

**OPEN SPACE AND AGRICULTURAL ADVISORY COMMITTEES**

**Regular Meeting Minutes**

**November 5, 2018**

**7:00PM**

**CALL TO ORDER**

The Regular Meeting of the Open Space and Agriculture Committees was called to order at 7:10 p.m. Chairperson, 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 25, 2018 and by telefaxing a copy of the notice to the Express Times on January 10, 2018. A Copy of this notice was also posted in the Kingwood Township Municipal Building on January 10, 2018.**

**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**

**Present**

Maureen Syrnick  
Sandra McNicol  
Karen Hertzog  
John Mathieu

**Absent**

Heather Haberle  
Philip Lubitz

**Agricultural Advisory Committee**

**Present**

William Pandy  
Richard Dodds  
Cynthia Niciecki  
Kimberly Kocsis  
Lindsay Napolitano

**Absent**

**Public Comment – Privilege of the Floor**

N/A

## **Approval of Minutes**

### **Motion and Approval of the October 2, 2018 Regular Meeting Minutes of the Open Space and Agricultural Advisory Committees**

It was moved by Richard Dodds seconded by John Mathieu and carried to approve the October 2, 2018 Regular Meeting Minutes of the Open Space and Agricultural Advisory Committees.

Roll Call Vote:	Aye	-Syrnick, McNicol, Hertzog, Pandy, Niciecki, Dodds, Kocsis
	Nay	- None
	Abstain	- Mathieu, Napolitano
	Absent	- Haberle, Lubitz

## **Correspondence**

SADC Partner Update October 2018  
Reviewed.

Right to Farm Breakfast Talk November 7<sup>th</sup>  
Liz Schmidt and Lindsay Napolitano will be attending. Ms. Schmidt recommended that the Zoning Officer and Planning Board members should also attend.

USDA Wetlands Value Letter  
Reviewed.

Farmers Voice Opinion Article Bucks Co. Herald  
Reviewed.

SADC Rural Microenterprises on Preserved Farmland  
Report addresses regulations regarding events held on commercial farm property. Reviewed.

## **Reports**

Active Acquisition Application Stats  
Reviewed.

SADC Soil & Water Conservation Cost-Sharing Policy Proposed Revisions  
Reviewed.

Farmland Preservation Report – Liz Schmid

## **Open Space-Agriculture Advisory Committee November 5, 2018**

I am going to list currently active projects and those 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. Varela (Bl 33 Lot 12 – 63 acres, Bl 32 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 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. 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. The farm has been granted preliminary approval by CADB and is at the state for Green Light approval. No August SADC meeting so still waiting. Owners have decided to try for State Direct Easement Purchase. The farm is pending selection for that program. The farm did not make the cut for the State Direct program this fall. SADC expects this farm to be close to the top of the list for spring round and owners are waiting. This farm has been selected for the State Direct Purchase program. Option agreement will be sent out in the next several weeks. Option Agreements still have not been sent. The property is being appraised. The SADC expects a CMV in May. Appraisals are in review at SADC. Certified Market Value expected by the end of May. An offer will follow. CMV on June SADC agenda. An offer will follow. The State has e-mailed the CMV offer to the family and has not yet received a response. They will follow up with a phone call this week. The family has accepted the CMV. RFP for appraisals sent. SADC has granted final approval. Counsel is reviewing agreement of sale.

**Amended exception area, removing one residential unit. It will be on December SADC meeting.**

**2. Agrinova (John and Marilyn Schuster) - Block 41, Lot 9 – on Federal**

**Twist Rd.** - We were working with the estate of the prior owner to preserve this property, but family issues forced them to sell. As State Direct Easement Purchase does not require any Twp. funding, it would seem reasonable to support this application. The property has scored highly for the State Direct Program so will hopefully be selected as a priority farm for this program. The farm did not score highly enough to make the cut for the fall round under the State Direct program. The owners are going to hold on to see if they will qualify in the spring. This farm has been selected for the State Direct Easement Purchase program. Option agreement will be sent in the next several weeks. Option agreements still have not been sent. The property is being appraised. The SADC is expecting a CMV in May. The appraisals are in review at SADC. Certified Market Value is expected by the end of May. An offer will follow. CMV on June SADC agenda. An offer will follow. Although the offer was not what they had hoped for, the owners have accepted the CMV offer. The farm got final approval at July SADC meeting. Survey is underway.

