

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

JULY 22, 2010

The meeting opened at 7:40 p.m. by Chairman Vohden 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: Richard Vohden, Chairman  
Ailish Hambel  
Cliff Lundin  
Glenn Schweizer  
Dennis Snyder

MEMBERS EXCUSED: None

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

ALSO PRESENT: Dennis Miranda, Vernon Twp. Environmental Commission  
Eric Olsen, Nature Conservancy  
Bob Canace, Land Conservancy of New Jersey  
Megan Haidet, Land Conservancy of New Jersey

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Ailish Hambel to approve the minutes of January 28, 2010, as presented. The motion was seconded by Dennis Snyder and carried unanimously.

The Agenda was amended to New Business, A, B, C & D.

**CORRESPONDENCE:**

A. JANUARY 28, 2010, CHEREPY RESIGNATION LETTER:

Donna reported that on January 28, 2010 a Resignation Letter was received from Lou Cherepy. (There have not been any Open Space Committee meetings since that date.)

B. FREEHOLDER LETTER ACCEPTING CHEREPY RESIGNATION, 3/1/10:

The Freeholders sent Lou Cherepy a letter accepting his resignation and thanking him for his service.

C. 2009 OPEN SPACE REFERENDUM FUNDING:

Donna said she did not receive this piece of correspondence but that it was passed on to her. The letter was from the NJDEP, advising that due to the passage of the 2009 Open Space Referendum, funds are available from DEP's Green Acres Program for land preservation and park development projects. Green Acres will accept applications until July 30, 2010.

D. PAULINSKILL ACQUISITION, ANDOVER TWP., DORSEY AND SEMRAU, 5/11/10:

A letter was received from Fred Semrau, Dorsey & Semrau, who are the attorneys for the Township of Andover. Mr. Semrau reported that last year, Andover Township made an offer to the Paulinskill property owner which was accepted by the Trustee of the Estate subject to Court approval. The matter was contested in Court by certain heirs of the Estate and ultimately the Court decided that at this time the sale of the property would not be accepted. The Township is still interested in the property but it does not have a contract of sale.

Donna said she spoke to the Town Clerk who said that they have not officially pulled the application at this point. Until the project is officially pulled, the money is still tied up.

E. COFRANCESCO APPLICATION, GREEN ACRES, 7/9/10:

A copy of a letter from NJDEP to Jason and Peter Cofrancesco has been received. DEP advised the Cofrancesco's that they circulate their land sale offer to the divisions of the department that administer lands for public recreation and conservation purposes; however, they are not interested in purchasing this property for state purposes.

**OLD BUSINESS:**

A. UPDATE ON CLOSINGS:

Donna reported that Counsel has been extremely busy with Open Space in the last couple of months. The funding for 2002, 2003, 2004, 2005, 2006 and 2007 is done. The only project that has not closed is Marx, Hopatcong Trails Greenway; however, that should be closing within the month. From the 2008 applications, Swartswood Watershed in Hampton is closed; Francomacaro in Hopatcong and Hopatcong Greenway #2 have closed. Dry Brook Greenway in Frankford should close by September.

Donna said she needs to reach out to Stillwater to find out the status of Trout Brook Extension. For 2009, it appears that the Andover and Lafayette applications will be withdrawn. Armstrong Bog is proceeding. There is a signed Grant Agreement with some minor modifications. The Nature Conservancy has closed on the Schultz application and is waiting for reimbursement.

B. 2010 OPEN SPACE APPLICATION:

The Green Acres application deadline is July 30, 2010. Last week, David Epstein, the Director of Land Conservancy of New Jersey and Sandy Uργο met with John Eskilson, Eric Snyder and Donna regarding the deadline. David and Sandy prepared a letter for John Eskilson to send out asking for additional funds. Donna said that Land Conservancy of New Jersey is not under contract by the County as a Consultant. They prepared the County's initial 2003 Open Space Plan and had been the Consultant for about a year. Once the Plan was adopted, the County did not retain the Land Conservancy of New Jersey under contract; however, the Land Conservancy of New Jersey started working for many of the municipalities. In the last year and a half, Land Conservancy of New Jersey has been very comfortable and very helpful in moving the paperwork through the process. Donna added that Green Acres prefers to see funding requests tied to potential projects. The Land Conservancy of New Jersey brought forward three different projects in last weeks meeting. John Eskilson said he would not be comfortable sending a letter to the State without contacting those municipalities to see if they are in support of the projects. Eric Snyder and John Eskilson have been contacting the towns. Some discrepancies were found, which have since been ironed out.

John Eskilson contacted Green Acres to confirm that a request for funds should come by letter and not a formal application. They said yes but that in all likelihood Sussex County is not going to receive any funding and will be asked to return the unspent funds. Donna said this amounts to \$400,000.00. She added that the money was encumbered but the project was withdrawn. An amount of \$200,000.00 is still encumbered, however those are the two projects that do not have a contract. There will be another meeting with Green Acres on July 29.

