

Hunterdon County Agriculture Development Board Meeting

June 13, 2019 @ 8:00 pm

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

Members in Attendance:

Dave Bond
Robert Hoffman Jr.
Susan Blew
Ted Harwick
Gerry Lyness
John Perehinys
Marc Phillips
Liz Schmid
John Van Nuys
Forest Locandro
Kevin Milz
Megan Muehlbauer

CADB Staff Present:

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

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; David Kyle

Right to Farm Matters:

Staller/Haddad Farm, Tewksbury Twp. Block 19 Lots 11.05, 11.06, & 11.07

Clucas Farms LLC, Tewksbury Twp. Block 23 Lot 31

Change in agenda to move Right to Farms Matters to beginning of meeting. County Counsel Shana Taylor stated that one attorney is representing both farms and are entering into settlement negotiations with Tewksbury to work out an amicable decision between the owners and township. To prevent the expense of Re-Noticing if things are not settled, the CADB can vote to open a hearing then vote to adjourn until next meeting July 11.

- **Staller/Haddad Farm, Tewksbury Twp., B 19 L 11.05, 11.06 & 11.07.** Counsel called for a vote to open public hearing on Staller/Haddad Farm – Liz Schmid made a MOTION to open the Hearing, Susan Blew SECONDED. All in favor, Bob Hoffman abstained. Counsel called for a vote to adjourn the Hearing, Liz Schmid made a MOTION to close until next CADB meeting July 11th. Susan Blew SECONDED, all in favor, Bob Hoffman abstained.
- **Clucas Farms LLC, Tewksbury Twp., B 23 L 31.** Counsel called for a vote to open public hearing on Clucas Farm – Liz Schmid made a MOTION to open the Hearing, Marc Phillips SECONDED. All in favor, Bob Hoffman abstained. Counsel called for a vote to close the Hearing, Liz Schmid made a MOTION to adjourn until next CADB meeting July 11th. Ted Harwick SECONDED. All in favor, Bob Hoffman abstained.

Approval of Minutes

- Susan Blew made a MOTION to approve minutes from May 9th meeting, Liz Schmid SECONDED. All in favor, John Perehyns and Forest Locandro abstained.

Communications and Administrative Business:

- **CADB Staff update**
 - **Alice Miller Farm (Alexandria)** – Bob stated he is doing the final inspection on June 13th, expects closing to be the end of June.
 - **Peacefield/Jansen (Alexandria)** – will inspect on June 13th also, expects closing in July or August
 - **Long (Franklin)** – was in 2019 Planting round, accepted to the Direct Easement program. The SADC will be handling the closing and monitoring and will pay 100% of the costs.
 - **Stryker Farm (Franklin)** – A couple is buying the property, closing will be June 18th, changing the name to Onuschak, Jason and Ashley, they are proceeding with the same application that was already approved. Won't be coming back to this board unless they want changes to the exception area, everything is remaining the same.
 - **Grochowicz (Hampton, Glen Gardner, Bethlehem)** - Delay in survey, Rt. 31 ROW go thru NJDOT. Delay in communications with DOT.
 - **DeSapio/Brown (Kingwood)** - New policy on farms in the PennEast Pipeline route that the SADC has approved, so they are once again moving forward with this farm, has been accepted into the Direct Easement program. Was initially accepted into the 2016 Planting round as a MPIG.
 - **Goeckeler (Kingwood)** – Late June early July closing, the baseline was approved by federal program in early May.
 - **Haring Farm, (Kingwood)** – Direct Easement, Closed on June 5th. It is 59 acres, total of \$218,000.

Correspondence:

- Bob stated he's doing a site visit on June 17th in Alexandria Twp. to Beneduce Vineyards, there are concerns about concerts, thinks it's a municipal issue, going to see where it all settles out between Right to Farm and Municipal Zoning jurisdiction.

SADC Comments:

SADC – Bob said Stephanie Miller apologized she was not able to make it tonight, if you have questions on this she will be at next month's meeting.

