

Hunterdon County Agriculture Development Board Meeting

December 12, 2019 @ 8:00 pm

314 Route 12 County Complex
Building #1 | Assembly Room
Flemington, New Jersey

Members in Attendance:

Dave Bond-Chair
Susan Blew
Ted Harwick
Gerry Lyness
John Perehinys
Liz Schmid
Forest Locandro
Megan Muehlbauer

CADB Staff Present:

Shana Taylor, Esq. County Counsel
Aaron Culton, Esq., Asst County Counsel
Ken Bogen, Supervising Planner
Bob Hornby, CADB Administrator
Adam Bradford, CADB Staff

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 11, 2019, to The Hunterdon Democrat, Star Ledger, The Trenton Times, The Courier News and The Express Times newspapers, and TAPinto 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: Absent: Robert Hoffman Jr., David Kyle, Marc Phillips, John Van Nuys, Kevin Milz. John Perehinys arrived at 8:07.

Approval of Minutes

- Liz Schmid made a MOTION to approve minutes from November 11th meeting, Susan Blew SECONDED. All in favor.

Communications and Administrative Business:

- **CADB Staff update**
 - **Kappus Farm** (Alexandria) – SADC Final Approval December 5, 2019. Counsel is working on contract of sale. Alexandria will be doing the survey.
 - **Martin Farm** (Delaware) – SADC is doing a title search on the neighboring properties to make sure there are no overlapping historical easements because of the cemetery neighboring the property. Survey is done, ready to close on our end. SADC is working with NJ Cemetery Association.
 - **DuBrow Farm** (Franklin) –SADC Final Approval on December 5th. County Counsel is working on contract of sale. RFP for the survey submitted.

- **Onuschak Farm** (Franklin) – Received the appraisals, at SADC for final approval, possibly on the January SADC Agenda.
- **Jannsen/Peacefield** – Still in SADC review for closing, Working with Attorney General’s office to review deed transfers and contracts to clarify ownership and eligibility for 2004 appraisal values.
- **Grochowicz Farm** (Hampton, Glen Gardner, Bethlehem) - Final survey. The County approved the final survey. There are 2 funding mechanisms, Highlands Counsel and SADC PIG program, they are working out the Deed of Easement details.
- **Monitoring:** Working with Hunterdon Soil Conservation District on updating and modernizing the monitoring process. By statute we are required to monitor all preserved farms once a year, currently 312 easements. Purchased a tablet for Kevin Milz to use in the field, should help with the process. Will see in the next few months how it is working. Next year monitoring will be an agenda item so the board gets a better sense of how many farms are being seen every month and what issues, if any, there are.

Approval of 2020 Meeting Dates:

- Forest Locandro made a MOTION to approve the 2020 meeting dates listed below. Liz Schmid SECONDED. All in favor by Voice Vote. The CADB Reorganization meeting will be January 9, 2020.

All meetings 2nd Thursday at 8PM, Building 1 of the Rt. 12 County Complex

January 9	May 14	September 10
February 13	June 11	October 8
March 12	July 9	November 12
April 9	August 13*	December 10

*August date is reservation only, CADB does not traditionally hold an August meeting

- **Nominating Committee** for the 2020 Chair and Vice Chair: John Perehynys, Marc Phillips, Forest Locandro

Correspondence:

- PIG annual application sent to SADC, no major changes, updated the target list, removed farms that have already been preserved by either CADB or other groups.

SADC Comments:

- Bob stated he went to their monthly meeting, he goes to all of them, still going thru Special Occasion Events and Soil Protection Standards, comments requested by end of December on Special Occasion events. Soil Protection Standards discussion will carry into the new year.

Chair Comments:

- None at this time

Old Business:

- **Special Occasion Events**, Bob drafted a CADB comments letter on Special Occasion Events. Bob asked the board if they were in favor of the general concept of making SOE possible on preserved farms. Under the current Deed of Easement, it is prohibited. Extensive discussion ensued. Board in support of the drafted letter in support with comments on the details. Chair

Bond proposed to send the letter to SADC.

- **HC Comprehensive Farmland Preservation Plan Update** –Budget request has been submitted to the county with intention of applying for an SADC cost share grant.

New Business:

Right to Farm Matters:

- **Melick’s Oldwick Farm LLC (Tewksbury B44 L26)** – County Counsel Shana Taylor and Aaron Culton recused themselves as they were both appointed by a Melick family member. Attorney Rich Mongelli is serving as temporary counsel for this matter, he swore in John Melick. Mr. Melick presented an overview of the farm. Based out of Tewksbury Twp. He’s the 10th generation farmer on the property. 59 acres, owned by sister, brother and himself. Grow fruit, vegetables, they do pick your own, retail and wholesale. Also have a cider mill and farm winery for making hard cider and other wines. The property is licensed as a winery because of the hard cider. Proposing to put up a new barn. Mr. Mongelli confirmed the acreage, 59 acres, and agriculture is a permitted use. John Melick is the operator of the farm along with his brother and sister. Gross income of the farm year to date in 2019 is several hundred thousand dollars. All supporting documents provided. Property is farmland assessed. Board member asked if all the officers of the LLC are members of the family. Yes, his brother, sister and himself. Chairman Bond asked for a Motion, John Pehinys made a MOTION, Susan Blew SECONDED to approve the application to be a Certified Commercial Farm. Chairman Bond ask for a Roll Call vote.

