

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

AUGUST 19, 2013

The meeting opened at 7:40 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
Lori Day, Vice Chairperson
Brian Hautau
Jim Hunt
Cece Pattison

MEMBERS EXCUSED: Joan Snook Smith
Peter Southway

STAFF PRESENT: Donna Traylor, CADB Coordinator
Antoinette Wasiewicz, Recording Secretary
Steve Komar, County Agricultural Agent

ALSO PRESENT: Scott Paladino, Wantage Township

MINUTES CORRECTION/APPROVAL:

A motion was made by Lori Day to approve the Minutes of June 17, 2013 as presented. The motion was seconded by CeCe Pattison and carried unanimously.

CORRESPONDENCE:

A. LEASING FARMLAND GUIDEBOOK, SADC, 6/27/13:

A new guidebook, "Leasing Farmland in New Jersey: A Guide for Landowners and Farmers" was received from the SADC. The guidebook was developed from conversations with New Jersey landowners and farmers, and from research of other states' leasing resources. The guidebook includes sections on getting started with leasing, creating and maintaining leases, sample leases, leasing profiles and additional resources. It was designed to help answer common landowner and farmer questions. Donna provided the Board members with a copy of the guidebook.

B. ANDERSEN FARMLAND PRESERVATION OFFER, SADC, 6/28/13:

The SADC made an easement acquisition offer to Tor Anderson for his farm located in Sparta Township. The SADC certified per-acre development easement value is \$12,500 based on January 1, 2004 zoning and environmental conditions. The value under current zoning and environmental conditions is \$350 per acre. The SADC offered the higher of the two values, \$12,500 per acre. Mr. Anderson has 30 days from receipt of the letter to accept or reject the offer. Donna said she received an e-mail from Stefanie Miller, Project Manager, SADC advising that Mr. Andersen accepted the offer.

C. FINAL APPROVAL: SELLA, SADC, 7/12/13:

A Resolution was received from the SADC to grant final approval to provide a cost share grant to Sussex County for the purchase of a development easement on the Sella farm in Fredon Township.

Donna said Mr. Sella has three exceptions on this property; one non-severable and two severable. There is still a continuing challenge with his professionals to complete work on one of the severable exceptions.

D. FINAL APPROVAL: GOLDMAN, SADC, 7/25/13:

A Resolution was received from the SADC to grant final approval to provide a cost share grant to Sussex County for the purchase of a development easement on the Goldman farm in Frankford Township.

E. ARTICLES OF INTEREST:

Donna discussed an article relating to activities being held at a winery in Cape May.

RIGHT TO FARM:

A. MOSEFUND, FRANKFORD TOWNSHIP:

Donna said she received another complaint, via the Health Department, on the Mosefund farm. This situation was a one-time, unavoidable circumstance and that she and Steve Komar spoke with the owner. Complaints are received from the neighbors a few times a year on this farm. Steve Komar suggested that Adam Bolz, Health Department be asked to visit this farm to show him how Mosefund farm is using best management practices. It was also decided to show Mr. Bolz other farms doing nutrient management practices. They are currently working out a date to visit the farm.

B. CASTNER, STILLWATER TOWNSHIP:

Donna said this may or may not come before the Board as a site specific ag. management practice request. Rodney Castner, Stillwater Township has a 60-acre farm. He is trying to construct a 50' x 96' pole barn (4,800 sq. ft.) Mr. Castner has been told that the Stillwater Township Ordinance says that anything more than 1,000 sq. ft. is considered an ancillary structure and requires a site plan. The township said they are in the process of changing this ordinance. Steve Komar said the township went from paper records to digital and the change did not get transferred into digital format.

Donna said this has been going on since April. Mr. Castner submitted an application to the Stillwater Township Planning Board with a \$2,500.00 escrow fee. He then received a letter saying he has to pay \$750.00 for a major site plan review and final; \$865.00 for a GIS update; and \$2,000.00 in additional escrow fees. He needs to get a variance because the building is more than 1,000 sq. ft. He also needs to send a notice to all neighboring property owners within 200' and he needs to get a permit from the Soil Conservation District because the township Zoning Officer believes that they will disturb more than 5,000 sq. ft. Mr. Castner estimates the cost to construct the building to be \$8,000.00 just in fees. Mr. Castner was also told he had to get a letter from the County Ag. Agent saying that it is okay to cut down a few trees in the area where the building is to be constructed. Donna said she discussed this with Eric Snyder, Planning Director and that she is trying to get in touch with the Zoning Officer in Stillwater.

