

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

MARCH 28, 2013

The meeting opened at 7:35 p.m. by Chairman Lundin in the Freeholder Meeting Room at the Sussex County Administrative Center, One Spring Street, Newton, New Jersey. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended. Notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

**ROLL CALL:**

MEMBERS PRESENT: Cliff Lundin, Chairman  
Glenn Schweizer, Vice Chairman  
Louis Caruso  
Lisa Chammings  
Donald Ploetner  
Wes Powers

MEMBERS EXCUSED: Wolfgang Gstattenbauer

STAFF PRESENT: Donna Traylor, CADB Coordinator  
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Kathy Haake, Trust for Public Land  
Kathy Fobes-Jacoby, Stillwater Twp. Environmental Comm.  
Richard Miner, Sparta Township  
Barbara Heskins-Davis, The Land Conservancy of NJ  
Melissa Meyers, Student, Wantage Township  
John Morgan, Mayor, Andover Borough

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Lisa Chammings to approve the Minutes of February 28, 2013 as received. The motion was seconded by Donald Ploetner. All were in favor, with an abstention from Glenn Schweizer. Motion carried.

Donna asked Lisa Chammings to talk about Stillwater Township's new Open Space brochure. Lisa said that Stillwater Township, in conjunction with The Land Conservancy, created a brochure which recognizes all of the open space in Stillwater Township. The brochure contains information on fishing spots, trails and parks as well as activities that are permitted on each. Lisa provided copies of the brochure to the Committee.

**CORRESPONDENCE:**

A. SAMPLE RESOLUTION SUPPORTING SUSTAINABLE STATE FUNDING FOR PRESERVATION IN NJ:

There is a sample resolution being circulated for sustainable State funding for preservation in New Jersey. The County was asked to bring this Resolution to the various Boards to seek their support. Ultimately, it will go to the Freeholder Board. Donna read the Resolution in its entirety. Discussion followed.

**MOTION:**

A motion was made by Glenn Schweizer for the Open Space Committee to recommend to the Freeholder Board that they support the Resolution to Support Sustainable State Funding for Preservation in New Jersey. The motion was seconded by Lou Caruso and carried unanimously.

B. INQUIRY ON OPEN SPACE USE OF PARCEL IN VERNON TOWNSHIP:

Donna reported that she received an e-mail from a land owner who has a farm contiguous to an open space preservation project located in Vernon Township. The landowner is thinking about preserving the farm, but to make it a viable agricultural operation, he needs additional farmland. The individual would like to purchase part of the preserved parcel for farmland use.

Donna said when she researched the block and lot, she discovered that this was a parcel that this Committee participated on with Vernon Township a number of years ago. The property has constraints for open space. Donna provided the information to the landowner and advised him that she does not believe it will be possible for Vernon Township to sell the property to a private landowner. The property was preserved as multiple lots and the farmer is looking to purchase just one lot. Also, the property is protected for open space, not agriculture. Donna said she will provide the landowner

with information on Green Acres restrictions. This property was preserved with Green Acres funds, Vernon's Planning Incentive Grant and County funding and cannot be used by a private individual for profit.

**OLD BUSINESS:**

A. RULES AND REGULATIONS UPDATE:

Donna said she corrected two typos on the Open Space Rules and Regulations since the Open Space Committee worked on the update. They were minor corrections, one being a change in wording from Department of Planning to Division of Planning. The Rules and Regulations went to the Freeholder Board yesterday but it is not yet know if they were passed.

Donna's assistant, Rudy Dragan, went back to the 2004 version of the Rules and Regulations and entered in the changes as a piece of legislation, showing the cross outs. Donna will advise the Committee of the status at the next meeting.

B. UPDATE ON FRANCISCO FARM PROJECT: KATHY HAAKE, TPL:

Kathy Haake, Trust for Public Land, was here to update the Open Space Committee on the status of the Francisco Farm Project. Ms. Haaek said she noticed a typo and said that their option is currently extended until May 2013, not 2014 as noted in the summary she provided to the Committee. They hope to exercise on May 10 and then they will have 90 days to close.

Ms. Haake provided the Committee with a copy of the project map. She said they are taking 20 acres out of the project and said that the areas outlined in blue are those areas not likely going to be open space parcels.

