

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

SEPTEMBER 29, 2011

The meeting opened at 7:30 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  
Lisa Chammings  
Wolfgang Gstattenbauer  
Ailish Hambel  
Lori Intoccia

MEMBERS EXCUSED: None

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

ALSO PRESENT: Freeholder Liaison Rich Vohden  
Kathy Haake, Trust for Public Lands  
Daniel Flynn  
John Morgan, Andover Borough Mayor  
Peter Pearson, Andover Borough

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Lisa Chamblings to approve the minutes of July 28, 2011, as presented. The motion was seconded by Wolfgang Gstattenbauer. All were in favor, with an abstention from Glenn Schweizer. Motion carried.

**CORRESPONDENCE:**

A. GREEN TOWNSHIP RESOLUTION RE: TPL APPLICATION:

A Resolution was received from the Township of Green dated August 8, 2011 stating that they were made aware of the efforts of the Trust for Public Land to preserve as open space some portion or all of the Francisco Farm owned by Sussex Properties. They stated that they are aware that the 280 acre site is under threat of development for up to 590 residential housing units and 285,000 sq. ft. of commercial and retail space. They are fully in support of this application for open space as well as other efforts Trust for Public Lands makes toward the eventual preservation of this site.

B. NEWTON LETTER OF SUPPORT RE: TPL APPLICATION:

A letter was received from the Town of Newton which makes reference to the general development plan for the Francisco Farm. They feel that it would be in the region's best interests to see most of the site added to the Kittatinny Valley State Park. The site touches the State Park's southern boundary and extends along the Sussex Branch Trail. The property also provides a number of ecological benefits, including habitat for State threatened bobcat. They note other endangered, threatened species and species of special concern that have utilized this property. The Town of Newton recognizes that there are poor market conditions right now that would delay the possible development but there is still a threat of development in the future.

C. PAYMENT VOUCHER SUBMITTAL FOR LAKE ILIFF ACCESS TO GREEN ACRES:

There were a number of parcels that the County preserved in the last year or two, that because of the sequencing of when this Committee receives the application and when it is recommended for funding to the Freeholder Board, that typically appraisals are not seen at that point. Because there could be a significant change in the values, the County would have the opportunity to utilize more of their Planning Incentive Grant funds. This happened in the case of the Lake Iliff property. Sandy Urgo was able to work with Green Acres to get another reimbursement for that parcel, which totals \$11,500. The voucher went to Green Acres August 15.

D. PAYMENT VOUCHER SUBMITTAL FOR FRANCOMARCARO TO GREEN ACRES:

It appears that the County can receive an additional \$17,500 for the Francomarcaro property in Hopatcong. The County received the voucher today. It will go to the

County Administrator for signature and then to Green Acres. When asked if it will go back to the Open Space Fund, Donna said if it was a project that contained the 90/10 split, yes; if it was a project under the Open Competitive Funding, possibly. However, Donna feels these two projects (Francisco and Francomarcaro) were recent enough that they were under the 90/10 split.

E. SUSSEX COUNTY HARVEST FESTIVAL:

Donna advised the Committee that the 2<sup>nd</sup> Annual Sussex County Harvest Festival is scheduled for Saturday, October 15 at the Fairgrounds. The Festival will be held from 10:00 a.m. to 4:00 p.m. It is free to the public and free to those vendors that are participating. The Festival is a celebration of agriculture, the environment, agri and ecotourism and arts and heritage. Last year several thousand people attended.

Radio ads, newspaper advertisements and press releases will go out next week. Donna provided the Committee with posters to display at their place of business, etc. She also advised them that if they represent an environmental or agricultural non-profit and would like to participate, there is still room available. Currently there are about 25 entities signed up

F. LETTER FROM D. PEGG REGARDING SC HAWK WATCH, STOKES STATE FOREST:

The Sussex County Freeholder Board was copied on a letter from the Vice President of the Sussex County Bird Club to the DEP regarding the closure of the road to Sunrise Mountain due to storm damage. They are concerned because they manage the Sunrise Mountain Hawk Watch. They suggested that the Park Service could look into making the road up to Sunrise Mountain a two-way road. This may be the only way to save the hawk watching season, which is September through early December.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

A. FINAL PRESENTATION: TPL APPLICATION FOR ANDOVER BOROUGH PROPERTY, KATHY HAAKE:

Kathy Haake, Trust for Public Land said they work with partners to buy land to be used for parks and public open space. She is here this evening to talk about the Andover Borough property.

