

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
October 11, 2012

The meeting was called to order by Chairman Keller at 7:30 p.m. Members present:

Aimee Ashley Myers
Dale Davis (arrived at 7:51 p.m.)
Harvey Ort
Kenneth Wightman

Others in attendance:

Stefanie Miller, SADC
Pete Nitzche, Morris County Rutgers Corporate Extension
William Roerich, Washington Township Liaison

Staff in attendance:

Deena Leary
Ray Chang
W. Randall Bush, Esq.
Katherine Coyle
Tina Boyer

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW

Chairman Keller announced that in compliance with the Open Public Meetings Act, adequate notice of this meeting has been provided and filed with the Town of Morristown, the Morris County Clerk, the Daily Record and the Star Ledger.

APPROVAL OF MINUTES

On motion of member Wightman, seconded by member Ashley Myers, the board approved the minutes of the September 13, 2012 regular meeting. A roll call vote was taken.

Aye: Ashley Myers, Wightman and Keller
Nay: None Abstain: Ort

OPEN TO THE PUBLIC

There were no comments from the public.

CLOSED SESSION

On motion of member Wightman, seconded by member Ashley Myers, the board closed the open portion of the meeting pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act and per the board's standard resolution language, and voted to conduct a closed session.

RETURN TO MEETING

The meeting reopened to the public at 8:30 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

At this point, member Ashley Meyers left the meeting room.

Angen/Matera Farm, Mount Olive Township – On motion of member Wightman, seconded by member Ort, the board authorized staff to make an offer as agreed in Closed Session. A roll call vote was taken. Ashley Myers was not present for the discussion.

Aye: D. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

At this point, member Ashley Meyers returned to the meeting room.

Turnquist-Porambo Farm, Washington Township – On motion of member Wightman, seconded by member Ashley Myers, the board authorized staff to send a violation letter to the owners of the farm. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

At this point, member Ort left the meeting room.

Robert Smith Farm, Washington Township – On motion of member Wightman, seconded by member Ashley Myers, the board authorized staff or counsel to extend the commitment period by six (6) months from November 1st to May 1st. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Wightman and Keller

Nay: None Abstain: None

At this point, member Ort returned to the meeting room.

REPORT OF DIRECTOR & ATTORNEY

Change of Meeting Date. Ms. Coyle asked the board if they would consider combining the November and December CADB meetings. Ms. Coyle proposed the date of Thursday, November 29, 2012. Ms. Coyle informed the board that the upcoming CADB meeting is scheduled for November 8, 2012, which is the same day as the SADC's monthly meeting. On motion of member Wightman, seconded by member Ashley Myers, the board agreed to change its

November meeting date to November 29th and cancel December's meeting. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

Proposed New Rule: NJAC 2:76-24 Solar Energy Generation on Preserved Farms. Ms. Boyer provided the board with a summary of the proposed new rule: NJAC 2:76-24 regarding Solar Energy Generation on Preserved Farms. In 2010, the Legislature passed a law that allows owners of preserved farms to install solar, wind and biomass energy systems on preserved farmland. The current proposed rule addresses solar energy projects. Owners of preserved farmland have to submit an application to the SADC if they intend to construct, install and operate solar energy facilities on the property. The facilities must meet specific criteria set forth by the SADC. This includes that the facilities do not significantly interfere with agricultural or horticultural production. The solar energy facilities annual energy generation is limited to the farm's energy generation for the previous calendar year plus 10%, and the impervious cover associated with the facilities cannot exceed one acre. Once an application is deemed complete, the SADC will forward the application to the CADB who then has 30 days to provide any comments on the application. The SADC has 90 days from the time that they determine an application to be complete to either approve, approve with conditions or disapprove the project. The new rule will encourage the use of renewable energy on preserved farmland and will help the farms reduce their energy costs thus strengthening their viability. Ms. Coyle informed the board that if the CADB wishes to submit comments or concerns to the SADC they would have to do so by November 16, 2012. The board did not wish to submit comments.

