

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

NOVEMBER 17, 2014

The meeting opened at 7:35 p.m. by Vice Chairperson Day 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: Lori Day, Vice Chairperson  
Brian Hautau  
Jim Hunt  
Cece Pattison  
Joan Snook Smith  
Peter Southway

MEMBERS EXCUSED: Jane Brodhecker, Chairperson

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

ALSO PRESENT: Dennis R. McConnell, Esq., County Counsel  
Steve Komar, Rutgers Cooperative Extension  
Kirk Stephens, Vernon Valley Farms  
Linda Glosinski, The Land Conservancy of New Jersey  
Robert McNerney, Hampton Township  
Glen Vetrano, Hampton Township

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Joan Snook Smith to accept the Minutes of September 15, 2014 as presented. The motion was seconded by Brian Hautau. All were in favor, with an abstention from Lori Day. Motion carried.

**CORRESPONDENCE:**

A. ARTICLES OF INTEREST;

Autumn said that today she received an e-mail relating to a conference on Farm Estate Planning. The conference is being run by the Rutgers Agriculture Experiment Station and will be held in February at Bridgewater, Bordentown and Bridgeton.

Autumn also discussed an article on the passage of Open Space Funding. There were 880,000 votes for the funding and 485,000 votes against it.

Henry Byma was voted New Jersey Young Farmer of the Year.

The Federal Government is revising their Food Stamps Program. They are doubling the value of food stamps when people used them to buy local fruits and vegetables.

B. SADC MEMO RE: SPECIAL OCCASION EVENTS:

A memo was received from the SADC regarding Senate Bill 837 which relates to the Pilot Program for wineries. The northern CADB Administrators will meet with the SADC this Thursday in Somerset County to discuss the program, regulations and what the ADB's role will be.

C. BEAVER BROOK FARM SALE INFO:

Sandy Urgo, The Land Conservancy sent Autumn a flyer announcing that the Beaver Brook Farm in Hope Township is up for sale. She asked that this information be shared with the CADB.

D. 2<sup>ND</sup> ANNUAL NORTH NJ FARMERS MARKET SUMMIT:

Last Monday, Autumn attended the 2<sup>nd</sup> Annual North New Jersey Farmers Market Summit which was attended by farmers market managers, other stakeholders and Senator Oroho. They discussed issues with farmers markets and how New Jersey can publicize and advertise farmers markets and eating local. Senator Oroho was very interested in this issue. He was not aware that farmers markets provided participating farmers with at least 50% of their income. The Senator was looking into funding for advertising.

**AG. AGENT'S REPORT:**

Steve Komar said they finished another round of the Annie's Project classes, which were held in Warren County. This round was geared toward livestock and marketing of livestock. Steve said 60% of the participants were male.

The NRCS programs for the new farm bills are slightly different, in some cases, dramatically different. Rutgers will be one of the only organizations that will be able to do a lot of the plans because there is an engineering component that has to be part of the Nutrient Management Plan. Projects are being funded now and Steve suggested that anyone interested should call now.

There has been a series of SWAT Analyses for agritourism operations across the State, about seven or eight so far. A team from Rutgers will meet with anyone that has a agritourism or direct marketing operation and after analyzing the operation, they will provide the farmer with a confidential report, mainly focusing on safety aspects.

Steve reported that he will attend the Farm Bureau Convention and he will share anything of interest from the Administration.

There will be a new Marketing Specialist in Warren County as of January 1. Rutgers also hired a Water Management Resources Agent in Monmouth County.

Steve said the Winter Programs will begin soon. One program is for Pesticide Training and that he will try to have to program in this area again. The testing will provide recertification credits for those who already have a license. In early February they will be having either a half-day long or night meeting regarding CSA's.

**OLD BUSINESS:**

A. TOMMASO UPDATE;

Autumn said she sent a letter to the Green Township Zoning Officer but has not has heard back from him. She did speak with Lou Tommaso and he said he planned to apply for the Zoning Permit.

**NEW BUSINESS:**

A. FARMLAND PRESERVATION PRE-APPLICATIONS:

Vernon Valley Farms – Kirk Stephens said he owns a farm in Vernon Township which has been rundown for an entire generation. He said he took over the farm after his grandfather passed away and has spent the last five years restoring the farm. The farm is about 193 acres, of which 120 acres is usable. Historically, the farm had been a dairy operation but he has transitioned it to beef. His grandfather ran a small cow calf

operation and built up the herd to about 100 head. Mr. Stephens is trying to do a calf-to-finish operation. He also has hogs and will have about 200 piglets born on the farm next year. He plans to finish some of those out and market the rest as live piglets. Mr. Stephens said he had his inaugural season with the vegetable CSA this year. There were about 35 members and he hopes to build on that next year. They work with a local beekeeper who has about 15-20 hives on the property. He markets for the beekeeper under his own label.