**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. 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 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. The State requested an update on the first appraisal. This has been done and has been sent to the State. Hopefully this will get a CMV in September and we can proceed. The farm received approved CMV in September and we have a resolution for the farm to continue the process. The landowner is very concerned that they were required to pay for half of the first appraisal. If we are not requiring such a payment from others applying for Municipal PIGs, they would like to be reimbursed on principle. The Township Committee has successfully resolved the appraisal payment issue. Things are now held up while the County decides whether or not it will participate in the preservation. We paid for the appraisals, but if they decide to participate, they will pay for the tile and surveys. They hope to have this resolved very soon and they do not think that because SADC is not having a meeting in November, that this will hold up the process. The Freeholders have agreed to participate in the preservation of this farm with the use of ALE (Federal) funding!!! This is the first time that they have been willing to participate with the new program. It is hoped that they will continue to support farms using Federal funding if there is no other way of achieving preservation. County staff will continue to promote this usage. The farm will go to SADC for final approval this month. Farm received final approval from SADC and details are being worked out for proceeding with title and survey. The County completed title work and RFPs for survey will go out soon. Surveyor has been selected and paperwork being completed to initiate survey. The survey is in progress. The County and State want a conference call or meeting with Twp. attorney to discuss merger details. **The attorney has determined that we need a statement from the owners that they agree to the merger of the lots at closing. HLT is working on that document.** We also need the Township Committee to pass a resolution of final

approval of the farm for preservation. Cindy and Michele were working on copies of such a resolution that should be included with this report. OS/AG should recommend that the Township Committee pass it. In addition to this, other issues have arisen. The Township has sent a form asking NJDOT for any possible additions to their ROW along the Rt. 12 road frontage. That needs to be factored into the amount of land being paid for with farmland preservation funds. We just found out that in cases of lot mergers on a State road, the property owner must have a driveway access permit from NJDOT. The landowners do not have such a permit, and there is a long list of items required to get one. I have sent the County Planning Board Office much of what the State is looking for and have explained it to **the landowner. The County will be following up on this while I am gone.** The survey on the property has been done and the survey document is being worked on. The landowner is in contact with the surveyor. Both sections of NJDOT have responded and their input was sent to the surveyor. The draft survey has now been distributed to all interested parties and the State reviewer has already come back with questions. Reason has prevailed and NJDOT has decided that the landowners do not need a driveway access permit, which will speed things up. In order to qualify for the ALE money, it is necessary to have one final appraisal based on Federal guidelines. HLT would like the Township to pay for this. We could either do this up front, or have HLT pay for it and then reimburse them. As HLT wants to use one of the original appraisers, as that should save money, it would seem sensible to have them order and pay for the appraisal and then reimburse them. The County and SADC have signed the NRCS grant modification which will allow the use of new ALE rules. The Township has agreed to reimburse HLT for the third appraisal. The State is still working on the final review. Am sending some of the questions to the Township Attorney as she may need to be involved and was not copied on them. Final details still being worked out for closing. Waiting for final federal details. **Working on details related to driveway issues arising from the lot merger at closing, as well as final ALE details.**

**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 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 does not sign on. State is waiting for Twp. resolution to grant SADC final approval and also an Agreement of Sale. There is a resolution for the Township Committee Meeting this week that should satisfy SADC so that they can grant final approval and we can proceed with the process. SADC has granted final approval and three-way agreement forms have been received by all parties and have been signed. The Township has to put out RFP for bids for title and survey. Due to a death in the family, we are still waiting to receive the signed Agreement of Sale. We have offered to go and pick them up at the family's convenience. On January 2 landowner said he would mail the paperwork to us on the 3rd or 4th. It had not arrived by the 5th. Executed Agreements of Sale were returned to the Township and submitted to the State for final execution. Unfortunately, this property is on the Penn East route and that fact was not considered in the original appraisals. The State is questioning these values and is holding off on fully executing these agreements until the appraisals are reconsidered and the landowner considers how he wishes to proceed. The Township will hold off getting RFPs for title and survey work until the situation is clarified. The State will make a decision on this property value as soon as the property owner decides how he wishes to proceed. The State has not heard from the Feds as to whether or not the pipeline is an issue for them to proceed, and they have not heard anything from the property owner. Still on hold. SADC will be discussing the situation with their Legal Department and Director by April 12<sup>th</sup>. This has moved to the Attorney General's office due to PennEast condemnation of the land. They are working on the easement. There has been no further information coming out of the AG's office in relation to the condemnation. Still waiting to see if and/or when the State can move forward. Issues with both the AG's office and NRCS. Really no change. NRCS will not close without some agreement with Penn East, and AG's office still has not rendered an opinion. SADC has discussed PennEast and will likely move forward, but need to discuss appraisal process. Property owner has not come to terms with PennEast and NRCS will not move forward unless he is under an agreement with them. **Still on hold pending resolution of State vs Penn East is resolved.**

