

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

SEPTEMBER 15, 2014

The meeting opened at 7:38 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  
Brian Hautau  
Jim Hunt  
Cece Pattison  
Joan Snook Smith  
Peter Southway (7:44 p.m.)

MEMBERS EXCUSED: Lori Day, Vice Chairperson

STAFF PRESENT: Autumn Sylvester, Program Manager  
Rudy Dragan, Planning Aide

ALSO PRESENT: Lou Tommaso, Green Township  
Anthony Ventura, Green Township

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Cece Pattison to accept the Minutes of June 16, 2014 as presented. The motion was seconded by Joan Snook Smith and carried unanimously.

**CORRESPONDENCE:**

A. ARTICLES OF INTEREST:

Autumn Sylvester discussed articles related to an insurance program for dairy farmers; Jacob Hunt, a “Champion of Change” leader; and an editorial on permits for festivals on preserved farms.

B. CUMBERLAND CADB LETTER TO SADC:

A copy of a letter from the Cumberland CADB to the SADC was received. The letter related to erosion issues with Quaker Valley Farms and the court case. The SADC is looking into all of the nursery operations in Cumberland County to collect data on what materials they're using in their flooring for hothouses and greenhouses. They are determining what type of impervious coverage they have and how much erosion is occurring to further regulate this. Cumberland County's issue was that the SADC didn't have anyone in the nursery field on their Committee.

C. SCR84 FUTURE PRESERVATION FUNDING:

A memo was received from Susan Payne, SADC, advising that the New Jersey Legislature approved bill SCR84, which provides for a public question to be placed on this November's ballot. The question will ask voters to consider a constitutional amendment to dedicate a portion of existing State revenues for farmland preservation, open space preservation, historic preservation and the purchase of flood-prone properties under the Blue Acres Program.

D. MODEL SSAMP REVIEW CHECKLIST:

A Model SSAMP Review checklist has been received from the SADC. The Checklist will assist county agriculture development boards (CADBs) in evaluating site-specific agricultural management practice (SSAMP) requests pursuant to recently adopted amendments to the Right to Farm (RTF) Act procedural rules. The new rules were published in the New Jersey Register on April 7, 2014.

E. FOODSHED ALLIANCE ROUNDTABLE DISCUSSION:

An e-mail from the Foodshed Alliance was received regarding an invitation to a Roundtable Discussion of North Jersey Food-System Stakeholders. The Roundtable Discussion will be held on Wednesday, October 16 at 6:30 p.m. at the Geraldine R. Dodge Foundation in Morristown, NJ.

This Roundtable is part of a year-long study currently being conducted by the Foodshed Alliance on the northern New Jersey food system. The study consists of recording, mapping and evaluating what currently is being produced, processed and

consumed in this area. The purpose of the study is to reveal strengths, weaknesses, opportunities and threats to the northern New Jersey food systems.

Autumn reported that she sent a letter to the Highlands requesting another year long cost time extension for the Commercial Kitchen. A letter was received today granting the extension to October 31, 2015. When asked, Autumn said there is about \$13,000 left in the grant.

The Agenda was amended to New Business, A – Lou Tommaso Site Specific Management Practice Pre-Application; and then New Business, B – Ventura Soil Conservation Request.

**AG. AGENT'S REPORT:**

Steve Komar reported that there were interviews for the marketing position in Warren County. He said an offer was made and they are currently working on the negotiations aspect.

The Agenda was amended to New Business, C – Mosefund Farms.

**OLD BUSINESS:**

A. AGRITOURISM UPDATE:

Autumn gave an update on the Harvest Festival. She said she sent out the registration and insurance information. She has heard back from some and is calling back people who have not responded yet. The Boy Scouts will participate and Rosaline's Farm will provide the food. The antique tractors and beekeepers will be there. She is not sure about the garlic people and said she spoke with Les Guile who will let her know whether or not they will be there. Autumn said she is starting to do the marketing but that there are limited funds. There was some discussion about what types of vendors are appropriate. Peter said any vendor that touches on ag. activities is appropriate. Joan said the Snook Museum will be open.

