

## **WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

### **Meeting Minutes**

**March 16, 2023**

The regular monthly meeting was at the Department of Land Preservation offices. The meeting was called to order by Chairman Schnetzer at 7:36 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, Joel Schnetzer, Melissa Watters

Members absent: Jason Menegus

Others present: C. Tierney, T. Kaminski, Staff; Aaron Culton, Substitute County Counsel; Paul and Terry Rich, Mansfield Township; Mark Blount, Esq.; Timothy Willmott, SADC; Rachel DeFlumeri, NJ Dept. of Agriculture.

**Minutes** of the meeting held on February 16, 2023 were approved on a motion by Mr. Mathez and seconded by Mr. Bodine. Mr. Schnetzer and Mrs. Watters abstained. Motion carries.

**Executive Minutes** of the January 19, 2023 meeting were approved on a motion by Mr. Mathez and seconded by Mr. Hood. Motion carries.

Mr. Burke joined the meeting at this time

### **Correspondence:**

**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.
- **Kero Update (Brugler #1), Knowlton Township**  
Mr. Tierney stated that there is no update.

### **New Business:**

#### **SSAMP Right to Farm Hearing**

- **Hidden Hollow Farm (Enz) Certification of Commercial Farm Res. #23-01, Washington, White & Harmony Townships**

Mr. Culton stated that this SSAMP Right-to-Farm application has been properly noticed and published and deemed complete. Mr. Culton swore in Johnathan Pinkerton, farm manager of Hidden Hollow Farm. Mr. Pinkerton stated that they are seeking relief for the proposed bank barn roof height as it exceeds Washington Township Code's zoning regulations height of 35 feet, Chapter 123, Article V # 123-31. The proposed bank barn will be built on BL 3 L 20 in Washington Township and has dimensions of 92' L x 40' W x 46' 3.5" H which will be located on the same foot print of the prior barn, but it is a little larger as previous main barn was 76.5' L x 29.5' W with smaller section at 30' L x 16' W. Mr. Pinkerton stated that the concrete foundation is already laid as they were able to get a permit for that. Mr. Pinkerton stated that the reason for the height was because of the need to stack two round bales, one on top of each other for the height clearance. Cattle will be housed on the first floor and equipment on the second floor as well as hay storage. The silo is staying at its current location. There was no public comment.

Mr. Bodine made a motion to grant relief for the height restriction on the proposed 92' L x 40' W x 46' 3.5" H bank barn for agricultural production and agricultural storage on the property which was seconded by Mr. Burke.

Roll call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes.

Motion carries.

