

Hunterdon County Agriculture Development Board Meeting

July 11, 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
Dave Kyle
Gerry Lyness
Liz Schmid
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; John Perehynys, Marc Phillips, John Van Nuys

Approval of Minutes

- Liz Schmid made a MOTION to approve minutes from June 13th meeting with minor edits, Susan Blew SECONDED. All in favor

Communications and Administrative Business:

- **CADB Staff update**
 - **Alice Miller Farm (Alexandria)** – Closed June 27th, was a 2017 Harvest Round Application, 63.9 acres at \$7,700/acre.
 - **Peacefield/Jansen (Alexandria)** – In closing review at SADC
 - **Onuschak (formerly Stryker Farm, Franklin)** — Franklin has given preliminary support. Ordering RFP to see what the land is worth on appraisal before going back for final approval.

- **Grochowicz (Hampton, Glen Gardner, Bethlehem)** - Survey still at Harris, delays with NJDOT ROWs along Rt 31, getting feedback from DOT is very slow.
 - **Goeckeler (Kingwood)** – In closing review
 - **Case Farm (Raritan)** – Closed June 20th, Direct Easement in Raritan Twp. 64 acres. That puts the county at 529 acres that have closed this year.
- **2019 Harvest Round** - Bob asked for a motion to set an October 1st deadline for applications for farmland preservation, introductions would be at the October 10th meeting and voting would be at the November 14th meeting. That puts the Planting and Harvest rounds back on a 6-month schedule. Robert Hoffman made a MOTION to accept October 1st deadline for Harvest Round applications. Ted Harwick SECONDED. Ted Harwick asked how people who would be interested are notified of the deadline. Bob stated they can do a press release though the County website, will give Curtis Leeds of TAPINTO a press release and NJ.com. Doing it this early gets the word out sooner. All in favor.
 - **Monitoring** - Bob mentioned the July 15th deadline to get the FY 2018 monitoring reports in to SADC. Kevin Milz has been working on it.

Correspondence:

- Dave Kyle thanked the Board members for their kind thoughts.

SADC Comments:

SADC – Stefanie Miller not in attendance. Bob attended the last SADC meeting, they did their first round of discussions on Soil Disturbance Standards. Was the first presentation to the board. In terms of the founding legislation of Agriculture Retention and Development Act (ARDA) they’ve done a lot of work on farmland retention but there is a need to do more on the development side. Part of that is infrastructure development on preserved farms. Presented data on 2,600 farms to see how much of a farm has been intensively developed via structures and access roads. They believe 6% - 8% is the bracket across the state. Going forward farms can create the infrastructure they need to be economically viable and still preserve the soil that is the underlying reason they were preserved. It’s all still preliminary discussion. Stems from the Garden State Growers situation, there is motivation to have a standard in place sooner rather than later.

Chair Comments:

- None at this time

Old Business:

- **Hunterdon County Comprehensive Farmland Preservation Plan Update**
 - **Farmland Preservation Plan Update** - Still waiting on appropriation request on whether there will be grant language for writing preservation plans. Will be in the July 15 appropriation request to the state, will update board at the September 15th meeting.

New Business:

- **Memorialization of Farm Division**

- **McConaughy (Sowsian) Farm East Amwell B 32 L 3 and B 40.01 L 3.** - Bob provided final copies of the Resolution in the matter of the application for the division of preserved farmland written by County Counsel.
- Ted Harwick made a MOTION to approve as presented, Robert Hoffman SECONDED, Liz Schmid asked about the merging of 2 lots. Counsel stated it was just a recommendation, so it is not required. Chairman Bond called for a Roll Call vote.

ROLL CALL MOVED SECONDED AYES NAYS ABSTAIN ABSENT

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

7 IN FAVOR, 1 NAY, 3 ABSENT, MOTION CARRIED

Chairman Bond stated that the reason he voted no is the 6-acre building lot not getting merged into the preserved area.