**5. Milford (Block 15, Lot 1)** – Owners are applying again for preservation. They had turned down a CMV several years. They applied to the SADC for State Direct Easement purchase and have a quality score above the average

for Hunterdon County. Unfortunately the State minimum size for priority farms is 49 acres and alternate farms need to be 36 acres. Is the Township interested in preserving this farm in the Township Municipal Pig with the use of Federal ALE funding which would side-step the above issues. This farm is not a municipal Target Farm , so needs to be made one if we pursue the property. Also, CADB had issues as to the placement of the exception area and the State will probably have the same issue. (The exception area is in the middle of the field, not around the buildings or off to the side, or closer to the road.) This will need to be negotiated. HLT and the State are willing to proceed with this property and HLT believes there will be no problem with getting ALE money and has submitted an application. SADC says that it has no problem with the placement of the exception area due to the other restraints on the site. This would probably be done without CADB participation. If we choose to do this, we need a resolution adding this property to our target farms list. This property appears to be in the BP zone that may cause difficulties with SADC rules. CADB requested that the exception area be made smaller. That, plus new construction and new mapping has increased the impervious coverage on the area to be preserved to 4.5% which exceeds Federal limitations. HLT is working on this. Various mapping attempts have not eliminated the excess impervious coverage issue. The landowners are trying to get some of that area declared best conservation practices and may not to be considered impervious. There is also an issue as to where a house could be sited. Landowners do not want to site the house right next to the cow barn where CADB wants it. If the impervious coverage issue is not resolved by Thursday, the farm will not be considered for final approval until next month. Impervious coverage issue still being worked on, but parties are hopeful. Farm has received tentative approval for ALE money, but is dependent on the impervious issue. The State may be questioning the soil classification as much of the soil would only be considered State Wide Importance if it is drained. A new map is on the CADB agenda next week. CADB approved new map with the addition of a connecting driveway. SADC is considering it one exception area. Impervious coverage issue is still being worked out for Federal grant. CADB has not passed a resolution on the final configuration yet so the Township should not move forward yet. It would be good for the Township Committee to vote to allow the Township to go for RFPs for appraisals on the property as soon as the CADB passes on it. OS/AG should recommend that the Township Committee do that. The Township also needs to get an option agreement signed by the owners that would commit them to preservation at or above an agreed amount before we do any appraisals. We are working on that. CADB and SADC have given approval to the configuration that CADB required and the Township has received notification of Green Light approval for the farm. We are working on the paperwork for the option agreement. The option agreement requires a dollar amount for easement value. If the CMV comes in below that figure, the landowners can walk away. If it comes in at or above that number, the landowners are required

to complete the preservation. The stock number that the County has been using for Kingwood easements is \$7,000/acre. As we have seen, values in the Township have been highly variable. I have consulted with both HLT and the County and neither wish to offer any value. The County is currently reviewing its policy and numbers. What value would the Township be comfortable with, or should we leave the space blank and have the landowners fill it in? Gave the landowner the option agreement in mid-June and discussed with her the issues of what price to indicate as their acceptable easement value. I suggested that she might want to review it with their attorney. As of Monday AM, we have had no reply. I will contact them this week. Landowners returned the option agreement with a per acre easement value above what various people thought was higher than it would appraise at. Discussed this with the landowners and asked them to consider putting in a lower number. Landowners were very unhappy with this, as they believed that other properties in the area had gotten more. After HLT and Mayor Dodds intervened, they put in a somewhat lower number that the Township will accept and RFPs for appraisals have gone out. Everything is on hold as the landowners are not sure what they want to do if the appraisals come in low. They are looking at other options. They have not responded to phone and e-mail messages from me or Jackie Middleton. **Land owners contacted all interested parties confirming that they were going to pursue other options.**

