

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes November 16, 2023

The regular monthly meeting was at the Department of Land Preservation offices. The meeting was called to order by Chairman Schnetzer at 7:30 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, Matthew Hood, Jason Menegus, Joel Schnetzer Melissa Watters

Members absent: none

Others present: C. Tierney, T. Kaminski, Staff; Paul Mitchell, County Counsel; Timothy Willmott, SADC.

Minutes of the meeting held on September 21, 2023 were approved on a motion by Mr. Menegus and seconded by Mr. Mathez. Mr. Schnetzer abstained. Motion carries.

Executive Minutes of the meeting held on September 21, 2023 were approved on a motion by Mr. Mathez and seconded by Mr. Menegus. Mr. Schnetzer abstained. 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 – Mr. Tierney stated that the RTF hearing is planned for the December 21, 2023 meeting and that the applicant must re-notice.

Gurba, Allamuchy & Frelinghuysen – Mr. Mitchell stated that this matter is pending litigation and that yesterday there was a case management conference and the next one is scheduled for February 18, 2024.

Kero, Knowlton – Mr. Tierney stated no new update.

New Business:

Resolutions

➤ **Bogyos Special Occasion Event Application Resolution #23-08**

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

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

Certification of Commercial Farm

➤ **Plainview Growers, BL 105 L 8, Allamuchy Township**

Plainview Grower 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 2020 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. Menegus to grant certification to Plainview Growers, of Allamuchy Township as a Commercial Farm. 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. Menegus – yes. Motion passes.

Drake Farm, BL 201 L 11, BL 203 L 1, Allamuchy Township – Possible Deed of Easement Violation

Mr. Tierney, Mr. Mathez and Mr. Bodine made a site visit to the farm on October 10, 2023. Mr. Tierney provided photos from the site visit as well as a neighbor's photos of the property for the board to review. Mr. Tierney's photos showed a large metal garage building, commercial trucks, trailers, excavating equipment and mound of stones. Of the many trailers that were found on the property, one trailer contained hay (photo taken inside), one trailer contained timber (photo taken inside) from barn that was taken down and will be reused and one trailer had scrap metal which were all used by Mr. Drake. The remaining trailers belonged to his cousin as well as the garage on the property. The neighbor's photos showed commercial trucks parked on the property and truck traffic on the property at 5:30 am. There is not an exception area on the property. Mr. Tierney told Mr. Drake at the site visit that the farm appears to be in violation of the deed of easement. A Rural Microenterprise Act application was sent to Mr. Drake's attorney regarding the non-ag use on the farm for their submittal to the SADC. Our CADB allowed the RTF Hearing that was scheduled in September to transfer to the SADC Ag Mediation Program at the Mr. Drake's attorney's request. The SADC stated that they could not do the ag mediation as long as there was an outstanding violation of the deed of easement.

Mr. Bodine made a motion which was seconded by Mr. Mathez that this property presented activity that is in violation of the deed of easement. Mr. Mathez seconded the motion.

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

Mr. Tierney will send letter to Mr. Drake and his attorney of the violation.

Harrison Farm, BL 48 L 81, Washington Township

TLC-NJ missed this year's Non-Profit round and is asking the Board if they would process this application as a County application. Mr. Tierney checked with Ms. Miller at the SADC and she stated that the MUNI Pig funding for Washington Township's application will be available in the Spring. Mr. Menegus made a motion to have the application to proceed and a Washington Township MUNI PIG and not as a County application which was seconded by Mr. Menegus.

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

Jaindl, White Township

Mr. Tierney stated that the SADC was in process of purchasing the property from Jaindl that was in application for warehouses with White Township to be put into the State's Farmland Preservation Program. The parties were working out the details.

Administrator's Report - Mr. Menegus let the Board and staff know that Mr. Smith in White Township has declined the CMV offer to preserve his farm.

New Applications:

County Applications

Total Applications: 0 Total Acres: 0

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. Contract sent out, under landowner and attorney's review. PAR Environmental RFPs went out. Survey RFPs to go out soon. Title received.