9-27-12 SADC Meeting Report. Ms. Coyle informed the board that she attended the monthly SADC meeting on September 27, 2012 with Ms. Boyer. The SADC is requesting an \$83 million appropriation. \$38.5 million will go towards the County Planning Incentive Grants. There is a proposed change in the base grant to each county as well as the amount of funds available in the competitive round. Each county will now receive a base grant of \$1 million and will be eligible to compete for an additional \$5 million. During the Director's Report as well as the Public Session, the possibility of addressing minimum eligibility criteria was discussed. Morris County has a list of targeted farms that do not meet the SADC's criteria. Stefanie Miller informed the board that she has been working with Passaic County to locate farms that do not meet the standards due to tillable acres, size and other issues. Bergen and Passaic counties are the most impacted. Farms not meeting the minimum criteria can apply for a waiver for minimum eligibility criteria.

Ms. Leary informed the board that the Highlands Council may attend the upcoming CADB meeting to speak about promoting agritourism as well as farms that the board is interested in pursuing for preservation that do not meet the SADC's minimum standards.

Annual SADC PIG Application. Ms. Coyle informed the board that she and Ms. Boyer have been working on the annual Planning Incentive Grant application to the SADC. The application deadline is December 17, 2012. The first step in the process is to send a municipal notification to each of the municipalities where there are targeted farms. The municipality has 60 days to reply

with any comments or suggestions regarding the targeted farms such as subdivision approvals or development.

RIGHT TO FARM

Mine Hill Township – Draft RTF Ordinance. Chairman Keller stated that the board discussed the proposed density standards submitted by the municipality and the board does not believe that it is in the best interest of farmland preservation and agriculture viability in Morris County.

Therefore, the board cannot approve the proposed standards. On motion of member Wightman, seconded by member Ashley Myers, the board authorized staff to prepare a letter from Chairman Keller outlining the board’s rationale for their decision not to approve the proposed standards. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

Landi Simone, Gooserock Farm – Request for SSAMP. Mr. Bush informed the board that he spoke to the representative of the Local Finance Board regarding the status of their decision. The opinion of the LFB was sent to the Attorney General’s office. It indicates that there is no conflict of interest for the CADB to hear the Gooserock Farm matter. Once the letter is received it will be forwarded to the board.

Alex Adams, Denville Township – Complaint. Ms. Coyle informed the board that the SADC is waiting for a response from Mr. Adams regarding proof that his farm meets the minimum standards to be considered a commercial farm.

Fish Farm, Florham Park – Complaint. Ms. Coyle was informed that the SADC had requested proof from the farm owners and are awaiting a response.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

Davis/Shaffer, Chester Township – Termination of 8-Year Program. Ms. Coyle informed the board that in February the CADB passed a resolution terminating the 8-Year program at the landowner’s request. The resolution was lost before it was filed. It was readopted last month, however, when it was submitted to be filed with the County Clerk’s office Ms. Coyle was advised that it needs a certification to be filed along with it. Chairman Keller signed the certification and Mr. Bush attested to the signature.

NEW BUSINESS

Ms. Boyer informed the board that she attended an event at Alstede Farm in Chester Township with Douglas Fisher, Secretary of Agriculture for the NJ Department of Agriculture and Joseph Mrozek, Deputy Commissioner with the NJ Department of Transportation. The event was held to

announce the revisions made to the Tourist Oriented Destination Signage Program to make it easier for agritourism businesses to participate. The event was held at the Alstede Farm as they had signs placed on Route 206 directing drivers to turn on to Route 513 in the original program, but are now able to add a new sign on Route 10 in Randolph. Participating farms need to be located within 10 miles of a State highway on which the intersection approach sign is erected and need to be open six hours a day and five days a week during their operating season. The fee for each sign is \$400 annually.

William Roehrich informed the board that there may be a transfer of the preserved Autumn View Farm owned by Mr. John DeGrande. There is an active purchaser for the farm. The new owner has expressed an interest in constructing agricultural labor housing. Ms. Coyle informed the board that a new operator would have to meet the same burden of proof that agricultural labor housing is needed for the agricultural operation. Mr. Roehrich stated that the need and operation will remain the same. Mr. Roehrich agreed to relay the information to the purchaser that it is the CADB's opinion that he would have to start the process over to obtain permission to construct agricultural labor housing.

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member Wightman, seconded by member Ashley Myers, the meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Katherine Coyle
Director