**6. Pine Brook Farm/ Axelrod – Block 28, Lot 18 (71.5 acres)** Mayor Dodds completed an application for County Open Space Municipal Grant Program funds for use in preserving part of Pine Brook Farm. HLT has submitted appraisals to Green Acres to get a certified value to formally submit to the landowner. A certified value has been received and it has been presented to the landowner. Forty acres of the adjoining property **Block 28 Lot 16** is being preserved with the Green Acres Direct Purchase program. As of Thursday afternoon, there has been no response from the landowner to the CMV offer. No Change. Landowner still has not responded and is off somewhere. It does not seem to be a priority for him and this may well be similar to O'Donnell in that he resurfaces from time to time to see if anything has changed. **No Change**

**7. 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. 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, It is also 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. The Twp. Engineer and Richard have been working on wording. Issue on northern lane and off Warsaw can be addressed with appraisals. The Township Committee will be asked to approve sending Requests for Proposals (RFP) this week for appraisals. The appraisers will be required to respond in time for the Township Committee to review the proposals and select two at their November meeting. The Township Committee has selected

appraisers and the process will proceed. The appraiser situation was worked out after it was found that the individual prices for one assumed that he would be doing both appraisals. The appraisals will be done soon. We have received an appraisal from one appraiser and are waiting on the second to then send them on to SADC for a Certified Value. Both surveys are at the State and we are waiting for a Certified Value. We received a draft CMV and have presented it to the owners. They are considering the offer. Have reached out to Twp. Attorney for the most recent Option Agreement to have available if owners agree to the offer. Official CMV after the Governor signs it. The owners have agreed to the CMV and they have signed an option agreement that the Mayor has also signed for the Township. CADB has granted final approval and the Township has to do the same. The Township has to pass a Resolution of Final Approval in order for the process to continue. The OS/AG Committees should recommend that the Township Committee do that. The County is helping the Township with all of the financial figures that must be included. I believe that the resolution should be ready for you at meeting time. The OS/AG Committees should also recommend to the Township Committee that they vote to allow the Township to go out for RFPs for surveyors. RFPs sent out to surveyors. As of Friday, only one surveyor had responded. We have requested that the Township Engineer indicate to the surveyor whether or not the Township will require any further ROW along Warsaw road (any further easements would not get preservation money, but would get ROW money from the Township). The County and SADC have signed the NRCS grant modification making the use of the ALE grants possible. Draft survey has been completed and supplied to all interested parties. Township Engineer will coordinate. Final survey being worked on. No Change. Still waiting on the survey. **As of Friday afternoon, the Township has not received the survey and had not responded to Township's Thursday phone call. Mortgage issues have also arisen.**

**8. Jakelsky Estate (Adam Jr., Victoria and Darlene) – Block 22, Lot 20, 109.5 acres** on Kingwood-Locktown Rd. It has wetland issues. There is an application at the SADC for State Direct on this, but it will have to wait until next year. SADC staff is not sure that these properties will fly as State Direct because of wetland issues and may pass them off to the County or the Township. If the Township is interested in pursuing this property in the municipal PIG, we would have to add it to our list of Target Farms. Do you wish to do this? We would need to add this to the Township Target List with a resolution. The Family has again been in touch with the State re: preservation. They are trying to settle the estate. The County would definitely have trouble with the wetland issues. I do not know how it would be ranked for ALE money, but wetlands could be an issue there also. In the Blueprint Model system, it is more highly rated as Green Space Priority and Fresh Water Priority. SADC will again consider this property in their next Direct Easement Purchase round (probably July). The next Federal money round isn't until the fall. As the Twp. cannot do this property without Federal **money**, we should wait until we are sure it qualifies before proceeding. The State is about to award contracts for appraisals. Proceeding as State Direct farm. Appraisals have been awarded. Appraisals returned and at

