



DEPARTMENT OF ENGINEERING AND PLANNING
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County of Sussex

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

December 15, 2025

The meeting was called to order at 7:30p.m. by Chairperson Peter Southway. The meeting is being held in compliance with the Open Public Meetings Act, (P.L. Chapter 231.) Proper notice has been sent to the local newspaper, County Website and has been posted on the bulletin board of the County Administrative Center, One Spring Street, Newton, NJ 07860.

ROLL CALL:

MEMBERS PRESENT: Peter Southway, Chair
Lisa Chammings
Anthony Lentini
Billy Marotta
Caleb Orr

MEMBERS EXCUSED: Lori Day

MEMBERS ABSENT: Brian Hautau, Vice Chair

STAFF PRESENT: Bill Koppenaal, County Engineer/Administrator, Department of Engineering and Planning
Summer Malone, Ag. Resource Specialist
Megan Davis, Confidential Assistant
Michael Lavery, Esq., Ag. Counsel
Christy Degeorgis, Recording Secretary
Rudy Dragan, Sr. Planning Aide

ALSO PRESENT: Robert Siejkowski, Barn View
Lizbeth Hume, Barn View
Sergio Perez, Los Perez Ranch
Katie Fina, Esq. Sussex County Counsel
Rich Barnard, Farmer
Greg Kurdzill, Farmer
Steve Komar, Ag. Agent
Dave Zayback, SADC
William Hayden, Commissioner Liaison to the SCADB
Jack Degroot, Commissioner Liaison to the SCADB

MINUTES CORRECTION/APPROVAL:

A motion was made by Billy Marotta to approve the Minutes of October 20, 2025 as presented. The motion was seconded by Caleb Orr. A roll-call vote was taken. Results were as follow: Billy Marotta-Yes; and Caleb Orr-Yes. Motion carried.

CORRESPONDENCE:

Bill Koppenaar briefed the SCADB on the correspondence; Grazing School Flyer (RC&D); Legislative Update - Bill A4603; NJDA New Jersey Agro-tourism Grant Program (NJATP); Green Township Muni-PIG Correspondence; and the November Farmland Preservation Update. He updated the SCADB members that Summer Malone and Megan Davis attended the Next Generation Ag. Network meeting on November 13, 2025. The meetings are held quarterly to provide information to participating organizations on resources, programs, and grants. The next meeting is on February 12, 2026. Mr. Koppenaar updated the SCADB members on the Vaughn Farm in Lafayette. He updated the SCADB members on some interest from the owner of Peck Farm who was interested in potentially purchasing a preserved farm and had some questions which Mr. Koppenaar explained to the SCADB members

AG. AGENT'S REPORT:

Steve Komar updated the SCADB members on the Ag Scholars program. The Vegetable Growers Association has changed their name. They are sponsoring a lunch for students for Temple Granyon in Atlantic City. They are starting interviewing for an equine specialist. The drone training was completed in November, they had 13 participants in the program. He updated the SCADB members on the drone program. He updated the SCADB on the Farm Bureau convention. The 2026 certificates are available and signed ready for pick up. He briefed on the grants available. He informed the SCADB members on the Stop the Bleed program.

RIGHT TO FARM:

A. Commercial Farm Certification

Ai. First Chair Farms

Chairperson Southway asked if the representative for First Chair Farms was present, David Sears.

Mr. Koppenaar stated that the Division was not sure that there was going to be anyone present for this application.

Mr. Koppenaar gave a summary of the application for the SCADB. The applicant is looking for commercial farm (CF) certification in anticipation of a SSAMP. The applicant, David Sears, applied on behalf of First Chair Farms. They have a small farm that is 7 acres, located at Block 12001 Lot 8, in Sparta Township. It is in the Economic Development District that does permit agricultural uses, provided the property is over 5 acres. The application is being made in support of their pursuit of a Farm Brewery License. The Division does not currently have information on what the SSAMP will actually be, the applicant has not provided that information. The commercial farm application was provided. In this case, in the absence of knowing what the

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SSAMP is going to be the SCADB would probably want to adjourn this application until a later date pending receipt of the information.