- **New SADC policy on PennEast Pipeline properties.** If they have not entered into an agreement with PennEast, the properties will be appraised on the assumption that PennEast will not happen. SADC will continue with the application until something solid happens with PennEast. It's been a slow program, there are applications that have been held up for 3 years with no action and little advance on the PennEast project. This allows movement on the DeSapio/Brown farm (Kingwood) which is moving into a Direct Easement, the Kohler Farm (Delaware Twp.) is already in Direct Easement program and the Gombosi Farm (Holland Twp.) which is a possible application. Farms that have entered into an agreement will be held until law suits have be settled, this affects the Slate Farm (Holland Twp.) and a possible Kappus Farm (Alexandria Twp.) application.
- **Special Occasion Events** – New rules will be discussed at the July SADC meeting, there is some debate about extending the Winery program to all preserved farms. Feel the pilot program went well and can open it up to all preserved farms.
- **Highland Development Credits (HDC)** – A way to use a municipal average to assess development potential under '04 zoning, still at discussion level, will be discussed at the SADC meeting in July or September.
- **FY20 County PIG Appropriation** – SADC sent out a spreadsheet on County PIG balances to CADB members today. Fairly dense spreadsheet. Our FY20 grant will be for \$500,000 and an additional \$4.9 million in competitive funding from SADC. Reallocation from the Freeholders is \$1.9 million. Pretty well funded on the County PIG program.

Chair Comments:

- None at this time

Old Business:

- **Hunterdon County Comprehensive Farmland Preservation Plan Update**
 - **Farmland Preservation Plan Update** -In July funding appropriation request from SADC there may be grant opportunities for any county writing new Farmland Preservation Plans. Typically, doesn't reimburse the work already so they are putting it on hold until they get the applications. New PIG rules have not been adapted. Plan on hold until September.

New Business:

- **Farm Division**
 - **McConaughy (Sowsian) Farm East Amwell B 32 L 3 and B 40.01 L 3.** Jon McConaughy is present, spoke about his farm. Has another farm in Hopewell, has a farm to table restaurant, and a market. Started to grow the business, had about 800 head of cattle and started to acquire more land for the cattle. Moved the cattle out, but still farms about 800 acres, has pigs, chickens, goats, sheep, and ducks. Still has some cattle, Sowsian Farm was purchased when he had all the cattle, it came with a house that has 8 bedrooms they didn't have a need for, purchased for the grazing space. When they moved the cattle out they had hay for the sheep, they have about 800 head of sheep, that's what they use the property for the majority of the time they owned it. 3 or 4 years ago was approached by several interested farmers, one of which the house and the barns was appealing, so they leased it out.
 - Has had a few inquiries from people interested in buying a portion of the land, all the inquiries have been for smaller acreage. At 151 acres, bigger than most new farmers can

- handle. Horse farmer that is there now wants to get into other types of farming, they have horses, goats, and ducks want to move in the direction other than to buy other new horses, asked to buy a portion of the farm. Since he scaled back their cattle operation they are not using that portion of the farm, it would fit well with him and his tenant if it was subdivided. Tenant could have the farm of their dreams and he can keep a portion for hay and alfalfa production.
- County Counsel Aaron Culton stated for the record they were going to mark some things into evidence. Application submitted by Mr. McConaughy as Exhibit A, Tax map with the premises outline Exhibit B, Soil Survey Map Exhibit C. Mr. McConaughy was asked to expand upon the division line. Mr. McConaughy referred to a map and said he property is almost perfectly cut in half by Orchard Rd. What he is proposing is the division according to the blocks and lots that are separated by the road. In terms of access it's unchanged, in terms of lot lines, it's unchanged. The only change would be dividing the easement.
 - In terms of the soil map, shows prime as either bottom land with water or wooded lot. All that is listed as prime is not farmable, what is listed as non-important soil is what matters to them. Much of their hay and alfalfa is grown in what maps as non-important soils.
 - Chair Bond asked about buildings on the lots. Mr. McConaughy answered there is one house on the north side of the property, that is the side that would be sold to the Tenant. There is a 6-acre building lot on the south side, it is not part of the application. Aaron stated that Bob had some discussions with the SADC concerning the 6-acre lot on the south side of the property. Bob stated he spoke with SADC and he said if the CADB prefers they could deed tie that 6-acre lot to Lot 3 to create an exception area for Lot 3.
 - Counsel stated the Deed of Easement allows for an Ag. Labor housing on the property. Extensive discussion about the division ensued. Bob looked at the Deed of Easement and quoted Section 14 dealing with ag labor housing. Bob also quoted from the "Division of the Premises" from the SADC policy P-30a. Mr. McConaughy repeated some previous testimony relating to the farm operation.
 - Gerry Lyness and Liz Schmid spoke about their site visit. Current application makes sense to Gerry, Liz had some reservations about the capability of the tenants to operate the farm. John Van Nuys inquired about a contract for sale, there is a verbal contract. There have been other inquiries, no pressing need to sell. Forest Locandro asked if the 6-acre lot is merged with Lot 3 could it ever be separated again. It could not.
 - Counsel asked what the north side of the property could be used for. Mr. McConaughy stated it could be best used for the pasture, the south side is more of a grain producing land.
 - Counsel asked if there were any soil and water conservation project installed that would be impacted by the division. No. Could the current agricultural operation continue if the division were denied. Yes, it could be. But if the division were denied, the tenant wouldn't want to put any more money into something they don't own.
 - Counsel stated that he has shown there is no concern about access to either side, he mentioned the soils on each farm, already has the information. Would any acreage be taken out with the division of the farm? No, it would probably add to production. At time of preservation, there was minimal usage.
 - Gerry Lyness commented that looking at all the other farms they are preserving this one is the biggest and most viable at 76 acres each.
 - Judith Glogow (14 Orchard Rd.) she is the neighbor to the property they are discussing, has been there for 27 years, her concern is with the tenant farmer and the horse rescue operation. Offered testimony on past use, preservation history, and concerns about the current state of the property.

