

Hunterdon County Agriculture Development Board Meeting

May 13, 2021 @ 8:00 pm

Members in Attendance Electronically:

Dave Bond-Chair
Bob Hoffman-Vice Chair
Susan Blew
Ted Harwick
David Kyle
Forest Locandro
John Perehinys
Marc Phillips
Liz Schmid

CADB Staff Present Electronically:

Shana Taylor, Esq. County Counsel
Aaron Culton, Esq., Asst County Counsel
Bob Hornby, CADB Administrator
Carrie Fellows, Director, Planning
Katherine Fullerton, Supervising Planner
Megan Muehlbauer (NJAES)
Kevin Milz (HCSCD)

In consideration of COVID-19 public health guidelines, this meeting was held telephonically and via Zoom and hosted by County Counsel Paralegal Samantha Gravel. CADB members and the public called in to a prearranged number or Zoom login advertised on the agenda distributed and posted electronically.

Open Public Meeting Act:

Chairman Bond opened the meeting at 8:00 p.m. and read the Open Public Meeting Act:

"This meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided by prominently posting and maintaining so posted throughout the year on the first floor of the County Administration Building, Main St., Flemington, New Jersey a public place reserved for such announcements, and by mailing on or before January 15, 2021, to The Hunterdon Democrat, Star Ledger, The Trenton Times, The Courier News and The Express Times newspapers, and TAP Into it newspaper and designated by the Hunterdon County Agriculture Development Board to receive such notices, and by filing with the Hunterdon County Clerk a schedule of the times and dates of such meetings."

Pledge of Allegiance:

Roll Call: Christian Bench & Gerry Lyness Absent. Marc Phillips arrived at 8:10

Approval of Minutes:

- **Minutes of the March 29th Special CADB Meeting** - John Perehinys made a MOTION to approve, Liz Schmid SECONDED. Marc Phillips and Forest Locandro ABSTAINED. All in favor by Voice Vote.
- **Minutes of the April 8th CADB Meeting** – John Perehinys made a MOTION to approve, Liz Schmid SECONDED. Marc Phillips and Forest Locandro ABSTAINED. All in favor by Voice Vote.

Communications and Administrative Business:

- **CADB Staff Update** – 29 Active applications
 - **Kappus Farm** (Alexandria Twp.) – Did baseline site visit May 12th, hoping to close May 19th.

- **Beam farm** (Bethlehem Twp.) – Got Green light from State Agriculture Development Committee (SADC) on April 6th. Issued request for proposal on Appraisals, hoping to award on May 17th.
- **Curtis Farm** (Delaware Twp.) – Very close to closing, being funded by an Open Space Grant, County will take easement after closing.
- **Lee Lau Farm** (Delaware Twp.) – Hoping to close May 14th. No County participation, State will take the easement.
- **Thomas Farm** (East Amwell Twp.) – Baseline site visit May 12th. Grant agreement signed by County Commissioners on May 4th. Groundhog dug up a survey marker. But everything looked good.
- **Onuschak Farm** (Franklin Twp.) – Survey complete and under review with SADC.
- **DuBrow Farm** (Franklin Twp.) – Landowner withdrew application April 16th.
- **Magnolia Creek Farm** (Franklin Twp.) – Will consider final approval tonight.
- **Grochowicz Farm** (Hampton, Glen Gardner, Bethlehem) – Survey under review, has already gone through SADC final approvals, we had already done survey because this has gone on so long. Hoping to close in the next few months.
- **Silva Farm** (Holland Twp.) – Closed May 5th. 128 acres.
- **Oertle Farm** (Kingwood Twp.) – Direct Easement, SADC closed on May 5th. 106 acres.
- **DeSapio Farm** (Kingwood Twp.) – Baseline inspection April 19th. Survey under review with SADC.
- **Kollmer Farm** (Kingwood Twp.) – Baseline inspection April 19th. Survey under review with SADC. Parallel progress with DeSapio Farm.
- **Saums Farm** (Readington Twp.) – On SADC agenda for May 27th for Final Approval. Survey already complete. Hoping for a quick closing. Readington Twp. will own the farm and will auction after closing.
- **Staff Activity**
 - **PSE&G Tower Replacement** – Still working through the policy, have not come out with a Crop Reimbursement Policy. Has been dealing with farmers along the route, trying to get something in writing from them as far as what the farmers will get for crop loss.
- **Communications**
 - AJ Verdi (Hop farm and Ag labor housing in Readington) asked for a summary of the CADB process. Summarized the minutes and sent a copy of the resolution.
- **Monitoring Update**
 - Kevin Milz reported. Has been behind because he's been sick for a few weeks. 258 farms have been inspected to date. No major issues, but some minor ones concerning mowing and maintenance. Have either been mowed now or are being mowed. Did some conservation referrals, no majors issues. Has been working with some farms to get them a Soil Conservation Plan. Trying to get updated plans to farms that have older plans in place. Has been keeping farms apprised of the new Soil Standards coming out soon, detailing impervious cover, erosion control, and the Special Events legislation.
- **Soil Disturbance Standards**
 - Bob Hornby reported. SADC has released a draft copy, Bob emailed them to the Board members, also can be found on the SADC website under "Popular Topics". It is open for public comments, would like all comments by June 18th. CADB meets again on June 10,

