

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

MAY 18, 2015

The meeting opened at 7:35 p.m. by Chairperson Brodhecker 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: Jane Brodhecker, Chairperson
Cece Pattison
Joan Snook Smith
Peter Southway

MEMBERS EXCUSED: Lori Day, Vice Chairperson
Jim Hunt

STAFF PRESENT: Autumn Sylvester, Program Manager
Rudy Dragan, Planning Aide
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Frank Abruzzo, Town of Newton
Eva Garber, Branchville Borough

MINUTES CORRECTION/APPROVAL:

A motion was made by Joan Snook Smith to accept the Minutes of April 20, 2015 as presented. The motion was seconded by Cece Pattison. All were in favor, with an abstention by Peter Southway. Motion carried.

CORRESPONDENCE:

A. ARTICLES OF INTEREST:

Autumn said the only correspondence she had was the Farm Bureau Newsletters. The Board members advised Autumn that they are all on Farm Bureau's distribution list.

AG. AGENT'S REPORT:

Steve Komar did not attend this evening's meeting.

OLD BUSINESS:

A. COUNTY OPEN SPACE TRUST FUND:

Autumn advised the Board that today she received a final letter from Cliff Lundin that is going to be sent to the Freeholders requesting to be on their Agenda for the Open Space Trust Fund. Autumn said she forwarded the letter to Cathy Williams. Mr. Lundin will speak before the Freeholder Board to ask them to put a Referendum on the November Ballot to reauthorize the Open Space Trust Fund. Autumn She advised the Board that Cliff welcomes members from the SCADB to attend this meeting. The Board members will be advised on the meeting date.

Peter Southway asked about the current tax rate. Autumn said it was at a third of a cent and was reduced to one quarter of a cent with this year's budget. Mr. Lundin is asking for an authorization of up to one and a half cents per \$100.00 of valuation.

B. TOMMASO ON-FARM DIRECT MARKETING:

After the last meeting, Mr. Tommaso was able to get in touch with the Green Township Zoning Officer. Green Township said since his on-farm market is already approved, they see this as an extension of that approval and they are going to let him proceed. He does not need an SSAMP. The On-Farm market will be on a severable exception.

NEW BUSINESS:

A. HAMMING DIVISION OF PREMISES APPLICATION;

Mr. Hamming was unable to attend this evening's meeting and his application needs to have more details. Therefore, the Division of Premises application has been moved to the June meeting.

B. FARMLAND PRESERVATION PROGRAM:

Stefanie Miller, the Northern Regional Project Manager at the SADC sent Autumn a memo with an SADC update. The memo said, "We're been anxiously awaiting closing documents for 2 of those farms for about 2 years. Please let me know if there is anything SADC staff can do to help facilitate those closings." Autumn said that she and Dennis McConnell have had almost daily discussions with the SADC and are sending the required documents as they come in for both the Sella and Klein farms.

KLEIN – For the Klein farm there was an issue regarding about 48 sq. ft. of a PSE&G easement that the surveyor found was not expunged. The State wanted PSE&G to vacate the easement. Autumn said she and Denny have been working with PSE&G to vacate that easement. PSE&G said they had already vacated that easement but the surveyor did not have any documentation confirming this. The court documents showed that it was still on the Klein farm. The State recently said they want to proceed with the closing as soon as possible, so this is no longer an issue. Mr. McConnell is reviewing the deed, which needs to be signed by the Klein's. This should be done by the end of the week.

Peter Southway said the easement was expunged by a Morris County Superior Court Judge and it is in the record. Autumn said Mr. Dykstra did have the court documents from that, but the source documents that were referenced never actually vacated that portion. There were three surveys showing that the easement was not on the Klein farm but our surveyor said the easement was still present. It ended up not being an issue.

SELLA – Autumn said the Sella's had to subdivide their severable exception area and received subdivision approval from Fredon Township in October 2014. The title and survey had to be revised to reflect that subdivision. The title has been received but the survey is still being revised.

GOLDMAN - Since the Goldman Farm is on a County right-of-way, the County Engineering Department wanted to acquire an additional bridge and right-of-way easement in the event they need to widen the road. This has just been finalized and the surveys and title are being updated to reflect that.

The County has encumbered \$836,000.00 and expended \$910,000.00, leaving a balance of \$753,000.00. The \$753,000.00 does not reflect the four farms that will receive final approval at the June SADC meeting. The Vernon Valley Farm is in the pipeline; possibly the Caretta Farm and there have been some inquiries regarding a parcel in Andover Borough. The Andover Borough is not in an Ag. Development Area and this will need to be discussed at a later date with the full Board. Autumn said the County has not secured any of the \$8 million in competitive funding because we don't have the applications.

Pending Municipal PIG applications are the Bert Smith, the Dana Ray Farm and the Caretta farm. There are no current direct easement applications in Sussex County because there is no more State funding for the Direct Easement Program.

Joan said she believes the appraisals for the Bert Smith farm have been done but are not completed. Autumn said at a later date the Board will have to do a final Resolution for this farm.

CARETTA FARM MUNICIPAL PIG APPLICATION – Autumn said that she, Brian, Jim, Cece and Freeholder Liaison Richard Vohden visited this farm. The Board needs to decide whether or not the County should cost share with The Land Conservancy to preserve it.

