

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625**

REGULAR MEETING

January 23, 2014

Chairman Fisher called the meeting to order at 9:10 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson
James Requa (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff) (Left at 12:49 p.m.)
Brian Schilling (rep. Executive Dean Goodman)
Alan A. Danser, Vice Chairman
James Waltman
Peter Johnson
Jane R. Brodhecker
Torrey Reade (via telephone conferencing)

Members Absent

Fawn McGee (rep. DEP Commissioner Martin)
Denis C. Germano, Esq.

Susan E. Payne, Executive Director
Jason Stypinski, Deputy Attorney General

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Chuck Roohr, Paul Burns, Dan Knox, Judy Andrejko, Hope Gruzlovic, Jeffery Everett, Dave Kimmel, Jill Gorman, Patricia Riccitello and Sandy Giambrone, SADC staff; Kerstin Sundstrom, Esq., Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Nicole

Kavanaugh, New Jersey Farm Bureau; Brian Wilson and Tim Wilmott, Burlington County Agriculture Development Board; Todd Eagleson, Burlington County Engineer's Office; Jason Simmons, Passaic County Planning Department; Monica LaRue and Rick LaRue, LaRue Farm, Monmouth County; Carl Buck, County of Burlington, and Amanda Brockwell, Monmouth County Agriculture Development Board.

Minutes

Note: Vice Chairman Danser chaired the meeting at this point.

- A. SADC Regular Meeting of December 12, 2013 (Open and Closed Sessions)

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve the open session minutes and the closed session minutes of the SADC regular meeting of December 12, 2013. The motion was approved. (Mr. Johnson abstained.)

REPORT OF THE CHAIRPERSON

None at this time.

REPORT OF THE EXECUTIVE DIRECTOR

- Funding Proposals

Ms. Payne stated that none of the funding proposals in the Legislature made it through in the past session. Senator Smith has re-introduced in the current session his proposal for a constitutional dedication of sales tax to fund farmland and open space preservation.

- Soil Disturbance Subcommittee

Ms. Payne stated that Rowan University requested an extension to complete its work. An extension was granted until February 15th. All of the data is expected in at that time and as soon as staff has an opportunity to review it, the Soil Disturbance Subcommittee will be reconvened.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. The first item in the packet is a letter from Passaic County. Staff has been working with Passaic and Bergen Counties over the past couple of years to try to assist them in identifying and targeting properties that meet the State criteria so that they can spend their funds. There is still a high level of frustration in Passaic County, and the upshot is there are not sufficient farmland-assessed properties that meet the SADC's criteria to allow them to expeditiously spend their funds. Staff is going to take a hard look at this question in the first half of this year and develop some ideas for the Committee to consider. She stated it is on the front burner and she thinks some policy decisions will need to be made.

PUBLIC COMMENT

None

OLD BUSINESS

A. Right to Farm Resolution of Final Approval: On Farm Direct Marketing Agricultural Management Practice

Ms. Payne asked that this item be held as staff was awaiting authority from the Governor's Office to move forward. She stated that staff was hoping to hear something within the next hour or so and requested that the item be moved until later in the meeting.

NEW BUSINESS

A. Eight-Year Farmland Preservation Program – Renewals, Terminations, Withdrawals

Ms. Payne referred the Committee to the 8-Year Program Summary Report showing two renewals of eight-year programs as follows:

1. Miller Farm, SADC # 0332-09F-01/03-0034-8F
Shamong Township, Burlington County, 27 Acres
Soil and Water Conservation Cost Share Grant Eligibility: \$16,200
2. Rake Pond Farms, SADC #0329-08F-01/03-0032-8F

Pemberton Township, Burlington County, 38 Acres
Soil and Water Conservation Cost Share Grant Eligibility: \$22,800

Note: The eight-year program renewal resolutions will state that the Grantor acknowledges that there is no current soil and water conservation cost-share funding available at this time.

Ms. Payne stated that there are three terminations of eight-year programs as follows:

1. Wilk Farm, SADC # 0335-04F-01/03-0002-8F
Tabernacle Township, Burlington Township, 25 Acres
Funds remaining at the time of termination: \$9,235.75 (\$5,764.25 expended)

Note: It is noted that this farm is now permanently preserved.