B. MONITORING UPDATE:

Autumn said she is doing the monitoring a little different. She divided the County up into regions. Chuck Rohr, from the State, said she could send out letters letting farmers know that she will be in their area for monitoring. The farmers were also given contact information. This will allow her to cover one area rather than calling to make appointments. So far she has monitored about 25 farms. When asked, Autumn said she has not found any violations.

C. SCADB LETTER TO SADC RE: BRODHECKER:

Jane Brodhecker recused herself from discussion. Since the Vice Chair was excused from tonight's meeting, Joan nominated Jim Hunt as Chairman Pro Tem. Brian Hautau seconded the nomination.

Autumn reported that she received an OPRA request from the Hampton Township attorney for the discussion on the SCADB letter to the SADC regarding Brodhecker. Everything he requested has been submitted to him.

Peter asked if there has been any response from the SADC. Autumn said she has not received anything yet; however the SADC cancelled their August meeting. Also, the September meeting falls on Rosh Hashanah so they moved it to October 1.

Jim Hunt turned the meeting back over to Chairwoman Brodhecker.

**NEW BUSINESS:**

A. TOMMASO SSAMP PRE-APPLICATION:

Lou Tommaso, owner L.L. Pittenger Farm said he purchased and preserved his farm on January 6, 2014. He currently has a home-based, occupational business where he sells the products he produces on his farm. He wants to move the business to his farm. Because he lives in an agricultural residential zone in Green Township, he can only do this with a variance through the town. He is currently working with the Green Township Zoning Officer. He supplied him with documentation and new AMPs. The Zoning Officer asked for at least another two weeks for him to work on this issue. Mr. Tommaso came to the Board for advice about what to do if he is denied this zoning application. He said the variance would cost \$12,000-\$15,000.

Cece Pattison asked about public parking. Mr. Tommaso said Creek Road is not a well-traveled road. He added that he sells by appointment. He also said that 10 years ago he opened up two businesses: the farm agricultural retail business and a sporting goods business. He imports parachute equipment from South Africa and distributes it by phone or internet. The town approved the application for the home-based parachute business and told him they did not have jurisdiction over the agricultural business. This is not what the new Zoning Officer is now saying. Jim Hunt asked if the zoning was the same on the farm as it is at his home. Mr. Tommaso said it was. He added that because he does not live on the farm, it doesn't qualify as a home-based occupational business.

Autumn said she read that section of the Zoning Ordinance. She believes that Mr. Tommaso does not meet the definition of a home-based occupation and that the agricultural use in the AR Zone permits farm markets. The town's home occupation definition is more related to, as an example, a Chiropractic office, Lawyer's office, etc.

The farm market is part of an agriculture operation. She feels the Zoning Officer is misinterpreting the definitions.

Mr. Tommaso said he is not looking to expand his farming operation. He just wants to relocate his freezers and sell his products from the structures on the farm. It's just a matter of convenience. The Board members agreed that this is all part of an agricultural operation. Mr. Tommaso said the town said because he is in an Agriculture Residential zone, it needs to be specifically noted as a use, it is not permitted. Jim Hunt asked if there was an Agriculture only zone in the town. Mr. Tommaso said he did not believe so; only Agriculture Residential and Agriculture Industrial. Peter Southway said under the town's permitted accessory uses, they say no retail sales shall be conducted except for the sale of goods previously ordered by a customer.

Mr. Tommaso asked what would be the next step if the township denies his request. He was advised it would come back to this Board as a Right to Farm issue. He then asked what happens next if the Board rules in his favor. He was advised that the town can then send it to State for a determination. He asked if he does get the permit from the Zoning Officer, is he bound to all the zoning codes of Green Township. Mr. Tommaso said he will submit his application to Green Township in two weeks and if he is denied, he will come back before this Board.

B. VENTURA SOIL CONSERVATION REQUEST;

Anthony Ventura said he is very new to the whole process of farming, the Right to Farm Act and negotiating through the town's ordinances. He said he recently purchased property on Pequest Road. His goal is to renovate it into a home and a working farm. He was able to get some free stone from the high tension wire project and he brought some loads in to help access the back of the property. As a result of trucks coming and going, he started getting visits from the town and subsequently received a Stop Work Order. John Miller, the Town Engineer said he created a soil disturbance of greater than 5,000 sq. ft. and that he needs a soil conservation and erosion plan. Mr. Ventura said the cost is \$15,000-\$20,000 for him to do this plan and that if he pays for the plan, he will not have the means to do the rest of the work. His main issue is that the Right to Farm Act says he has the ability to disturb more than 5,000 sq. ft. for agriculture and horticulture. Autumn corrected him and said it is not the Right to Farm Act; it is the Soil Erosion and Sediment Control Act. The town is saying that because it is a roadway or driveway, it doesn't fall under that domain.