- Francis Gavigan – (123 Wertsville Rd.) Neighbor to the north, has been farming since 1995, commented that the property has gone from beautiful hay fields to a mud pit. No adequate shelter for all the animals on the farm. Too many horses turned it into a mud pit. In her opinion it is not farming. Brought pictures to share with the board about the current state of the property and condition of the animals. Liz Schmid asked about the current number of horses on the property, testimony varies between 20 and 40. Ms. Gavigan questioned Mr. McConaughy’s reference to farmworkers living in the residence.
- Mark Phillips commented on long view versus current condition, jurisdiction of the CADB versus questions of zoning and animal conditions. Bob Hoffman stated that the management practices that are there now may not be the best and needs to be addressed but we’re here to look at a division based on the capabilities of the property.
- Ms. Glogow asked if she were to buy a 200-acre preserved farm, with tax payer money, she can subdivide it? Bob and Liz Schmid explained the process to divide the premises while honoring the intent of the original easement. Counsel addressed a philosophical argument versus the application at hand.

Chairman Bond asked if there was a MOTION. Gerry Lyness made a MOTION to approve the division of the property. Marc Phillips SECONDED. Chairman Bond recommended that they merge the lots together, although not a condition of the motion. Roll Call Vote to authorize Counsel to write a resolution memorializing such action.

	<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>	<i>X</i>			
John Perehinys				<i>X</i>			
Gerry Lyness	<i>X</i>			<i>X</i>			
John Van Nuys				<i>X</i>			
Dave Kyle							<i>X</i>
Liz Schmid					<i>X</i>		
Ted Harwick				<i>X</i>			
Roger “Forest” Locandro				<i>X</i>			

8 IN FAVOR, 2 NAYS, 1 ABSENT, MOTION CARRIED

Chairman Bond stated he voted no only because he would like to see the 6-acre lot merged into Lot 3, Liz Schmid concurred. Counsel advised that a resolution will voted on at the next meeting to memorialize the action of the board.

Public Comments:

- Tentative meeting scheduled for August, most likely will be cancelled.
- Ms. Gavigan – Acknowledges challenges of farming, value of public image of preservation, sensitivity to public perception, and hopes this situation doesn't turn bad.
- Bob Hoffman wanted to make clear that not every farm is able to be divided, but this one is. Every piece individually judged. Ms. Gavigan not happy with that answer. Says they have a fight on their hands.

Adjournment:

- MOTION for adjournment made by Bob Hoffman, John Pehinys SECONDED.

ALL IN FAVOR, MOTION CARRIED. Meeting Adjourned at 9:33 PM