#### OPEN SPACE & AGRICULTURAL ADVISORY COMMITTEES

### Regular Meeting Minutes March 1, 2022 7:00 PM

#### Call to Order

The meeting was called to order by Chair Sandra McNicol at 7:01 P.M. The following was read aloud by same:

#### **Notice Requirement**

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act and published in the Hunterdon County Democrat and the Courier News on January 20, 2022. A copy of this Meeting notice was telefaxed to the Express Times and posted in the Kingwood Township Municipal Building on January 13, 2022.

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. All persons are requested to utilize the microphones which are provided for your use through your computer or phone if the meeting is being held virtually or by the Township if the meeting is being held in-person. Your cooperation is appreciated.

Due to the continuation of the COVID-19 pandemic this meeting was conducted by a virtual Zoom meeting. Information on the meeting notice was posted on the Kingwood Township website.

#### Roll Call

#### Open Space Advisory Committee

Present

**Absent** 

Maureen Syrnick Sandra McNicol Heather Haberle Phillip Lubitz

Karen Nuckols

Karen Hertzog

#### Agricultural Advisory Committee

**Present** 

Absent

Andrew Russano

Kimberly Kocsis

Lindsay Napolitano

Cynthia Niciecki

Mark Farinella

#### Public Comment - Privilege of the Floor

N/A

#### **Approval of Minutes**

# <u>Motion to Approve the February 1, 2022 Regular Meeting Minutes of the Open Space and Agricultural Advisory Committees.</u>

It was moved by Phillip Lubitz and seconded by Andrew Russano and carried to approve the February 1, 2022 Regular Meeting minutes of the Open Space and Agricultural Advisory Committees.

Roll Call Vote:

Aye

- Syrnick, McNicol, Haberle, Russano, Napolitano, Farinella, Lubitz

Nav

- None

Abstain Absent Nuckols, HertzogNiciecki, Koscis

#### Correspondence

N/A

#### Reports

Liz Schmid reviewed her updated list of pending farmland preservations, which are attached. Liz Schmid reported there was an exception issue regarding the Barnes property however, this was resolved and everything has now been sent to the State for approval. Andrew Russano visited three property owners, sharing preservation information with them, in the hopes that they will contact Liz Schmid about possibly preserving their property. Liz Schmid discussed some of the questions that Barbara Davis, County Planner, will be sending to municipalities in order to update the County Farmland Preservation Plan. Liz Schmid stated Barbara Davis will be presenting this topic at a public meeting on June 8, 2022 at noon. Chair Sandra McNicol would like to continue discussing these questions at subsequent Open Space and Agricultural Advisory Committees meetings.

#### **Action Items**

Chair Sandra McNicol reported that Liz Schmid sent David Banisch, Kingwood Township Planner, the Kingwood Township Farmland Preservation Project Area – Preserved Farmland and Target Farms map (revised December 2021) for the update of the Farmland Preservation Plan (FPP). Andrew Russano stated there are now updated handouts for farmland preservation in the lobby of the Kingwood Township building.

#### **New Business**

Chair Sandra McNicol reported that she is working on a preserved open space spreadsheet like the preserved farmland spreadsheet however, she didn't have it completed for the meeting. Several members discussed expanding efforts of preserving open space such as creating the spreadsheet, identifying and prioritizing potential properties and contacting property owners.

Mark Farinella stated he was alerted by a few Franklin Township residents regarding a cannabis company's desire to start a business in their township. Maureen Syrnick explained that there was a recent Kingwood Township public meeting on this topic and after the presentation, residents' sentiments were not positive for having a cannabis business in Kingwood Township.

#### **Old Business**

Chair Sandra McNicol reviewed the Public Open Space and Preserved Farms 2019 map with the members which will be submitted for inclusion in the Spring mailer and a suggestion was to provide it in color as the Spring mailer will be digital. Chair Sandra McNicol would like to include the Farmland Preservation in Kingwood Township flyer in the Spring mailer as well. Heather Haberle offered to add graphics to enhance this informational document.