2. Mascaro Farm, SADC #08-0002-8F/08-0002-8F
East Greenwich Township, Gloucester County, 7 Acres
Funds remaining at the time of termination: \$4,200.00 (no funds expended)
3. Martinelli Farm, SADC #01-0108-8F/0113-31F-01
Town of Hammonton, Atlantic County, 46 Acres
Funds remaining at the time of termination: \$27,600.00 (no funds expended)

There were no withdrawals of eight-year programs. Ms. Payne indicated that no action was needed by the Committee.

B. Stewardship

Mr. Everett referred the Committee to a draft resolution regarding a request to replace a single-family residence on Heatherwood Farms II, LLC, located in South Harrison Township, Gloucester County, comprising 116.98 acres. He stated that Trent Cole, Jr., is the contract purchaser of this property, contingent upon the ability to replace the existing residence. The SADC received a request to replace an existing single-family residence on December 29, 2013. Mr. Cole plans to replace the existing residence with a new one for himself and his family. It will be built in the same general yard area of the existing home within approximately 50 feet of the existing house and it will utilize the existing driveway. Mr. Cole proposes to build a two-story house with approximately 5,500 square feet of heated living space to replace the original farmhouse, which is approximately 3,500 square feet. Mr. Cole intends to remove the existing residence and fill, grade and

re-seed the area. Staff has verified that the existing house was not included on the N.J. Register of Historic Places as of the date the development easement was conveyed. Staff recommendation is to approve the request.

It was moved by Mr. Siegel and seconded by Mr. Requa to approve Resolution FY2014R1(1) granting a request by Trent Cole, Jr., contract purchaser of Block 5, Lot 6, in South Harrison Township, Gloucester County, comprising 116.98 acres, to construct a single-family residence consisting of approximately 5,500 square feet of heated living space in the location shown in Schedule "A" of said Resolution, to replace the single-family residence that currently exists on the Property. The existing residence shall be removed and the area restored prior to or within 30 days of receipt of the Certificate of Occupancy on the new residence. This approval is valid for a period of three years from the date of this Resolution and is non-transferable. The construction of the new residence is subject to all applicable local, State and federal regulations. This approval is subject to any other conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2014R1(1) is attached to and is a part of these minutes.)

C. Resolution of Final Approval: Municipal Planning Incentive Grant Program

1. Walburn Farm, White Township, Warren County (Highlands)

Ms. Winzinger stated that there was one request for final approval under the Municipal Planning Incentive Grant program. She reviewed the specifics of the request with the Committee and stated staff recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Mr. Schilling to approve Resolution FY2014R1(2) granting final approval to the following application under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolution:

1. John J. Walburn, Jr., SADC #21-0525-PG
Block 13, Lot 22, White Township, Warren County, 26 Net Easement Acres
State cost share of \$3,850/acre (65.25% of the certified market value), for an estimated total grant need of \$100,100 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

The motion was unanimously approved. (A copy of Resolution FY2014R1(2) is attached to and is a part of these minutes.)

D. Resolution of Final Approval – State Acquisition Program

1. Kenneth S. Wentzell and Wayne K. Wentzell, Pilesgrove Township, Salem County

Ms. Winzinger stated there was one request for final approval under the State Acquisition Program. She reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Mr. Schilling to approve Resolution FY2014R1(3) granting final approval to the following application under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolution:

1. Kenneth S. Wentzell and Wayne K. Wentzell, SADC # 17-0251-DE
Block 79, Lot 2; Block 81, Lot 5
Pilesgrove Township, Salem County, 102 Easement Acres
Acquisition of the development easement at a value of \$7,550 per acre for a total of approximately \$770,100, subject to conditions contained in Schedule "B."

The motion was unanimously approved. (A copy of Resolution FY2014R1(3) is attached to and is a part of these minutes)

E. Review of a Non-Agricultural Development Project in an Agricultural Development Area

1. **Burlington County Bridge Repair Project – Georgetown-Chesterfield Road over Black's Creek-Chesterfield Township, Burlington County**

Note: Chairman Fisher arrived at this point and presided over the meeting.

Mr. Brill referred the Committee to Resolution FY2014R1(4) pertaining to Burlington County's proposed bridge rehabilitation project for a small bridge in Chesterfield Township. This is a County bridge on a municipal road in an agricultural development area (ADA) and there is a small area of impact on a preserved farm. This particular area is in the heart of Burlington County's northern project area. The area is very rural in character but it still carries a fair amount of traffic at approximately 5,500 cars per day.

