

OPEN SPACE & AGRICULTURAL ADVISORY COMMITTEES

Regular Meeting Minutes

February 7, 2017

7:00PM

Call to Order

The Regular meeting of Open Space and Agricultural Advisory Committees was called to order at 7:06P.M. Chairwoman Sandra McNicol called the meeting to order and read the following notice requirements.

Notice Requirements

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on January 19, 2017 and by telefaxing a copy of the notice to the Express Times on January 11, 2017. Copy of this notice was also posted in the Kingwood Township Municipal Building on January 11, 2017.

In order to ensure full public participation in this meeting, all members of these Committees, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Roll Call

Open Space Advisory Committee

Present

Sandra McNicol

Phil Lubitz

Thomas Ciacciarelli

Lee Frank

Karen Hertzog

Absent

John Mathieu

Heather Haberle

Agricultural Advisory Committee

Present

Richard Dodds

William Pandy

Edward Kralovich

Absent

Cynthia Niciecki

2.

Approval of Minutes

Motion and Approval of the January 10, 2017 Reorganization and Regular Meeting Minutes of the Open Space/Agricultural Advisory Committees

It was moved by Mr. Dodds, seconded by Mr. Lubitz and carried to approve the January 10, 2017 Reorganization and Regular Meeting Minutes of the Open Space and Agricultural Advisory Committees.

Roll Call Vote:	Aye	-Lubitz, Ciacciarelli, McNicol, Hertzog
	Nay	-None
	Abstain	-Frank
	Absent	-Haberle, Niciecki, Mathieu

Correspondence

21st Annual New Jersey Land Conservation Rally, Friday, March 17, 2017

Chairwoman Sandra McNicol reviewed the information on the 21st Annual New Jersey Land Conservation Rally, scheduled on Friday, March 17, 2017 at the Hyatt Regency Hotel, 2 Albany Street, New Brunswick, NJ. She noted that if anyone would like additional information on this educational conference to visit - www.njconservation.org/rally

Reports

Farmland Preservation - Liz Schmid (Report for February, 2017)

Liz Schmid was present and reviewed the following report for February 2017:

Open Space/Agriculture Advisory Committee February 7, 2017

I am going to list the projects that have had some type of change since last month first. I will then list the farms that are still on the radar, but have not moved along significantly since last month. Changes from November are in bold face type.

- 1. Goeckeler** (Bl 30, Lot 6) - As Green Acres has run out of money for this project, the owners would like to pursue a farmland preservation application. In order to do this, The Township must enlarge the farmland preservation project area in the farmland preservation element of the Township Master Plan. The farm is located on Warsaw Rd.

3.

2. The Township will also have to amend its Agricultural Development Area with the County and the State. It is possible that this can be done by resolution. I am checking with the County and the State. At the moment there seems to be some confusion as to exactly where the line for our ADA is at this time, and where the line for the Farmland Preservation Project Area is in the northern part of the Township. What is on maps and what is in legislation seem to conflict. Because of these area issues which must be remedied in order for the application to proceed with the State, and because the farm is in the County ADA, and will be added to their Target Farm List, the County has said that they will include this farm in the County Pig fall round so that there is no hold up. We can then transfer it back to the Municipal PIG when the boundary issues are resolved, if that is OK with everybody. We now have a copy of the map of the Ag Development Area and the PIG Project Area as it is understood by the State, so we should work with that. HLT has submitted an application for federal funding for this farm without the County. SADC and NRCS are reported close to agreeing on minimum deed terms. After that is achieved, CADB staff will approach the Freeholders to approve farms in the pipeline requiring federal funding, which they have been unwilling to do to this point. As our ADA issue is still up in the air, I have had the issue of requiring signatures from all landowners to expand an ADA put on the CADB agenda this month. If we can get that changed, then all we have to do is get CADB and SADC to agree to it. As most of you have seen from my e-mail, the State is suggesting adding a ROW along the northern edge of this farm to provide access to the Tea Table Property. This requires discussion as to what type of access and what the Township might want to do about taking over a ROW. Much would depend on ownership of the Tea Table. **CADB has rejected the idea of a ROW on the northern edge of this property. The CADB attorney has been researching how their requirement of signatures from all property owners in an ADA was enacted. She will bring her findings to CADB meeting on Thursday and it would seem that all they have to do is pass another resolution eliminating the requirements. As all members seemed to be of that mind last month, the requirements will go away and all we have to do to change the ADA is have both CADB and SADC agree to the change. This will make life much easier for all.**

4.