Resolution on Winery Special Occasion Events Approval Process - Bob presented an overview of the Resolution of HCADB Authorizing Board Staff and Chair to review emergent approvals for special occasion events on preserved wineries. Gerry Lyness made a MOTION to approve the resolution. Liz Schmid SECONDED. All in favor, MOTION passed.

Right to Farm Matters:

- **SSAMP Hearings** County Counsel Shana Taylor stated that the parties are still discussing their differences and that the township committees may be considering settlement agreements. She suggested a vote to open a hearing, then vote to adjourn until next meeting September 12th.

- **Steller/Haddad Farm, Tewksbury Twp. Block 19 Lots 11.05, 11.06 & 11.07.** Counsel called for a vote to open public hearing on Staller/Haddad Farm – Forest Locandro made a MOTION to open the Hearing, Liz Schmid 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 September 12th. Susan Blew SECONDED, all in favor, Bob Hoffman abstained.
- **Clucas Farms LLC, Tewksbury Twp. Block 23 Lot 31.** Counsel called for a vote to open public hearing on Clucas Farm – Susan Blew made a MOTION to open the Hearing, Liz Schmid SECONDED. All in favor, Bob Hoffman abstained.
- Counsel called for a vote to close the Hearing, Liz Schmid made a MOTION to close until next CADB meeting September 12th. Ted Harwick SECONDED. All in favor, Bob Hoffman abstained.
- **Commercial Farm Certification**
 - **Beneduce Vineyards, Alexandria Twp. Block 21 Lot 41.31** - Mike Beneduce presented as principal and wine maker at Beneduce Vineyards, property owned by Beneduce, LLC. Two agricultural businesses are run on the farm, Beneduce Vineyards LLC (winery) and Great Swamp Greenhouses LLC (garden center). 1-acre of greenhouses for annuals and perennials, whole sale only on-site, retail facility in Morris County. On-site focus is the vineyard and winery. 22 acres planted with grapes out of 51 acres, the rest is taken up with driveways, farmhouse, public areas, and buildings.
 - County Counsel Aaron Culton went over the information provided by Mr. Beneduce. Since Mr. Beneduce has over 5 acres and submitted proofs and testimony of \$2,500.00 or more in estimated grape production, he satisfies the income requirements for a Commercial Farm. Aaron asked if the property is in an area where Agriculture is a permitted use, Yes. Is operation in compliance with all Federal and State Statutes, Rules, and Regulations? Yes.
 - Ted Harwick stated it's not clear to him what the goal is as it is not farmland preserved. Chairman Bond stated it doesn't need to be a preserved farm. Mr. Beneduce stated he is seeking Right to Farm protection. Bob stated that the Right to Farm act is for all farms, Bob Hoffman stated that all they are there for tonight is Commercial Farm Status, after that he must return for a Right to Farm Hearing.
 - After some discussion it was deemed not necessary to have a site visit.

- Bob Hoffman made a MOTION that Beneduce Vineyards satisfies the requirements of a Commercial Farm. Gerry Lyness 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			X			
Susan Blew				X			
Marc Phillips							X
John Pehinys							X
Gerry Lyness			X	X			
John Van Nuys							X
Dave Kyle				X			
Liz Schmid				X			
Ted Harwick				X			
Roger "Forest" Locandro				X			

8 IN FAVOR, 3 ABSENT, MOTION CARRIED

Public Comments:

- None

Adjournment:

- MOTION for adjournment made by Bob Hoffman, Gerry Lyness SECONDED. Bob confirmed there will not be an August meeting

ALL IN FAVOR, MOTION CARRIED. Meeting Adjourned at 8:35 PM

**HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD
RESOLUTION
IN THE MATTER OF THE APPLICATION FOR THE DIVISION OF PRESERVED
FARMLAND**

Double Brook Farm (Traveling Butcher, LLC)
Block 32, Lot 3 and Block 40.01, Lot 3, Township of East Amwell

WHEREAS:

By Deed of Easement dated April 7, 1998, the County of Hunterdon acquired a development easement on the property of Joseph T. Sowsian and Bernice M. Sowsian, known as Block 32, Lot 3 and Block 40.01, Lot 3, Township of East Amwell, Hunterdon County, pursuant to the State Agriculture Retention and Development Act. The Deed of Easement was recorded by the Hunterdon County Clerk on April 14, 1998, in Deed Book 1185, Pages 0079-0086.

