

Hunterdon County Agriculture Development Board Meeting

Special Meeting February 20, 2020 @ 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
David Kyle
Marc Phillips
Liz Schmid
John Van Nuys
Kevin Milz

CADB Staff Present:

Carrie Fellows, Director, Planning
Bob Hornby, CADB Administrator

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 February 3, 2020, to The Hunterdon Democrat, and for informational purposes to The 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: Absent- Bob Hoffman, Forest Locandro, Gerry Lyness, John Perehynys, Megan Muehlbauer

Right to Farm Matters:

- SSAMP Hearing –
 - **Melick's Oldwick Farm, Tewksbury Township, Block 44 Lot 26** – Chairman Bond turned the meeting over to Alternate County Counsel Richard Mongelli, Esq. Regular County Counsel Shana Taylor Esq. and Aaron Culton Esq. recused themselves from this hearing.
 - Attorney for Melick's farm was asked to introduce himself. Michael Lavery Esq. of the law firm Lavery, Selvaggi, Abromitis & Cohen. County Counsel stated we have been provided with the notice filed on behalf of the applicant and published, has been reviewed and is adequate to give proper notice in accordance with the law.
 - Mr. Lavery stated the farm is in the Piedmont District Zone; request is a SSAMP to build a 75ft by 120ft barn. Seeking relief from setback requirements where 100ft. is required, they are seeking a 40ft. setback. Had filed application with Tewksbury Twp. As part of the application you have to provide any resolutions for prior approval on the property, one of those resolutions was a variance filed in 1964 that allowed the Melick's to operate a Cider press. Tewksbury Land Use Administrator sent a letter stating that it wasn't a variance but a "special exception".

Next they got a letter from the Tewksbury Environmental Commission requesting drywells. Applicant doesn't have to do it, but they will because of the Township Storm Water standards, not required by the state standards, Commission also stated that they want to see various things that don't apply, Applicant just putting up a barn to put things undercover. No bathrooms, retail, extended hours of operation. Then received a letter from the Township Engineer. After receiving letter from Township Engineer Mr. Lavery thought it was time to go before CADB. Mr. Lavery stated many times all they want to do is put up a barn, all they are doing is putting things that are outside under cover.

- There is no question they are an accepted Ag. management practice, they grow fruit, vegetables and the cider process. After board hears all the testimony, this is the most logical place to put the barn. Right now, things are in boxes and equipment is out in the open. The farm became a Certified Commercial Farm on December 12, 2019.
- Mr. Lavery submitted site plan and was marked as Exhibit A. Called his first witness, Mr. Ingram, is a Licensed Professional Engineer, employed by Engineering and Land Planning. License is still active. County Counsel asked him to state his full name, Wayne Ingram, Mr. Ingram was then sworn in. Mr. Lavery asked Mr. Ingram to describe the plans in Exhibit A. Gave an overview of what is on the property and what they want to do. Because it is just a storage building they want it accessible to other areas of the property. To place the barn elsewhere would mean removing active farmland. Residential properties are to the East and North, a park to the South, the farm is 59 acres, everything to the West is farmland.
- Mr. Lavery called his next witness, John Melick, he was sworn in by County Counsel. Mr. Lavery asked Mr. Melick if the reason they were there was for approval for the construction of the barn, yes, the reason for the barn is to store things that are outside and move under cover. Yes. What are the activities that will occur in the barn, sorting apples, install refrigeration for the various fruit, and for adequate storage for products, no living space will be added, no new employees will be added, not increasing hours of operation and will not be open to the public. Mezzanine will be used for dry storage. Will have running water to clean products but does not require sanitary facilities. There will be heat, no air conditioning except the coolers. The barn will be used year-round.
- County Counsel asked where the electrical equipment will be relative to the neighboring properties. Referring to plans, Mr. Melick pointed out upgraded electrical last year, they brought in 3 phase, existing transformer, north east of the proposed building, just need to stuff the conduit in the building, just have to plug into it. Refrigeration units on southern end of the building, inside.
- Board Member asked what the building will be made of, metal siding and red in color, roof color will be slate.
- Board member asked how much of the building would be used for cold storage, about 1/3.
- Board member asked if there was any consideration of reconfiguring the building. Applicant stated there is an architectural drawing that they can pass around and mark as Exhibit A2. Referring to the architectural drawing, Mr. Melick stated that there is a small garage door on the eastern side of the building, main door will be on the western side.
- Board member questioned whether that area could be used as office space, Applicant replied they already have an office, and another is not needed. Board member asked for clarification that previous testimony is that the barn will not have office space, but the plans say possible office space. Applicant testified they are just going to use it as storage.
- County Counsel asked if there were any public comments. There were none. Chairman Bond closed the hearing to the public.

- Board Member made a comment that the cooling units will make noise and might disturb the neighbors, suggested maybe relocating units to the other side of the barn. Engineer stated that it might be able to be done.

Chairman Bond asked for a MOTION to grant a setback waiver for construction of a barn for Melick’s Oldwick Farm. Marc Phillips made a MOTION, Susan Blew 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				X			
Robert Hoffman, Jr., Vice Chair							X
Susan Blew			X	X			
Marc Phillips	X			X			
John Perehinys							X
Gerry Lyness							X
John Van Nuys				X			
Dave Kyle				X			
Liz Schmid				X			
Ted Harwick				X			
Forest Locandro							X

7 IN FAVOR, 4 ABSENT, MOTION CARRIED

Public Comment:

None at this time

Adjournment

- MOTION for adjournment made by Liz Schmid, Dave Kyle SECONDED. All in favor, Meeting Adjourned at 8:50 PM