2. Dalrymple - Block 6 lots 26 (33.4 acres) and 26.01(18.55 acres) - The landowners have completed an application for the Municipal PIG program and it has been approved for Federal funding. CADB has given preliminary approval, as has SADC. The Township Committee has passed a resolution requesting that the State add this farm to our targeted farm list. The landowners have agreed to partially pay for one appraisal to see if easement value will be acceptable to them. The Township has chosen an appraiser from the proposals submitted. Things have been complicated by the CADBs refusal to accept the SADC proposal to use Federal language to prohibit selling the two lots separately, without actually merging the lots. They continue to insist that the lots be merged before preservation. SADC is trying to be helpful by developing some sort of new appraisal form that would allow for the appraisal of the properties as one lot without actually being merged. That way the landowners would be able to have the properties appraised and they could make a decision about whether the money is enough to follow through with preservation before they have to spend money on merging the properties. In any case, the properties would have to be merged before the preservation closes. The landowners have decided to proceed with the process if the second appraisal comes in at or above what the first one came in at. They are having their attorney look at the various forms that they must sign to continue with the process. As of 9/28, they had not returned the forms signed. When they do bring them in, we will have the second appraisal done. The attorney raised further questions that we have attempted to address and referred him to County Counsel for further clarification. We have also provided them with the County forms that may be more beneficial to use. The attorney seemed to be satisfied with the information provided, but we have not heard from the landowner about signing a contract or option. As with Goeckeler, there is also the issue of County approval of the terms of the Federal program. The Option form came back from the landowner's attorney with an addendum of two changes. The Township Committee has directed the Twp. Attorney to modify the changes and return it to the landowner's attorney for approval. **The modified version was sent back to the landowner's attorney last week.**

3. Tranquility Farms LP - Block 5, Lot 1.01 - For financial reasons, this farm is not eligible for Federal funds so County and Municipal PIGs were not feasible. SADC had approved the farm for State Direct Easement purchase. The owners have accepted the certified value and the Township has sent a letter of support.

5.

It should have received final approval from the State last week, and the surveying, etc. will proceed. After resolving contract issues with Penn East, the State has given a revised certified value (it was the same) and SADC granted final approval last week. **They are now going out for survey and title work.**

4. **DeSapio** properties on Ridge Road - Block 6, Lots 12 and 13.01 have closed and are now preserved. **Block 5, Lot 6 (69.54 acres known as the Brown Farm)** has gone to the County for a County PIG application as the State is out of Direct money. The County is going to the landowner to see if he is willing to make an application for Federal money that will cover our share of the preservation. The County is also suggesting that the application be carried in the County program through the appraisals and final approval and then be transferred to a Municipal PIG for the survey. This would allow Kingwood funds being held at the State to be used for the State 60% as the County is about tapped out of State money. The landowner has agreed to apply for Federal funding (ALE) so that the application can be fully funded. The HLT board has approved this project. The landowner returned paperwork for application for Federal funds and HLT has submitted an application. Again, this application will be hanging on the County approval of the terms of the Federal money. The State is on hold, waiting for CADB to submit its annual update, including this farm on their target list. HLT is requesting that Kingwood add this farm to our PIG Target farm list as there are many issues with the County, and it would be easier to do it as a Municipal PIG - except that it requires us to expand our Project Area in another place. **Bid packages for appraisals went out from the County last week.**

5. **Hudson Grant Group - Block 40, Lot 19)** - HLT is making an application for County Open Space funds for this vertical property. Other funding would come from DEP. There is some question about access. The appraiser was out at the property with Lisa Stern from the DEP, Jackie Middletown and Richard so we should have a value quote soon. Appraisals are back. The County planning Board has approved a \$51,000 grant for the property. The Freeholders have now approved the grant. **A proposed contract has been sent out, but as of last week, it had not been returned.**

6. **Siano - Block 30 Lots 2 and 2.01 (73.81 acres)** - This farm is being done as a County PIG application as the State did not have sufficient funds to do it as a State Direct Application.

