

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

August 17, 2023

The regular monthly meeting was at the Department of Land Preservation offices. The meeting was called to order by Vice-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; Paul Mitchell, County Counsel; Keith Drake, Allamuchy Township, George Daggett, attorney for Mr. Drake; Phyllis Burke, Hope Township.

Minutes of the meeting held on July 20, 2023 were approved on a motion by Mr. Mathez and seconded by Mr. Bodine. Mr. Schnetzer and Mr. Menegus abstain. Motion carries.

Executive Minutes of the meeting held on July 20, 2023 were approved on a motion by Mr. Bodine and seconded by Mr. Mathez. Mr. Schnetzer and Mr. Menegus abstain. Motion carries.

Correspondence:

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

Old Business:

Montalvena Farms, BL 5200 Lot 600 Hope Township SSAMP RTF Hearing continued – Will be carried to next meeting – Mr. Tierney had stated that no date has been agreed upon and it will be again carried to next month's Agenda and hopefully a date will be determined.

New Business:

Resolutions

➤ #23-06 Cafaro Simple Fee Acquisition, BL 204 L 2, 2.02 & 2.04, Mansfield Township

Mr. Bodine made a motion to accept the resolution as presented and to make a recommendation to the Commissioners for fee simple purchase which was seconded by Mr. Menegus.

Roll call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion passes.

Certification of Commercial Farm

➤ Drake Farms, BL 201, L 11 & BL 203 Lot 1, Allamuchy Township

Keith Drake owner of the Drake Farms in Allamuchy Township has applied for a Certification of Commercial Farm on BL 201 L 11 & BL 203 L 1. Mr. Drake 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 from 2022 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. Mathez to grant certification to Drake Farm, of Allamuchy Township as a Commercial Farm. Mr. Bodine seconded the motion.

Roll call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion passes.

Makarevich-Jozwik/Suk Preserved Farm, BL 44 L 9, Knowlton Township

Mr. Mathez stepped down from his position on the Board due to conflict on this matter.

This farm was preserved in 1998 and at that time, the landowner had taken two severable exceptions. The landowner was not compensated for the exceptions and there are no development easement restrictions on them. Mr. Makarevich purchased the farm and is before Knowlton Township's Land Use Board to apply to build a single family residence on these two lots. The two severable exceptions were never perfected by the landowner through the Township and Mr. Makarevich needs a variance now for the 1+ acre size lots. The State Agriculture Development Committee does not oppose building on these two lots and is under the discretion of the Township Land Use Board. A letter from Mr. Tierney was also sent to the Township Land Use Board stating the same.

Mr. Mathez rejoined the Board.

Soil Protection Standards Discussion Regarding Public Comments

Mr. Tierney stated that the formal public comment period ends October 5, 2023, so the Board will have time to review the document and get back with any comments by next meeting.

Gurba Farms Concern, Allamuchy & Frelinghuysen Township

Mr. Tierney and Mr. Mitchell briefed the Board that Warren County has been named in a lawsuit by the mortgage company that is foreclosing on one of the preserved lots. Mr. Tierney stated that the Deed of Easement existed before mortgage.. Mr. Mitchell and Mr. Bell will file an answer on the County's behalf.

Heartland MT Lake Holdings, LLC, Independence

Two maps were presented to the board that show the landowner's intended separate applications for farmland preservation. These lands were previously owned by Rapid-NJ LLC, but the landowner is not interested in preserving the Allamuchy Township block and lots at this time. These block and lots are on our Target List and inside the ADA. Mr. Menegus made a motion to accept two applications for farmland preservation which was seconded by Mr. Burke.

Roll call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion passes.

Harmony Township, BL 31 L 7

This block and lot is for sale and is next to the Farmer's Fair location. It is zoned Industrial and has a sale price of \$920,000 which is \$35,000/acre for the 26 acre property. The Board discussed the price, threat of warehouse and solar development on the property. Mr. Menegus made a motion to pursue a fee simple acquisition on this property which was seconded by Mr. Mathez. Chairman Schnetzer commented that the price is too high and to find out if agriculture use is allowed in the Industrial Zone.

Roll call: Mr. Schnetzer – no; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion passes.

SADC Update

Timothy Willmott updated the Board that the SADC's 2024 meeting schedule has been finalized as the last Thursday of every month except December is the first week of the month and that there are no meetings in August or November.

