

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

OCTOBER 20, 2014

The meeting opened at 7:36 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
Jim Hunt
Cece Pattison
Joan Snook Smith
Peter Southway

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

ALSO PRESENT: Bob McNerney, Hampton Township
Glen Vetrano
Andy Fairclough, Hampton Township

MINUTES CORRECTION/APPROVAL:

A motion was made by Joan Snook Smith to accept the Minutes of July 21, 2014 as presented. The motion was seconded by Jim Hunt. All were in favor, with an abstention by Peter Southway. Motion carried.

The Agenda was amended to New Business, A.

CORRESPONDENCE:

A. ARTICLES OF INTEREST:

There was an article in the New Jersey Herald on the new Sussex County Community College (SCCC) Agriculture Programs which will be offered in 2015. SCCC received a grant from the Clearing House Corporation. The program offers two Associates Degrees; one is an Associate of Science in Horticulture and the other is an Associate of Science in Agriculture/Agri Business.

Farm Bureau Weekly had an article about the new grants for specialty crops. There is about \$813,342.00 to fund 13 initiatives for specialty crop agriculture promoting produce and nursery crop sales. About half of the grant money is going to the Jersey Fresh Program.

Yukon, in association with the Farm Credit East has a survey on how farm regulations are affecting agriculture in the northeast. The surveys can be taken online or at their offices in Lebanon or Bridgetown, NJ.

B. LETTER RE: SADC INTERPRETATIONS OF DEEDS:

Autumn received an e-mail from Eileen Antolino with an attached testimony from Giulia Iannitelli before the Red Tape Review Commission. Ms. Iannitelli talked about the limitations that the SADC and Deed of Easements place on preserved farms. Also included was a more elaborate editorial in the Skylands Visitor. They are trying to make the SADC more specific and flexible with what constitutes a special occasion with winery operations. They feel there is a lack of definitive language on restrictions and that they have inconsistent interpretations.

C. FOODSHED ALLIANCE ROUNDTABLE DISCUSSION:

Autumn said she attended a Foodshed Alliance Roundtable Discussion at the Geraldine Dodge Foundation. The Food Shed Alliance is beginning to take a survey of the food systems in northwest New Jersey. This was a meeting to see what some of the issues are with existing infrastructure and things that are lacking.

D. CADB ADMINISTRATORS MEETING:

There was also a County Ag. Development Board Administrators meeting, but Autumn said she did not attend it because the e-mails were blocked from her computer. She said she only received e-mails if Brian Wilson "Replied to All." During the meeting, the Administrators went over changes to the monitoring e-form to make it more "user friendly." They also discussed other obstacles with the SADC. Many have concerns

about the long waiting period for Green Light Approval and certified values, as it exceeds the amount of time that the SADC is allowed under the County P.I.G. rules. Three Administrators are setting up a meeting to express these concerns with Susan Payne.

They also discussed the Special Occasion Permits. There is concern over the language in Senate Bill 837 which permitted wineries to have special occasion events. They feel that the County Ag. Boards will be responsible for hearing requests to determine if they qualify and that this is very subjective.

There was a lengthy discussion on the Cape May Winery issue.

AG. AGENT'S REPORT:

Steve Komar did not attend this evening's meeting.

OLD BUSINESS:

A. AGRITOURISM UPDATE:

i. 2014 Harvest Festival Update – Autumn reported that about 1,300 people attended the Harvest Festival. She spoke with some of the vendors and many said they were more successful this year than last. She thanked all the Board members who participated.

Rudy said she took down zip codes and the number in the parties of those coming through the gate. Those figures are still being calculated but there were 188 different zip codes.

