

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes January 18, 2024

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

Members absent:

Others present: C. Tierney, T. Kaminski Staff, Aaron Culton, Substitute County Counsel; Arie Van Vugt, Allamuchy Township; Rosemary Tuohy, Mayor, Allamuchy Township; Deborah Bonnano, Allamuchy Township; Timothy Willmott, SADC.

Reorganization

Mr. Tierney called for nomination for Chairman. Mr. Mathez nominated Mr. Schnetzer. Mr. Burke 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. Bodine nominated Mr. Burke which was seconded by Mr. Mathez. Mr. Bodine withdrew his nomination as he meant to nominate Mr. Mathez. Mr. Menegus seconded the motion. Motion carries. Mr. Mathez is Vice-Chairman.

Approval of 2024 Meeting Schedule

Mr. Menegus made a motion to approve the meeting dates for 2024 which was seconded by Mrs. Watters. Motion carries.

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

Executive Minutes of the meeting held on December 21, 2023 were approved on a motion by Mr. Menegus and seconded by Mrs. Watters. Mr. Hood noted that part of the first sentence in the executive minutes didn't make sense. "Specify damages will be expected" will be stricken from the Executive Minutes as Mr. Tierney stated that Mr. Mitchell was not present to clarify. Chairman Schnetzer and Mr. Burke abstained. Motion carries.

Correspondence: None.

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

Old Business: none

New Business:

SSAMP Right to Farm Hearing

➤ **Plainview Growers, Inc., BL 105 L 8, Allamuchy Township –**

Mr. Culton swore in Mr. Van Vugt to give testimony. Mr. Culton stated that the SSAMP RTF hearing was properly noticed and application complete. Chairman Schnetzer confirmed with Mr. Culton that the CADB did have jurisdiction to move forward with this hearing. Mr. Van Vugt stated that he was seeking approval for permission to build 70,000 square feet of additional greenhouse space for his current operation.

Mr. Mathez asked if this was going to be built by existing concrete pads? Mr. Van Vugt stated that the flooring is not whole concrete pads, but stone and weed mats and that there is a concrete pathway. The greenhouse is made of glass and there is a table system. The tables with the horticulture are rolled outside during the day on the concrete pads to get ready for shipping where orders are pulled and then they are put away inside the building at night.

Mr. Burke asked how much of the 70,000 square feet was actually concrete? Mr. Van Vugt stated that there were 20% concrete with 2 ½ foot pads every 24 feet. The current concrete will be lifted out and he will pour pads and footers.

Mr. Menegus asked what the floor of the greenhouse will be then. Mr. Van Vugt responded that he will re-pour pads, but underneath the table systems he will have the weed mat. He stated that they can't keep the existing concrete because they need to install footers and concrete around the tables.

Mr. Hood stated that the plan makes it sound like entire area is concrete and wanted to know if he checked with any storm water requirements for the Township? Mr. Hood stated that the plan differs from what Mr. Van Vugt described. Mr. Van Vugt stated that it is less. Mr. Hood asked that it sounds like 80% is not concrete? Mr. Van Vugt replied correct.

Mr. Van Vugt stated that this area is currently open, not covered.

Mr. Menegus wanted to know if the farm was at its limit or close to it for the soil disturbance. Mr. Van Vugt replied that the area for the soil disturbance where the green house will be constructed is already in red and marked as soil disturbance so it wouldn't make a difference. The 70,000 square feet is within the disturbance requirement. Mr. Menegus wanted to know if the SADC was concerned about the soil disturbance and Mr. Van Vugt replied, no, that the soil disturbance is not a rule yet and can't be enforced until it becomes rule. Mr. Menegus stated that the Township should have its own allowance for soil disturbance or impervious coverage. Mr. Van Vugt stated that he was under that Township disturbance as it was 35-40%.

Mr. Hood asked what was the zoning requirement for storm water management? Mr. Hood noted that there is a storm water pond on the property and asked why was that built? Mr. Van Vugt stated that the pond was built when he first purchased the land. The 3 acre pond sand was used for fill for the pad on their first project and is used for storm water. Mr. Van Vugt stated that whatever goes into the greenhouses goes into those ponds.