Donna also reported that the Freeholders are decreasing the dedicated tax by 50% for the second time. Currently, there is less than \$1.4 million in total and out of that administrative costs need to come out. There will probably be \$100,000 - \$200,000 for open space acquisition next year.

There was some discussion of candidates to fill the two vacancies on the Open Space Committee. Rich Vohden said he knows someone from Frankford who planned to apply and Donna said she knows someone from Andover who is interested. Also, there will be a third vacancy after December when Rich Vohden steps down.

**NEW BUSINESS:**

A. SCENIC BYWAY PRESENTATION, DENNIS MIRANDA, VERNON TWP.  
ENVIRONMENTAL COMMISSION:

Dennis Miranda said he is the Chairman of the Vernon Township Environmental Commission and he runs a company called, "Go Native." He provides the nature programs for Crystal Springs Golf Resort. He has been living in Sussex County for 16 years. Mr. Miranda did a presentation to the Open Space Committee in order to gain their approval in having Route 515 in Vernon designated as a Scenic Byway.

Mr. Miranda said that Sussex County has remarkable natural resources, scenic vistas and opportunity to develop an infrastructure for eco-tourism. Vernon Township is well-positioned to be the leader in eco-tourism with its great wealth of natural resources. There are six categories that serve as a basis in determining whether a candidate roadway is eligible for Scenic Byway status. The Western Highlands Scenic Byway (Rt. 515) may become the first one in New Jersey to satisfy all six categories.

Scenic: Panoramic views of Vernon Valley farms and fields from Route 94 north of Vernon Center, spectacular views of Hamburg, Wawayanda and Pochuck Mountain ridges; and on clear days, the Shawangunks, Mt. Adam and Eve and even the massive Slice/Wittenberg/Cornell mountain range in the Catskills.

Historic: Price's Switch Schoolhouse and Gerard Homestead are on the New Jersey State and National Register of Historic Places. The Pequannock Watershed with its rich conifer plantations were planted by the Civilian Conservation Corps in the 1930's.

Cultural/Archaeological: Black Creek Amerindian Site is on the New Jersey State and National Register of Historic Places. The Ring Quarry, King's Highway, Mastodon Lake and several other sites are eligible for Historic Designation.

Natural: Public lands include Wawayanda State Park, Wallkill River National Wildlife Refuge, Hamburg Mountain Wildlife Management Area and the Appalachian Trail National Scenic Trail and Highlands Preservation Area.

Mr. Miranda said that the benefits of gaining Scenic Byway designation for the Route 515/94 corridor include signs provided by NJDOT; recognition both regionally and nationally; increased tourism and awareness that Vernon Valley is a leisure destination; technical assistance by public agencies; planning for protection and managed growth; promotion and marketing by private/public entities for the region; and funding assistance by both the New Jersey State and United States Departments of Transportation through ISTEA funding.

This Scenic Byway designation encompasses several jurisdictions. They need approvals from the governing bodies of Vernon and Hardyston Townships and from the governing body in Sussex County. After receiving local approvals, it must go through the State Department of Transportation, Scenic By-Ways Division. If approved by the By-Ways Advisory Board, it is then a formal New Jersey State Scenic Byway and it becomes eligible for ISTEA money. ISTEA funds can come to Vernon for anything from conducting economic feasibility studies of the road, to buying open space, to developing trail networks to all areas within a mile of the proposed scenic byway. The money is available to local jurisdiction on an 80/20 split: 80% federal, 20% everything else, including in-kind.

If the application for scenic byway designation is approved by the State Advisory Board, a Scenic Corridor Management Plan must be developed within five years. The Vernon Township Environmental Commission would be the official sponsor of the designation. The sponsor does not need to have legal ownership or jurisdiction of the Byway but is the agency that must participate in the preparation of the Scenic Byways Plan. It is a collaborative effort between Vernon Township, Hardyston Township and Sussex County. A brief period of questions and discussion followed.

**MOTION:**

A motion was made by Cliff Lundin to make a recommendation to the Freeholders to endorse the Vernon Rt. 515 Scenic Byway. The motion was seconded by Dennis Snyder and carried unanimously.

**B. CONCEPTUAL PRESENTATION, STILLWATER TOWNSHIP/SCHULER, TNC:**

Eric Olsen, Skylands Program Manager for the Nature Conservancy gave a conceptual presentation to preserve the Schuler property, a 79-acre tract of land, of which 58 acres are in Stillwater Township and 28 acres and a house are in Hardwick Township, Warren County. The total project cost, which includes land, appraisals, soft costs and the traditional Nature Conservancy Stewardship Endowment of 20% is \$522,160.00. They plan to use \$125,000.00 of Green Acres funding and \$12,250.00 from Hardwick Township. They have applied for \$70,000.00 from Warren County and are requesting \$50,000.00 from Sussex County.