6.

The landowner has been in contact with HLT to make an application for Federal funding, but has not been approved by the HLT board yet as she may be selling off a lot before preservation. That issue must be resolved to proceed. This farm is also affected by not having County approval of Federal money terms at this time. It may also have to be held over until next year. **The landowner failed to complete the paper work required to apply for Federal funding so will have to wait for the next round to make an application. She also failed to sign the form required to change the ADA, but hopefully that will no longer be an issue.**

7. Maritan - (Bl 33 Lot 25), 104.71 acres - No Change - Richard has had discussions with Jackie Middleton at HLT about possible use of new Green Acres money for this property. After Richard and Tom from HLT walked the property it was decided that the property should be cleaned up before appraisals are done. Jackie will be working with the family to do this, but the family has been told that there is no money available now. Property is now on the market. **The State has suggested if the property qualifies for Federal funding, the Township could do a municipal PIG on it and by-pass the County as the Federal money would cover both municipal and County share. The State would then hold the easement on the property. I did not think that the Township was interested in this option, but am running it by you.**

OTHER ISSUES

In order for the State and the County to consider farms for a Municipal PIG application it must be within our Agriculture Development Area. As of now, Siano and Goeckeler are not within that area. We need signatures from every property owner that is to be included in the expanded area. We have signatures from Goeckeler, but not from Siano at this point. The County was going to try to get that signature. If we expand for DeSapio, we will need signatures up in that area also. The State has the Township ADA as delineated and the County has a different ADA for their projects. They have asked for an expanded ADA in their annual up-date. We do not know at this time whether that has been granted. **Hopefully the CADB will make this easier on Thursday.**

A resolution to expand the PIG Project area would also be good.

7.

8. Kenney - Block 27 Lot 6 (20.77 acres) - Landowner called the SADC staff to inquire about preserving this lot. He had preserved his other lots a number of years. He had contacted me a few years ago but I discouraged him as the lot appeared to be more than 50% wooded which would make it ineligible for preservation. The lot also has significant wetland areas. State staff believes that the land is more than 50% tillable so should qualify for preservation. **The Ag Committee did not seem to have an interest in preserving this piece at last month's meeting.**

9. Smiley - B 26, Lot 17 - Kingwood Locktown Rd (25.98 acres) This property is partially farmed and partially wooded. It adjoins the preserved DeCroce farm to the south. The message was that she wishes to create a preserve on her property.

10. Varela (Bl 33 Lot 12 - 63 acres, Bl 32 Lots 5 - 11 acres and 6 - 16 acres) on Barbervtown-Idell Rd. - No Change - The family is trying to decide what to do. This is a complicated estate situation with squabbling heirs. The heir that lives on the property wants to preserve so that she can keep the farm together as a farm. Others just want money out of it. They are presently getting a new appraisal on the property to see what is a realistic value in the current market. The State has no funds available for direct purchase and is sending pending applications to the Counties. Heir on the property wants to put in an application for consideration in the Harvest Round (fall). She will also have to apply for Federal funding to cover municipal costs. They have chosen to have the property appraised for easement value as well as sales value to better help in decision making. The property has been appraised but the family has not yet made any decisions on what they wish to do.

11. Dirt Capital Partners, LLC - Block 4, Lot 3, .5 acres. No Change. This is the corner of a farm in Franklin for which Dirt Capital Partners is trying to recoup some money. Kingwood's share of a preservation would be in the area of \$700. **Bid packages for appraisals went out last week.**

12. Milford - (Block 9, Lots 26 (13 acres) and 17 (62 acres) **No Change** The family is interested in acquiring property across Slacktown Road from other property that they own. They would need preservation money in order to make this happen.

8.

We have advised them of the tight money situation at the State and the Township, and about the need to use Federal money (ALE) to cover Township portion of any preservation. We discussed the constraints of being near a C-1 stream and having woods on the property and how it might affect appraisal values. We also discussed how CADB might look at the property. We suggested that if they wish to pursue the preservation they might want to do it with a strict contingency contract with the present owner. They are planning to talk with the realtor.