He also leases an adjoining farm that is about 76 acres, two thirds of which is usable. That farm has been on the market, both formally and informally for about seven years. They do have preliminary approval on a subdivision. The owners are distant cousins and they are finally ready to part with the farm at whatever the market prices happens to be. Mr. Stephens is hopeful that he can apply to the farmland preservation program as a contract purchaser. The sellers are willing to sell the property for whatever the appraised value is. Mr. Stephens provided a map of the property. He said it is contiguous to his family's farm.

Mr. Stephens said he has been farming full-time for the last five years. He recently went back to work in order to get enough funds to purchase the farm. Currently, there is a great demand for grass-fed beef and to lose this plot would hurt him financially.

He also said he has been having difficulty with the Tax Assessor and that he has gone through the formal motions and then appealed at the County level. He discovered that the taxation is not occurring on actual use. They are not making a distinction between woodland, cropland, pasture, wetlands or soil classifications. He said he did have his taxes lowered on the ag. portion of the property only for them to increase the residential portion by the same amount it was reduced on the ag. portion. The Assessor told him that if he wasn't happy with the taxes, he should stop farming. At the County level he was told that Farmland Assessment is a privilege, not a right. Mr. Stephens said he pointed out that it is in the State Constitution as a right. There was some discussion regarding Mr. Stephens tax issues.

When asked if he wants to preserve the only the leased farm or the leased farm and the family farm, Mr. Stephens said if funds are available, he would consider preserving both. Right now his priority is the leased portion because he wants to purchase it at the preserved value. Joan Snook Smith asked if the property was in danger of being developed. Mr. Stephens said there are five different block and lots and could be sold off as is. The larger (40-acre) block would require further modifications and is in lesser danger of development; however, they do have offers on the smaller lots.

There was some discussion on Mr. Stephens' marketing techniques. Peter Southway confirmed that in order to put in a contract purchaser application, Mr. Stephens needs to have a signed contract. Mr. Stephens said it is currently being negotiated and that he has a real estate attorney on retainer. Mr. Southway asked Dennis McConnell if Mr. Stephens enters into a contract and the contract has a contingency that if he doesn't

get farmland assessment, can the Board still consider the application. Mr. McConnell said, "Yes." Mr. Southway also advised Mr. Stephens to consider whether or not the County can come up with the funds to preserve this property. Mr. Stephens asked if there was a difference in appraisals between any appraiser and the appraisers used for the Farmland Preservation Program. Mr. McConnell said in order to be accepted into the program, the County does two appraisals. Those two appraisals are then reviewed by the State appraiser and he sets the final figure. They are normally within less than 10% of each other if they are good appraisers. Our appraisers are certified for this program; they've been doing it for years.

Ms. Smith said the applicant should be aware that the preservation process depends on many factor and depending on the property being preserved is a gamble on his part. Mr. Southway said preserving 194 acres and the 76 acres together would be more attractive. Mr. Stephens asked if there are funds to accomplish this. Mr. Southway said he does not think that will be a problem. Jim Hunt asked Autumn about the new round of funding. Autumn said in 2015 they were going to announce what the actual available dollars will be. Mr. Stephens said he hoped the property could be preserved within 12 to 24 months. The Board and County Counsel said 24 months is realistic, maybe less but not 12 months. Mr. Stephens asked if there was anything he could do to streamline the process. Mr. McConnell said he should work with Autumn, get his signed contract to her and get his application submitted. Mr. McConnell suggested he get the documents submitted by January 2015. Mr. Stephens asked if there was ever a situation where he would not be accepted or if it would be four years from now instead of two. Mr. McConnell said the farm will be ranked and he would make the round based on how the farm is ranked. If it is not ranked that year, he would still have another chance the next year. Brian Hautau said it depends on how the farm ranks with soil types, percentage of tillable land, etc. and that his farm will be ranked against other farms. Mr. Hautau said the size of the farm is good and the soils in that area should be good as well. Autumn said there is a large swath of preserved farms in that area and that should help him.