Donna said the County still does not have the Grant Agreement; therefore, technically there is no contract. The other issue is that in the last update provided last month, some of the blocks that are out now were in the contract. She said the County has to change the contract accordingly. Ms. Haake said she was aware of that and that today their attorney sent some documentation to Dennis McConnell, Esq. to explain the situation. She added that one of the reasons they may not be able to finalize the contract is because they are still lacking some funding. They are not sure whether Block 164, Lot 3 will be preserved or sold privately as a non-open space parcel. They think the rest of the information they've provided is accurate. Donna said the contract was based on the recommendation by this Committee and then approved by the Freeholders for a certain list of blocks and lots and a certain amount of acreage. If the project will have less lots and acreage, it is possible that the Freeholders will change the funding.

Ms. Haake said their application did explain that some parcels would likely be sold privately. Donna said she was talking about the Agreement and added that it has been

over six months. It should have been signed within 30 days. Ms. Haake again stated that information went to County Counsel this morning and that they are working it out. She said it is hard to draw up a contract when they are not sure which parcels are going to go into preservation.

Chairman Lundin advised Ms. Haake that the County's funding is in a precarious situation without a signed contract. Funds that aren't spent can revert to farmland preservation funding. Therefore, it is critical that the County receive a signed contract from Trust for Public Land to lock in the funds. Ms. Haake said she will relay that information to their attorney. She added that her attorney recommended to County Counsel that the funding from Sussex County go toward the parcel that was acquired by Andover Borough (Block 8, Lot 5.) When asked, she said it amounts to about 15 acres. Donna said the application was for more than 200 acres and that was what the Committee approved and recommended to the Freeholders. Donna asked about the value of that parcel. Ms. Haake said she was not positive but it was at least \$500,000.00. She added that the reason they are breaking off that area is because of the buildings. Cliff Lundin said it may be hard to sell the Freeholders on spending \$500,000.00 to preserve 15 acres vs. 200 acres. Ms. Haake said all the funding that they are bringing to the project is going to preserve the entire property. She added that without County funding, they will not be able to preserve the whole project. Donna and Cliff suggested that the contract spell out that the County will not provide funding unless the whole property is preserved. Ms. Haake agreed.

There was some discussion about the parcels that have been taken out of the project. Ms. Haake said those are the parcels with the buildings which are on the north side and the south side of Rt. 606. She added that the buildings will be very expensive to demolish and also that there is a farmer who may or may not be interested in staying on. The landowner is retaining those parcels and reduced his price. The landowner will deal with demolishing the buildings. It is also helpful to Andover Borough since they are happy to retain some ratables in that area. Cliff said his concern with those parcels being kept in the ownership of the developer is that a few years from now, the Trust for Public Land will be back looking to preserve the property because the owner wants to put 200 units on the 20 acres. When asked about the zoning on the property being pulled from the project, Mayor Morgan said it was zoned R-1, 2 acres.

The discussion turned once again to the funding. Cliff Lundin asked if they were any closer to getting the full funding. Ms. Haake said they are searching for the last small amount of money. They hope to sell the lot in Andover Township privately but they are still looking for open space funds. She said it is very difficult to find foundation funds right now for this area. Ms. Haake said she would be happy to come to next month's meeting and hopes to have a better update.

C. UPDATE ON PLANNING INCENTIVE GRANT:

Donna reported that from the original three Planning Incentive Grant funds, \$1.7 million, more than \$1.3 million has been spent, leaving a balance of just over

\$370,000.00. There is still one invoice with the State. Sandy Uργο, Land Conservancy of New Jersey, said because of differences in the funding numbers, the County was able to receive some reimbursements on two properties. A check was received about a week or two ago for a project that closed about three to four years ago. For the other, we are hoping to see a reimbursement of \$17,500.00. That money technically defaulted in November 2012. There is still \$100,000.00 encumbered in that total for the Francisco farm application. It is not known how long before it will be withdrawn.

Several years ago, there was new funding available for which the County did apply. We received a letter saying the State was dedicating another \$900,000.00 in Planning Incentive Grant funds to Sussex County. The County did not receive anything more formal than the letter. Obviously, the County will not receive any of that funding if there are no applications to encumber against.

Since the program's inception, the Committee would receive applications and then encumber Planning Incentive Grant funding to them. Many projects fell apart at the municipal level so that the grants were encumbered several times over. Unfortunately, there are challenges when starting up new programs. Donna said the process has been working much more smoothly over the last few years and that this Committee has done a very good job.