On March 19, 2019, the current property owner of Block 32, Lot 3, Block 40.01, Lot 3, Double Brook Farm (a/k/a Traveling Butcher, LLC) by and through its member, John McConaughy, filed an Application for a Division of Permanently Preserved Farmland with the Hunterdon County Agriculture Development Board (“CADB”). The request for the division was made pursuant to Paragraph 15 of the Deed of Easement. A copy of the Application is made a part of this Resolution as Exhibit A. On May 17, 2019 the division map was updated to relocate the division line along Orchard Road.

At its June 13, 2019, meeting, the CADB held a hearing on the farm division application, at which time John McConaughy appeared and presented the Application for requesting the division of his farm. The division line of the proposed lots runs along Orchard Road. The proposed 76-acre lot, which has improvements, lays to the North of Orchard Road, and the proposed 76.4-acre unimproved lot lays to the South.

The applicant further described the current operations at the property and any proposed changes, as set forth in the Application. Specifically, the following information was presented to the Board:

- The preserved property presently consists of approximately 152.4 Acres, with one existing dwelling, no exception areas, and no RDSO’s.
- The property is currently in hay production and is also utilized by a tenant farmer (who leases the home and barns) as a horse retirement facility, and to raise goats and chickens.
- The portion of the property to the north of Orchard Road, presently has a house and barns. It is 91% tillable with 56% prime or statewide soils, and is a split of pasture and croplands due to its topography. In addition to the horse retirement facility, the typical annual hay production is 200 bales on 35 acres.
- The portion of the property to the south of Orchard Road is presently unimproved, with only a run-in shed and no residential opportunities. It is 61% tillable with

- 25% prime or statewide soils, and is in production for hay. The typical annual production is 500 bales on 46 acres.
- The property to the south of Orchard Road has an adjacent 6.4 acre building lot, owned by the Applicant, which is unreserved (Block 40.01, Lot 3.02)
 - Farm access to the north or south of Orchard Road will not be affected by the proposed farm division.

In an effort to sustain an agriculturally viable farm, the property owner finds it necessary to divide the farm into two farms. These two farms can be managed and farmed in a more economical and productive manner. In addition, the improved lot to the north side of Orchard Road, will become far more attractive and marketable for a farmer looking to purchase a small farm. As it presently exists, tenants are unwilling to make improvements to property they do not hold title to. The current tenant has expressed such interest to purchase.

After review and discussion of the Application, the property information provided by the Applicant, and the proposed division line, the CADB found that each of the proposed tracts to the north and south of Orchard Road meets the definition of an “agriculturally viable” parcel.

The CADB is satisfied that the division of the Double Brook Farm property is for agricultural purposes and will result in two agriculturally viable parcels.

NOW, THEREFORE BE IT RESOLVED, by the Hunterdon County Agriculture Development Board that it hereby approves the Application for the Division of Permanently Preserved Farmland, creating two separate farms from Block 32, Lot 3, Block 40.01, Lot 3, in East Amwell Township.

BE IT FURTHER RESOLVED that this approval is subject to the approval of the State Agriculture Development Committee (SADC). The CADB will forward the Application, this Resolution, and any other appropriate documentation to the SADC for its consideration. If the SADC approves the division, the property owner is required to submit to the CADB a property survey and property description for both parcels. If and when the SADC approves this Application, documents will be prepared and filed with the County Clerk at the advice of the County Counsel.

Approved on: June 13, 2019

Memorialized on: July 11, 2019

7/11/2019

Date



Dave Bond, Chair