm with a motion by Mrs. Watters which was seconded by Mr. Mathez. Motion carries. The Board came out of Executive Session at 10:35 pm on a motion by Matt Hood which was seconded by Mr. Bodine where Mr. Mitchell stated that contractual matters was discussed and no action was taken and these minutes will be available to the public when the CADB deems that there is no harm to the public. Motion carries.

Adjournment: A motion for adjournment was made by Mr. Bodine and seconded by Mrs. Watters. Motion carries. Chairman Schnetzer adjourned the meeting at 10:35 pm.

Respectfully submitted,

Teresa Kaminski