Mr. Hood asked is there a storm water requirement per the Township for adding impervious area? He noted over an acre of impervious coverage would typically require storm water planning. Mr. Van Vugt answered he was not sure.

Mr. Menegus asked if the storm water pond that is already there would be able to handle the additional run off? Mr. Van Vugt replied yes. Mr. Hood stated that we didn't know that; that the water could go into the pond and whether that meets the requirements or not. Mr. Menegus asked if the pond could be dredged deeper if needed to for storm water.

Mr. Burke stated that the question is for the Township or DEP and that it was not the boards purview.

Mr. Mathez stated that if he understood correctly, that the 70,000 square feet is included in the percentage of disturbance already? Mr. Van Vugt yes, included in the 29.18 acres.

Mr. Menegus asked if Mr. Van Vugt was at his limit based on the soil disturbance and could not add another one or two more acres of greenhouse there? Mr. Van Vugt stated that if this rule goes through, then to address the soil disturbance concern he could connect another 60 unpreserved acres that is contiguous in order to bring the percentage lower. At that point, he stated that he would be able to build more because there would be another 200-300 acres tied to this particular piece of land.

Mr. Tierney spoke with David Clapp of the SADC and relayed that Mr. Clapp said the measurement area for the proposed greenhouse construction was in an existing soil disturbance area as of July 2023, which was the cutoff date. Mr. Tierney said under the proposed soil disturbance rule there is a 12% limit and then farms can apply for the additional 3% up to 15%, but anything above that would be considered in violation and the landowner would need to work with the SADC to bring in compliance.

Chairman Schnetzer stated that the applicant was in compliance, the greenhouse is already in the marked soil disturbance area, and he has a plan to add more land. He doesn't see the soil disturbance as an issue.

Referring to a prior SSAMP resolution on this farm, the Board talked about storm water approval by the Township Engineering, DEP, or the Department of Agriculture being a condition. Mr. Tierney stated that he believed there was some level of review by the Township and the Department of Agriculture. Mr. Van Vugt stated that last time he was before the Board, he had to get a LOI from the DEP and it cost him \$50,000. Mr. Tierney stated that he is not sure under the Right-to-Farm Act that the Board has the authority to preempt or supersede DEP storm water regulations. That is a separate law. Mr. Van Vugt said that it was done on a different property that had wetlands and that there is no wetlands on the property in application tonight.

Mr. Van Vugt stated that on the other property for the 300,000 square foot greenhouse, he had to build a retention basin and put in four above-ground 100,000 gallon each large tanks. He stated that he had no problem to have the engineer to draw

up a storm water plan and will put in how many 100,000 gallon tanks to handle the water. He state that he reuses all of his water, roof water in his greenhouses. Mr. Van Vugt will have him do the same for this application and forward the plans to the Board. Mr. Culton stated that in the last resolution, the Board did impose a condition that the storm water management compliance was for submission under the Department of Agriculture and submitted concurrently with the Township. Chairman Schnetzer said he was satisfied.

Mr. Tierney brought up the triangle lot from the Division of Premises from years ago that is in separate ownership and a road realignment and drainage easement from the Township that was placed on the property. These were deed of easement concerns that needed to be addressed. It requires the Township cooperation to remove the drainage easement to be in compliance with the SADC deed of easement conditions as well as secure the one small wooded lot that was part of the original preservation, listed in the Division of Premises, but was not conveyed in the deed transfer. The small lot is across the street. The drainage easement overlaps with the farmland preservation easement. The road realignment stayed within the existing right-of-way.

Mr. Van Vugt called the landowner of the small lot who lives in Idaho and he claims that he has no idea what he was talking about, no paperwork on it. Mr. Van Vugt claimed that the Township had just did that and that they were never notified.

Mr. Culton stated that he thinks that the condition that was put in initially on the last resolution, was that the resolution condition was on the applicant's compliance with the terms and conditions of satisfaction of the SADC. No objections from the SADC were noted regarding the resolutions.

Chairman Schnetzer suggested that a letter from CADB and SADC and cc Mr. Van Vugt to the Township regarding the concern over the drainage easement.