Mark Farinella inquired about the status of the William Lindsay White House and Maureen Syrnick explained that the project is still being reviewed and discussed among the different committees.

#### Rockfall Mitigation – Update

Phillip Lubitz reported there is no new update at this time however, there is a plan to approach Lambertville to see if they will prepare a resolution opposing this project.

#### Adjournment

It was moved by Karen Nuckols, seconded by Phillip Lubitz, and carried to adjourn the meeting at 8:18 P.M. All present voted Aye on Roll Call Vote.

Respectfully submitted, Debra Hutton, Secretary

# Open Space-Agriculture Advisory Committee Activity Summary March 1, 2022

Below are the properties that had some sort of activity or problem this month. Information on properties that are on the complete report is available on request. Question marks indicate that I have been unable to reach needed source.

12. Stem (Barnes) – 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 subdivideability 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. Letter from Zoning officer distributed to interested entities. CADB gave preliminary approval predicated on ability to subdivide. ALE application in the spring. Application awaiting confirmation of addition of the driveway to the exception area. It is in green light review at the State. Conformation of addition of driveway to exception area has been received. State appraiser is questioning ability to develop further off the stem driveway. Our regional rep. is working on using the notes from our zoning officer as well as the addition of the stem in the exception area to work this out. Letter from engineer has confirmed the ability to have a 3 lot subdivision. Also found original subdivision records that showed no constraints for development. This should help resolve State issues. State has issued Green Light Need to get Option agreement signed and then get appraisal. No Change. Have attempted to contact the owners to sign the appraisal agreement but have gotten no response. Kim Kocsis is attempting contact. Landowners have questions about payment. I will follow up. State is waiting for appraisal agreement revisions. Hoping to have them done very soon. Township has on hold until township gets paperwork and process finalized. Waiting to hear if revisions must go through Township Committee again. Waiting to give Kollmer option first. New completed forms need to be accepted by the Township Committee and a resolution must be passed approving project and appraisals. These are on the Township Committee agenda this month. I hope to have this to the property owners by meeting time. This property has been on and off the market several times, possibly just trying to see values. Contact so far has been difficult. No change. New owner has approached the State for possible preservation. State and County trying to arrange site visit. New owner in Florida. State will reach out in early December. The new owner (Barnes) is seriously considering preservation. SADC representative had good communication with her and is now waiting for her next move. Still waiting for owner response. Owner now actively seeking further information about preservation. A meeting is set up for 11/1 with the County and HLT on the farm. Owners very interested in preservation and completed application. It is on December CADB agenda for preliminary approval. CADB requested more information as usage is changing. We are doing farm visit on 1/10/22.

Farm will then go to CADB meeting on 1/13/22 for preliminary approval. Contentious CADB meeting finally gave preliminary approval only if the driveway is included in the exception area. County playing phone tag with owners about this and will continue to follow up. If they agree, it will be forwarded to SADC for Green Light approval. Finally able to reach owner who has agreed to excepting out the driveway if necessary to get approval. Has been forwarded to SADC for Green Light approval.

