

OPEN SPACE AND AGRICULTURAL ADVISORY COMMITTEES

Regular Meeting Minutes

July 11, 2017

7:00PM

Call to Order

The Regular meeting of the Open Space and Agricultural Advisory Committees was called to order at 7:12P.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

Phil Lubitz
Thomas Ciacciarelli
Karen Hertzog
Sandra McNicol

Absent

John Mathieu
Lee Frank
Heather Haberle

Agricultural Advisory Committee

Present

Richard Dodds
William Pandy
Edward Kralovich

Absent

Cynthia Niciecki

3.

She explained it is being held at Bob Ribbans Farm, 101 Manners Rd., Ringoes. Liz Schmid noted she will not be here to go, but that someone on the Ag Committee might be interested. She explained that in Hunterdon, the State will be interested in farms 49 acres and larger.

Newsletter from the Land Conservancy of New Jersey Outdoor Issues - Spring 2017

The Committees reviewed the newsletter from the Land Conservancy of New Jersey Outdoor Issues.

East Amwell Land Preservation - Newspaper Article

Chairwoman Sandra McNicol reviewed the newspaper article she provided for the Committees regarding 269 acres preserved in East Amwell Township.

NJDEP Bald Eagle Project 2016

Chairwoman Sandra McNicol noted she found this from 2016 and she wanted to share this with the Committees.

She reviewed the following summary:

The Division of Fish and Wildlife's Endangered and Nongame Species Program (ENSP) biologists, Conserve Wildlife Foundation (CWF) staff, and volunteer observers located and monitoring bald eagle nests and territories. One hundred seventy-two nest sites were monitoring during the nesting season, of which 150 were documented to be active (with eggs) and twenty-two were territorial or housekeeping pairs. Fifteen new eagle pairs were found this season, twelve in the south and three in Central NJ. One hundred thirty-two nests (88%) of the 150 known outcome nest. Twenty (12%) nests failed to fledge young. The Delaware Bay region remained the state's eagle stronghold, with 47% of nests located in Cumberland and Salem counties, and the bay side of Cape May County.

Reports

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

Liz Schmid was present and reviewed the following report:

4.

Open Space/Agriculture Advisory Committee
JULY 11, 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 April are in bold face type.

1. **Varela (B133 Lot12 - 63 acres, B132 Lots 5 - 11 acres and 6 -16 acres) on Barbertown-Idell Rd.** 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 the realistic value is in the current market. The State has no funds available for direct purchase and is sending pending applications to the Counties. The 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. The family has decided that they wish to make an application for farmland preservation. I am working on doing a municipal PIG application, unless the Township would prefer that the application be a County PIG. The major difference is that the Township would have to pay for technicals up front, with partial reimbursement after closing. I am waiting for an email verifying that they want to do the entire farm and not just two lots. The County and State are questioning if the Township has the money to pay its portion if Federal money is not an option. The formula is a 20% Twp. contribution. The County uses \$7,000/acre as a guide, but that is not a firm figure. Many factors can alter what the final certified market value is. The current application is for all 92 acres. At \$7,000/ acre, the Twp. portion would be \$128,800. HLT is willing to try to talk them into Federal funding, but we do not know if that would help. The farm ranked 1st in the County's planting round but the opinion of Board members has not been factored in yet. **The farm has been granted preliminary approval by CADB and is at the state for Green Light approval.**

5.

2. **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. 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.

6.

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. The County has changed its policy on ADA amendment and it also is affected by the Federal Funding deed question. The draft of the proposed deed for use with Federal funding is being circulated for final comments. Hopefully, the County will find this acceptable so that we can continue to preserve farms with this resource. Unfortunately, the State has now questioned whether or not the property is capable of being subdivided because of the grade off of Warsaw road. They have suggested sending out an engineer to see if it is possible. The County seems to be amenable to doing this. I have spoken to the property owner to apprise her of the issue and to verify her suggestions for solution. The Twp. engineer is going to look at the property to see if it is possible to provide alternate access from Warsaw Rd. that would make subdivision possible. **This County and the State need a more definitive statement from the Twp. Engineer that access can be provided for subdivision without need of a variance.**

3. **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.

7.

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 Goekeler, there is also the issue of County approval of the terms of the Federal program. The Option form came back from the landowners 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. The contract has been returned to the Township Attorney and will be presented to the Mayor for signing. The contract still has not arrived from the Township Attorney. When this happens, we will have the second appraisal done. As cited above, a draft deed for use with Federal funding is being circulated. The 2nd appraiser has been out to the property and we are waiting for his report. **The second appraisal has been received and both appraisals are being sent to the State for Certified Market Value.**

4. 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. 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. Title work has been completed and survey work is being done. They hope to have it closed by the end of their fiscal year. **A second survey was required and will have to be reviewed. Closing will follow.**

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. Access issues have been resolved.

8.

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. The contract has been signed and returned and the Township is arranging for a survey and preliminary assessment. The preliminary appraisal has been completed and now has to be reviewed by Green Acres.

Richard is working to get survey work done.

6. 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 and there is no formal process in place to change the application. Bid packages for appraisals went out from the County last week. Appraisal has been awarded and County is waiting for the appraisal. The County is waiting for a Certified Market Value from the State. **The County has received the CMV, but the offer letter has not yet been sent. The County wants the Twp. to put this farm in the Municipal PIG as the State would hold the easement in case the County**

9.