B. SADC DECISION RE: BRODHECKER:

Peter Southway said the Right to Farm Legislative Act that was passed by the Legislators has a very clear rule in it. "A commercial farm means a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility of criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964." It goes on to talk about the farm market issue. "A facility used for the wholesale or retail marketing of the agriculture output of commercial farms and products that contribute to farm income, except that if a farm market is used for retail marketing, at least 51% of the annual gross sales of the retail farm market shall be generated from the sales of the agricultural output of the commercial farm or 51% of the sales area shall be devoted to the sale of the agricultural output." Mr. Southway said the legislature did not, in any way, put anything in that language that said anything about the other 49%.

In the Accepted Management Practice for retail farming and in the Brodhecker decision, the SADC now has created this whole rule about nexus of properties, of what is and isn't going to be part of the 51%. Mr. Southway said this is not in the law.

Autumn said that three County Administrators are forming a subcommittee to bring these issues to Susan Payne. Mr. Southway said the New Jersey Supreme Court had a decision for Den Hollander, which is the only Right to Farm case that has been heard at the Supreme Court. The Supreme Court said farming is not pastoral. Mr. Southway said the SADC is trying to create farming as pastoral. Mr. Southway said he is concerned because the SADC is issuing accepted management practices for Right to Farm protection that are not embodied in the Right to Farm law. Lori said that most of the SADC members are not farmers and feels that's a big part of the problem. There was some discussion on the new Den Hollander case regarding soil disturbance.

C. MOSEFUND FARMS:

Autumn said she received telephone calls about odors at Mosefund Farms; however, an official complaint was not filed. She did speak with the Health Department, who said it was their jurisdiction and they were handing the complaint calls. DEP visited the site recently and they said that odor was not an issue when they visited the farm. There was a slight runoff issue which is being resolved.

NEW BUSINESS:

A. POTENTIAL PRESERVATION APPLICATION:

Autumn said Mr. Fairclough contacted her to see if the CADB would be interested in preserving two of his parcels in Stillwater. One is located off of Saddleback Road and the other is off of Potters Road.

Mr. Fairclough said the CADB looked at these parcels a few years ago as three farmettes. He is now interested in preserving them as two farmettes. One farmette would be comprised of ten lots. Mr. Fairclough said that Gene Chammings fixed the old barn and would like to purchase the rest as one farm and build a house on one of the lots. Jim Hunt confirmed that Mr. Chammings wants to purchase the farm after it is preserved. Mr. Fairclough said that was correct and that Mr. Chammings cannot afford to purchase it if it is not preserved.

Mr. Fairclough said there is about 20' that accesses the property near the power lines. Mr. Chammings would build an equipment shed in the area where normally it would be inaccessible. Mr. Fairclough pointed out areas where Mr. Chammings is growing hay and also an area which is being farmed by a tenant farmer. There was discussion regarding the percentage of the fields that are being farmed. When asked, Mr. Fairclough said the subdivisions are complete and that he has had a few builders look at them; however, times are not good. They are valued less now than what they were a

few years ago. Mr. Hunt said they would still be evaluated as an approved subdivision. There was concern regarding the fact that the land will appraise much higher because of the subdivisions. Available funds can be used to preserve more acreage elsewhere.

Some of the Board members felt that there is interest in preserving this property; however it depends on the appraised value. Mr. Fairclough asked how the Board would feel if the property appraises high. They said that would be an issue. Mr. Hunt asked Mr. Fairclough if he would be willing to preserve only one side. Mr. Fairclough said he would. Peter Southway suggested that Mr. Fairclough wait to see what happens after the November ballot.

There was also discussion of preserving the property through one of the conservancies and possibly in partnership with the conservancies. Autumn said she would provide Mr. Fairclough with contact information for the New Jersey Agricultural Land Trust. She said they are actively trying to purchase farms in Sussex County.

The Agenda was amended to New Business, C.

B. TOMMASO SSAMP:

Autumn said she spoke with the Green Township Zoning Officer on Friday and that they came to an agreement. Mr. Tommaso will be allowed to proceed with his building permits.