Bob could draft a letter to SADC on behalf of the Board and get it to SADC by the 18th. Bob gave a brief overview of the Draft copy. Bob asked if any Board members had any comments or anything for him to look into before the next meeting. Chairman Bond stated that he has been approached by farmers that were some of the first ones in Hunterdon County to preserve their farms, they were told they have to abide by the new soil disturbance standards, is that correct? Yes. Deed of Easement says you can't do anything that is detrimental to soil conditions, the Standards lay out exactly what you can and cannot do.

State Agriculture Development Committee (SADC) Updates:

Bob Hornby spoke on behalf of SADC

- Bob stated that he logged into the April 22 SADC meeting, still looking at Utility scale solar siting. Competing Bills in the legislature. Special Occasion Events Bills still being debated.

Chair Comments:

- Chairman Bond was disappointed the Dubrow's withdrew their application because of the new soil standards. Told Bob that this is the busiest he has been since he started and commended him on a job well done.

Old Business:

NONE AT THIS TIME

New Business:

- **Resolution 2021-04: Magnolia Creek Final Cost Share Approval:** Franklin Twp. Block 42 Lots 1 & 1.02, 31.9 total acres with two (2) 1-acre non-severable exception areas around two existing houses. Showed an aerial of the property. Two lots can never be able to be sold separately. It is an active Equine operation. 31 total acres, 29 preserved acres. \$7,000/acre, ~208,600, Hunterdon County share \$41,720. Chairman Bond asked for a MOTION to approve. Liz Schmid made a MOTION to approve, John Perehinys SECONDED. Chairman Bond asked for a roll call vote.

	<i>ROLL CALL</i>	<i>MOVED</i>	<i>SECONDED</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
David Bond, Chair				<i>X</i>			
Robert Hoffman, Jr., Vice Chair				<i>X</i>			
Susan Blew				<i>X</i>			
Marc Phillips				<i>X</i>			
John Perehinys			<i>X</i>	<i>X</i>			
Dave Kyle				<i>X</i>			
Liz Schmid	<i>X</i>			<i>X</i>			
Ted Harwick				<i>X</i>			
Gerry Lyness							<i>X</i>

