

**Open Space and Agricultural Advisory Committees  
Regular Meeting Minutes  
November 1, 2016  
7:00PM**

**Call to Order**

The Regular meeting of Open Space and Agricultural Advisory Committees was called to order at 7:15P.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 14, 2016 and by telefaxing a copy of the notice to the Express Times on January 6, 2016. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on January 6, 2016.**

**In order to ensure full public participation in this meeting, all members of this Committee, 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

<u>Present</u>	<u>Absent</u>
Diana Haywood	Phil Lubitz
Sandra McNicol	Lee Frank
Karen Hertzog	Heather Haberle
John Mathieu	

Agricultural Advisory Committee

<u>Present</u>	<u>Absent</u>
Richard Dodds	
Ed Kralovich	
William Pandy	
Cynthia Niciecki	

**Approval of Minutes**

Motion and Approval of the July 12, 2016 Meeting Minutes of the Open Space/Agricultural Advisory Committees



3.

Correction: 8<sup>th</sup> Line down - Sentence before corrections - They are trying to put together a report to see where the gaps are in the testing.

Replace with - **The Lower Delaware Wild and Scenic are trying to put together a report to see where the gaps are in the testing.**

Correction: 9<sup>th</sup> Line down - Sentence before corrections - These organizations would like to go to the Parks Service for resisting \$2,016.00 that had not been spent, and some \$2,015.00 that hasn't been spent to start the testing process, and then ask for additional funds in 2017.

Replace with - **The Lower Delaware Wild and Scenic would like to go to the Parks Service for 2016 and 2015 year funds remaining that have not been spent to start the testing process.**

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

**Correspondence**

N/A

**Reports**

Farmland Preservation - Liz Schmid (Report for November, 2016)

Liz Schmid was present this evening read aloud the Ag report for November 1 2016:

**Open Space/Agriculture Advisory Committee**

**November 1, 2016**

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 October 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.

4.

2. 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. 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.

**The landowner has been in touch with HLT for an application for Federal funds, but as the farm has not yet been approved for preservation by the CADB, and as the County has not yet accepted the terms of the new Federal funding program, it looks iffy as to whether or not this farm can proceed for preservation this year.**

3. **The deadline for Federal applications is at the end of this month. The State representative has visited the farm and is positive about the application.**
4. **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.

5.

5. 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.**
6. **We have also provided them with the County forms that may be more beneficial to use.**
7. **As with Goeckeler, there is also the issue of County approval of the terms of the Federal program. Again, this may hold this application up until next year.**

**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 has approved the farm for State Direct Easement purchase. The owners have accepted the certified value and the Township has sent a letter of support. It should have received final approval from the State last week, and the surveying, etc. will proceed. There are now contract issues with PennEast. When there is a revised agreement, the State will have to review the certification before granting final approval. We are now waiting for the appraisers to revise appraisals based on a signed agreement with Penn East.**

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.

6.

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 has the necessary paperwork, but has not returned it to the Land Trust. 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.**

**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. **An offer letter has gone out, but I am unaware if it has 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 Direct Application. 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. **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.**

**7. Zander-** (Block 5, Lot 3)- Closing is waiting on the survey and County Counsel . Kingwood funds are in place. Still waiting on changes SADC wanted on the survey. **This farm closed on October 4 and is now preserved.**

**OTHER ISSUES**

7.

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, Goeckeler and Varela are not within that area. We need to ask the Township Committee to pass a resolution requesting that our ADA be expanded. I am not sure how to delineate the area. One possibility is to have it coincide with our Farmland Preservation Project Area, but it does not have to. It would be helpful if we could decide this tonight so that we can let the Township Committee that it needs to be done this month, just in case the County comes through with approval of the Federal terms for funds. When the Township Committee passes such a resolution, it gets sent along to the County for CADB approval of the change, and then on to the State for SADC approval.

A resolution to expand the Farmland preservation area would also be good.

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8. Varela (Bl 33 Lot 12 - 63 acres, Bl 32 Lots 5 - 11 acres and 6 - 16 acres) on Barbertown-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.

8. **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.

8.

9. Kingwood's share of a preservation would be in the area of \$700.

**10. 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. 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.

**11. 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?

**12. 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.

9.

**13. 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.

**14. 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.

**15. 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. 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.

**Recommendation From the Agricultural Advisory Committee to the Township Committee to Approve the Changes to the Agriculture Development Area**

It was moved by Cynthia Niciecki, seconded by Edward Kralovich and carried to forward a recommendation from the Open Space and Agricultural Advisory Committees to the Township Committee to approve the amendments to the Township's Agriculture Development Area along with a map of the changes.

Roll Call Vote:           Aye           - Dodds, Pandy, Niciecki, Kralovich  
                              Nay           - None  
                              Abstain   - None  
                              Absent    - None

**New Business**

**Updated Kingwood Open Space/Preserved Farmland Map - New Properties**

The Advisory Committees reviewed an updated map of the new preserved farmland provided by Richard Dodds over the projector.

10.

### **Old Business**

#### **Sustainable Aquaculture Systems Update**

Diane Haywood noted she did not attend the meeting at Franklin Township. She noted that their hydro-geologist was unable to attend. Another meeting will be scheduled in December and Kingwood Township's Attorney David Pierce will attend the meeting to represent Kingwood Township.

#### **Horseshoe Bend Park - Update**

Richard Dodds explained that Eagle Scout, Josh Snyder finished his Eagle Scout project. He built a pavilion and provided a picnic table on the south side of the Horseshoe Bend Park. He noted that it has been used already during the horse trail ride, which is nice for the horse events when they have their registration sign up.

There was a discussion regarding the speed people are going on Spring Hill Road and also driving in the Horseshoe Bend Park driveway.

#### **PennEast Pipeline - Update**

William Pandy noted attending a Citizens Against the Pipeline meeting last week and gave a brief review of the meeting.

#### **Public Comment - Privilege of the Floor**

No public comments.

#### **Adjournment**

It was moved by Richard Dodds, seconded by Cynthia Niciecki and carried to adjourn the meeting at 8:23P.M. **All** voted **Aye** on **Roll Call Vote**.

Respectfully submitted,

Cynthia Keller  
Secretary