Syberg Farm – Linda Glosinski, from The Land Conservancy of New Jersey said the TLC-NJ received funding for the Syberg Farm (and five others) from the SADC through the Nonprofit Acquisition Easement Purchase Cost Share Grant in FY 2011. TLC-NJ applied to the County in July 2011 and it approved five of the six farms and ranked them. The Syberg Farm was ranked #2. TLC has since preserved the first and third-ranked farms in 2013. They are in the process of having their SADC funding rescinded shortly, so they are trying very hard to get this farm preserved before that happens. The farm is 113.19 acres with a proposed exception area of 1.6 acres. The cost per acre is \$5,000.00 and they have a contract purchase option with the owner. The farm has about 31 acres, or 29% tillable acreage. The farm is about a half a mile from the Swartswood State Park and the Paulins Kill runs in the rear of the property. The farm is zoned R-5 and there was a preliminary major subdivision approval for 19 residential lots in 1995. On September 16, 2014, the Township adopted a Resolution supporting the Syberg Farm for farmland preservation. Ms. Glosinski said she is here this

evening to ask the Board to reaffirm that they would like to move forward with the preservation of this property. They are looking for \$291,813.00 from the County.

The Board asked for a clarification of why Farms #1 and 3 were already preserved and not Farm #2; and also asked why the State is rescinding their funding. Ms. Glosinski said the Township did not give their Resolution of Support until recently and that the timeline to purchase this farm is coming to a close. Mr. Hunt asked if the \$5,000.00 per acre was the price then. Ms. Glosinski said it was. There aren't official appraisals on the property because there was no match and they didn't go forward because they didn't have a Resolution of Support from the town. Mr. Southway confirmed that if this Board reaffirms interest in preserving this property, the appraisals will get done and it will go before the State. The State will not go over the appraisal. Mr. McConnell said that was correct and, in that case, TLC will have to make up the difference. Brian Hautau asked if the County had enough money to preserve this farm. Autumn said the total unencumbered funds are \$4.3 million, but that does not include the nine farms that are in the current round. Mr. McConnell said the Board can reaffirm subject to the verification of funding available.

**MOTION;**

A motion was made by Joan Snook Smith that the Board reaffirm their interest in preserving the Syberg Farm subject to the verification of available funding. The motion was seconded by Cece Pattison. A roll call vote was taken. All were in favor. Motion carried.

B. MC NERNEY SSAMP:

Robert McNerney was sworn by Dennis McConnell. He said his wife is the owner of this property and that he is authorized to be here on her behalf. Mr. McConnell said the applicant submitted a Notice of Public Hearing that was sent out to the certified list of owners within 200 feet of the property, with copies to the Planning Board, utilities, etc. This has been checked by Autumn. As part of this submission, we have on file one sheet titled, "Layout Plan" prepared by Bertin Engineering, dated April 9, 2013; a SSAMP request submitted by Bob McNerney on October 14, 2014; a 2014 and 2015 Application for Farmland Assessment and related documentation submitted by the applicant; One (1) sheet entitled, "Hampton Township Tax Map Sheet 33," prepared by Harold E. Pellow & Associates; One (1) sheet entitled, "Hampton Township Zoning Map," prepared by Harold E. Pellow & Associates; and the Notice of Public Hearing and supporting documentation, dated October 28, 2014 and published in the NJ Herald on November 2, 2014.

Mr. McConnell asked Mr. McNerney to review his farming operation with the Board. Mr. McNerney said the site is made up of nine acres. Currently there are four pastures with four run-in sheds. Since the last meeting he was able to complete another run-in shed. He breeds standard bred race horses. He has four of these horses. He is looking

for approval from this Board to build a four-stall barn. Because there is a grey area whether it's a principal permitted use or not, the Township of Hampton denied his application. He is here for a Site Specific Ag. Management Practice.

Mr. McConnell confirmed that Mr. McNerney was already classified as a Commercial Farm at a prior meeting. He said there are a couple of issues. There is a question of how he disposes of manure. Mr. McNerney said he has a container on site and has a contract with a recycler to remove the manure. Mr. McConnell asked if he has a dust management practice. Mr. McNerney said dust has not been an issue; however, if it does become one, he has equipment to water down the areas. When asked about fencing, Mr. McNerney said fencing is already installed. There is vinyl fencing around all the paddocks---three rungs of vinyl fencing with wood posts and there is an electric fence around the perimeter. There is no riding area. Mr. McConnell advised Mr. McNerney that if he receives the relief he is seeking from this Board, that he is still required to get appropriate permits from the municipality as far as setbacks, type of construction, etc. He has to meet the codes. McNerney said it is his understanding that if the Board approves this application, a Resolution will be adopted at the next meeting and then there is a 45-day appeal period. He asked if the Board approves his application this evening, can he get the permits from the Town from today's date to the Resolution date. Mr. McConnell said if the Board so decides, they can make the decision today and it will be memorialized for the next meeting. Autumn, if so directed, can advise the municipality that they granted the relief sought and that we have no objection to him, at his risk, proceeding. If someone decides to appeal this, he will be stopped, so he is doing this at his own risk. Mr. McNerney said he is concerned about the approaching winter. Mr. Southway said the biggest issue is whether the town of Hampton will appeal it. Mr. McConnell said he spoke with the town attorney and they have advised that they are not taking a position on this. Once this Board decides, that's their decision. Mr. Southway confirmed that the town was aware of this evening's hearing. Ms. Smith asked about his proximity to neighbors. Mr. McNerney said he has very few neighbors. Autumn said she did speak with two neighbors who were just curious as to why they received the letter---no objections. Autumn asked Mr. McNerney about the square footage of the barn. Mr. McNerney said the barn is 36' wide x 48' deep. He left her with a copy of the plans. Mr. McConnell marked the plans as Exhibit A-1 and dated 11/17/14. Mr. McConnell said, for the record, the plans are two sheets of an architectural drawing prepared by Englehardt Spec, LLC. It is dated, December 5, 2011 and signed by the architect on December 6, 2011.