- 37. Mitchell Block 39, Lots 2 and 27 Tumble Idell Rd. Have spoken to one of landowners who may be interested, but did not think that it would qualify because of limited road frontage. This may not be a problem. Will continue contact. The State, HLT and NJCF are all interested in preserving this property in one way or another. Access is being explored. All are in contact with the landowners, as is the Township. Need Township to evaluate access. Have still not received Township evaluation of access. Township provided the evaluation of access and provided it to the SADC. Resubmitted the zoning officer's evaluation to SADC. The State has an application from the property owners. They anticipate being able to select the farm for Direct Easement Purchase by mid November. Selection expected the first week in November. Farm selected by SADC. Option agreement has been sent. Option agreement signed. One appraisal is back. Waiting for the second before submitting for CMV. Both appraisals back and being reviewed for CMV. Owners have accepted State CMV offer. Agreement of sale is under review. Waiting for signed agreement of sale. Survey awarded to Bohren and Bohren. It may be slow, although it should be easier as they also did Oertle. Waiting for title and survey deliverables. Survey completed and process continues. There will be a small change to the non-severable exception area, but it should not hold up preservation. Survey completed and title in progress. Moving toward final review.
- 38. Grom Multiple lots for sale One has sold. SADC has not received any response from the realtor about possible interest in preservation. Potential owner of Block 18, Lot 3 104.9 acres (103 Fitzer Rd. has the major equine infrastructure.) Contacted both the Township and SADC about potential preservation. We had very constructive conversations and it has been recommended that they pursue State Direct program. State will follow up with application at this time. Property still on the market. Initial buyer dropped out due to possible water contamination and owners unwillingness to adjust price accordingly. State has had inquiries from a second individual, but no follow-up from them. Zillow has the second lot under contract. No response to State outreach. Bl 18, Lot 5 133 + acres, corner of Fitzer and Barbertown-Point Breeze Rd, has been sold to a new owner. State has referred it to County to follow up

**Yard – Block 2, lot 2 – access off Oak Summit Rd. –** The former Curtis Property. New owner has purchased 50' strip of land starting at Oak Summit Rd, from Helmer (Block 2 Lot 5) to provide legal access for potential development in order to apply for preservation. There are still questions about access and also a question if owner wants to put two houses on the property. Son may be making decisions but have heard nothing official. **No Change** 

Paintner – Block 18, Lot 6 – Locktown Rd. – 57 acres - Property is for sale. Sent all information that we have on the property to the State. They are interested and will contact property owner. Paintner died in December. Referred to SADC for follow-up with wife in PA.

Ely - Bl 25, Lot 10 - 92+ acres, Bl 26, Lot 21 - 60+ acres - parcels across Kingwood Locktown Rd. from each other. Landowner is again seeking to preserve the farm. This time he is including Bl 26, lot 21 which has the house. There is not enough tillable land for county participation on a preservation so it has been referred to SADC. They are interested and we have had a very constructive Zoom meeting with the owners. The owners are also considering attempting to purchase Bl 25, Lot 4 – 61+ acres on Barbertown-Point Breeze Rd which adjoins their Bl 25 lot 10. They are now considering their options, and will work with the State on the application. State sending out the application today. Hoping to get option agreement next week to be able to select the two lots they own to move forward. State delivering the option agreement next week so they can proceed with appraisals. Appraisals are underway. Landowners have accepted State offer. Final approvals from State due in June. After that need agreement of sale to progress to title and survey. Received final approval from SADC. Going into contract and bidding for title and survey. Survey and title in progress. Owners have now purchased Bl 25, Lot 4 (61 acres) and are preparing to apply for preservation for it. Working toward closing. No application for Bl 25, Lot 4 yet. In closing review at the State. No application for 25/4 yet.

Tinsman – Bl 19 – Lot 11 – 160 Union Road – 35.75 acres - Owner has expressed significant interest in preservation. We have spoken to property owner, as has the County and the HLT. He has been referred to the State web site for the application. He would prefer to apply to the State for the State Direct Program as it tends to be faster. The State normally concentrates on larger pieces, so may not be interested in this property. We have had no response from them as of 10-1. Owners have built a pole barn on the property and are constructing a new house on the footprint of the previous house. No Change. Landowner called to see status of possible application. Contacted SADC who will contact landowner and appraise him of the fact that as the property is small it would qualify as an alternate farm. No Change

State is in contact with one of owners of Block 8, Lot 9 29.3 acres with frontage on Oak Grove Rd. in Kingwood. It continues into Franklin with frontage on Pittstown Rd. Franklin has been interested for years, but ownership is complicated. State is hopeful that things can be worked out. **No Change**???