Christian Bench						X
Forest Locandro			X			

9 IN FAVOR – 2 ABSENT

- **Resolution 2021-05: Agricultural Conservation Easement Program – Agricultural Land Easement (ACEP-ALE) Deed of Easement Approval.** Under the 2018 Farm Bill, it's a slightly different DOE and a slightly different program. CADB Staff recommends that we continue to pursue Federal Funding for Farmland Preservation. Similar to 2014 Farm Bill except if you have an existing sod farm you can preserve and continue the operation, new sod operations are not allowed. 2014 Farm Bill did not allow Sod Farming on preserved property. Bob gave an overview of the Program. Chairman Bond asked for a MOTION to approve, John Perehinys made a MOTION, Bob Hoffman SECONDED. All in favor by Voice Vote.
- **Monitoring Procedure:** Bob Hornby stated that there is no adopted procedure to follow. Annual Easement Monitoring is required under the easement. Bob put a procedure together with guidance from Hunterdon Land Trust and Bill Millette. No vote tonight, wanted to get Board feedback. Bob included a draft copy of the Monitoring Procedure. Discussion ensued about the procedure. Bob will amend and return with a new draft in June.
- **Resolution 2021-06: Martin Farm House Relocation, Clinton Township Block 23 Lot 5.**
 - Anthony Sposaro, attorney for land owners Bill and Nancy Martin, requested that the draft Resolution be modified to change the house size from “6,000 sf”. to “6,500 sf.” Also, he requests the wording to be changed to “6,500 sf. of usable space”.
 - County Counsel Aaron Culton gave an overview of the application. The Deed of Easement allows for the landowner to bring the application to get approval from the Board and the SADC. There is no exception area on the property. The Board is not to approve the construction or override any Municipal or State requirements, it is charged to evaluate the application and provide their approval if they determine what he plans to do meets with the terms of the Deed of Easement. Bob Hornby and Dave Kyle have been to the property and have seen the intended location of the new house.
 - Applicants attorney Anthony Sposaro stated that the Martin family would like to demolish one of the existing homes on the property which is contemplated by the Deed of Easement and construct a home in which they will occupy. They want to stay on the property, this is where they want to live. Has been in touch with staff at SADC, they are making a recommendation to the SADC to approve. As to the location of the home, have gotten to fine points of where the utilities will be run to minimize disturbance of land that is in Agricultural production. No new roads need to be constructed. As mentioned before, there is precedent for the SADC establishing and permitting a home of up to 6,500 sf. This is an

earlier Deed of Easement and it does not specify or limit the size or location of the home. He feels is a good, sensible plan given the number of acres involved, over 200 acres.

- County Counsel asked Mr. Sposaro to explain what they will be removing from the property. There are two single family homes that may be removed but not ready to give both of those up yet. Deed of Easement contemplates that if a new home is to be constructed, that a house must be removed. They will be removing one of them.
- County Counsel asked if any Board members had any questions. Board member Dave Kyle stated that when he was out at the site visit, they were looking at demolishing two houses and the original stone house would remain, did something change? Mr. Sposaro stated that he spoke to his client about the value of retaining one of the homes to maybe use as ag labor. Once the second house is gone, it's gone. You don't have the right under the RTFA to construct Ag labor housing, it is at the Board's discretion, he'd rather not go there, the DOE contemplates the removal of one home in exchange for the construction of one home.
- Counsel asked Mr. Sposaro if the property had 3 homes on it when it was preserved. Yes. County Counsel stated, "Pursuant to the DOE it allows for the construction of a home for residential use anywhere on the premises to replace any residential building in place at the time of conveyance of the DOE but only with the approval of the Board and SADC". The DOE does allow for this. Yes, they are not asking for any relief or permission outside the confines of the DOE, this is something that is expressly permitted. They anticipate being on the SADC agenda later this month. County Counsel at a minimum it's a one for one exchange. Yes.
- Board member Susan Blew asked which house was going to be removed. Mr. Martin answered, 1,500 sf single family house. Mr. Sposaro furthered that the DOE is silent on the location of the home and the size of the home.
- Board member Ted Harwick asked which lot the house to be torn down was on Lot 5 or Lot 27, which is where the new construction is going to take place? Mr. Sposaro said it doesn't matter because the farm cannot be divided, need to look at the property as a whole.
- County Counsel asked the Board to look at the draft Resolution, point number 6 it identifies the 3 existing structures and point 8 it indicates the structure to be removed is "b" which was identified under 6b, which is the 1,500 sf on lot 27.
- County Counsel asked members of the public if any, to comment. The Board entertained comments supporting the application from an immediate neighbor and against the application from a community member.
- Mr. Sposaro made final comments. County Counsel asked Mr. Sposaro to clarify the changes he would like made to the Resolution. County Counsel reiterated to the Board

earlier that this approval does not override State or Municipal Rules and Regulations concerning construction at the property.