7. There is a meeting for those interested in State Direct farmland preservation with SADC preceding the Farmers and Businessmen's Picnic- Wednesday, July 26 at 4 pm. It is being held at Bob Ribbans farm, 101 Manners Rd, Ringoes. I will not be here to go, but someone on the Ag. Committee might be interested. In Hunterdon, the State will be interested in farms 49 acres and larger.

8. Pinkerton - (Block 14, lot 12 - 42.7 acres) on Rt 29, adjacent to Wydner, Augustine and Frenchtown Preserve. Landowner contacted the State about preserving this property. As the piece is small and the State does not have any money to do direct purchases at this time, they contacted me and the County and HLT. This landowner had put in an application a number of years ago and then withdrew it after Frenchtown Preserve (which he was farming) was completed with Green Acre money. I informed all parties that I was not necessarily the best person to approach the landowner. Jackie from HLT felt that she also was regarded as a tree hugger. The County and State are trying to set up a meeting with the landowner at the end of the week. I will attend if the parties think I will be a benefit, not an impediment. It would be nice to fill in that piece of the Rt. 29 corridor. The State was unable to slip this into their small amount of leftover Direct Easement money, so it will have to be done either by County or Township. The State was wondering if the Township would have any money to put in to pay the municipal share.

9. Haring (Bl 12, Lot 33.01) 58 acres - Rt. 519 - No Change. This property is now on the market for \$525,000. The realtor involved with the property contacted HLT to see if there is interest in open space or farmland preservation. I have tried to contact the realtor and am awaiting a call back.

10. 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.

10.

Property is now on the market. The State has suggested if the property qualifies for Federal funding, the Twp. 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 Twp. was interested in this option, but am running it by you. The State has suggested that the owners might be interested in an NRCS program that would preserve all or part of the property as disturbed wetlands and help finance restoration of the preserved area. We can explore this with the owners after NRCS does preliminary checking to make sure that the property is appropriate. NRCS has found the property to be appropriate and they suggest that the landowners see them to see if they qualify for the program, and to explain the arcane details. If they do not, NRCS may have other suggestions.

11. Mattison -- (Block 21, Lots 1.01, 1.02, 1.03 and Block 21.01, lot 2) on Rt. 12 and Whiskey Lane - **No Change**. Owner is interested in selling into preservation, but only NJCF has any interest and would need other money to complete a sale. Found out that Franklin, with help from NJ Conservation Foundation is preserving a property very close to this property. I called them to see if they would have any interest. They would need money from other sources. After checking with HLT, it was decided to wait until the Franklin piece is completed before pursuing this property.

12. Siano - Block 30 Lots 8. 2 and 2.01 (73.81 acres) - No Change - 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. 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. There has been no further contact.

13. Kenney - Block 27 Lot 6 (20.77 acres) - No Change - Landowner called the SADC staff to inquire about preserving this lot. He had preserved his other lots a number of years.

11.

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. It would be a long shot, but maybe this would qualify for the WRE program also. NRCS is doing preliminary checking.

14. 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.

Committees expressed no interest

15. 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. Franklin piece is moving along.

16. 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.

17. 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.

12.

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?

18. 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.

19. 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.

OTHER ISSUES

The CADB changed their ADA regulations so that it is easier to change the Area. However, it is they who do all the work. We ask them to do it. We may have to ask them to do it in the fall with their annual update.

Everyone thanked Liz Schmid for her monthly report and for coming.

New Business

Richard Dodds reviewed a letter Mayor Lubitz received dated July 6, 2017 from the NJDEP regarding Green Acres Project Open Space Plan. The NJDEP and the Garden State Preservation Trust have approved Kingwood Township's application for a Green Acres matching grant of \$289,000. This funding is contingent upon the passage of a legislative appropriation.

13.

Richard Dodds noted they will work with the county on obtaining funds to match.

Old Business

Horseshoe Bend Park - Update

Richard Dodds explained that there was a search and rescue group training on the South side of the Horseshoe Bend Park this past weekend.

Richard Dodds explained he along with volunteers were taking down Emerald Ash trees for safety reasons, and explained the trees have an invasive species called mile a minute growing in it.

Update on HBP - Leases, Fields and Management Plan

Richard Dodds explained that he tried to get several members from several committees to gather and discuss leases, fields and a management plan for the Horseshoe Bend Park. He will plan a meeting in the next month or so.

PennEast Pipeline - Update

Chairwoman Sandra McNicol noted there is good news, which is that the NJDEP did not accept the PennEast Pipeline application.

Sandra McNicol noted that there is something interesting coming to the Planning Board. They are planning to restore the banks and store credits. Richard Dodds noted the PennEast Pipeline is purchasing all the credits they can.

Public Comment - Privilege of the Floor

N/A

REMINDER - NO MEETING SCHEDULED IN AUGUST

Adjournment

It was moved by Phil Lubitz, seconded by William Pandey and carried to adjourn the meeting at 8:05P.M. All Voted Aye on Roll Call Vote.

Respectfully submitted,
Cynthia L. Keller
Secretary