ROLL CALL MOVED SECONDED AYES NAYS ABSTAIN ABSENT

David Bond, Chair			X			
Robert Hoffman, Jr., Vice Chair						X
Susan Blew		X	X			
Marc Phillips						X
John Pehinys	X		X			
Gerry Lyness			X			
John Van Nuys						X
Dave Kyle						X
Liz Schmid			X			
Ted Harwick			X			
Roger “Forest” Locandro			X			

7 IN FAVOR, 4 ABSENT, MOTION CARRIED

- **SSAMP Hearing**

- **Beneduce Vineyards (Alexandria B21 L41.31).** – Beneduce Vineyards asked for adjournment until next CADB meeting on January 9, 2020. Counsel called for a vote to open public hearing on Beneduce Vineyards – Forest Locandro made a MOTION to Open the Hearing, Ted Harwick SECONDED. All in favor.
- Counsel called for a vote to adjourn the Hearing, Liz Schmid made a MOTION to Adjourn and Carry the hearing until January 9th CADB meeting. Susan Blew SECONDED. All in favor.

Public Comments:

- NONE

Adjournment:

- MOTION for adjournment made by John Perehinys, Liz Schmid SECONDED. All in favor, Meeting Adjourned at 8:32 PM

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PO Box 2900

Flemington, New Jersey 08822-2900

December 17, 2019

RE: Special Occasion Events

Director Payne and SADC Staff-

Thank you for your presentation on October 10, 2019 on Draft Recommendations for Special Occasion Events on Preserved Farms to the Hunterdon County Agricultural Development Board (CADB). The Hunterdon CADB approves of the basic concept of expanding opportunities to expand the viability of agriculture in Hunterdon County. On behalf of the Hunterdon CADB I would like to offer some comment and response.

The CADB believes that all preserved farms should be treated equally. When the CADB preserves a farm, the crops produced are not given special consideration during the preservation process. The special favor of additional events should not be granted to farms purely due to their involvement in the winery or alcohol business. Farms should be considered for eligibility based on a universal checklist and that process should be blind to the products produced on the specific farm. A standard application process and Preservation Easement has been utilized across the County independent of crops and this tradition should continue.

The Board is wary that the Event Approval/Registration process could add significant work for the CADB staff and fill the CADB agenda to the detriment of other matters. A checklist of eligibility that can be reviewed administratively for individual applicants in a timely and efficient manner and reported to the Board should be a goal of the program. Given the CADB monthly meeting schedule, there is not enough time to publicly review every application due to the number of preserved farms in Hunterdon County and the projected success of this program. It is the CADB's understanding that municipal approval will be required for the majority of Special Occasion Event applicants and the Board feels that is the proper time for public hearings. CADB input should consist of an eligibility review under the program guidelines.

The definition of an "Event" is the crux of the legislation. The CADB hopes to see a clear classification be defined statewide that is not open to endless interpretation and unequal enforcement.

The CADB is concerned about limiting the legal and creative usage of a farm building provided it does not negatively affect the underlying agricultural operation. The Uniform



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Construction Code only recognizes gatherings of 50 people or more people as relates to building usage. If Special Occasion Events are to be allowed as a Non-Agricultural Use under the Deed of Easement under certain circumstances, it seems overly restrictive to have a single dividing line of greater than or fewer than 250 attendees. The CADB encourages a category for events having fewer than 50 people with a corresponding lower bar of approval. An expedited approval process for small emergent events would be beneficial, as such events are typically not planned as far in advance as large gatherings. Small events have negligible impact and encourage a higher level of interaction between the farm and the public. A stated goal of the legislation is to prevent farming from becoming merely a backdrop to other uses. The "farm as a backdrop" seems more likely during large events where the farm can disappear in the crowd whereas small events better serve to feature the agricultural operation.

Concerns have been raised about the proposed ban on new permanent infrastructure. At a minimum, ADA required improvements should be allowed if required for municipal approval. Agritourism creates an incentive to preserve rural architecture which often consists of farm structures that are inefficient for modern agriculture. There should be an allowance to update existing buildings for new usage and prevent demolition by neglect of the built agricultural landscape. By way of example, this could be used to lower the visual impact of temporary sanitary facilities (Porta-Potties) by housing them in underutilized or previously abandoned existing structures. Improvements should remain subject to local approval and should not receive Right to Farm protection.

The CADB appreciates the good faith effort of the SADC to gather local input in this complicated endeavor. Congratulations to the SADC Board and Staff for their hard work to get to this point.

Respectfully submitted on behalf of the Hunterdon CADB, with thanks for your time and attention,



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