**NEW BUSINESS:**

A. LAND CONSERVANCY OF NJ PERSENTATION: SC OPEN SPACE PLAN PROPOSED UPDATE, BARBARA HESKINS DAVIS:

Donna reported that she and Eric Snyder, Planning Director, met with Barbara Heskings-Davis several weeks ago. Ms. Davis was left with several questions to research and report back to the Committee. The Land Conservancy of New Jersey was the entity that prepared the County's existing Open Space Plan. Cliff Lundin added that the Land Conservancy has a contract with about 10 towns in the County.

Ms. Davis said she is a licensed Planner with the Land Conservancy of New Jersey. The Land Conservancy has prepared more than 100 plans, most of them Open Space and Recreation Plan updates with an additional set of plans that are just Open Space Plans. They've also done farmland plans and trail plans. Their mission statement is to preserve open space and they found that doing the planning projects was a great way to lay the groundwork for doing an open space program.

The Land Conservancy of New Jersey has worked with Sussex County since 2002, completing the Open Space and Recreation Plan in 2003; creating the Farmland Plan in 2003; and then updating it in 2008. The Land Conservancy did the outreach and planning and then compiled the information into a document. The County's GIS Department did all of the digital mapping. Using each organization's strengths helped to control the cost for Sussex County.

Ms. Davis said the Land Conservancy worked in a number of towns and she brought the plan updates for Andover Township, Frankford Township and Hampton Township for the Committee members to review. She said the County's Open Space and Recreation Plan is now 10 years old and added that most communities update their plan between six to eight years. At 10 years, the core of the information is good but there are certain sections that need to be updated. The unique component with Sussex County is that the County is not a landowner. This is much different than with municipalities. A municipal Open Space and Recreation Plan is a targeted document for what a municipality wants to own. In Sussex County, 99% of the towns they work with do not want to own the land, they want the State to help purchase it. However, if they want to own the land, they want to know exactly what it is and why so they can target in on their financing. Sussex County is not interested in being a landowner, the County is interested in facilitating plan transactions. The Land Conservancy works to facilitate those land transactions so that the County is getting the best value for its money.

During the meeting with Eric and Donna, there was a discussion about the diminished number of applications for open space projects. There were questions about how to generate interest; what should the open space program be; what should the goals be, especially with diminishing County funds. Using the Green Acres Planning Incentive Funds as Sussex County does has been innovative and very few counties do it this way. Most of the counties have Park Commissions which use State dollars. They use the County trust for other projects. Sussex County uses State dollars to leverage against County dollars in order to be able to award increased funding. Ms. Davis said this has worked well. To have \$1.9 million and be down to just over \$400,000.00 is a pretty good track record, especially since land acquisition takes so long.

Ms. Davis said a big part of the original 2003 Open Space and Recreation Plan was the division of the County into regions. Each region was visited and there were outreach meetings to talk about the County program and to develop areas of importance to the communities. She said the reason to repeat these outreach meetings in 2013 and 2014 would be to listen to why applications are or aren't coming in; what can the County do with the trust fund; and where should the County be going.

There was also a lot of discussion about the County's Rail Trail System. There are missing linkages in the Rail Trail System. The County should be focused on the rail trail system and help to provide the funding for those missing links. This is an important concept and one that combines effective mapping for the GIS Department and ground proofing.

Ms. Davis said Eric also talked about the functionality of open space. If you look at the functionality in Sussex County, how can a County trust fund improve the local functionality of open space? She said in one community where she worked, they updated their open space plan and combined it with the trails plan. They talked about it as a second generation use of open space. The first generation had the mad dash to purchase land but the next step is just as important. This is getting people out to the

land; increasing public access where appropriate on that land; and increasing the functionality. If the usage of the property is to sit in its natural state, then how is it being managed to make sure that can happen. Should the County be playing a role in assisting with that or providing resources and who are the stakeholders in that? The Land Conservancy is very actively involved in land stewardship. Is that something that Sussex County wants to help its local municipalities with? Where is the funding? Can it be a resource? What about the recreational component? Is there a place for that or a need for that in Sussex County? Ms. Davis said these are things that can be explored as part of the plan update to focus in the efforts so that the County's program is as effective as possible. Ms. Davis also talked about funding sources that the County can leverage their funds with. She said Trust for Public Land is an extraordinary resource for getting outside foundation funding. Part of the plan update is documenting how money has been used in an easy readable format.