### **Certification of Commercial Farm**

#### ➤ **Luna Farms, LLC, Mansfield Township, BL 1204 L 11**

Mr. Culton swore in Philip and Terry Rich for testimony and stated that the Certification of Commercial farm is complete. Mr. Blount, attorney for the landowners was present during testimony. This is a 16 acre farm that has alternate corn, soybeans and hay production. Mr. Rich stated that he has been a landscaper since 1987 and will be retiring from his Randolph location and would like to expand the farm, grow fruit trees, bees and perennials. Mr. Rich stated that 13 acres are in corn and soybeans and farmed out to John Semanchick and that there is not a lease, just farms year to year. Mr. Rich stated that his income on the farm is from hay and that he stores quite a bit. The Board asked multiple questions from the landowners. Mr. Rich went over with the Board on the map, the location of the hay field and location of the soybeans. Mr. Schnetzer questioned the \$5,000 livestock listing on the yet to be filed 2022 Schedule F. Mrs. Rich stated that she put that in the wrong line on the form. Also from the form, \$4,250 were for supplies and Mr. Rich stated it was for repair and maintenance of the property. He fixed a Kobata tractor and used a hay bailer and brush hog. Mr. Schnetzer asked about the fertilizer program and cuttings on the hay field. Mr. Rich stated that he used most of the hay for landscaping and uses fertilizer in spring and gets the fertilizer in bags from Rockaway and in April of last year used a few dozen bags of fertilizer on the hay field. Mr. Rich testified that he does not test the ph. Mrs. Rich stated that on the 2021 Schedule F, the \$2,985 was for seeds, plants for Copper Maples, berries and Willow trees and bushes and they are testing what kind of plants can grow there. Mr. Rich stated that they done a lot of preparation on the property by planting trees. Mr. Rich stated that he did 3 cuttings of hay last year. Mr. Bodine would like the back sides of the submitted checks that were used for income sales from Rich Lawns and Landscaping, LLC. Mr. Rich stated that the weight of the bales are 50 pounds and there were a total of 385 bales sold and that 100-125 are taken off of each cutting and some of those bales are stored. He stated that he does not do soil testing. On the property, there is one main house, one large building, two barns, a total of 4 buildings altogether and a pond. There currently is a tenant living in the carriage house and there were pre-existing two residences on the property. This property is adjacent to a preserved parcel and Pio Costa parcel with proposed compost site. Mrs. Rich stated that they plan to be full-time residents there and to expand the agriculture on the property. Mr. Rich stated that he shares a mower and bailer with a friend. All the hay produced was sold to his landscaping business and uses that for soil erosion control and large grading projects and stated that there are some seeds but uses spray. Mr. Rich stated that he has a maintenance crew maintain the property, but he is a little lax on that himself. Mr. Burke feels that the \$3,000 justifies the check for the hay as the price to buy mulch hay at the supply store runs \$15/bale. Mr. Rich stated that when he bought the property in 2009, it was a hay field then. Mr. Rich was uncertain of the brand equipment name that he share with a friend, but thinks the bailer is a yellow Massey.

Mrs. Watters made a motion to table this Certification of Commercial farm application under more specific paperwork is in order and submitted as well as specific information regarding fertilizer and to conduct a site visit before May 18<sup>th</sup>, 2023. Mr. Burke seconded the motion.

Roll call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes.

Mr. Tierney stated that the proposed residential unit over the barn could not be approved by the CADB, only the proposed office and barn. Mr. Blount confirmed.

### **Assemblyman Sauickie Legislation A4729**

This is a statewide formula for determining the value of farmland that is being preserved. Whichever is higher between this formula and the State CMV would be offered to the landowner. The SADC currently does not cost-share above the CMV amount. Any cost over the CMV is paid by the Township or County. The Board discussed, but took no action.

### **Assemblyman Sauickie & DiMaio Legislation No. 5120**

Proposal to restrict foreign interests in buying NJ Farmland. The Board discussed proposal, but took no action.

### **SADC Update – As provided by Mr. Timothy Willmott:**

**SPS Update:** At the February SADC meeting, the committee received a presentation on proposed changes to the prior draft of its Soil Protection Standards (SPS), as recommended by the SADC's SPS subcommittee. The revised proposal includes several changes to expand the ability of ALL farms to qualify for waivers to go to a 15%, or 6-acre, maximum disturbance limit. The SADC embraced the ag community's request to utilize a "stewardship approach" of increased conservation protections in connection with obtaining a waiver. The SADC voted to direct staff to complete a final draft proposal of the SPS regulations.

The disturbance limit is 12% or 4 acres, whichever is more and all farms qualify for waivers to go up to 15% or 6 acres.

The PowerPoint presentation utilized during the presentation has been posted to the SADC's website. The SADC invites further discussion and dialogue on the proposal, including with the State Board of Agriculture, so that any remaining recommendations can be reviewed and considered for inclusion. Any CADB or nonprofit partner who would like a live or virtual presentation of the rules should contact the SADC.

**SADC New Member:** The SADC welcomed a newly appointed Public Member – Charles Rosen, from Hunterdon County. Mr. Rosen has a diverse background in marketing and agriculture as well as law and finance. Mr. Rosen replaces Mr. Denis Germano, a land use attorney from Burlington County, as one of the two public members of the SADC.

**SADC Promotion of David Clapp:** Dave Clapp has been promoted to the position of Resource Conservation Program Manager within the SADC where he will oversee all SADC activities related to conservation of soil, water, and other natural resources on preserved land, and lead in developing recommendations to expanded support to farmers in ensuring the protection of agricultural resources.

