



**PASSAIC COUNTY AGRICULTURE  
DEVELOPMENT BOARD  
MINUTES OF A REGULAR MEETING  
Monday, July 18<sup>th</sup>, 2022  
WebEx Meeting**

Chair Bartlett opened the meeting at 6:30 PM and read the notice that the requirements of the Open Public Meeting Act had been met.

**MEMBERS PRESENT:** Skip Bartlett, Chair; Tim Feeney, Vice Chair; Rocky Hazelman, Commissioner; Michael Eelman

**EX-OFFICIO MEMBERS:** Cecilia Diaz, Rutgers Cooperative Extension of Passaic County, Glen Van Olden, Soil Conversation District

**STAFF PRESENT:** John Pogorelec, County Counsel; Marc Seemon, Deputy County Administrator; Andras Holzmann, Acting Planning Director/Board Secretary; Jessie Summers, CADB Administrator

**OTHERS PRESENT** – Cindy Roberts, SADC Development and Training Coordinator; David Zaback, SADC Regional Acquisition Coordinator

**MINUTES**

A motion to accept the minutes of July 18<sup>th</sup>, 2022 was made by Commissioner Eelman. The motion was seconded by Commissioner Hazelman. The motion passed unanimously.

**PUBLIC PORTION – None.**

**Interim Status Update on 1566 Union Valley Rd, West Milford SSAMP Application**

County Counsel Pogorelec stated that on April 11, 2022 the Battinelli Family Farm, located at 1566 Union Valley Road, filed another SSAMP application. It was noted that a previous application was heard on November 8, 2021 and was subsequently withdrawn as the property was lacking a 2021 Farmland Assessment. County Counsel Pogorelec read from the application that “unlike the October 2021 application, this application is not to seek, yet, a SSAMP with regard to the proposed full development of the farm to establish a farm market, but it is submitted to establish that the preliminary steps taken by Battinelli Family Farm to establish crops were done responsibly under the guidance of Soil Conservation District. Before establishing a farm market and/or pick your own facility, the applicant’s goal is to transition away from the long standing equine use and to establish suitable crops.” County Counsel Pogorelec then went on to state that the 2022 Farmland Assessment application was denied. He had been told there was a hearing on an appeal on May 4<sup>th</sup>, 2022 and the Township of West Milford successfully defended the Township and the applicant did not prevail. He received a letter from Dorsey and Semrau, representing the Township of West Milford, that stated that the Passaic County Board of Taxation denied the appeal and the applicant had not filed an appeal in State Tax Court by the required date of June 7, 2022 and therefore the 2022 Farmland Assessment denial is final. County Counsel Pogorelec stated that late this evening, he received an email response from the applicant’s attorney, Robert Merenich, saying that a Farmland Assessment application for 2023 would be filed by the August 1, 2022 deadline. County Counsel Pogorelec stated that the CADB is in a standstill as without the 2022 Farmland Assessment, the CADB does not have jurisdiction over the matter. Chairman Bartlett asked if this means that the issue can be tabled until (if/when) the 2023 Farmland Assessment is approved and County Counsel Pogorelec confirmed.

County Counsel Pogorelec called to the CADB's attention that there is one other issue that needs to be addressed for jurisdictional purposes; the applicant has to prove that the farm is "located in an area in which, as of December 31, 1997 or thereafter, agriculture is a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, or which commercial farm is in operation as of the effective date of July 2, 1998." The current property is in a split zoning district, therefore the applicant will have to provide the requisite proofs to show that the farm that existed was a commercial farm during that time, which County Counsel Pogorelec has also confirmed with the SADC.

The application and subsequent correspondence are attached as Exhibit A.

Deputy County Administrator Seemon asked if the Board still wishes to meet at 6:30 PM and it was agreed upon that the current time of the meeting shall remain at 6:30 PM.

### **OLD BUSINESS**

In response to the Battinelli Family Farm Application, Mr. Van Olden wanted to restate that the Board is under the Agriculture Retention and Development Act of NJ and that one of the legislative findings of that is for all agencies to encourage the maintenance of agricultural production and positive agricultural business climate particularly in relation to Right to Farm Act issues. Mr. Van Olden wanted to leave these sentiments as he is retiring from the Soil Conservation District after 36 years and a new ex-officio member will be appointed by the Hudson Essex Passaic Soil Conservation District.

Chair Bartlett inquired about farmland preservation for 101 Oldham Road in Wayne; Administrator Summers stated that there have been no updates since the 2019 correspondence following the two appraisals.

Chair Bartlett asked if the purchase of the horse farm in Bloomingdale has passed; Deputy County Administrator Seemon confirmed that the County is moving forward with the acquisition. Chair Bartlett asked if the \$3.2 million in funding was coming from the Open Space, Farmland, and Historic Preservation Trust Fund, to which Deputy County Administrator Seemon stated he would need to confirm.

### **OPEN DISCUSSION**

Administrator Summers discussed that the Planning Department has been following up on conversations between former Planning Director Michael Lysicatos and the SADC Planning staff regarding requirements for the Farmland Preservation Plan update. Cindy Roberts said that the SADC is looking for joint updates from both Bergen and Passaic Counties on how to change the SADC Rules to better incorporate the agriculture types as the majority of the farms in Passaic County do not meet the statewide criteria. Chairman Bartlett pointed out that total tillable acreage has been an ongoing issue for Passaic County, and suggests that equine uses in urban areas should qualify. Cindy Roberts stated that if a consultant will be hired, a planning session with the SADC staff, CADB staff, and planners to clarify what the plan should and needs to include to qualify for cost-share monies. She mentioned getting in touch with Bergen County regarding their farmland analysis that was conducted by the Land Conservancy of NJ. Commissioner Hazelman asked about land in the Highlands purchased after the Act and if it was not eligible for preservation. Cindy Roberts clarified that land purchased after the Act in 2004 is not eligible for dual zoning, but if land is in the Preservation Area the minimum criteria is easier to meet. Commissioner Hazelman discussed if agricultural products such as like maple syrup, wild blueberries, and other similar forest type products would qualify in the future. Cindy Roberts also mentioned an example of a whole farm easement in Gloucester County and also mentioned that Warren County is

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preserving farms with Highlands funds and County funds as they do not qualify for SADC funds. Cindy Roberts requested information be sent to the SADC on the 101 Oldham Road property so they have it for record.

**ADJOURNMENT:** Commissioner Hazelman made a motion to adjourn the meeting at 6:55 PM that was seconded by Commissioner Eelman. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jessie Summers".

JESSIE SUMMERS

**Exhibit A**