Mr. Ventura provided the Board with a drawing showing the current driveway and the area where the stone was dumped. In order to access a loop that runs around the whole property, he has to come in behind the house. There is another driveway on his neighbor's property that would give him access but the neighbor has been forbidden him to use it. Without the road he is trying to put in, he has no access to the back of the property other than by foot or with a wheelbarrow. It is too muddy and rutted. He plans to use the stone to create a retaining wall to terrace the sloped areas.

Mr. Ventura showed the Board plans for a swale and berm system. The water enters the swale and is retained until it soaks through wood chips and sent under the berm to the planting areas rather than run down the slope and wash away. He said he is very interested in maintaining the integrity of the soil, the property and everything around it and he does not have a problem with adhering to whatever soil erosion methods and practices are in place. He is here this evening to avoid the site plan showing topography and aerial photograph Mr. Miller is requesting. Mr. Ventura said he does have a Forestry Management Plan and in that plan it specifically states that invasive species must be pulled out. There is no way for him to do this without the access road.

Jim Hunt asked if the farm is farm assessed. Mr. Ventura said it is not. It was farm assessed up until 2011 and it lapsed from the previous owner. It qualifies for farm assessment but there is a three year process. Mr. Ventura said he spoke with Cliff Lundin, from Soil Conservation District and that Mr. Lundin said he thinks there is a modification to that where the 5,000 sq. ft. exemption is only for tillage, not for farm roads, etc. Mr. Ventura said from the front of the greenhouse to the driveway is probably 150-200' x 10-12' wide. The road going around the property is existing but impassible in inclement weather. By improving that road with the stone, he is not changing anything other than improving an existing road. He said he has an appointment tomorrow with Brett Calanan from the DEP.

The Pequest River runs down alongside the neighbor's property on the far side. There is a small, old mill race that runs along the perimeter of his property and then back into the Pequest. In the 1700's they had a mill and they diverted water from the river and the basin still remains from the old mill race. He believes this is part of the wetlands. It is right along the property line, so it's wetland but not riparian. Joan Snook Smith asked how the previous owner used the farm to qualify for farmland assessment. Mr. Ventura said he believes he sold firewood.

There was some discussion about the Stop Work Order. Mr. Ventura said he was forbidden from doing any work at all on the property until he submits a Site Plan. He was required to install a silt fence and clean Pequest Road. Mr. Ventura said he has already complied with these requests. Mr. Miller also wanted Mr. Ventura to stop using the driveway but then received permission to pull his van in and out. No trucks can go in or out. When asked, Mr. Ventura said he has all the stone he needs and is not looking to bring more in.

Peter Southway said under Right to Farm, he has the right to build farm roads. Mr. Ventura said David Diehl, the Zoning Officer was with Mr. Miller when they did the site inspection and he said it was a driveway. He said a farm road is two ruts on a dirt road. Autumn asked Mr. Ventura if he mentioned anything about the exception for horticulture. Mr. Ventura said he sent Mr. Miller an e-mail and referenced the Soil Erosion and Sediment Control Act. Mr. Miller acknowledged receipt of the e-mail. Mr. Ventura sent another e-mail, again mentioning this document and the various people

who each brought up the same issue. He again asked how this document affects what he's doing. Mr. Ventura has not received a response.

Peter suggested that Mr. Ventura prepare a Farm Management Plan and explain to Mr. Miller what his intentions are for the farm. Mr. Ventura showed a document to the Board that, he said is a basic synopsis of what his intent is. He said he has not presented this to the town yet. Peter recommended that Mr. Ventura make his synopsis more of an agricultural plan. He should take each thought and explain how that's agriculture related and not make it a property development plan. Also include what he plans to grow and how he is going to sell his product. He said the University of Vermont has an excellent spreadsheet online which will calculate how much syrup you can expect according to the number of trees you have. Hopefully, he can solve the problem without going through the Right to Farm process. Joan added that he should show what his long term plans are for the farm. Mr. Ventura was advised to submit the plan to Steven Komar before sending it to the town.