- John Perehinys made a MOTION to pass the Resolution with Modifications; a house size restriction of 6,500 sf. of usable space, the garage would not exceed a 4-car capacity and would not be included as usable space, it will be subject to all State and Municipal Rules and Regulations, and to correct minor typographical errors in the draft.. Susan Blew SECONDED. Chairman Bond asked for a Roll Call vote.

ROLL CALL MOVED SECONDED AYES NAYS ABSTAIN ABSENT

David Bond, Chair			<i>X</i>			
Robert Hoffman. Jr., Vice Chair			<i>X</i>			
Susan Blew		<i>X</i>	<i>X</i>			
Marc Phillips			<i>X</i>			
John Perehinys	<i>X</i>		<i>X</i>			
Dave Kyle			<i>X</i>			
Liz Schmid			<i>X</i>			
Ted Harwick			<i>X</i>			
Gerry Lyness						<i>X</i>
Christian Bench						<i>X</i>
Forest Locandro			<i>X</i>			

9 IN FAVOR – 2 ABSENT

Right To Farm Matters:
None at this Time

Public Comment:

- Barbara Sachau of Raritan Twp. would like to see the Monitoring Procedure and Soil Standards online so the people can see it. Said that “Roll Call” was spelled wrong.

Adjournment: MOTION to Adjourn made by Liz Schmid, Susan Blew SECONDED. All in favor, Meeting Adjourned at 9:40PM.

**STATE OF NEW JERSEY
HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD**

**RESOLUTION 2021-04
FINAL COST SHARE APPROVAL
Magnolia Creek Farm**

WHEREAS, the County of Hunterdon may acquire a development easement in accordance with the State Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et. seq., the County Planning Incentive Grant Program, N.J.S.A. 4:1C-43.1, and the regulations thereunder; and

WHEREAS, the County of Hunterdon submitted a County Planning Incentive Grant (PIG) Application in the 2020 funding round to the Hunterdon County Agriculture Development Board (CADB) and the State Agriculture Development Committee (SADC); and

WHEREAS, the application provided for the proposed acquisition of a development easement for the approximately 31.8-acre property owned by Meghan Walker, located at 555 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lots 1 and 1.02 in the Township of Franklin, County of Hunterdon, State of New Jersey; and

WHEREAS, on February 4, 2021, the SADC certified the fair market value (CMV) of the development easement pursuant to N.J.A.C. 2:76-7.14 at \$7,000.00 per acre --with two dwelling opportunities consisting of: zero Residential Dwelling Site Opportunity (RDSO); zero existing dwellings in the Proposed Easement Area; zero severable exceptions; and two 1.0-acre non-severable exceptions for future flexibility, each with and restricted to, one existing single-family residential unit; resulting in approximately 29.8 preserved acres; and

WHEREAS, on March 2, 2021, the landowner accepted the CMV of \$7,000.00 per acre, conditioned upon all interested parties granting final approval for acquisition of a development easement; and providing for a commitment of funding pursuant to N.J.A.C. 2:76-17.16, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 29.8 acres), subject to:

- a) The actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements, and
- b) Any additional adjustments pursuant to State statute, rule, regulation, or policy;

State Agriculture Development Committee (\$4,200.00/acre; ~60% of est. total cost)	~\$125,160.00
Hunterdon County (\$1,400.00/acre; ~20% of est. total cost)	~\$41,720.00
Franklin Township (\$1,400.00/acre; ~20% of est. total cost)	<u>~\$41,720.00</u>
Total	~\$208,600.00

NOW, THEREFORE, BE IT RESOLVED, that the Hunterdon County Agriculture Development Board gives final approval to the proposed acquisition of a development easement on the property owned