The Francisco property is approximately 280 acres in two municipalities. They are looking to preserve the majority of the property to be added to the Kittatinny Valley

State Park. There is a General Development Plan on the property that would allow 590 residential units and 285,000 sq. ft. of commercial space. The property is just outside the Highlands Preservation Area and the location and density make it a very valuable property. Even though currently there is a bad real estate market, this property will eventually be developed if it is not preserved. Andover Borough attempted to decline to extend the approvals, a lawsuit was filed in 2005 and five years later a judge did uphold the General Development Plan.

Development of this property would impact water quality, quantity and degrade habitat for threatened species. The site is a natural heritage priority site of general biodiversity interest to the State. There is habitat for State threatened wood turtle and bard owl. Just to the east of this property is Kittatinny Valley State Park. The wooded areas along the western portion of the property provide habitat for other threatened species, including bobcat and it provides significant groundwater recharge. The Sussex County Open Space and Development Plan states the Kittatinny Valley Limestone areas are among the most productive bedrock aquifers in the County. Its also given the highest groundwater recharge rank of A on the geo webmap. Development of this property would definitely impact the aquifer and create impervious cover, increase runoff and reduce the amount of water recharge that reaches the aquifer. Preservation of properties like this are very important to the future water supply.

Also in the wooded area along the western border is the Francisco cave. It was documented by the New Jersey Geological Society in 1958. The cave is rumored to be a hiding space for Moody's Raiders during the Revolutionary War and also may provide habitat for our dwindling bat population. Ms. Haake said neither of these facts are documented but that she has done quite a bit of research on them. At 800', the highpoint on the site provides beautiful views of the surrounding countryside. Anything built here would be within the Kittatinny Valley's viewshed.

They have the strong support of the State of New Jersey, who would like to add the property to the State Park and its preservation would protect the borders of the two trails that run along the property. It could also provide the first link as a greenway from Kittatinny to Allamuchy State Park. Trust for Public Land has been working closely with Andover Borough and they have provided Resolutions of Support of the application to Sussex County. They have also received Resolutions of Support from Green Township, the Town of Newton and Byram Township. The property does not have acreage in Newton or Byram but they do realize the impact development of this property would have to the region. Andover Township has decided not to write a letter of support but the Andover Township acreage can be taken out of the transaction without any impact. Other funds will be used to acquire those properties for preservation.

Ms. Haake said the purchase price is confidential and since this meeting is held in a public format she was unable to disclose the full price. She anticipates that they will need between \$2 to \$3 million from Green Acres grants, local match and private dollars. She expects the State to provide a significant portion of the purchase price

from State funds which don't require a local match. Andover Borough plans to make a significant contribution through a proposed Open Space tax and they have authorized work on a new Open Space Plan, the first step in attaining a Planning Incentive Grant. TPL has committed their Green Acres non-profit grants and they are also looking for private foundation funds. Since public funding is tight right now, they expect there will be some smaller parcels that will not be preserved but will be sold to private investors or to the Borough for future use. When asked if the property value excludes the Andover Township property, Ms. Haake said they have not gotten their appraisals in yet. They are due in about two weeks.

Since the county has reduced their open space tax, the tax dollars can only be matched with 25% of Green Acre Grants. Ms. Haake displayed a chart showing the significance in the difference between 25% and 50% match. At \$750,000 tax dollars, \$500,000 more is available in Planning Incentive Grants when matched with 50% than when matched with 25%. Also, the State may be taking back old Planning Incentive Grant dollars from Counties that have not spent their dollars and re-granting them back to municipalities who have projects lined up and need funding for them. Green Acres suggested that the County may return their dollars to Green Acres with the request that the money be reprogrammed to the Borough. Then the Borough will be able to use that money as a 50% match. The County Planning Incentive Grant money would then go much farther, the County would have directed where the money was going to and it would go to a project in the County that it had already approved. With Andover Borough contributing \$750,000 of local dollars and the County adding \$75,000 from the Open Space Tax, they can match \$1.7 million.