Some Board members asked about the visit to the farm. Cece Pattison said it is 58 acres and is a beautifully maintained farm. The fields are all in hay. When asked, Autumn said there is a five-acre exception area with a house. She also said there are about 20 acres in woodlands and wetlands. Autumn said the Board can make a motion to approve the funding and a formal Resolution can be approved at the next meeting. Joan asked if we had a completed application for the farm. Autumn said The Land Conservancy has the completed application. There was some discussion about the funding. Autumn said The Land Conservancy approximates that the easement cost may range from \$5,000.00 - \$8,000.00 per acre. At \$5,000.00 per acre, the County would provide approximately \$50,624.00. At \$8,000.00 per acre, the County would provide about \$98,084.00. There was some discussion about the proximity of this farm to other preserved farms. The Board agreed that the County should cost share with The Land Conservancy for the preservation of this farm.

MOTION;

A motion was made by Peter Southway to approve the Cost Share funding for the Caretta Farm. The motion was seconded by Joan Snook Smith and carried unanimously.

FY 2013 APPLICATION UPDATES – The Freeholders approved the Fiscal Year 2013 applications at their May 13 meeting. Autumn and Rudy will be putting the Final Approval package to send to the SADC for their June agenda.

C. **MONITORING UPDATE:**

Autumn said she and Rudy have been monitoring farms and came across the Richard Harden farm which has been sold to the Beaver Brook Nursery. There are two billboards on the property that is outside of the right-of-way. Through research, Autumn found that the billboards existed prior to the farm being preserved; however, they are not shown on the survey and they are not mentioned in any prior monitoring

reports. Since this is a non-ag. use, the SADC has asked Autumn to write a letter noting what she found.

There is another issue on this farm with a large amount of trash on the site which seemed to be dumping and waste. There was an ambulance, two septic tanks and junk. Autumn said she was unable to speak to the landowner. She is working with Mr. McConnell to get this resolved.

Autumn said there were many farms that have changed ownership. She is working with the County's GIS consultant to create a mechanism to let us know when ownership has changed. The Board agreed that new owners need to know about the Deed of Easement restrictions. Autumn said she met Lisa Fairclough, who owns Fairclough Realtors. She requested that Autumn do a presentation to her realtors and staff for marketing purposes and so that they are knowledgeable about what they're selling people.

There was a brief discussion on the status of the illegal apartment on the Neppel farm.

Autumn discussed a potential application in Andover Borough. It is a 20-acre parcel that is adjacent to both sides of Brighton Road. The property has farm buildings and additional acreage that is farmed. The new owner wants to put the farm in farmland preservation. The property is 20 acres but it is almost all tillable (aside from the land under the structures.) The farm is adjacent to Tri-Farms and it is the hole in the preserved open space tract that the DEP owns. Autumn believes the Board would need to do an amendment to the County ADA since Andover Borough is not in a project area. Peter advised Autumn to check the deed because he believes the property is already deed restricted.

There was a brief discussion on the "Save Winding Brook Farm" movement.

PUBLIC COMMENT:

Frank Abruzzo said he has a produce stand over the Fountain House parking lot. Some of the produce is raised on site and other produce is raised throughout the County. Last August, the Township of Fredon sent a letter to the property owners, Eva Garber and her brother. The letter stated that they needed to shut down the produce stand. A reason was not given. Another letter was received shortly before Labor Day stating that if they did not shut down the produce stand, they would be summons and fined. Last month Mr. Abruzzo and Ms. Garber attended the Fredon Township Committee meeting who said she needs to go before the Planning Board. They were told that someone complained to the Mayor that nothing is grown on that property. The produce is grown in Hampton Township. Ms. Garber said if the Mayor had contacted her, she would have brought him to the growing site on the property.

Ms. Garber said she is in the mixed use market zoned district and events such as farmers markets and public ceremonies are permitted. Ms. Garber said she was told she had to go before the Zoning Board. The Zoning Board charges \$1,400.00 to go before the Board and they will not give them any information without the \$1,400.00 payment. Peter asked whose name the deed is in. Ms. Garber said the property is owned by herself and her brother. They have a corporation for the business. Peter said they should be able to go before the Board without an attorney. Autumn said any business that's not a sole proprietorship has to be represented by an attorney under the Municipal Land Use Law.

When asked, Ms. Garber said the property is just less than 30 acres and that about an acre is farmed. Mr. Abruzzo said the farm does generate more than \$2,500.00 of income from the produce. Autumn said there may be an issue with two principal uses on one lot. Mr. Abruzzo asked about having a self-serve snack bar for the customers of the Fountain House Bar. Autumn said he would have to make that argument to the Township. Peter said if the property is in an ADA and they are growing produce, the Town's own Right-To-Farm Act should cover them. Autumn said she would look into this issue and talk to the Zoning Officer. If the issue cannot be resolved, they can apply for a Site Specific Ag. Management Practice (SSAMP.) Autumn explained the SSAMP process to Mr. Abruzzo and Ms. Garber.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Peter Southway. The motion was seconded by Joan Snook Smith and carried unanimously. The meeting adjourned at 8:25 p.m.