SADC for CMV. **Appraisals came in low due to wetlands. The State uncertain if the landowners will reject the CMV when it comes.**

**Adam and Beth Jakelsky – Block 22, Lot 14 – 64 acres** - possibly landlocked. State only interested if it has legal access. It also has a challenging percentage of wetlands. While this contiguous lot is not included in the application, it has more farmland in cultivation so that much of the significant wetland area is being considered Agriculturally Modified. **No change.**

**9. O'Donnell – Block 38 Lots 17, 18 and 19.01, 259 County Route 519, 131,1.1 and 19 acres respectively.** The farmer for this property said that the owner might be interested in preservation . This property is not a municipal Target Farm. It is a County Target Farm, but is not in the ADA. The Township tried to interest this owner in preservation years ago, but after many emails he dropped off the radar. He is a frequent traveler. The State has had some communication with the property owner and is hoping for a meeting with him when he comes to New Jersey in a month or so. He is talking about selling the property. An SADC representative has met with the landowner and reports that he scoffs about provisions and compensation for **preservation. He is ultimately interested in selling the farm. If he is unable** to do this at his price, he may be more amenable to considering preservation. This is the same place we were at with him many years ago. **No Change.**

**10. Haring (Bl 12, Lot 33.01 ) 58 acres - Rt. 519** - 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. The landowners have approached the State for State Direct easement Purchase. The State is looking for comments from the Township in relation to the access on the stem and between fields. There are still major issues for development of this property and the State is not sure how values will come out. Property owner must get a wetland determination that shows that the lot is developable in order to move forward. An option agreement was sent to the land owners but they have not yet responded. State also needs a deed transferring the farm to Lucas and Mary Lou. Appraisals have been awarded. Appraisals returned and at SADC for CMV. **CMV expected at December SADC meeting. State is expecting an acceptance.**

**11. 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. 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. Landowner approached the State about preservation possibilities. They thought it would be nice to fill in the property. However, NRCS does not think that is possible to get 3 lots on the property. Landowner also would like an exception area for son to build?. Maybe a non-profit would be interested or the 1772 fund which helps with vegetable producing properties?? **No Change**

**12.** Potential property purchaser for Bl 2, lots 2 and 8 - 86 acres – Purchaser is interested in the possibility of preserving these lots (lot 2 is farmland, lot 8 is a woodlot). There are access issues that need to be resolved. **No Change**

**13. Stem–** Bl6 lot 23.02– 1105 Rte. 12 Rte. 12 – 23.89 acres - the two is @ 36.81 acres. This lot is directly between the preserved Kocsis farm and the about to be preserved Dalrymple farm. It would be nice to fill in the hole. **An application has been filed with the County for the fall round but Hunterdon Land Trust may wait until the spring round to apply for ALE funding. A question of sub-divideability arose, so the Township Zoning officer has agreed to send a letter confirming that the lot can be subdivided into two or three lots, depending on wetlands and buffer issues. This would have to be determined by an engineer and the Planning Board or the Board of Adjustment.**

**14.** Another prospective landowner has been playing phone tag with me. He is interested in buying and preserving or having the preservation a part of the sale. More info to follow. As of Monday late afternoon, I am still playing phone tag. **No further contact. No Change.**

**15. Ecker Estate property – Bl 24, Lot 61.5 – 61.50** real estate contract has expired and the family is pursuing a State Direct application. The State will be applying for Federal money to complete the application. If the farm does not score highly enough to be considered for State Direct, it can be transferred to a County or Municipal PIG in the future with federal money through HLT. The State needs the Township to complete the form supporting the application and making any comments that we feel are necessary. This has been done. **The farm was not selected in the fall round. It will be considered in the spring.**

**16. Martin DeSapio – Block 6, Lot 11 – 48.5 acres - Landowner has submitted a Municipal PIG application and after a field visit from all interested parties, he immediately followed through in contacting NRCS to address issues about access to the back field. HLT will apply for ALE funding either this fall or in the spring.**

**17. Kollmer - Block 6, Lot 7 – 26 acres. – This smaller lot abuts Dalrymple and Kocsis in the rear and is across the street from Gross in the front. Land owner is interested in preservation and has submitted an application but originally had expectations of a high**

