

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

DECEMBER 19, 2011

The meeting opened at 7:35 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
Joan Snook Smith
Peter Southway

MEMBERS EXCUSED: None

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

ALSO PRESENT: Brian Smith, Esq., SADC

MINUTES CORRECTION/APPROVAL:

Minutes were not available.

CORRESPONDENCE:

A. 2011 WITHDRAWAL, 11/10/11 TAGGART:

A letter was received from Patricia Taggart advising that she and Bill Taggart decided to withdraw their application for Farmland Preservation, due to Bill Taggart's health issues.

B. 2011 WITHDRAWAL, 12/1/11 MILLER 1 AND 2:

A letter was received from the Millers advising that after reviewing the four appraisals on their two farm applications, they have decided to withdraw their applications for Farmland Preservation.

After the withdrawal of the Taggart and Miller farms, there are four active applications for the 2011 County Farmland Preservation round. The State has been advised of this so that they will not certify the values for those farms.

C. CERTIFICATION OF VALUE: LANE, SADC, 12/9/11:

A memo was received from the SADC advising that they have certified the market value of the development easement of the Lane farm. Upon receipt of the requested information, SADC staff will conduct a final review of the farms to ensure statutory and regulatory requirements have been met and will seek final approval from the SADC.

D. REQUEST FOR GREENHOUSE CONSTRUCTION ON TRI-FARMS:

Donna said she received a call and then received an e-mail a few weeks ago from a potential buyer for Tri-Farms. He plans to raise beef cows and have a crop operation. He also said he would like to put in three to four-acres of gutter-connected greenhouses and a barn. He added that if things go well, he would max out at 10 acres of greenhouses.

After asking for more information, the potential buyer said all 10 acres would be under one roof. The greenhouses are not permanent and sit on an anchor pin in the ground that is 16" x 3" deep hole in the ground, filled with concrete to hold the anchor pin. There would also be concrete floors, about 3" thick to put heat in and roll carts on. The water from run-off could either go into tanks for irrigation or a retention basin. He plans to put them along Route 517 behind the two houses. There was also some talk about top soil storage.

Donna spoke with Chuck Roohr at the SADC who advised her that the SADC is trying to develop a formal policy on soil disturbance, not necessarily for greenhouses, but large greenhouse operations would fall into that category. Based on precedence, one to one and a half acre projects are acceptable; one and a half to five acre projects are not tested but start to raise concerns; above five acres there are definite problems to some point. These examples are for more permanent greenhouses and structures where heavy earthwork is required. In the case of smaller hoop houses, where it's just a hoop

over naturally occurring ground, so far they have not found any of these to be in violation to the best of his knowledge.

Chairperson Brodhecker opened the meeting to the public to get Brian Smith's input on this issue.

Brian Smith said the Den Hollender's golf course property is not preserved; but the problem is that Franklin Township, which has its own storm water management coordinates, in conformance with DEP, is trying to regulate that proposed project on the golf course land. On a preserved farm, Den Hollender turned the cultivation layer upside down and jumbled it all up, so that soil will never be in a condition to support agricultural operations in the future.

Mr. Smith said with regard to the specific operation being discussed, the Board needs to keep in perspective that they are in the "forever business." Everyone agrees that greenhouses are an agricultural use but when it comes to preserved land, it's preserved for agriculture forever. Even though a greenhouse now is a good idea, the question this Board has to ask is will it ever be able to be used for an agricultural activity other than greenhouses 50 years from now, 100 years from now. He said the Board does not have enough detail to make a decision. More facts are needed about what this man proposes to do. Donna asked what kind of information she should ask for. Mr. Smith said the man should submit a simple blueprint or plan as to where and what kind of excavation activities does he plan on doing. The farmer should provide schematics on what the greenhouses will look like.

He added that if this Board wants to propose a policy, they should first consult with the SADC. He also said this is an issue that County Counsel needs to look into. Mr. Smith said he is always suspicious of people that come in with projects and only give some detail but not the whole story.

He said that ultimately this is a County decision because it is the County's deed. However, greenhouses, if not done properly, can violate the Deed of Easement. The SADC looks at a maximum amount of impervious cover, giving the farmer the ability to have a certain amount of acreage under concrete and under greenhouses. He was unable to give the Board specific numbers. The SADC does not have an adopted policy on this, though.

Donna said she will contact John (the potential buyer) tomorrow to relate to him what was discussed this evening. She will tell him that he needs to provide more information to this Board before they can give him an answer.

The meeting was closed to the public.

E. SADC Q&A ON MEDICAL MARIJUANA:

As a result of the New Jersey Compassionate Use Medical Marijuana Act, the SADC has received a number of inquiries regarding medical marijuana as it relates to programs it administers. The SADC sent a list of Questions and Answers regarding Medical Marijuana.