Have spoken to the State about another property that may be interested in preservation in the future and have given the interested parties information for SADC. **No Change** 

The Gombosi family has approached the County about preserving Bl 6, Lot 17 – 119 acres - on Rte. 12. After much discussion, they have been sent an application. Family remains interested but status with Penn East has not yet been resolved with State AG office.

The State has sent out letters to solicit applications. No response yet.

Change of Ownership - The Oertle farm has been sold to the Hendricksons. They have been leasing it for the last year.

#### OTHER ISSUES

It is necessary for the Ag. Committee to immediately address the questions from David Banisch that were sent to you.

As a start,

I believe that our OS/Farmland tax remains 3 cents/hundred.

Debbi has the new membership list with contact info

Funding and financial info – As has always been reported, the Township has never specifically earmarked farmland/open space funds for either farmland or open space and there is no formula for doing so. We have used them as appropriate when and where needed.

All current local os/ ag funds collected are encumbered to service bond for previous projects.

County OS/Ag funds are used for ancillary costs of projects and park improvements.

Federal ALE and other such funding are being used for all projects. The State and HLT bring these funds in.

I believe that the County still uses \$7.000./acre as easement value in Kingwood.

Much of the land that appears to be appropriate for farmland preservation has constraints such as excessive wetlands or steep slopes.

It has been suggested that Cavallero, Bl 2 Lot 5, Tinsman Block 19, Lot 10 and Yard, Block 2 Lot 2 be indicated on the annual Township Resolution for properties to be added to the Township list of targeted farms. Should we also add ¥arusi (23/50.3), Vrtaric (20/8), Page (41/14), and/or Metz (38/16)?



Hotz- Bl 23, Lot 14, 31.38 acres on Rte. 513 has been under an 8 year program for many years. It is up for renewal again. Basically, the landowner promises not to develop his land for 8 years. In return, he has access to grants for things like fencing, drainage work, etc. The regulations say that CADB must pass a resolution approving the continuation of

the 8 year program. The Township needs to let the CADB in writing that we agree to continue the program. There does not seem to be any specifics as to who writes the letter. The State has been trying to coordinate a meeting to discuss the continuation of the program, but it has not happened yet. Unless anyone has any objections, can we just write a letter saying that the Township has no objections the 8 year program as long as all other parties to the agreement approve? Did not receive the phone # for landowner. Has anyone tried to contact him????? Township has not had an opportunity to contact owner, but property still of interest to the County who will follow up at some point. County has had contact with landowner who is very interested in reapplying for the 8 year program, but has no interest in any other type of preservation. Application has been sent. Did farm visit with CADB staff and met with landowner and his daughter who farms the property. They had many questions about specifics in the 8 year program and what the benefits are. They are interested especially in the fencing grants. Farm currently produces sheep bred for parasite resistance and peacocks. They also do some hay. They do movable pastures to protect and improve land. They use guinea hens for tick control and have a guard dog for the sheep. CADB approved continuation of 8 year program for this farm.

## For your information

# § 2:76-4.9 Renewal, termination, reformation

- (a) The municipally approved program shall remain in effect for a minimum of eight years from the effective date of the creation of a municipally approved program.
- (b) The board and municipal governing body shall conduct a review of the practicability and feasibility to continue the program within the year immediately preceding the termination date of the municipally approved program. At least 90 days prior to the expiration of the program, the board shall, by certified mail, notify all parties which have entered into the agreement to contact the board in writing, within 45 days of receipt of the notice if they want to continue the program for another eight years or to terminate the program at the end of the initial eight-year period.
- 1. In the event the landowner(s) intends to continue the municipally approved program for another eight years, the landowner(s) shall confirm the following:
- i. That the record owner(s) of the premises as identified in the agreement has not changed since the creation of the initial farmland preservation program; and
- ii. That the legal metes and bounds description of the boundaries of the premises has not changed since the creation of the initial municipally approved program.
- (c) If the board does not receive any notice to terminate the municipally approved program within the 45 day period, the program shall continue for another eight-year period and may continue for succeeding eight year periods provided that no notice of termination is received by the board during subsequent periods of review and notification.
- 1. At least 30 days prior to the expiration of the municipally approved program, the board shall document the renewal of the municipally approved program by resolution and record such action with the county clerk's office.
- 2. The board shall provide notice of the renewal of the municipally approved program to the Committee, landowner(s), soil conservation district, municipal tax assessor, county planning board, county governing body, municipal governing body, municipal planning board and municipal clerk.

