

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes December 21, 2023

The regular monthly meeting was at the Department of Land Preservation offices. The meeting was called to order by Vice-Chairman Mathez 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, Rene Mathez, Matthew Hood, Jason Menegus, Melissa Watters

Members absent: Bradley Burke, Joel Schnetzer

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

Minutes of the meeting held on November 16, 2023 were approved on a motion by Mr. Menegus and seconded by Mr. Hood. Motion carries.

Executive Minutes of the meeting held on November 16, 2023 were approved on a motion by Mr. Menegus and seconded by Mr. Bodine. Motion carries.

Correspondence:

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

Old Business:

Montalvena Farms, BL 5200 Lot 600 Hope Township discussion –

Mr. Tierney talked with the Board regarding the options for proceeding with the RTF hearing. Mr. Montalvo and his attorney are ready to come for the February meeting; they wanted to come in January, but another RTF hearing is already scheduled for this meeting. The Board would like Mr. Culton to write a letter stating that no further extensions on the RTF Hearing, that they have to re-notice for the RTF hearing, that they have to meet Certification requirements, and must provide health certificates that were requested at the last hearing meeting by Mr. Bodine. If the applicant does not show in February, then the RTF Hearing may be administratively dismissed. Mr. Tierney said that Mr. Culton will be present at the next meeting and it can be discussed further at that time.

New Business:

Resolutions

➤ **Resolution #23-09 Certification of Commercial Farm - Plainview Growers, BL 105 L 8, Allamuchy Township**

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

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

DOE Violation Update -Drake Farm, BL 201 L 11, BL 203 L 1, Allamuchy Township

A Deed of Easement violation letter was sent out to Mr. Drake on December 12, 2023. Mr. Tierney stated that if Mr. Drake does not apply for a Rural MicroEnterprise Act Application for the trucking/mechanic shop located in the building, then the Board can issue a denial resolution for the January meeting. Mr. Willmott said that he would reach out to Mr. Drake.

CADB support on SADC Direct applications

➤ **Jaindl, White Township**

Mr. Menegus made a motion to support this application which was seconded by Mr. Bodine. Motion carries.

➤ **Baduini, Independence Township (3 farms)**

Mr. Menegus made a motion to support this application which was seconded by Mrs. Watters. Motion carries.

SADC Update

Timothy Willmott updated the Board on the following:

- 1) SADC has updated the rules on AMP regarding on farm composting and fencing installation.
- 2) SADC has updated the rules regarding ag mediation.
- 3) The Public Hearing on the Soil Protection Standards have been extended to February 2, 2023.
- 4) The SADC is investigation farms that are over 15% for Soil Protection Standards.
- 5) The appraisal formula bill to value farms has passed.
- 6) The SADC recently sent out the SOE annual and reporting requirements and is working with Rutgers.

Executive Session

The Board went into Executive Session at 8 pm on a motion by Mr. Menegus and seconded by Mrs. Watters to discuss contractual matters on McCann in Harmony Township, Allen in Mansfield Township, Cafaro in Mansfield Township, Curtis farm in Lopatcong Township, Oberly farm in Franklin and in Greenwich Townships appraisal update and application change and the Gurba litigation matters. Motion carries.

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

Mr. Tierney stated that the Board came out of Executive Session at 9 pm where no action was taken and contractual and litigation matters were discussed and that these minutes will be available when the Board deems no harm to the public.

➤ **Gurba update, Frelinghuysen Township**

No action taken. Update on litigation discussed. Mr. Mitchell left the meeting after his update as he has a conflict with the rest of the projects for Executive Session.

➤ **McCann, Harmony Township**

Mr. Menegus made a motion which was seconded by Mr. Hood to offer the highest appraisal amount for fee simple purchase of this farm.

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

➤ **Oberly, Franklin & Greenwich Townships**

Mr. Bodine made a motion to accept the application change of adding a 5 acre severable exception area to the property and to approve an updated appraisal price for the preservation which was seconded by Mr. Hood.

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

➤ **Allen, Mansfield Township**

No action taken.

➤ **Cafaro, Mansfield Township**

No action taken.

➤ **Curtis, Lopatcong Township**

No action taken.

BWC Trout, LLC Solar Application, BL 3400 L 1900, Hope Township (Chamberlain)

This application was forwarded to us by the landowner's attorney at the request of the Engineer. This was forwarded to SADC and they had no comment. Under NJSA 4:1C-15 of the Agriculture and Retention Development Act, the County Board can make comments or recommendations on this type of application in the County Agriculture Development Area. The Board has received and considered the application but has no comment.

Administrator's Report

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

SADC Applications

- **Jaindl** – White (Approx. 571 acres)
- **Baduini East Farm** – Independence (Approx. 51.62 acres)
- **Baduini West Farm** – Independence (Approx. 104.9 acres)
- **Baduini Trust Farm** – Independence (Approx. 128.6 acres)

Total Applications: 4 Total Acres: 856.12

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) Received signed contract.

Total Applications: 1 Total Acres: 57.50

Municipal Applications

Total Applications: 0 Total Acres: 0

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) Closing in January.

Total Applications: 1 Total Acres: 43

Recent Closings:

- **Myers/Toretta #1**– Franklin Township (Approx. 38 acres) Closed on December 20, 2023!

Other:

- **McCann -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:

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

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **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. Received new appraisal with 5 acre exception added.. 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.

Total Applications: 1 Total Acres: 96

2023 Closings YTD: 11 farms, 732.319 acres

Program Totals: 337 farms totaling 29,216.6510 acres

Adjournment: A motion for adjournment was made by Mr. Menegus and seconded by Mrs. Watters. Motion carries. Vice-Chairman Mathez adjourned the meeting at 9:15 pm.

Respectfully submitted,

Teresa Kaminski