F. ARTICLES:

Donna shared some newspaper articles with the Board. Jane Brodhecker reported on the NJ Farm Bureau Women's Committee's meeting in Sussex County. This was the first meeting held in Sussex County in more than six years since the group generally meets in the Trenton area. Jane said there was a good turnout and the local farmers were very pleased to help with the tour. They had lunch at Roseline's Farm Market and Cafe, the meeting was held at Charlie and Marge Kuperus' dining room and then took a tour of Kuperus Farmside. Charlie Kuperus talked about the background of the family and how they began as a dairy farm. The group went to the Fairgrounds where Kathy Cafasso talked about the children's Education Program and to the Conservatory where Wendy Blanchard took them on a tour of the students working with the plants and growing materials of Arthur and Friends. From there Mark Maselli took them through the Conservatory. The group ended up at the Fairgrounds Administration Building where Donna gave them goody bags with tourist information. She also explained the procurement of the Farmers Market and how it serves the community. Jane thanked everyone for their support.

Donna asked Peter Southway if he wanted to talk about the other article which dealt with raw milk. He said that he and the Garden State Raw Milk Initiative believe that raw milk should be available to people who decide to use it. They feel it is a simple human rights issue and that's what they've tried to convince the Senate of. He said they are probably within one vote on the Committee. He received some feedback today that they may have that vote. Then it gets released to the full Senate. They have until January 10 if Assembly President Sweeney puts it up for a vote, then it goes to the Governor's office. If not, it goes to the next legislative session. Peter said Senator Oroho has been working very hard for them.

Peter said there is a tremendous black market for raw milk and people go to Pennsylvania and New York to purchase it.

RIGHT TO FARM:

None

RUTGERS AGRICULTURE AGENT'S REPORT:

Steve Komar said he did not have his book with him but that in January he will have dates for the programs in the New Year. He said only 400 farmers statewide have turned in their Animal Waste Management Plan out of 3,000 potential submittals.

Donna said Dave Klemm from the Board of Agriculture was asked to send out an e-mail from Brian Olesak who said he is resigning from his position as Agricultural Program Associate and County Extension Department Head at Rutgers to take a position with the County College of Morris as Department Chair for their Landscape and Horticulture Technology Department.

OLD BUSINESS:

A. AGRITOURISM UPDATES: CHRISTMAS TREE SURVEY:

Donna said she sent out "Four Seasons of Agriculture" brochures to the Christmas Tree growers and asked them to distribute them during their busy season. Also, on November 7, she sent out a memo explaining that if the County is to continue its agritourism efforts, she needs their help in getting information. She sent the Christmas Tree growers a form for each week of their selling season and asked them to get their customer's zip codes and the number of people in their party. Rudy called many of the growers last week to remind them to use the form and they told her they were too busy. Donna said these statistics are necessary to continue receiving support from the County and the State for grants.

B. EVERETT FARM, FRANKFORD TWP.: UPDATE:

Donna said there has been an ongoing violation issue on the Everett Farm on Wykerton Road in Frankford Township. County Counsel's Associate, Robert Campbell filed documents with Superior Court of New Jersey at the end of August. The Everett's were served and it has taken them until now to rectify the situation. On Friday, Donna, Jane, Lori and Bob Campbell met with Mr. Everett and toured the barn. They found that the barn had been stripped of its apartment furnishings.

Mr. Campbell requested that this Board prepare language relative to an ongoing monitoring program of this violation. Donna said she is not comfortable with monitoring this farm once a year. County Counsel suggested that she do a quarterly monitoring with 24 hour notice at least for the next two years. The SCADB should also notify Frankford Township regarding the Farmland Preservation Violation and its resolution. The Everetts applied to and were granted various plumbing and electric permits from Frankford Township. The Board needs to note that some of the permits granted by Frankford Township may not be appropriate for uses of the barn under Farmland Preservation. Donna will check with County Counsel about this.

C. UPDATE ON CLOSINGS AND FINAL APPROVALS:

A chart of Sussex County Preserved Farmland by Municipality was provided to the Board. The total number of farms lists 162, but Donna did not think that was exact. The database for Farmland Preservation is still being worked on and Donna thinks 162 farms is before the subdivisions of premises that have been approved. The acreage is correct.

On December 28 the Warren-Bertot farm will close and work is still being done to get certifications on a few more farms. There are federal funds for the Pittenger Tomasso application.

D. MONITORING UPDATE:

As of Friday Donna completed the monitoring on 70 farms and she said she has been very pleased with what she has been seeing. She did not have concerns on any of the

farms except one. The owner is the second owner, not the one who did the Farmland Preservation closing, so he has been getting information secondhand. Donna said he is doing an excellent job of farming but he has a hunting cabin on the property. This is not necessarily a problem except that there is also a small cabin next to it that is used for hunting and a daytime farm person. Donna needs more information on how the building is being used. She sent him a letter asking him to provide her with the date the buildings were erected, the square footage, the description of the uses of the buildings, how often they are used, by whom and for what specific purpose.

E. LAND CONSERVANCY OF NJ – FARM APPLICATIONS UPDATE:

Donna received a call from Sandy Urgo last week saying that they'd like to start work on the two farms that they ranked, McMahon in Frankford and Syberg in Stillwater. Donna was expecting information from Sandy but she did not receive it. This item will have to wait until the January meeting. There was some discussion on the ranking of these farms. The Board felt since the County is putting up the largest percentage of funding that their ranking preference should be used. They requested that the ranking of the number one and five farms be switched based on what Sandy provided.