The County has a large solar application on Block 21, Lot 1-45 acres on the corner of Barbertown Point Breeze Rd. and Rte.12. It is a County PIG target property.

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We were contacted by a realtor who has a client looking for land to have a full scale cannabis operation and was interested in 104 Fitzer Rd. She is apparently looking all over the State. She wanted to know the Township's position on cannabis. I referred her to Mayor Dodds. She had already spoken to the County.

Owner of Block 33, Lot 22 (42 acres) has expressed interest in preserving his farm. It is adjacent to the preserved Mulligan Farm and has significant Lockatong frontage. He is in contact with HLT. Farm visit cannot be arranged until sometime in March as it might disturb Emu breeding and nesting. **Many issues on property. Not currently active.** CADB has sent letter to the Township about approval of adding Strober to the ADA. (Township owns Lot 3.10). If Township Committee has not already indicated approval of adding the farm to the ADA, Ag. Committee could recommend that they do so. Done

In order for the Township to submit its annual report to the State that allows us to get Green Light approval for Kingwood applications now requires the Ag. Committee to review any additions to our target farm list and give an opinion to the Township Committee. The Township Committee then has to pass a resolution supporting the list for preservation. This is part of the application that must be submitted by December 15.

If the Township has not already done so, the Township Committee needs to pass a resolution of support for the preservation of the Mitchell farm (Bl 39, lot 2) to send to the State.

# March 2022

TC Res 2017-111	TC Res 2017-111	TTT-/T07	TC Res	2017-111	TC Res	30	14	13	7.6	10		11	10	9	00	7		6	3,	27	39		12
Kleinhans	Kleinhans		Vrturic		880 State Highway 12 LLC	Grom	Ely	Paintner	990 State Monte 17 FFC	SON State Boute 43 LLC		O'Donnell	O'Donnell	O'Donnell	Jakelsky Estate	DeSapio		Yard	MICCIE	7.11	Tinsman		Stem (Barnes)
21	21		20		18	18	25 26	18	TQ.		30	38	38	38	22	5		2	35		19		16
9.00	4.00		8.00		2.00	3.00	10 21	6.00	2.00		2,01	19.01	18.00	17.00	20.00	6.00	1	200	2.00		11		23.02
36	80 80		116		149	104	92+ 60+	57	75T			19	1.1	131	109.5	69.54			63.5		35.75		
Locktown Rd	Locktown Rd	Ihatcher Kd	127-219	Highway12,	900 State		Kingwood Locktown Rd	Locktown Rd							Kingwood- Locktown Rd	Brown Farm, Ridge Road					160 Union Rd	20.01	Location
					ab Month of the second of the	Bi 18, Lot 5 - 133 + acres, corner of Fitzer and Barbertown-Point Breeze Rd, has been sold to a new owner. State has referred it to County to follow up	In closing review at the State. No application for Block 25, Lot 4 yet.	Paintner died in December, Referred to SADC for follow-up with wife in PA	Owners have not responded to State letters.					The State sent a card to landowner but has not received any response.	State put property on INACTIVE status due to no response from owners.	Farm is now inactive at the State as they will not move forward on any Penn East property.	wo change	N)	Survey completed and title in progress. Moving toward final review.		No change.	necessary to get approval. Has been forwarded to SADC for Green Light approval.	Last Comment from Liz
					TTT-/107	TC Res									State Direct	Cty							Type