13. One Lowell Realty inc. (Lipka) - Bl 17, lot 14 (30.89 acres) No Change Flag lot on Barbertown-Point Breeze Rd.- The owner of this property just wants to get rid of it and is willing to donate the property. There are wetlands on the property and an open lien from DEP. He (or maybe his estate) does not want to or cannot pay the lien off. DEP says the lien consists of a \$12,000 fine and a \$6,000 penalty for not having complied with an administrative order. The fine was for placing fill and cut vegetation into wetlands and wetland transition areas. The fine and penalty stay with the offending owner, but DEP would require the situation to be remediated. HLT has no interest in the property. It is not near any other preserved land. Does the Township have any interest?

14. Felix II - (Block 12 Lot 1) - No Change - A township resident has contacted me about the possibility of purchasing and preserving this farm. The purchase is dependent on the ability to preserve. In speaking with the interested purchaser, it became clear that possible preservation funding may not be sufficient to purchase the farm. We discussed the need to for them to discuss specifics with the owner. I spoke with SADC and HLT to see if they had any creative ideas as to how this could be worked out. No one has come up with any new ideas. I will continue to stay in touch.

15. Mattison - No change- (Block 21, Lots 1.01, 1.02, 1.03 and Block 21.01, lot 2) on Rt. 12 and Whiskey Lane - Owner is interested in selling into preservation but only NJCF has any interest and would need other money to complete a sale.

16. Perrotti - No Change - Block 7 Lot 14.10 - 52 acres on Oak Grove Road, adjacent on the south side to the preserved DeSapio farm. The owner is looking for the most profitable way to proceed with his investment property. He has 4 approved lots ready to build on when the economy picks up.

9.

He is in no rush to do anything. He was really just doing research on how much he could get for preservation when he called the State. He would ideally like to get \$15,000/acre for the easement.

Hudson Grant Group

Richard Dodds noted there has been continuous discussion on an agreement for the 18.63 acre piece of property at 2398 Daniel Bray Highway, Block 40, Lot 19, which the township would obtain with the assistance of the Hunterdon Land Trust. He noted that the appraisal has been reviewed and approved, and that the township has secured financing for the full certified fair market value of the property, which is \$102,500. He reviewed the property over the overhead projector.

Updated Preserved OS/Farmland Map

No update this month.

New Business

N/A

Old Business

Horseshoe Bend Park - Update

Richard Dodds noted that there is not much going on at the park at this time.

He discussed the amount of deer taken out during the hunting season.

He noted there was a good turnout with the harvest of the deer.

County Open Space Full Draft Plan - October 21, 2016 - Comments from Open Space and Ag Members

Chairwoman Sandra McNicol noted her only concern is she would like to see a park, but is concerned about a park becoming like Deer Path Park. Richard Dodds stated maybe the County can help maintain our park. The County Planning Board will put this out for final review.

There was a brief discussion regarding the Rockfall Mitigation and the Resurfacing for Route 29.

10.

Phil Lubitz noted that there is a meeting scheduled hear for the public with the Department of Transportation to talk about the road surfacing on Route 29.

PennEast Pipeline - Update

Richard Dodds reviewed an update from FERC regarding the PennEast Pipeline.

William Pandy commented on information he obtained from a meeting he attended at the Prallsville Mill in Stockton for the PennEast Pipeline.

Public Comment - Privilege of the Floor

There were no public comments.

Chairwoman Sandra McNicol feels that the Open Space and Agricultural Committees should have a file cabinet and electronic files of all the preserved properties in Kingwood Township.

Chairwoman Sandra McNicol explained that the township is planning to go back to Franklin Township's Land Use Boards meeting coming up this month. She stated that Debbie Kratzer, Lois Voronin, and Kingwood Township Attorney, David Pierce attended Franklin Township's Land Use Boards prior hearing for the Sustainable Aquaculture Systems and their construction project. She noted that there geologist was present, which they all asked him several questions.

Adjournment

It was moved by Karen Hertzog, seconded by Lee Frank and carried to adjourn the meeting at 8:00P.M. **All voted Aye on Roll Call Vote.**

Respectfully submitted,

**Cynthia L. Keller
Secretary**