F. SUBDIVISION OF PREMISES REQUEST – E. COSH, WANTAGE:

Donna provided the Board with a copy of the revised Resolution for the Cosh Subdivision of Premises. She also went back to previous subdivision of premises that have been approved by the SADC and found that there was less language in those than in what she had for the Cosh request. The first three paragraphs remain the same. Beginning with the fourth paragraph, she did touch on all of the State's Division of the Premises handout items. The Board reviewed the Resolution. They suggested that in the fourth paragraph, the word "since" be replaced with "prior to and since."

MOTION:

A motion was made by Jim Hunt to approve the Resolution for the E. Cosh Subdivision of Premises as amended. The motion was seconded by Cece Pattison. A roll call vote was taken. All were in favor.

G. POTENTIAL FEDERAL FUNDING APPLICATIONS (GREEN, KLEIN):

Donna said she sent Stephanie Miller at the SADC some preliminary information and she was able to do a ranking score for Klein and Green. These farms are contiguous to the Southway farms in Fredon. Ms. Miller said any farm north of Interstate 78 has an automatic soil waiver. Donna said the County already appraised these farms and made an offer; however she does not have a signed contract on them. Both landowners are willing to apply for federal funds. Donna said she explained the additional constraints to them. Tomorrow she will send them a letter with the paperwork they need to complete.

NEW BUSINESS:

A. 8-YEAR PROGRAM RENEWAL, VAN WINGERDEN, FRANKFORD:

The Van Wingerden farm on Augusta Hill Road in Frankford was permanently preserved in 2004. In 2002 they made an application for the 8-Year Soil and Water Conservation Cost Share Program. That was approved by this Board and the Deed was recorded on May 6, 2003. The program lapsed on May 6, 2011. Donna contacted them a number of times and left messages but they did not get back to her until recently. They said they would like to renew the 8-Year Program. Donna prepared a Resolution for the renewal of the 8-Year Program and read it to the Board.

MOTION:

A motion was made by Brian Hautau to approve the Resolution to renew the 8-Year Program for William and Charmaine Van Wingerden of Frankford Township. The motion was seconded by Joan Snook Smith. A roll call vote was taken. All were in favor with an abstention from Peter Southway. Motion carried.

B. RIGHT TO FARM FORM DISCUSSION:

Donna said there has been some discussion with other counties regarding their Right to Farm forms. She provided the Board with a copy of Hunterdon County's forms for their review. County Counsel is also reviewing them.

There was a question as to whether the County can mandate the person requesting an SSAMP for Right to Farm protection to do the Public Hearing Notice and to notice the landowners within 200 feet. She asked Brian Smith if that was allowed by law. Mr. Smith said, "Yes." The notice provision was in a recent case and the Appellate Division mandated notice with farm complaints but they didn't say how or who. He said if someone wants something and they appear before this Board to get relief, they need to pay for the notice. They are getting the benefit or filing a complaint. Donna asked Mr. Smith to e-mail her the case that had the notice provision.

Donna asked the Board to take the form home and review it for discussion at another time.

C. APPROVAL OF 2012 SCADB MEETING DATES:

The Board was provided with a list of meeting dates for 2012. Donna pointed out that the January and February meeting are scheduled for Tuesdays because the Mondays are holidays.

MOTION:

A motion was made by Jim Hunt to approve the SCADB meeting dates for 2012. The motion was seconded by Lori Day and carried unanimously.

PUBLIC COMMENT:

Brian Smith wanted a clarification on what the Board's final decision or disposition was for handling the request for greenhouse construction on Tri Farms. Donna said she will request a blueprint on where the greenhouse will be, what type of excavation is planned, request an engineering schematic for the greenhouses and find out if there is a soil conservation plan in effect and if it says anything about recovery of underlying soil in reference to greenhouses. Donna will explain to him that even though there is not an existing State or County policy on impervious coverage, he still has to rely on the existing Deed of Easement paragraphs as it refers to soil conservation practices.

Mr. Smith also said that he was not involved in resolutions that were passed by this Board for subdivision of premises prior to the Cosh request. He said what the Board did in this case is what the SADC is looking for. He stressed that when the applicant is before them, they should ask the questions so that Donna does not have to call them back to expand on the Resolution. He said they did a good job on this Resolution. Chairperson Brodhecker thanked Brian and said the Board appreciates his input.

Peter Southway said there may be current soil conservation easements on that property which was funded by NRCS and that could preclude his activity. They may have some other NRCS programs occurring on the farm.

Freeholder Liaison Vohden said that for nine years he was Chairman of the Open Space Committee and he questioned if the Freeholders even knew they met. He said he speaks for the rest of the Freeholders when he says that they do recognize and appreciate what the SCADB does. He said he has been making reports at their meetings and that they were unaware about the time that is spent on site visits and the complex, confusing issues this Board works on. Chairperson Brodhecker thanked him for keeping the lines of communication open.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Jim Hunt. The motion was seconded Brian Hautau and carried unanimously. The meeting adjourned at 9:45 p.m.