

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
February 11, 2016

The meeting was called to order by Chairman Keller at 7:40 p.m. Members present:

Aimee Ashley Myers
Dale Davis
Rick Desiderio
Kathy Hammond
Harvey Ort

Members with an excused absence:

Kenneth Wightman

Also in Attendance:

William Roehrich, Washington Township Liaison
Louis Flora, Esq. (departed at 9:00 p.m.)
Phil Forte (departed at 8:42 p.m.)
Kathy Kunsman (departed at 8:42 p.m.)
Michael Lavery, Esq. (departed at 8:42 p.m.)
Frank Pinto (departed at 8:42 p.m.)

Staff in attendance:

Christine Marion
W. Randall Bush, Esq.
Katherine Coyle

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW

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

APPROVAL OF MINUTES

The minutes of the January 14, 2016 meeting were not available.

OPEN TO THE PUBLIC

There were no comments from the public.

At this point, member Davis left the meeting room.

OLD BUSINESS #1

Forte Farm, Chester Township – application for agricultural labor housing.

Mr. Lavery introduced his client, Mr. Phil Forte (applicant), and Ms. Kathy Kunsman (of Glenn Eden Farms, LLC), and distributed a bound report, which was marked as Exhibit A-8.

Mr. Bush swore in Mr. Forte, Ms. Kunsman and Mr. Pinto (applicant's consultant).

Ms. Coyle summarized a Staff Report dated February 9, 2016. The report was marked as Exhibit B-4. Ms. Coyle explained that the Deed of Easement requires preserved farms to be retained for agricultural use and production. When considering applications to construct agricultural labor housing on equine farms, the State Agriculture Development Committee's (SADC's) position is that only agricultural laborers employed on the Premises in production aspects of the operation may live in agricultural labor housing. With respect to equine facilities, the SADC considers the following to be production equine activities: breeding, raising and training of horses for the purpose of selling the horses for a profit, hay production and pasturing. However, the SADC does not have a formal written policy or regulation that addresses agricultural labor housing on preserved equine farms. Based on the definitions and criteria set forth in N.J.A.C. 2:76-2B.3, it is reasonable to conclude that "raising" and "training" of horses not owned by the farm owner or operator can be deemed "equine production" as long as the purpose of "raising" and "training" is the selling of horses for a profit, and as long as the horses were "raised" and "trained" on the farm in question for at least 120 days. Ms. Coyle explained that to approve the application, the Morris CADB must determine that:

1. The applicant provided evidence that there is production equine activity on the farm (such as breeding, raising and training of horses for the purpose of selling the horses for a profit, hay production and pasturing);
2. The production activities warrant the construction and use of agricultural labor units; and
3. The number of laborers and agricultural labor units requested is justified by the intensity of agricultural production (equine and crop).

Mr. Pinto provided details about the application, explained the need for agricultural labor housing, and described different types of equine operations. He explained that Mr. Dale Davis manages a 71-acre crop/hay operation on the Forte Farm and the applicant is requesting housing for 1 to 2 laborers for this operation. Mr. Pinto further explained that Glenn Eden Farms, LLC and Stormfront Stables, LLC show horses and participate at competitions. The trainers train the horses and the riders. The horses gain value as they are being trained and every horse at the facility is in active production. Some horses are owned by the trainers; some are owned by the riders. Agreements exist between the trainers and the horse owners for training and commissions from sales, however, there are no written contracts. The applicant is requesting five separate units, mainly to allow for separate housing of men and women.

Mr. Lavery referred to Exhibit A-8 and stated that there are currently 10 full-time laborers working at the facility (they live off-site), but would like to increase that number to 20 to allow for an expansion of the facility, which is not possible with the current number of laborers. Mr. Lavery offered to provide a list of all laborers living on the farm to the CADB on an annual basis.

Mr. Bush stated that more frequent reporting including each laborer's responsibilities would be helpful.

The Board and staff discussed the reporting requirement.

Ms. Kunsman explained the various jobs and responsibilities of all the farm workers.

Member Desiderio noted that equine operations are very labor-intensive.

On motion of member Ashley Myers, seconded by member Ort, the Board determined that:

1. The applicant provided evidence that there is production equine activity on the farm (breeding, raising and training of horses for the purpose of selling the horses for a profit) as well as crop production; and
2. The production activities warrant the construction and use of agricultural labor units; and
3. The number of laborers and agricultural labor units requested are justified by the intensity of agricultural production (equine and crop).

Based on these determinations, the Board approved the application for agricultural labor housing on the Forte Farm with the following conditions:

1. The agricultural labor housing will consist of 5 units within an existing barn and will contain 10 bedrooms, 5 kitchenettes, 5 common rooms, 5 bathrooms. The estimated total square footage is 4,508 square feet; and
2. At any time, up to 20 laborers are permitted to reside in the agricultural labor housing units; and
3. The Applicant will provide to the CADB a report listing the names of all laborers residing on the farm and their responsibilities. The report will be provided on an annual basis by June 1st; and
4. Only agricultural labor employed on the Forte Farm in production aspects of the operation may live in the agricultural labor housing units; and
5. Pursuant to the Deed of Easement, the occupants of the agricultural labor housing units shall not be related to the Applicant.