Chairman Schnetzer opened it up to public comment.

Mayor Rosemary Tuohy stated that she spoke with Chris Gibbs and his cousin who lives in Idaho was not aware of his ownership in the property for the small triangular lot. Mayor Tuohy stated that there was a tax lien on the property. She was not knowledgeable about the drainage easement. She asked Mr. Van Vugt to get in touch with the Township regarding these issues.

Mr. Burke made a motion to approve the application as submitted with conditions on securing the missing lot for preservation and the Township vacating the drainage easement, as well as compliance with the storm water management and all other laws. Chairman Schnetzer would like to add that we received information from the Allamuchy Township Mayor Tuohy in the resolution. Mr. Bodine 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.

DOE Violation

➤ Resolution #24-01 – Denial for Drake Farms, BL 201, L 11 & BL 203 L 1, Allamuchy Township

Mr. Tierney stated that we received an email from Mr. Daggett's office stating that he was in trial all week and would get to the Rural MicroEnterprise Application. Mr. Beilin, Township Attorney, also sent an email same day asking that the CADB approve the resolution because no application had been submitted. Mr. Tierney stated that during the site visit in October, he spoke with Mr. Drake letting me know that there was no exception area on the property and this was a violation of the deed of easement. His office also sent the Rural MicroEnterprise Application to Mr. Daggett by email in October as well. There has been sufficient time to submit an application. Mr. Mathez made a motion to approve the resolution for denial of SSAMP RTF Hearing resolution which was seconded by Mrs. Watters.

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.

SOE Application

➤ Ruck –Frelinghuysen Township

The applicant wants to have CWA classes on the preserved farm. The zoning officer stated that the requested activity was not permitted in that zoning district for that property. Mr. Bodine made a motion to deny the application for SOE and have the applicant to go to the municipality to approve the activity. If the activity gets permitted, then the applicant can reapply. The motion was seconded by Mrs. Watters.

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.

Administrator's Report: Mr. Tierney stated that Kimball closed today, McCann accepted the offer, and he did not get a chance to connect with the Township regarding the Allen farm in Mansfield.

New Applications:

County Applications - None

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: None

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. Received SADC revised survey request. Waiting for SADC response.
- **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. Draft survey sent to Engineering for review.

Total Applications: 1 Total Acres: 125

Waiting to Close (Final Legal Review): None

Non-Profit Applications

- **Kimball** – White Township (Approx. 43 acres) Closing in January.

Total Applications: 1 Total Acres: 43

Recent Closings: None

Other:

- **McCann** -Belvidere Road - Harmony Township (Approx. 25.92 acres) Offer letter sent to landowner for fee simple purchase. Landowner seeking guidance from accountant. Waiting for response.
- **Allen**, Mansfield – (Approx. 16 acres) Appraisals received. C. Tierney to reach out to Mansfield.
- **Carafa** – Mansfield (Approx. 57.50 acres) To be allocated to Open Space funding and purchase.

On hold:

Brunkhorst Land Donation, *Non-profit application* – Mansfield (Approx. 49.83 acres)

- **Sigler**, *County Application* – Franklin (Approx. 173 acres) Mill & farmhouse now an option first for purchasing to be discussed with BORC.

Total Applications: 2 Total Acres: 222.83

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. Receive signed offer letter from landowners with new appraisal amount.

Total Applications: 1 Total Acres: 96

2023 Closings YTD: 11 farms, 732.319 acres
Program Totals: 337 farms totaling 29,216.6510 acres

Public Comment

Deborah Bonnaro, Allamuchy Township, thanked the Board on their decision to deny Drake Farms SSAMP RTF resolution. She said that there is a pole barn that has a mechanic shop out of it and tractor trailers on the property. She is worried about her well on the property.

SADC

Mr. Willmott stated that the formula value for the development easements will be top priority and that it will take approximately a year to put together.

Adjournment: A motion for adjournment was made by Mrs. Watters and seconded by Mr. Mathez. Motion carries. Chairman Schnetzer adjourned the meeting at 9:10 pm.

Respectfully submitted,

Teresa Kaminski