The meeting returned to Item 6, Agriculture Agent's Report.

C. MOSEFUND FARMS:

Autumn said she received a telephone call from a gentleman who lives across the street from Mosefund Farms. He had complaints about the odor, saying that it was permeating his house and that he was unable to open doors or go outside. She said she called the County Health Department and learned that they already received a complaint and they were handling it.

Steve said he did visit the farm while Donna Traylor was still here. Autumn said she visited the farm twice, once when it was hot and humid and once when it was hot but not humid. She said there was a slight odor, not strong. Rudy also visited the site a few times and Steve said he has been there at least 10 times. Steve said he did have someone come to his office and that he tried to explain to him that it is a very well run farm. He feels it comes down to somebody's right to live across the street from the farm vs. somebody's right to be in farming. He made some suggestions and the farmer was pretty open to it. Autumn said the Health Department and DEP are handling this issue and that they will keep her up-to-date.

The meeting returned to Old Business, A – Agritourism Update.

D. FARMLAND PRESERVATION PROGRAM:

i. Katterman Farms – Rudy Dragan said she received a call from Barry Weshnak. He wanted to make sure that the Farmland Preservation applications for his two farms, Big Spring and Katterman's Tree Farm were either still active or reactivated. Rudy said she advised him that the application for Big Spring would not be accepted because he really hasn't done much with that farm since the Board first saw it. Mr.

Weshnak has done a lot of clearing on the Katterman Tree Farm. According to the numbers he provided, he is currently at about 82% tillable. Rudy told him she would present this to the Board to see if they wanted to visit the farm a third time. Brian Hautau asked what percentage was tillable the last time they visited the farm. Rudy said she would have to look that up. There was some question as to whether the Christmas trees were new plantings. The Board reviewed the application for the Katterman Tree Farm.

Jim Hunt said he did not care for this farm the first time he visited it and doesn't think he'll change his mind much. He would rather put the money elsewhere. Rudy asked if she should find out more information about the Christmas trees. Peter also said he would not be in favor of preserving this farm. He said if Mr. Weshnak is serious about preserving this farm, he would like to see him get more serious about farming this property.

ii. Melton – Autumn said that three acres were originally subdivided when it went through preservation. He is wondering if the Board is interested in preserving it. Peter said the new power line is right next to that parcel and it would be hard to sell. He suggested that Autumn tell him about the donation program. If he would like to donate the preservation rights on three acres, it would be about a tax write-off of about \$20,000.

iii. Vaughan – Autumn said there was an interested buyer in the Vaughan property in entirety, about 600 acres. The potential buyer is very devoted to animal rights and wants to turn the farm into a farm animal sanctuary. He would also like to hold fund-raising events. He wanted to be sure he would be permitted to do this before buying the property. It was unclear if this would be considered agriculture, so Rudy sent it to the State for their opinion. The potential buyer also spoke to Chuck Rohr and received the State's blessings, in writing, with some limitations. The property will also be farmed and most of what he will produce will be used for the animals. Excess produce will be sold.

E. 2016 PIG APPLICATION:

Autumn said she has to have everything submitted by December 15, 2014. She said she has to review the ADA requirements and then go through all of the blocks and lots to see if whether or not they meet the criteria. The Bert Smith farm has to be added toward a new ADA area, because they are no longer in a sewer service area. The updated Wastewater Management Map took out that block and lot.

F. EXAMPLES OF SSAMP APPLICATION FORMS:

Autumn said in light of the potential SSAMP and Right to Farm issues we've gotten, she spoke to Dennis McConnell and he thought it would be a good idea if the Board adopted an Application Form. The Board was provided with a draft SSAMP Application

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Form from the State and a copy of what Morris and Warren Counties are using. Autumn asked them to look it over and get back to her with any changes. Jane suggested that the Board look over the two County forms to see how they tie into the State recommendations.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Peter South. The motion was seconded by Brian Hautau and carried unanimously. The meeting adjourned at 9:23 p.m.