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) \$4,200 CMV. In SADC Preliminary Review. Advised surveyor to take exception area out of ROW and move back onto property.
- **McEvoy #1** – White Township (Approx. 102 acres) CMV \$4,800. Sent draft survey to Engineering and County Counsel for review.
- **McEvoy #2** – White Township (Approx. 20 acres) CMV \$5,200. Survey at Engineering for review.

Total Applications: 3 Total Acres: 187

Non-Profit Applications

- **526 Delaware Road** – Hope (Approx. 125 acres) – \$4,950 CMV. Survey underway.

Total Applications: 1 Total Acres: 125

Waiting to Close (Final Legal Review):

County Applications

Total Applications: 0 Total Acres: 0

Municipal Applications

Total Applications: 0 Total Acres: 0

Non-Profit Applications

- **Kimball** – White Township (Approx. 43 acres) Getting ready to close soon.

Total Applications: 1 Total Acres: 43

Recent Closings:

- **Hoh** – Knowlton (29.293 preserved acres) CMV \$4,800. Closed on 9.18.23!
- **Promised Land (M. Santini)** – Franklin Twp. (54.386 preserved acres) CMV \$4,650. Closed on 9.20.23!
- **Santini (O'Dowd South)** – Franklin & Greenwich Township – (121.945 preserved acres) Closed on 9.20.23!
- **Stecker** – Harmony Township (Approx. 18.988 acres) CMV \$5,175. Closed on 11.13.23!

Other:

- **Belvidere Road** - Harmony Township (Approx. 25.92 acres) Appraisals underway.
- **Allen, Mansfield** – (Approx. 16 acres) Appraisals underway.

On hold:*Non-profit 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

Withdrawn:

- **Shotwell Family Partnership, LP** – Blairstown Township (Approx. 154.5 acres) TLC-NJ stated new landowner not interested in preserving, unresponsive.
- **Watercress** – Frelinghuysen Township (Approx. 117 acres) This property has been sold. TLC-NJ stated new landowner not interested in preserving.

Pohatcong Contamination Area Projects:*Seeking Highlands Council Open Space Funding cost-share*

- **Myers/Toretta #1**– Franklin Township (Approx. 38 acres) LSAC coordination with landowner's attorney for closing.
- **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. Landowner checking on putting access easement into son's name and the width of lane for development to his property. Trying to set up meeting to talk with everyone.

Total Applications: 2 Total Acres: 134

2023 Closings YTD: 9 farms, 684.624 acres
Program Totals: 335 farms totaling 29,168.9560 acres

SADC Update

Timothy Willmott updated the Board on the following:

- 1) SADC is readopting their rules which is done every seven years.
- 2) The Public Hearing on the Soil Protection Standards have been extended to February 2, 2023.
- 3) SADC had been budget approved for two new positions regarding beginning a farmer's program.
- 4) Notification of the 2025 Non-Profit Round.
- 5) SADC minimum standard score for applications in each County has been approved.

Executive Session

The Board went into Executive Session at 8:28 pm on a motion by Mrs. Watters and seconded by Mr. Menegus to discuss contractual matters. Motion carries.

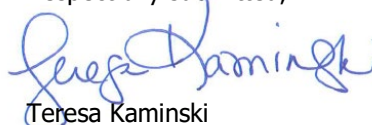
Mr. Mathez made a motion which was seconded by Mr. Hood to come out of Executive session. Motion carries.

Mr. Mitchell stated that the Board came out of Executive Session at 8:52 pm where no action was taken and contractual matters were discussed and that these minutes will be available when the Board deems no harm to the public.

The Board will table any discussion regarding the contract on the Cafaro property in Mansfield Township until the December meeting.

Adjournment: A motion for adjournment was made by Mrs. Watters and seconded by Mr. Menegus. Motion carries. Chairman Schnetzer adjourned the meeting at 8:54 pm.

Respectfully submitted,



Teresa Kaminski