**easement price. After further consultation with the County, he appears ready to proceed with the application with the County standard price for Kingwood of \$7,000/acre. As this will be a municipal PIG application, the Township will have to decide if it is willing to do appraisals with \$7,000 as the low easement price.**

**18. White Creek LLC – Block 6 lot 23 – 12 acres – This small lot is in front of the Stem lot on Rt. 12 . It is in the commercial zone. This application will be held until the spring round .**

### **OTHER ISSUES**

**As the township has accumulated a list of possible preservation projects, it is suggested that we prioritize them as we may not be able to get the needed federal funding for all. Many of these have issues to be resolved. The properties are at this point, Ecker, Stem, White Creek LLC, Godown, Kenny and the other new one. If the County will not do Vielles Vignes Bl 6, Lot 7 - 26.2 acres - which also abuts these properties, they are also interested in preservation.**

Although we select farms to pursue, the State does not consider those for funding until we are have commitments from those owners. At that time we can request additional funds from the competitive pool. Larger pieces are better. I will need to actively pursue properties with everybody’s understanding that the preservations are dependent on receiving State and Federal funding.

\*\*\*\*\*

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. The County is adding appropriate farms to our ADA. (for the most part) from After Twp. gave input on properties in the ADA, and changes were made, Mayor Dodds sent more suggestions for subtractions to the County. They are working on these with the Mayor. I am copying the County rational for their decisions (“1. Regarding the undersized lots- I removed them the edges of the ADA but if they were more in the middle, they were kept or added in (for the most part). The CADB prefers a contiguous layer when possible to in order to avoid swiss cheese coverage I filled in where I could. This layer was OLD and I often couldn’t tell why something was or was not so there were a lot of judgement calls. I will note that along Rt 12 there is a cluster of undersized parcels removed, this is partially due to the zoning there. It appeared to cut some of the larger parcels in half so I left them in, but the smaller lots were They probably could have been left in but it was a judgement call. The year or so that I have been working on this has taught me that it is impossible to prescribe the same methodology across the entire county. 2) Apologies for the color quality. I did notice that scanning it in definitely impacts the color quality. I did try a bunch of different combinations and these colors seemed to show it the best. I’ve attached two other maps, hopefully these help you to see the changes more clearly.

3) I tended to approach open space on a case by case basis and erred to keep parcels with farmed portions in. Of the three parks you mention for removals, I would say that Horseshoe bend makes the most sense to remove while also maintaining continuity of the layer. I can certainly make the recommendation if you'd like (or Liz can). However, I am hesitant to remove the parks in the middle of the layer without making more of an attempt to remove all the open space, then I should probably do that for all the municipalities. I am afraid that doing that may "swiss cheese" the layer too much though I will certainly respect your suggestion if you feel it is warranted. The CADB is hesitant to remove areas so I am trying to focus more on areas that are undeniably not farmland this time around.")

I am also attaching the County maps and Richard's suggestions at the end of the report. He can best explain them.

The various farms in item 16 require a Township resolution asking that the farms be added to our Target Farm List. Please make specific recommendations to the Township Committee. The Township committee passed a resolution requesting the farm list that was recommended be added to the Township Target Farm list, and this was passed on to the County and the State.

**19.** The Township needs to pass a resolution adding the other farms suggested by SADC to our target farms list. They are:

- **880 State Highway 12 LLC – Block 18, Lot 2, 900 State Highway 12, 149 acres.**
- **Grom – Block 18 Lot 3, 103 Fitzer Rd., 104+ acres**
- **Vrturic – Block 20 Lot 8, 127-219 Thatcher Rd., 116 acres**
- **Kleinhans – Block 21 Lot 4, Locktown Rd., 88 acres**
- **Kleinhans – Block 21 Lot 4, Locktown Rd., 88 acres**

**In the South side of the Township, there are:**

- **Ecker – Block 26, Lot 24, on Featherbed Rd. - Located between the preserved Rozansky and DeCroce farms. Estate situation. Some wetlands but farmable. If the Township is interested, it must be included in a resolution to add to Township Target Farm list. See above**

I do not believe that the Committee decided this last month. Do we want to add them to our Target Farm List so that we can pursue them? Yes.