SADC approved updates to the Agriculture Mediation Rules Program with expanded subjects eligible for mediation and added a continuing education requirement for mediators seeking Certification. These rules will be submitted to the NJ Public Register as a proposed rule and will be subject to the 60 day comment period.

The Soil Protection Standards are now in the 60 day formal comment period and all comments to be directed to Susan Payne by October 5, 2023. All comments will be responded to that are received. Last week every preserved farmland owner was mailed a letter regarding Soil Protection Standards and the calculated disturbances on the farm with a highlighted map of the disturbances. The landowners can look up the map online with a pin number. All CADB's were given copies of the letters and maps that were mailed out.

Budget approval for two new full-time staff positions at the SADC that will focus on developing a new and beginning Farmer Program to attract and train new people interested in farming.

The SADC Direct Easement Santini Farm in Harmony Township is in violation of the Deed of Easement due to infiltration of fill material and trucking operation. The SADC has reached out to the DEP on this matter. The SADC is the easement holder on this farm.

Administrator's Report:

New Applications:

County Applications

- **Brunkhorst Land Donation** - Mansfield (Approx. 49.83 acres)
- **Sigler** – Franklin (Approx. 173 acres) Mill & farmhouse now an option first for purchasing to be discussed with BORC.

Total Applications: 2 Total Acres: 222.83

Non-profit Applications

- **Thunder Ridge Farms** – Harmony (Approx. 23 acres)

Total Applications: 1 Total Acres: 23

Awaiting Green Light Approval: None

Received Green Light Approval:

Municipal Applications

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

Total Applications: 1 Total Acres: 21

Non-profit applications

Total Applications: 0 Total Acres: 0

Received CMV & Offer Made:

County Applications

- **Carafo** – Mansfield (Approx. 57.50 acres) Accepted verbal offer.

Total Applications: 1 Total Acres: 57.50

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

- **Ferri** – Washington Township (Approx. 65 acres) Sent revised survey and title to SADC to review.
- **McEvoy #1** – White Township (Approx. 102 acres) Sent draft survey to Engineering and County Counsel for review.
- **McEvoy #2** – White Township (Approx. 20 acres) Received New deed to clear up title, can move forward.

Total Applications: 3 Total Acres: 187

Non-Profit Applications

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

Total Applications: 1 Total Acres: 125

Waiting to Close (Final Legal Review):

County Applications

Total Applications: 0 Total Acres: 0

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) CMV \$4,800. Update to subordination agreement.

Total Applications: 1 Total Acres: 31

Non-Profit Applications

- **Promised Land (M. Santini)** – Franklin Twp. (Approx. 58 ac.) CMV \$4,650. County Counsel working with landowner's attorney for closing. Received signed subordination agreement final surveys.
- **Stecker** – Harmony Township (Approx. 18.988 acres) CMV \$5,175. Working on closing. Received final survey deliverables.
- **Kimball** – White Township (Approx. 43 acres) County counsel reviewed revised survey.

Total Applications: 3 Total Acres: 119.988

Recent Closings:

- **Anema, Ralph** – Washington Township (Approx. 123 acres) Closed on July 19, 2023!

Sold:

- **Rapid NJ LLC** – Allamuchy (Approx. 92 acres)

On hold:

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

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Received revised survey with exception area location change. Will be working on closing. Waiting for County Counsel to review revisions are complete.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Revised contract sent to Mr. Russo, landowner's attorney. County Counsel and Mr. Russo working on contract. Adding severable exception area around house and buildings. Waiting to receive appraisal to do new contract, will check with landowner on the one acre severable exception for that zoning. Landowners checking with Zoning Officer regarding exception and access easement and width for Lot 7.01.
- **Santini (O'Dowd South)** – Franklin & Greenwich Township – (Approx. 132 ac.) Received final survey deliverables. Coordinating for closing.

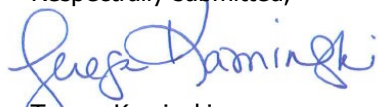
Total Applications: 3 Total Acres: 266

2023 Closings YTD: 6 farms, 479.032 acres

Program Totals: 332 farms totaling 28,963.3320 acres

Adjournment: A motion for adjournment was made by Mr. Mathez and seconded by Mr. Bodine. Motion carries. Chairman Schnetzer adjourned the meeting at 9:05 pm.

Respectfully submitted,



Teresa Kaminski