The basis of the 2003 plan was the concept of eco-tourism. It does not have to be reinvented in the plan but it can be looked at in 2013 as to what has been accomplished and what else could be accomplished. There was talk about including in the plan update documentation of what the challenges are. Part of that is formulating realistic solutions.

Based upon tonight's meeting, the Land Conservancy will provide a proposal with a more formalized scope of work and a fee structure. The Land Conservancy is more than happy to do the work in a time frame that works for Sussex County. If the County wants the work done in the next six to eight months, they will get it done and then the billing can be done over multiple fiscal years.

Cliff Lundin said he loves the idea of the rail trails and eco-tourism and combining the two. The Black Hills Rail Trail in South Dakota was one of the very first rail trails done. It was nationally known and was attracting people. He said some of Sussex County's rail trails are just as good as the Black Hills Rail Trail. With the County's proximity to an urban area, the right advertisement would make it a fantastic opportunity.

Mr. Lundin said when the dedicated tax was established, it was to have a stable, recurring, annual source of revenue. The towns, as well as the County, have cut back on the tax to the point where they do not qualify for full State aid. He asked if the dedicated tax was inside the cap or outside the cap; because if it is inside the cap, it will be a major challenge to get it restored as times get better. If it is outside the cap, he feels we can see some restoration as the economy picks up. Ms. Davis said it is their understanding that it is outside the cap and that she will confirm this with Sandy Urgo and David Epstein on Monday.

Glenn Schweizer asked if there was any consideration for greenways within the County, to see where those gaps are as well. Ms. Davis said that they have done so many of the local plans, that they can provide Eric Snyder with the layers for all the greenways. In 2003, the Nature Conservancy was very active in Sussex County. They spent a lot of effort to get organizations, such as the Nature Conservancy, to say what

their priority areas were for the County. She said the municipalities pay in to the Trust so she likes to see what their priorities are on a regional level. She feels the outreach meetings would help with this. Donna said last year, the Planning intern started an outreach to the towns to try to determine the use of some block and lots. This was done in order to create a greenway map at various levels. Unfortunately, due to staffing problems the County has not gotten very far with this project. Cliff Lundin said he worked on an ANJEC funded project with Hopatcong, Byram and Stanhope to connect three trail systems.

Ms. Davis said that Morris County is going to be updating their Open Space and Recreation Plan; Passaic County is currently updating their Open Space and Recreation Plan; and Warren County just completed the update about 18 months ago. She said it would be great for Sussex County's borders not to end at the County level. This would be an interesting process in terms on the County's Open Space and Recreation Plan update to get those layers from the neighboring counties and add them to the Sussex County's Open Space Plan. The County should want to justify over and over again to the Freeholder Board and to the voters the value of what they are providing for Sussex County. If that value can be justified, not only on the local level, but that it is consistent with what the landscape is doing in terms of regional neighbors, it is a pretty effective tool, especially when asking the Freeholder Board to support the Trust Fund.

Glenn Schweizer asked if the County GIS Department would be used to update the land use profile. Donna said they have a lot of the data already. Barbara Davis said on the local level it is very effective to do an open space map; on a County level she does not see the value in creating a map with that much detail. To have the tax classifications correct would take forever and would bog down the map. She feels the County should focus on the greenway and trail concepts and where the resources are.

Ms. Davis said she would like to come back in April or May to discuss this further.

Lisa Chamings asked if PSE&G is offering anything to the Counties. Ms. Davis said she hasn't heard anything with a high level of detail. If they did, it would help push the process for the County update along.

Donna said the Committee members were sent an e-mail with a quarterly update of Open Space Projects from inception to today. She reviewed the projects on the chart. The Schuller and Lawler properties closed. Currently, the only open application is the Francisco farm.

**PUBLIC COMMENT:**

Melissa Meyers, a student from Wantage Township said she is doing research for a school project. She asked for more information on rail trails and the Francisco Open Space project.

Rich Miner from Sparta Township said it was mentioned at the meeting that the County does not own the land it helps to preserve but that it may have to fix the rail trails. He asked for information about land stewardship.

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Lisa Chammings. The motion was seconded by Glenn Schweizer and carried unanimously. The meeting adjourned at 8:53 p.m.