**SOE Update:** SADC is drafting guidance documents and a sample application for and application checklist to assist partners and landowners in understanding and implementation of the new law. The SOE law is now fully in effect and landowners/operators of preserved farmland can now apply for permission to hold SOEs. Any questions related to implementation of the law should be directed to Dave Kimmel, Agricultural Management Specialist, at the SADC.

**Annual Monitoring Update:** At the February SADC meeting, the annual monitoring report was presented to the SADC which reflected an overall monitoring completion rate by the SADC and its partners of 99% - the best performance ever. We appreciate our partners' diligence in ensuring preserved farms are monitored annually so that we can help landowners resolve any compliance issues as soon, and as easily, as possible!

**Public Comment** – none

#### **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**

###### *Municipal Applications*

- **Murray** – Knowlton (Approx. 21 acres)

**Total Applications: 1      Total Acres: 21**

##### 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*

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

###### *Non-profit applications*

- **Shotwell Family Partnership, LP** – Blairstown 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) \$6,000 per acre. 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) Sent Township Engineer review to SADC and SADC is preparing for preliminary review.
- **Ferri** – Washington Township (Approx. 65 acres) \$4,200 CMV. Second Engineering review letter sent to surveyor and landowner. Landowner to contact Engineering Department directly regarding his removal of trees and millings for field entrance.
- **McEvoy #1** – White Township (Approx. 102 acres) CMV \$4,800. Survey underway. Waiting for Title Search.
- **McEvoy #2** – White Township (Approx. 20 acres) \$5,200 CMV. Survey underway.

**Total Applications: 4      Total Acres: 310**

*Non-Profit Applications*

- **Kimball** – White Twp. (Approx. 45 ac.) CMV \$4,200. Mr. Tierney notified TLC-NJ regarding conditions on exception area and landowner has decided to move exception area to different location. SADC will need to review and approve.

**Total Applications: 1      Total Acres: 45**

Waiting to Close (Final Legal Review):

*Municipal Applications*

- **Hoh** – Knowlton (Approx. 31 acres) CMV \$4,800. Currently in preliminary review.
- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700.
- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700.

**Total Applications: 3      Total Acres: 271**

*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.
- **Stecker** – Harmony Township (Approx. 18.988 acres) CMV \$5,175.

**Total Applications: 3      Total Acres: 110.968**

Recent Closings: Mr. Tierney had stated that Giordano closed yesterday.

Pohatcong Contamination Area Projects:

*Seeking Highlands Council Open Space Funding cost-share*

- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Survey updates, waiting for County Counsel to review them for closing.
- **Pereira** – Franklin Township (Approx. 30 ac.) Received final deliverables on survey. Counsel working on closing documents.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Landowner deciding what to do with application.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) 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.) Requested surveyor make minor revisions then send pdf for review for final deliverables.

**Total Applications: 5**

**Total Acres: 358**

2023 Closings YTD:

Program Totals: 326 farms totaling 28,466.1234 acres

**Kimball, White Township** – exception area change discussion. Mr. Mathez made a motion to accept the applicant's proposed new location of exception area which was seconded by Mr. Bodine.

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

**Executive Session** – The Board went into Executive Session at 9:20 pm where a motion was made by Mr. Hood which was seconded by Mrs. Watters and motion carries. The Board came out of Executive Session at 9:49 pm on a motion by Mr. Burke and seconded by Mr. Mathez. Mr. Tierney stated that no official action was taken where contractual matters were discussed and that the minutes would be released at a later date to the public.

Mr. Bodine made a motion which was seconded by Mr. Mathez to follow County Counsel's recommendation regarding the Ullman application contract. Motion carries.

**Adjournment:** A motion for adjournment was made by Mr. Mathez and seconded by Mrs. Watters. Motion carries. Chairman Schnetzer adjourned the meeting at 9:51 pm.

Respectfully submitted,



Teresa Kaminski