As part of a recent routine inspection process, it was determined that this bridge is not only functionally obsolete but also structurally deficient in a number of ways. There is visible structural deterioration associated with the bridge. Mr. Brill reviewed various photos showing the deficiencies to the bridge, including a gap in the bridge's structure

that has resulted in the closure of the road. This project is scheduled to take place in the Fall of 2014. There are immediate repairs that the County is planning in the next month or so that would allow the reopening of this segment of road. The Notice of Intent (NOI) looks at a more substantial rehabilitation project that will buy at least another 20 years or so of useful life associated with the existing bridge. The impact to the preserved farm is in a corner of an unusually configured property with very little road frontage. The property runs to the center line of Black's Creek. The County is proposing to condemn a 1,100 square foot area, less than 0.026 of an acre of land, to establish a permanent bridge maintenance easement that would allow them to do their construction work. The work is concentrated in an area that used to be part of an abutment for a pond associated with a mill on the property to the north.

Mr. Brill stated that staff did work with the N.J. Department of Environmental Protection's Historic Preservation Office to determine that while the National Register Chesterfield Historic District comes right to the center line of Black's Creek, the property that is preserved is just outside of the historic district. There are elements of the farmstead that exist on the preserved farmland that have been entered onto the State Register of Historic Places but they are well removed from the impact of this particular project. Staff has worked with the NJ DEP to determine that the historic features on this property are at least 1,000 feet away from the proposed bridge project, and the tillable acreage associated with this preserved farm is at least 650 feet away from the proposed project. Therefore, there are little or no impacts to the farm operation. Mr. Brill showed a report that is associated with the bridge project that states the bridge itself is not eligible for historic preservation status.

Mr. Brill stated that the landowners have requested, and the County has agreed, that if at some point in time it is possible for the landowners to acquire an additional access point to the preserved farm (in a location that does not appear very feasible with wetlands and floodplain limitations associated with the area), the County has agreed to configure the guardrail and access situation to allow an additional driveway if permits can be obtained for that particular location. Ms. Payne stated that the only useable access that the property currently has is one single driveway. The Committee may remember that this was subject to a Right to Farm decision. The landowners are saying that because the access is so limited on the property, if there is ever a way to get a second access by the bridge, they want to reserve that right.

Mr. Brill stated that there were four alternatives considered as part of the NOI, including a no-build scenario, existing culvert rehabilitation, bridge replacement on the existing alignment and then a bridge replacement proposal on a new alignment. The preferred

alternative, largely for costs reasons, has been determined to be the existing culvert rehabilitation project, and that is the project that is being advanced as part of this review process. The Burlington CADB at its November meeting determined that the project is for a legitimate public health, safety and welfare purpose and it is necessary to address the structural deficiencies of the bridge in immediate need of repair. The Burlington CADB also determined that there are no materially adverse impacts to the preserved farmland, the ADA or State agricultural preservation and development policies. Mr. Brill stated that he reviewed the proposal, met with the landowners, visited the site and worked with the County Engineer's Office, and the staff recommendation at this time is to concur with Burlington County's conclusion on this project and to make that recommendation to the Governor. The SADC needs to recommend to the Governor that this action is necessary for public health, safety and welfare purposes and that there is no immediately apparent feasible alternative. He commended Burlington County for their work to not only meticulously document the project but to also try to minimize the environmental, historic and agricultural impacts associated with this project.

Mr. Brill stated that Todd Eagleson, the bridge engineer, and Carl Buck are present today representing the County, should the Committee have any questions. Chairman Fisher inquired about the traffic studies that indicated how much traffic goes over the bridge each day. Mr. Brill stated that Burlington County has a program for traffic counts at bridges and other locations at various points on a periodic basis. There are 5,500 or so cars as of the last traffic count, which was in 2010. He stated it is a relatively busy road in that area. Chairman Fisher commented that it looks like the road was recently paved and questioned if they paved it and then did the traffic study. Mr. Eagleson stated that it is a County bridge on a municipal road. The municipality paved the road within the last couple of years; he is not exactly sure when. He stated that his office initiated the rehabilitation project for this bridge in 2009 and they have applied for and received partial funding from the N.J. Department of Transportation to rehabilitate the bridge. He stated that they did a traffic count on this road, not a traffic study.

Mr. Brill referred the Committee to a one-page document that is a list of issues that the landowners asked to be presented to the Committee. It involves an additional analysis component associated with the no-build alternative, recommending that the notion of permanently closing the bridge and removing that crossing from the highway network in the area be considered as part of the alternatives analysis. Based on information from the Township and the County, the permanent closing of this road segment is not a feasible option in our opinion for this location. Staff does not believe that this request needs to delay the project further to be formally presented in the NOI.