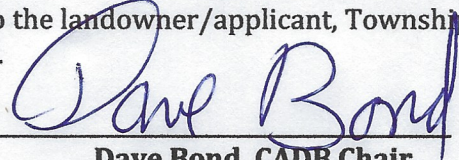
NOW, THEREFORE, BE IT RESOLVED, that the Hunterdon County Agriculture Development Board gives final approval to the proposed acquisition of a development easement on the property owned Meghan Walker, located at 555 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lots 1 and 1.02 in the Township of Franklin, County of Hunterdon, State of New Jersey, and on approximately 29.8 acres pursuant to the County Planning Incentive Grant application subject to the following:

1. The conveyance of a development easement which shall provide for the following:
 - a. Exceptions: two 1.0-acre non-severable exceptions for future flexibility, each with, and restricted to, one existing single-family residential unit
 - b. Dwellings: two existing dwellings in a non-severable exception area
 - c. Agricultural Labor Housing Units: Zero existing
 - d. Preexisting Non-Agricultural Uses: None
 - e. Trail or Access Easements: Zero Existing or Proposed
2. The conveyance of a Restrictive Covenant providing for an annual mowing of the property; and
3. The conveyance of any and all proposed County rights-of-way from the owners of the fee simple title to the property as indicated by the office of the Hunterdon County Engineer; and
4. The County's contribution is based on the assumption that the Township paid an amount of consideration for the Development Easement based upon an amount equal to, or greater than, the SADC certified fair market value per acre of the Development Easement. The County's contribution shall be reduced in accordance with County policy if that was not the case.
5. The exact acreage to be determined by survey;
6. The easement will be held by Hunterdon County upon closing.

WHEREAS, the CADB shall forward this Resolution of Final Approval to the Hunterdon County Freeholder Board recommending that the Freeholder Board provide final authorization for the proposed acquisition of a development easement on the property owned by Meghan Walker, located at 555 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lots 1 and 1.02 in the Township of Franklin, County of Hunterdon, State of New Jersey, and in an amount of approximately \$41,720.00. The County's contribution shall be paid in full at closing.

A copy of this Resolution shall be forwarded to the landowner/applicant, Township of Franklin, and the State Agriculture Development Committee.

Adopted May 13, 2021


Dave Bond, CADB Chair



Magnolia Creek Farm
555 Pittstown Rd.
Franklin Twp.
Block 42 Lots 1 and 1.02

~1.0 acre
Non-severable
Exception Area

OLD FRANKLIN SCHOOL RD

Lot 1.02

Statewide Soils

~1.0 acre
Non-severable
Exception Area

Lot 1

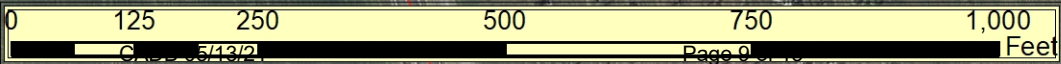
Prime Soils

PITTSOWN RD

Muehlbauer Farm
Preserved 2005

31.9 Total acres
29.9 Preserved acres
28.4 acres Tillable (95%)
16.5 acres Prime Soils (55%)
13.4 acres Statewide (45%)

RMH 4/23/21



STATE OF NEW JERSEY

HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD

RESOLUTION 2021-06

House Relocation

Block 19 Lot 27 and Block 23 Lot 5, Township of Clinton, County of Hunterdon

WHEREAS:

1. By Assignment of Deed of Easement from Township to County dated January 28, 2002, the County of Hunterdon acquired a development easement from the Township of Clinton referencing the original owner of record as Donald Smith, with an address of 1060 Stanton Lebanon Rd., also known as Block 19, Lot 27 and Block 23 Lot 5, Township of Clinton, County of Hunterdon, pursuant to the State Agriculture Retention and Development Act. The Assignment of the Deed of Easement was recorded by the Hunterdon County Clerk on February 20, 2002, in Deed Book 2030, Page 291, encompassing 216.583 preserved acres with no exception area.
2. The development easement was originally recorded as a Deed of Easement on August 24, 1999 in the Hunterdon County Clerk's Office, in Deed Book 1220, Page 262 between Donald Smith and the Township of Clinton.
3. In the fall of 2019 the current property owners, William and Nancy Martin, filed a preliminary request to construct a residential unit with the Hunterdon County Agriculture Development Board ("CADB"). The request for construction was made pursuant to Paragraph 14 section ii of the Deed of Easement.
4. Paragraph 14 of the Deed of Easement states that the "*Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited, except as follows:...(ii) To construct a residential building anywhere on the Premises to replace any residential building in place at the time of conveyance of this Deed of Easement but only with the approval of the Grantee and Committee. See paragraph 13 for existing structures.*"
5. Paragraph 13 of the Deed of Easement states "*At the time of this conveyance, Grantor has on Block 19 Lot 27 one (1) two family house, one (1) single family and on Block 23 Lot 5 one (1) two family house*"

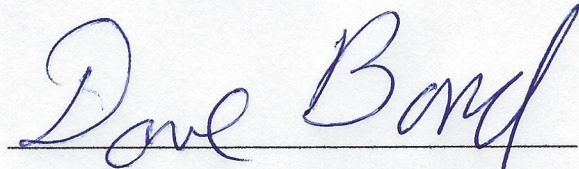
6. The survey accompanying the preservation, prepared by Van Cleef Engineering, certified by the involved parties, and dated January 10, 2001, shows multiple residences on the preserved property consisting of:
 - a. A two-story, frame, two-family residential dwelling of ~2,000 square feet on Lot 5 on the west side of Stanton Lebanon Rd.
 - b. A two-story, frame, single family residential dwelling of ~1,500 square feet on Lot 27 on the east side of Stanton Lebanon Rd. close to the road.
 - c. A two-story, frame and stone two-family residential dwelling of significant size on Lot 27 set back from the road in the farm complex.
7. The applicant has requested permission to construct a new house, well, and septic in an existing ~1.5-acre field on Lot 27 in the eastern portion of the property to be accessed via a driveway utilizing an improved farm road.
8. The applicant has proposed the removal of house “b” (referenced in #6) to satisfy the easement allowance for replacement of existing houses.
9. The application specifies a two-story, 4-bedroom, 3.5-bath structure with attached 4-car garage not to exceed 6,500 square feet of useable space. Any construction is subject to municipal ordinance and health code.
10. On March 31, 2021 CADB Member Dave Kyle, CADB Administrator Bob Hornby, and State Agriculture Development Committee (SADC) Stewardship Manager Timothy Willmott accompanied the landowners on a site visit and confirmed the locations of the existing houses and proposed future house.
11. At its May 13, 2021 meeting the CADB heard supporting testimony from the applicant.
12. At its May 13, 2021 meeting the CADB heard comments both supporting and raising certain objections to the application.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD, AFTER HEARING THE TESTIMONY OF THE APPLICANT, AND NO OBJECTION TO THE APPLICATION HAVING BEEN MADE BY THE TOWNSHIP, AND CONSIDERING THE OBJECTIONS BY OTHER PARTIES, MAKES THE FOLLOWING FINDINGS:

1. The CADB approves the construction of a 4-bedroom 3.5 bath single-family residential dwelling unit not to exceed 6,500 square feet with attached 4-car garage to replace a single-family residential dwelling unit in existence at the time of conveyance of the Deed of Easement.

2. This approval is subject to SADC, State and Municipal codes, rules, regulations, permits, and approvals for the proposed plans and construction of a new residence.
3. This determination shall be forwarded to the State Agriculture Development Committee within thirty (30) days, pursuant to N.J.A.C. 2:76-2.3(e).
4. Any person aggrieved by this decision, may appeal to the State Agriculture Development Committee, pursuant to N.J.A.C. 2:76-2-3(f).

HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD

A handwritten signature in blue ink, reading "Dave Bond", is written over a horizontal line.

David Bond, Chairman

May 13, 2021