Cece Pattison confirmed that the barn will have four stalls. Mr. McNerney said there will be four stalls and a wash stall. She asked if the mares will foal there. Mr. McNerney said the mares probably will not foal on-site; they will be taken off-site to foal. Currently, he has two mares. Ms. Smith asked Mr. McNerney to provide Autumn with information on the builder. Mr. McNerney said the builder is SMS Builders and they are at 201A Commerce Drive, New Holland, PA 17557. The telephone number is 717-354-8755. Autumn said she did not note in her report but that the building is on level ground and is at the higher topography. Mr. McNerney said he built up the site

because he did not want any ponding. He also installed drains within the perimeter. Autumn said it is also well outside the area of the stream.

Mr. McConnell confirmed that there were no other questions.

**MOTION:**

A motion was made by Peter Southway that the Board grant the Site Specific AMP to Robert McNerney on November 17, 2014, Plotts Road, Block 3301, Lot 35.01 after considering the Hampton Zoning Ordinance and looking at the proposed agricultural activity use, which they consider of high importance, with the actual Resolution language to be written by County Counsel. The applicant will comply with the bulk regulations of the municipality. The motion was seconded by Brian Hautau. A roll-call vote was taken. The results were as follows: Lori Day-Yes; Brian Hautau-Yes; Jim Hunt-Abstain; Cece Pattison-Yes; Joan Snook Smith-Yes and Peter Southway-Abstain. Motion carried.

Lori Day made a motion to open the meeting to the public and carried unanimously. No comments were offered. The meeting was closed to the public.

**MOTION:**

A motion was made by Peter Southway to authorize Autumn to contact the municipality and advise them that this application has indeed been approved and that we have no objection for them to process the appropriate permits to allow the farmer to get constructing on this farm due to weather conditions; and that they indeed will receive copy of this Resolution as passed on November 17, 2014 but memorialized at the next meeting on December 15, 2014; and that the applicant has placed on the record that he is willing to take the risk of an appeal. The motion was seconded by Joan Snook Smith. A roll-call vote was taken, all were in favor. Motion carried.

C. FPP:

Certified Value Update – Autumn said she received the signed certified values from the State on Friday afternoon. She and Mr. McConnell talked this afternoon about setting a date to meet with the applicants. At this meeting they will also be provided with the two appraisal reports and the certified value appraisal from the State. They are hoping to hold this meeting on Wednesday, December 17 at 5:30 p.m. Mr. McConnell said that is when he will meet with all the potential applicants to explain the Deed of Easement, the surveying process and the appraisal process. He also explains what the County pays for and what they don't pay for, water bodies, etc. At the end of the presentation, they will get their appraisals.

Autumn said one of the applicants is from Colorado. She asked if they can attend the meeting through Skype. Mr. McConnell said that was a good possibility.

D. ROY ROAD COMPLAINT:

Autumn said someone called the DEP with a complaint and they in turn sent an incident description to the Health Department. The Health Department forwarded the e-mail to Autumn and said they would conduct an investigation. The complaint said, "Property owner had a sewage connection behind pig house and allows waste from pigs to go directly to the river. Owner also buries garbage from construction on property." Autumn said she called the State and reached out to the Health Department today for the results of their investigation, but she has not heard back from them. She added that she has not received an official complaint yet. Mr. McConnell said this is a Health Department issue.

Mr. Southway asked if Mr. Matos ever submitted the documents he was required to submit. Mr. McConnell said he thought Donna Traylor received them but he wasn't sure. Autumn said she believed Donna eventually did receive them.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Brian Hautau. The motion was seconded by Joan Snook Smith and carried unanimously. The meeting adjourned at 8:45 p.m.