AG. AGENT'S REPORT:

Steve Komar said there are 20 students enrolled in the agritourism business course at the college. The tomato tasting event is scheduled for the 28th. Steve said he received a telephone call from a man in Morris County who has a 400 acre horse farm and didn't know about the nutrient management regulations. He asked the Board members to pass on information regarding the regulations to anyone they thought may also be unaware of the regulation.

OLD BUSINESS:

A. AGRITOURISM UPDATE:

Donna reported that the Highlands Grant Request has been tabled and will be back on the Agenda in September. She said there were many questions raised at the presentation and she has been working on additional information to provide to the attorney. This will be a very beneficial project for the County because the first phase will provide economic benefit analysis for agritourism. The second phase is for ecotourism. This has not been done in any county.

This grant would be a partnership between the Sussex County Planning Division, the Department of GIS and the Chamber of Commerce. Once the analysis is done, the second phase proposed would be the development of an interactive website. This will be housed within the County of Sussex but will be part of the Chamber's website. Phase 3, as proposed, would be a marketing plan for municipal website projects and would help with providing funding for updating the County's Four Seasons of Agriculture brochure and for printing.

Donna added that Rudy will be reaching out to everyone currently on the brochure to see if they want to continue to be on the new brochure and to update information. There is a small amount of funding left in the 2013 Travel and Tourism Marketing Grant for printing and hopefully there is some funding left in the Marketing Budget.

Donna reported that she handed out about 70 boxes of brochures at the Fair. The display at the County Building highlighted the milestone farm closing in June and closings over the last 25 years.

There are people starting in the Commercial Kitchen today. There were a number of farmers who contacted Donna and a few others she had on her list from last year. Donna said she is referring them to Steve's office for the process of certifying their recipes. The grant goes to the middle of next month, but Donna will ask for an extension.

Donna reported that the garlic growers will be joining the Harvest Festival this year. The Harvest, Honey and Garlic Festival is scheduled for Saturday, October 12 from 10:00 a.m. to 4:00 p.m. There is no cost involved for the vendors and the public. She provided an application to the Board members.

Crystal Springs bought the Sammis farm last year. They have a local farmer who is farming the land and the product will be used in their various restaurants.

B. FPP UPDATES (APPRAISALS, SURVEY RFQ, MONITORING):

On June 25 there was a milestone closing. This was for the David Lane farm in Wantage Township. This closing totaled 17,112.726 acres preserved in Sussex County. Donna said Wantage has the most preserved farms, 57 on 6,670 acres.

Donna said she is still monitoring and that last month she had to submit to the State an update on all the monitoring and what was done in the last year. There are 38 farms that were preserved with just County funding. Those were also monitored but they did not count toward the total.

Donna said she found a potential issue regarding firewood. If you have firewood on a preserved farm that you want to sell, it is okay. The State has an issue if you are bringing it in from other farms or other locations to be sold from the preserved farm. Also, on another farm, there is an apartment that is being used by a family member.

On another farm, the farmer has a hunt club. The previous owner was an absentee owner when he preserved the farm. A local farmer showed up several times a year to cut hay. The new owner is very active in putting the farm into production. The hunt club and the farmer are having some issues. Donna sent a letter to the hunt club with a copy of the deed of easement and referenced that this is farmland preservation. The hunt club representative called her last week and was glad to have the information but said the hunt club will probably go into litigation with the owner.

Donna reported that work continues to preserve the nine farms the Board selected for the current cycle. Rudy has four of the nine applications to the State for green light approval. Later on the Agenda, the Board will make recommendations for appraisal services. Donna will not go to the Freeholder Board with the Board's recommendations for the appraisers until she has all nine applications with green light approval.

Two of the four Land Conservancy of New Jersey farms (Golden View and Wintergreen) are proceeding and the other two, Carriage House Tree Farm and Meadowview have withdrawn. This will put more money back into this funding cycle.

Donna provided the recommendation regarding the expiration of the highland dual appraisal provision to Freeholder Director Rich Vohden.

