

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
March 12, 2015

The meeting was called to order by Chairman Keller at 7:33 p.m. Members present:

Dale Davis
Louise Davis
Rick Desiderio (arrived at 7:38 p.m.)
Harvey Ort
Kenneth Wightman

Members with an excused absence:

Aimee Ashley Myers

Also in Attendance:

William Roehrich
Edward Ball (departed at 8:37 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

On motion of member L. Davis, seconded by member D. Davis, the Board members approved the June 12, 2014 meeting minutes. A roll call vote was taken.

Aye: D. Davis, L. Davis, Ort, Wightman

Nay: None Abstain: Keller

On motion of member Wightman, seconded by member D. Davis, the Board members approved the February 5, 2015 meeting minutes. A roll call vote was taken.

Aye: D. Davis, Wightman and Keller

Nay: None Abstain: L. Davis and Ort

Member Desiderio arrived at this point.

OPEN TO THE PUBLIC

There were no comments from the public.

RIGHT TO FARM #1

Edward Ball (Flying Alpaca Farm), Washington Township - complaint. Ms. Coyle introduced Mr. Edward Ball, owner of the Flying Alpaca Farm.

Ms. Coyle presented a Staff Report, which had been distributed to the Board, Mr. Ball and Mr. Barlow prior to the meeting.

Mr. Bush swore in Mr. Ball. Mr. Ball answered the Board's questions regarding his operation.

The Board reviewed Mr. Ball's Commercial Farm Certification and supporting documentation submitted by him. The Board also reviewed the eligibility criteria of the RTF Act.

On motion of member L. Davis, seconded by member Ort, the Board determined the following:

- the dispute involves agricultural activities that are included on the list of permitted activities set forth in the RTF Act;
- Mr. and Mrs. Ball have not provided reasonably sufficient and credible evidence that the Flying Alpaca Farm operation is a "commercial farm" as defined by the RTF Act; and
- the Morris CADB lacks jurisdiction over the Flying Alpaca Farm operation and activities and dismisses the complaint.

A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

On motion of member L. Davis, seconded by member D. Davis, the Board adopted Resolution 2015-08, memorializing its determination regarding the Flying Alpaca Farm operation. A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Mr. Ball left at 8:37 p.m.

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 L. Davis,

seconded by member D. Davis, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 9:04 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Aresty, Chester Township. On motion of member L. Davis, seconded by member Wightman, the Board directed staff to send an offer letter to the landowner per the Board's discussion during Closed Session. A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Fleming, Washington Township. On motion of member Wightman, seconded by member L. Davis, the Board directed staff to send a letter to Mr. Fleming per the discussion during Closed Session. A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

Funding. Ms. Coyle informed the Board members that the Preservation Trust Fund Tax Rate was set at 1 Cent. Ms. Marion provided an explanation regarding the distribution of the funds among all programs.

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

RIGHT TO FARM #2

River Run Stables, Washington Township – request for SSAMP. Ms. Coyle presented to the Board a Staff Report, which discussed the SSAMP Review Checklist. The report had been distributed to the Board and Mr. Sposaro prior to the meeting. Ms. Coyle stated that Morris County Division of Planning and Preservation staff developed a SSAMP Checklist to assist the Morris CADB with its review of the application. The SSAMP checklist was developed to address the applicant's request for relief from zoning ordinances regarding (1) front yard setbacks and (2) stormwater management. Staff reviewed the documentation submitted by Mr. Sposaro to determine whether all checklist items were complete. Ms. Coyle stated that staff recommended that the application and checklist items be deemed complete and that the Board should hold a public hearing in accordance with the hearing procedures set forth in N.J.A.C. 2:76-2.8.

The Board reviewed and discussed the Staff Report, which included documentation submitted by Mr. Sposaro and the SSAMP Checklist prepared by staff.

On motion of member L. Davis, seconded by member Wightman, the Board determined that the application and checklist items are complete and that the Board will hold a public hearing in accordance with the hearing procedures set forth in N.J.A.C. 2:76-2.8. A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

Application for Division of Preserved Farmland - H. Greenfield and P. Clucas. On motion of member L. Davis, seconded by member Wightman, the Board adopted Resolution 2015-06, memorializing the Board's December 11, 2014 decision. A roll call vote was taken.

Aye: L. Davis, Desiderio, Wightman and Keller

Nay: None Abstain/Recuse: D. Davis and Ort

NEW BUSINESS

PUBLIC HEARING: *Modification of Agricultural Development Area to include Black 501, Lot 23 in the Borough of Mendham and Block 10, Lots 18 and 18.02 in the Township of Harding.*

Ms. Coyle stated for the record that a "Legal Notice of Public Hearing" was published on February 21, 2015 pursuant to N.J.A.C. 2:76-1 et seq.

Ms. Coyle stated that the ADA identifies "...lands that are currently in agricultural production or have a strong potential for production and in which agriculture is permitted under the current municipal zoning ordinance..." Ms. Coyle explained the need for inclusion of the above listed lots in the ADA - to be eligible for a farmland preservation cost-share grant from the SADC, a farm must be part of the county's ADA. Block 10, Lots 18 and 18.02 in the Township of Harding are part of a pending application for permanent preservation. A farmland preservation application for Black 501, Lot 23 in the Borough of Mendham may be submitted in the near future.

Ms. Coyle stated that no comments (written or verbal) had been submitted prior to the Public Hearing. No comments (written or verbal) were submitted during the Public Hearing.

On motion of member L. Davis, seconded by member D. Davis, the Board adopted Resolution 2015-07, Modification of Agricultural Development Area to include Black 501, Lot 23 in the Borough of Mendham and Block 10, Lots 18 and 18.02 in the Township of Harding. A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort and Keller
Nay: None Abstain/Recuse: Wightman

SADC Proposed New Rules - Soil Disturbance on Preserved Farms. The Board discussed the SADC's draft Soil Disturbance regulations. Staff will follow up with the SADC regarding the status of the regulations.

OPEN TO THE PUBLIC

Ms. Marion informed the Board regarding a presentation by Mr. Tim Brill at a County Planners Association Meeting on rural planning techniques.

Member Desiderio shared with the Board that he was recognized as one of the Top 10 owners (#2) of national-winning half-Arabians. Mr. Desiderio brought copies of Arabian Horse World magazine, which listed the top breeders and owners in the country.

ADJOURNMENT

There being no further business, on motion of member Wightman, seconded by member D. Davis, the meeting was adjourned at 9:28 p.m.

Respectfully submitted,



Katherine Coyle
Director