After researching funding sources and considering their plans for the property, the landowners have decided not to pursue preservation at this time. They were not interested in forming an LLC with their son. Main issue being lack of tillable land.
No change
48 Hammer Rd
55 Oak Summit Rd
Summit Rd
12.88 1103 State Hwy
23.89 1105 State Hwv
Ridge Rd
Locktown Rd
Locktown Rd
Locktown Rd
Slacktown Rd
Barbertown- Idell Rd
Kingwood- Locktown Rd
Featherbed Rd 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.
Location

	90.58	34.02 35 20	12 12 14	Gordeuk/Haring Haring Wydner	Preserved Preserved
		34.01	12	Gordeuk/Haring	Preserved
		34	12	Gordeuk/Haring	Preserved
Preserved in 2010 for \$20,766/acre (fee?) 5 1 acres - 3 acre nonseverable exception. Sold September 2019 for \$400,000. (\$7,850/acres) - As resale of preserved land is high, easement value drops.		3 <u>1</u>	12	Frenchtown Run	Preserved
		27	12	Niciecki	Preserved
		19	12	Palmer/Kjaer (Crouse)	Preserved
		7.01	7	DeSapio	Preserved
		7	7	DeSapio	Preserved
	113.63	6 1	7	Makatura/Search	Preserved
		2.01	7	Kingwood Township (Gergar)	Preserved
	34.00	31.02	6	Kocsis	Preserved
		23.01	6	Kocsis*	Preserved
		18	6	Kocsis*	Preserved
		4.03	5	Gross	Preserved
		3	5	Zander*	Preserved
		2.01	5	Middleton (HLT)	Preserved
		2	5	Ramirez (HLT)	Preserved
		2	4	Verity	Preserved
	61.60	16	2	Kingwood Township (Gergar)	Preserved
		6.02	1	Sargenti	Preserved
	75.58	6	1	Sargenti	Preserved
		0.00	20	Alranc	2021-128
					2021-128
		11.00	19	Tinsman	TC Res
					2021-128
		15.00	2	Cavallero	TC Res
		2.00	2	Yard	TC Res 2021-128
	57	6.00	18	Paintner	TC Res 2020-148
	100	200	21000		n solution i

Project#	Farm	Block	Lot	Acres	Location	Last Comment from Liz
Preserved	Augustine	14	21.03	62.65		
Preserved	Felix	14	23			
Preserved	Kingwood Township	19	5.01			
Preserved	Kingwood Townshin	20	1 01			
	(Melnyk et al)		3			
Preserved	Perrotti*	23	11			
Preserved	Gordeuk Trust/Moody	23	17			
Preserved	DeCroce	26	22			
Preserved	Newcomb	26	25			
Preserved	Rozansky	26	27			
Preserved	Kenney	27	6.04			
	Kenney	27	10			
Preserved	Waverka	27.01	2			
Preserved	Mulligan (new for 2014)	33	24			
1	Nanni	36	11			
Preserved	Stone Rows Farm (Foley)	42	6			
Preserved	Agrinova	41	9.00			
Preserved	Dalrymple	6	26.01			
Preserved	Haring	12	33.01			
Preserved	Dirt Capital Partners	4	3.00			
Preserved	Haring	12	33,01	58		
_	Goeckeler	30	6.00			
Preserved	Varela	33	12.00			
Preserved	Varela	32	5.00			
Preserved	Varela	36	6.00	92		
Preserved	Ecker	24	61.50			
Preserved	Dixon	28	16.00			Property purchase completed during the last week of September 2020
Preserved	Oertle	39	3/3.03/4/27	100+		Farm closed on 5.5.21. Farm is preserved
	Martin DeSapio	6	11.00	48.5		, ,
Preserved	Kollmer	6	7.00	26		Closing happened on 9.8.21.
Preserved	Strober	37	3.00	53.7		Farm closed on 12.21.21. Farm is preserved.