C. KOLICH VIOLATION UPDATE:

Donna did not have anything new to report on the Kolich violation.

D. UPDATE: TENNESSE GAS PIPELINE AND PSE&G:

The two issues on Shaffer and Hamming were resolved in the courts. All total, the County will receive a couple of thousand dollars back on one and \$7,000-\$8,000 back on the other for the additional right-of-way.

Donna reported that the SADC and the CADB were served with a lawsuit from PSE&G regarding the preserved farm currently owned by the Southways. PSE&G wants to vacate the existing right of way and take a new right of way because a tower is going to be moved and it will impact not only that farm but the contiguous preserved farm. Peter Southway has been working with them also. Peter said he had five requests of PSE&G: monetary, of trees to be replanted, certain indemnification requests and certain legal fees. The complaint mentions that they are working with Mr. Southway and that they have certain agreements in principle. There are 35 days in which to respond. The State has come up with a determination that there is nothing under the State Agriculture Retention Act to allow them to do what they want to do. PSE&G says that they were not notified when this deed restriction was put on these properties and they should have been notified so they could have commented.

NEW BUSINESS:

A. DONATION/SUBDIVISION OF PREMISES – INITIAL DISCUSSION, BRETT SINGER:

Brett Singer bought the Peck farm in Lafayette and has purchased 10 acres of land contiguous to him. He planned to donate it for the easement with the hope that he could do a subdivision of premises later on with a higher total acreage of land. However, this afternoon he called Donna to say he is not going to do this at this point in time and that he would not attend the meeting.

Scott Paladino is one of the applicants for farmland preservation. His farm is the Old Clove farm on Old Clove Road. He is making some changes which are positive for agriculture. He wanted to discuss this with the Board.

The meeting was opened to the Public.

Scott Paladino provided a map for viewing. Donna pointed out Old Clove Road and the location of the house which is a restored building from the 1700's. She also pointed out the barn and barnyard. There is an orchard and he is putting in another orchard. The application shows several non-severable exceptions. Mr. Paladino would like to move the existing house to an area of a non-severable exception with language in the application saying that there could only be one, single family residence. There would be another non-severable exception for barns and a cidery. He also is looking for a very small non-severable for another cidery. Since the cidery doesn't already exist, the only way to do it is through a non-severable exception.

Mr. Paladino said the exception area below has an old dairy barn. He plans to set up his processing facility in the lower part of the dairy barn. He wants the option of a second floor for a tasting room. He is asking for another one-acre exception area. He talked about the views from the top of the property. Donna pointed out that Mr. Paladino would be moving the house to the exception area and then converting the old

location back to agricultural use. Mr. Paladino said he would like to build another cidery at the top of the property. There is an issue with access to the area. There is an existing, very steep farm road which he has made improvements to. The access road would have to be the future driveway for his home and the cidery. When asked, Mr. Paladino said the farm is 60 acres but they would be preserving 56 acres. Donna said the amount of production area that will be gained after the house is moved is equal to the two exceptions.

The Board acknowledged that at the time of the farm tour, Mr. Paladino was unsure of his plans for exceptions, etc. His attendance this evening was to clarify his future plans for the farm. The Board thanked him for the information.

The meeting was closed to the Public.

B. RECOMMENDATION OF APPRAISERS TO SC FREEHOLDERS:

Donna reported that she sent out a letter for appraisal quotes to nine appraisers on the State certified list. She sent it out on June 25 and received six responses by the July 12 deadline. Five appraisers sent quotes and one said there were unable to quote this year. Two appraisals need to be done on each of the farms. Donna provided the Board with the list of the quotes, listed in alphabetical order. As requested, they provided her with a quote for all nine farms and quotes for the individual farms. Donna said all of the appraisers have worked for this program in the past and briefly reviewed with the Board the appraisers who submitted quotes. She said the Board needs to make a recommendation to the Freeholder Board for two appraisers.

MOTION:

A motion was made by Jim Hunt to recommend to the Freeholder Board the firms of Landmark I and Holzhauer & Holenstein to do the appraisals for farmland preservation. The motion was seconded by Brian Hautau. A roll-call vote was taken, all were in favor.

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Lori Day. The motion was seconded by Jim Hunt and carried unanimously. The meeting adjourned at 9:05 p.m.