Ms. Haaek said ownership of the property will depend on the final funding sources. She expects the State to take the majority of the ownership for the State Park and the Borough may take some ownership for recreation or future development, depending on the Open Space dollars it can raise. Because this is not a farmland project, they are looking for a private buyer for the farm buildings or they will be have to be demolished. She said she has had some conversation with potential buyers for small acreage along Route 606.

The meeting was opened to the public.

John Morgan, Mayor of Andover Borough said he could not speak for the Council, who will make the final decision, the contribution from Andover Borough is about \$500,000 which they will borrow through some Green Acres funding sources.

The meeting was closed to the public.

Donna said there were several cancellations that have only recently been done by the County Treasurer, which potentially frees up some dollars for Open Space. These are the County's funds. There was \$95,000 from a project in 2002 that was cancelled and there was \$197,500 from a 2006 project that's been cancelled. This totals \$292,500. Those were part of the 10% funding so that is Open Space dollars. There was an

additional \$31,700 from that same 2006 project that was open competitive. That can be used for either Open Space or Farmland Preservation. Those three sources of funds total \$324,200. There are also monies being raised for 2011 but she cannot say exactly what that will be because of soft costs. She estimates that out of 90/10 split, there is a maximum of \$50,000. Donna added that if the Committee supports this project, they need to put the County's Planning Incentive Grant monies to the best use. Several members thought sending it back to the State sends the wrong message. The Committee discussed the project at length.

**MOTION:**

Glenn Schweizer made a motion to recommend to the Freeholders that they use the available County dollars and match it with the Planning Incentive Grants funds to go towards the preservation of the Francisco Farm in Andover Borough. The motion was seconded by Lisa Chamings and carried unanimously.

Chairman Lundin cautioned that the Open Space Committee's report to the Freeholders, should say this is preliminary and that there may be some additional discussions on the funding options.

Wolfgang Gstatenbauer asked what happens if the County commits funding and the other funding doesn't materialize. Chairman Lundin said in that case the project is cancelled.

Donna said she will prepare a Resolution and discuss the language with County Counsel.

Donna said there have been some presentations from different entities at the Open Space Committee meetings during the last couple of months. She asked for some ideas of other entities she should invite to future meetings. A member suggested the Audubon Society. Donna said that the Audubon Society has committed one of their staff members to work with agricultural communities throughout New Jersey in helping them go through USDA and NRCS to get various grant monies. They've also devised a new program called, "SAVE," which commits farmers to grow sunflower seeds and those farmers, in turn will have the marketing that New Jersey Audubon has already developed for the sunflower seed product. The farmer commits one acre of land for every "x" amount of acres he puts in sunflowers; and that one acre is dedicated for certain environmental uses. Chairman Lundin suggested inviting the municipal Open Space Committees for sharing of ideas. Donna suggested that the Committee prepare some discussion topics for the meetings with the municipalities.

Wolfgang Gstatenbauer said that for 29 years he has worked in an environment where everyone ate in the same cafeteria, there were no executive bathrooms, etc. At the July

Open Space Committee meeting, he arrived a half hour earlier by mistake and ended up setting up tables and watched people trip over microphone wires. He was surprised to see the same setup at this evening's meeting. He questioned why the professionals that serve on the Committee cannot sit on the dais. He wanted the Committee members and the Freeholder Liaison to know that at the July meeting, he was unable to concentrate for half of the meeting because it bothered him so much. He feels the whole situation is very petty. Freeholder Liaison Vohden said he does not know the reason why the Committees are not allowed to sit on the dais but that he will take that back to the Freeholder Board.

Chairman Lundin said that in the 47 years he has served on Committees, there are times that he prefers to be up on the dais and there are times he prefers to be down on the floor. He said he does not mind being down on the floor because he's closer to the people and can have a better conversation but there are other times when doing formal business that there is a need to be at the dais. Mr. Gstattenbauer said if the usual meetings were held right outside the bathrooms, it would have been perfectly fine with him but this change was without rationale. Chairman Lundin said that volunteer boards should be made as comfortable as possible and it is not comfortable to be tripping over wires.

**PUBLIC COMMENT:**

Freeholder Liaison Vohden said there are other caves in the vicinity of the cave Ms. Haake spoke about during her presentation this evening. Also, according to an Engineer working on a project in the area, the recharge rate is 121" per hour.

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Ailish Hambel. The motion was seconded by Wolfgang Gstattenbauer and carried unanimously. The meeting adjourned at 9:45 p.m.