A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Hammond, Ort and Keller

Nay: None Abstain: None

Member Davis did not participate in voting.

At this point, Mr. Lavery, Mr. Forte, Ms. Kunsman and Mr. Pinto left the meeting room.

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

The Board took a 5-minute break.

The meeting resumed at 8:47 p.m.

NEW BUSINESS

Tranquility Farm, Chester Twp. – application for construction of horse stalls.

Member Desiderio, who owns Tranquility Farm, LLC, recused himself from the Board's consideration of the application.

Louis Flora, Esq. introduced himself to the Board and stated that he was representing Tranquility Farm, LLC for the purpose of the application.

Ms. Coyle provided an overview of the February 8, 2016 Staff Report. Mr. Bush marked the Staff Report as Exhibit B-4.

Ms. Coyle explained that pursuant to Morris CADB Policy: P-15, *Equine Activities on Preserved Farmland*, the number of horses on a preserved farm shall not exceed one (1) horse per each whole acre of the farm. Non-severable exception areas on preserved farms are included in the whole acre calculation. Because Tranquility Farms is comprised of 59.118 acres, the farm is permitted to house 59 horses. There are currently 56 horse stalls on the farm. The applicant is requesting the CADB's approval to deviate from Morris CADB Policy: P-15 with respect to animal density. If the applicant's request is granted, the farm will exceed the allowed animal density by 9 horses.

Ms. Coyle further explained that the Deed of Easement requires preserved farms to be retained for agricultural use and production. The State Agriculture Development Committee (SADC) considers the following to be equine production activities: breeding, raising and training of horses for the purpose of a future sale of the horse for a profit, hay production and pasturing (grazing). If the purpose of the proposed structures is to conduct production activities, they would be permitted. If the purpose of the proposed structures is to accommodate service activities, they would be permitted if the area of the farm devoted to service activities is subordinate, secondary and auxiliary to the area devoted to equine production activities.

To approve the construction of additional horse stalls, the Morris CADB must find that if the applicant's request is granted, equine production will be the primary activity on the preserved

farm and equine service activities will be ancillary or secondary. To make that determination, the Morris CADB must find that the area devoted to production activities is greater than the area devoted to service activities.

Tranquility Farms is comprised of 59.118 acres. According to the 2016 FA-1 form, 47.418 acres are dedicated to pasturing (A-4). Based on this information, staff concluded that equine production is the primary activity on the farm and will continue to be so if the applicant's request is granted.

On motion of member Davis, seconded by member Ashley Myers, the Board determined that the Tranquility Farms proposal is consistent with the Deed of Easement and Policy: P-15 and approved the application. A roll call vote was taken.

Aye: Ashley Myers, Davis Hammond, Ort and Keller

Nay: None Recused: Desiderio

Member Desiderio recused himself from the vote.

At this point, Mr. Flora left the meeting room.

CLOSED SESSION

Pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, Chairman Keller announced that in compliance with the Open Public Meetings Act, the Morris CADB considered closing the open portion of the meeting in order to discuss matters related to the purchase, lease or acquisition of real property, and litigation in Closed Session. On motion of member Ort, seconded by member Ashley Myers, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Davis, Desiderio, Hammond, Ort and Keller

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 9:46 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

D. Post, Chester Township. On motion of member Ashley Myers, seconded by member Davis, the Board directed staff to send a letter to the SADC per the Board's discussion during Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Davis, Desiderio, Hammond, Ort and Keller

Nay: None Abstain: None

Simon Farm, Harding Township. On motion of member Ashley Myers, seconded by member Ort, the Board agreed to proceed with additional development review studies to meet the SADC's requirements with respect to the "Subdivision Method" appraisal methodology. A roll call vote was taken.

Aye: Ashley Myers, Davis, Desiderio, Hammond, Ort and Keller
Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

Legislative Updates. Legislative updates were shared with the Board via email prior to the meeting.

RIGHT TO FARM

There were no Right to Farm matters to review.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS #2

Simonne Verbeke, Chester Township. Ms. Coyle informed the Board that the SADC had certified the modification of the Agricultural Development Area to include the Verbeke farm.

NEW BUSINESS

At this point, member Desiderio left the meeting room.

Resolution 2016-03: Preliminary Approval: Simonne Verbeke, Chester Township. On motion of member Ashley Myers, seconded by member Ort, the Board adopted Resolution 2016-03. A roll call vote was taken.

A roll call vote was taken.

Aye: Ashley Myers, Davis, Hammond, Ort and Keller

Nay: None Abstain: None

Member Desiderio did not participate in voting.

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

Resolution 2016-04: Preliminary Approval: Koehler, Rockaway Township. On motion of member Ashley Myers, seconded by member Hammond, the Board adopted Resolution 2016-04.

A roll call vote was taken.

A roll call vote was taken.

Aye: Ashley Myers, Davis, Desiderio, Hammond, Ort and Keller

Nay: None Abstain: None

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member Ashley Myers, seconded by member Davis, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,

K. Coyle

Katherine Coyle
Director