Mr. Olsen displayed a map of the project under consideration. He pointed out a large forest block that is the target of their acquisition. They hope to connect already protected areas with the Kittatinny Ridge. He said that this parcel is targeted specifically for the intact forest. This area is designated as important habitat for bald eagle, barred owl, red shouldered hawks, red-headed woodpeckers, bobcat and timber rattlers. He also displayed a map which showed the potential for connectivity with the Kittatinny Ridge and Delaware Water Gap National Recreation Area. There are wetlands on the Stillwater Township portion of the site, which is important for the watershed quality and wood turtle habitat. It is also the first piece of a large project area.

Appraisals for this property have come in at \$4,600.00 an acre. The purchase price is \$410,000.00 which is about \$50,000.00 below fair market value. The Nature

Conservancy is asking each of the Counties for land value only. They are not asking for funds to cover the cost of the lot with the exiting house. He said that Hardwick has 10- acre zoning which could result in a couple of building lots; and Stillwater Township has five-acre zoning which could result in 11 building lots. Since there are no flood plains, there is very limited protection for the wetlands. When asked, Mr. Olsen said that Stillwater Township has endorsed this project.

C. CONCEPTUAL PRESENTATION, LAFAYETTE TOWNSHIP/LAWLER:

Bob Canace, Land Conservancy of New Jersey said he represents Lafayette Township in its efforts to preserve the Lawler property. He said that Ridge & Valley is looking to preserve 200 acres of easement about 1,000 ft. from this project. Lafayette Township has been looking for recreational fields for quite some time.

The Lawler property is about 88 acres and is well situated for open space. It does have a number of constraints. There are wetlands and flood prone areas. He added that there are many recreational fields in New Jersey that are built on flood prone areas. There is also a lot of the property that is dry and is suited for fields. One appraisal came in at \$9,100.00 per acre and he is waiting for the second appraisal. When asked, Mr. Canace said about a third of the tract is usable, about 28 acres. The property is zoned Light Industry. According to the appraisers, the property has developable characteristics but it is not in imminent threat of development. The Township is pursuing this property because it clearly meets their recreational needs.

D. CONCEPTUAL PRESENTATION, VERNON TOWNSHIP/STANHILL:

Megan Haidet, Land Conservancy of New Jersey said she represents Vernon Township to present the Stanhill Conservation property. The property is a 114-acre tract in the center of town, partially in the designated Town Center and also in the Four Seasons Greenway. Vernon recently updated their Open Space and Recreation Plan. A segment of a map from the plan was displayed. Ms. Haidet pointed out the greenway area saying that it goes through Vernon Valley and protects the Black Creek and drainage areas of the Wallkill. Appraisals are underway and are expected next week. The same landowner owns a 130-acre parcel that adjoins it, who is willing to donate it after the 114-acre tract is purchased. (The larger piece is 100% wetlands.) She also pointed out the proposed Vernon bikeway which goes into Warwick, NY. Much of the bikeway has already been built. There is some talk about obtaining easements from other landowners. Without the proposed property and the one to be donated, the greenway would not be able to connect. It is also adjacent to existing municipal open space on four sides. The property is in an R-4 Zone, a high density zone for Vernon and the surrounding area is in the Agriculture and Ecotourism Zone.

The site is designated as suitable habitat for the bog turtle. It also has timber rattler, bobcats, sedge wren, wren and a number of other birds. When asked if it was possible to kayak on the waterways, Ms. Haidet said you could not kayak at that spot but the newly updated Open Space and Recreation Plan has designated canoe and kayak put ins.

They are asking the County for \$125,000.00 which is 25% of their estimated acquisition costs. Vernon Township is also applying under the local assistance program to Green Acres for a 25% matching grant. Vernon Township is paying for the other 50% from their Open Space Trust Fund. They are also paying the due diligence. One of the items on the Municipal Council's Agenda tonight was a Resolution in Support of the Green Acres Grant and the funding for this project. The property would be owned and maintained by the Township.

E. MEETING/FIELD VISIT REMINDER (NO AUGUST MEETING):

Donna said the Committee needs to schedule a site visit after the application deadline of August 13 and before the September Open Space meeting. Also, traditionally, the Open Space Committee does not meet in August.

After a brief discussion, they chose the afternoon of Thursday, September 16 for the site visits. This date will allow the applicants a week to answer any questions that may come up at the visits.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Glen Schweizer. The motion was seconded by Ailish Hambel and carried unanimously. The meeting adjourned at 9:43 p.m.