C. MC NERNEY SSAMP:

Autumn said the Board needs to certify that Mr. McNerney qualifies as a Commercial Farm so he can begin the process for a Site Specific Ag. Management Practice. She explained to Mr. McNerney that he needs to Notice the Township's Land Use Secretary, the SADC and the property owners within 200' of his property. Mr. McNerney provided copies of his Farmland Assessment, the Zoning map and the Tax map. He is in a zone where agriculture is a permitted use.

Mr. McNerney said he has been Farmland Assessed for two years and that he has nine acres of property. He said he breeds standard bred horses. He made an application to the Township of Hampton to build a four-stall barn for the four horses on the property. After three months, he received a denial letter and then contacted Mr. McConnell to file an application under the Right to Farm Act. The current Zoning says you have to build a house before you can build a barn. He said he had hopes of having the barn built in time for this winter. Autumn said Mr. McConnell has been in contact with Hampton Township Land Use Attorney. The town does not have an issue with this; however, Mr. McNerney needs to go through the process of the SSAMP.

The Board members reviewed the documents submitted by Mr. McNerney and agreed that he qualifies as a commercial farmer.

MOTION:

A motion was made by Peter Southway saying that based on Mr. McNerney's presentation of his Farmland Assessment forms for Tax Years 2014 and 2015, which indicate that his farm is assessed under the Farmland Assessment Program; and the presentation of his 2013 Schedule F Proper Loss from Farming provides that his income is in excess of the required amount (\$2,500.00) that would deem him to be a Commercial Farm under the Right to Farm Act and that his income is showing at \$19,936.00. The property is in excess of five acres; there are nine acres that are devoted to agricultural use. He also explained that the agricultural use is livestock and that activity is permissible under the Right to Farm Act. Copies of the Zoning map and Tax map have been received. The Zoning map indicates that the property is in an R-3 Zone. Hampton Township's Zoning Code states that agricultural uses are permitted throughout the township in all zones except in R-1 zones. The motion was seconded by Cece Pattison. A roll call vote was taken. Results were as follows: Jane Brodhecker-Recuse; Lori Day-Yes; Jim Hunt-Recuse; Cece Pattison-Yes; Joan Snook Smith-Yes and Peter Southway-Yes. Motion carried.

Autumn said she would call Mr. McNerney tomorrow to provide him with a Draft Notice for him to provide to the newspapers and other entities. Mr. Southway provided him with a copy of the June 25, 2014 Right to Farm Act guidelines.

The Agenda returned to Correspondence.

D. REVIEW OF DRAFT SSAMP APPLICATION FORM:

Autumn said she has not been able to find an SSAMP Application Form, so she drafted one up. She asked for comments from the Board.

MOTION:

A motion was made by Peter Southway to adopt the SSAMP Application Form as drafted. The motion was seconded by Lori Day and carried unanimously.

E. FARMLAND PRESERVATION PROGRAM:

i. Certified Value Update – Unofficial certified values have been received from the State. Once the signed certified values are received, we can proceed with setting up a meeting with the applicants and County Counsel. At the meeting, the Deed of Easement will be explained and the applicants will receive their offer letters. The Board members were given the opportunity to review the certified values. Some discussion followed.

ii. Pool Request – Autumn said drove by the Peck farm to see if the weeds were overgrown and the area seemed to have wetlands present, which existed when the farm was surveyed. She received a telephone call from the landowner because he wants to install a pool near his house. He does not have an exception area, but County Counsel said if it is residential, he can put in a pool. The Board suggested that the landowner send in a written request with a diagram showing the size and location of the pool.

F. 2016 PIG APPLICATIONS:

Autumn said she is setting up a meeting with Dave Kuntz to go over the ADA criteria and to see if there are any parcels that need to be added or removed. She sent letters to the 13 municipalities in September to let them know that we've begun this process. She has received some of their responses.

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Jim Hunt. The motion was seconded by Peter Southway and carried unanimously. The meeting adjourned at 9:02 p.m.