**20. 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. Landowner is still interested in preservation and thought that it was progressing. It was not due to failure to sign necessary paperwork for the ALE program. The County is following up on this as they appear to be the most appropriate players. The County has not yet followed up.

**21. Pinkerton - (Block 14, lot 12 – 42.7 acres) on Rt 29**, adjacent to Wydner, Augustine and **Frenchtown** Preserve. **No Change** - 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. The landowner has not replied to State inquiries regarding application for Federal funding.

**22. 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.

**23. Maritan** - (Bl 33 Lot 25), 104.71 acres. 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 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. The owners have again approached the HLT and the State about farmland preservation and want to know if the Township is interested. Neighboring lots (Vastola) Bl 33 lot 1, 248 Barbertown Idell Rd is currently for sale. It is 39+ acres. It also abuts Varela. If the same party bought Maritan and this parcel, there is increased road frontage for better access and probably increased ability to develop. Lot 1.08 (17+ acres, 256 Barbertown Idell Rd) is also for sale. It abuts both Varela and Vastola and would provide even more road frontage from a different angle. The marketing is noting the availability of the other lots. SADC is suggesting that the Township could preserve this property as farmland in the Municipal PIG using Federal (ALE or similar) money. This would by-pass the CADB's rejection of the property. The farmland regulations in relation to cleaning up things like farm dumps are much more lenient than those of Green Acres. HLT is applying for the ALE money. **No Change.** HLT is waiting for spring ALE funding round.

**24 Smiley – B 26, Lot 17 – Kingwood Locktown Rd (25.98 acres)** This property is partially farmed and partially wooded. It adjoins the preserved DeCrocce farm to the south. The message was that she wishes to create a preserve on her property. Committees expressed no interest. **No Change**

**25. 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.

**26. 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 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?

**27. 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.

**28. 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.

Mayor Dodds suggested that initial contact and application dates should be added to the report for the December meeting. This would help to determine how long each process actually takes.

**The Committee thanked Liz for her detailed report**

### **New Business**

Cindy Niciecki showed the Committee a video of an award ceremony where she, and husband Jack, were honored by the NJ Audubon Society receiving the “Richard Kane” award for their conservation efforts. Eric Stiles, president and CEO of NJ Audubon Society, presented the award to Cindy and Jack Niciecki for accommodating the breeding season of the many birds on their farm especially the Bobolinks and Meadowlarks. The changes they’ve made include changing the time in which they hay the fields on their farm. Delaying the cut allows both Bobolinks and Meadowlarks to complete their breeding season without disruption. This was a personal life decision to put conservation of these species first. The Committee applauded Cynthia and Jack Niciecki for their commitment to conservation

### **Other Matters**

Hunterdon County Municipal Grant Program Allocation Resolution Reviewed.

SADC Farmland Stewardship Deer Fencing Grant

It was noted that the deadline for this grant is November 30, 2018.

Select 2019 Reorganization Meeting Date – To be determined at the December 5<sup>th</sup> meeting.

### **Site Plan Review**

Andrews Boundary Line Adjustment Plan Reviewed.

### **Old Business**

Sandra McNicol reported that the Open Space and Agriculture Bond Obligation for 2018 has been addressed. There is currently \$708,000.00 in the Open Space Tax Fund which will be used to pay off the Bond obligation allowing some flexibility for continued preservation.

### **Penn East Pipeline – Update**

William Pandy stated that the Federal Judge will issue the ruling on Friday, November 16<sup>th</sup>. The ruling will determine whether or not Penn East will be granted complete imminent domain or have limited access to property for surveys. The surveys are required in order for Penn East to submit their application to NJDEP.

### **Public Comments**

Mayor Dodds reported that due to non- payment of property taxes the Township has obtained three properties. The 1<sup>st</sup> property is mostly wetlands and in violation with DEP. The 2<sup>nd</sup> property is land locked and very wet. The 3<sup>rd</sup> parcel is usable land that may be of interest to neighboring property owners.

It was moved by Sandra McNicol and seconded by Richard Dodds to adjourn the meeting at 8:33 P.M. **All voted Aye on Roll Call Vote.**

**Respectfully submitted,**

**Michele Tipton-Walters  
Secretary**