Chairperson Southway asked if the State has a brewery pattern or is it patterned off of the winery model.

Mr. Koppenaal stated that there is a farm brewery license legislation.

There was some discussion between Chairperson Southway, Mr. Koppenaal, Mr. Zayback, and Mr. Komar about the specific farm brewery license.

There was some discussion on having a site plan as a requirement for the SSAMP.

A SCADB member asked if we could approve the commercial farm status now.

Mr. Koppenaal stated that based on guidance that the SCADB has received in the past, is that the SCADB would not approve a CF application in the absence of knowing what the SSAMP request is. The State has advised against doing that.

There was some discussion between Mike Lavery, Esq., Mr. Koppenaal, and SCADB members about CF and SSAMP.

Chairperson Southway deferred this application to the January meeting.

Aii. Barn View LLC

Mike Lavery, Esq. recuses himself due to conflict; Katie Fina, Esq. Sussex County Counsel, steps in.

Chairperson Southway asked if the applicant is looking for CF certification and Right to Farm (RTF), their last memo stated that they were not. What is the SCADB looking at here.

Robert Siejkowski the managing member of Barn View, LLC and is the applicant in this matter. He informed the SCADB that he is making a personal audio recording of his appearance for accuracy of the record. Mr. Siejkowski clarified the legal scope of this matter, he states that the Staff report frames this application as something that it is not. He states that on October 6, 2025 they requested the SCADB assist them with an unlawful zoning permit denial for a barn for Barn View, in Hampton Township. He stated that this is not a RTF conflict case. They are not asking for preemption, immunity, or protection from municipal ordinances. He states that the proposed barn in the equestrian arena is fully compliant with Hampton Township's ordinances; agricultural use classification, the zoning designation, the setbacks, the height, and the location.

Mr. Siejkowski states that there are no ordinance conflicts, no health and safety issues, and no relief being sought from local regulations. He stated that the Township denial has no legal basis and that the zoning officer denied the permit without citing a single ordinance, code section, or legal authority. He states that the explanation later changed to claim that she could not determine what they were going to do in the barn or where their front door was located. He states that this is the entire state of the justification for the denial.

Mr. Siejkowski stated that they requested intervention from the Township leadership and their Council, they have received no reply or no action. He stated that under NJSA 4:1C-10 and 2:76-2.3 A/B, "the County Agricultural Development Board is empowered to address disputes and

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municipal obstruction even where a farm is not seeking right to farm (RTF) protection. The legislature designated CABS as a mechanism to compel municipalities to follow the law when agricultural activity is being unlawfully or arbitrarily hindered.” NJAC 2:76-2.8 D makes CAB determination binding on municipalities. Mr. Siejkowski states that the relief they seek is narrow and is entirely within the SCADB’s justification. The applicant is asking the SCADB to confirm the agricultural nature of the structure and direct Hampton Township to apply its own ordinance, as written. He states that the administrative handling of this matter has been slightly irregular. He states that some of these issues go directly to the integrity of the record which includes their October 6, 2025 letter that was addressed to the SCADB requesting intervention; was acknowledged but never presented at the October 20, 2025 SCADB meeting. An October 31, 2025 letter identifying some procedural issues received no response. Mr. Siejkowski stated that these omissions materially distort the procedural posture and understanding of this matter. This delay is causing severe economic harm. Hampton Township’s refusal to process a fully compliant agricultural structure has resulted in six months of delay. He states that Barn View is losing over \$80,000 per month in unrealized agricultural revenue. They are perusing separate legal action under civil rights interference, abuse of authority, and economic damages. That is independent of the narrow question before the SCADB today. Mr. Siejkowski stated that the details of their position of the CAB’s responsibilities are fully explained in their legal memorandum dated December 11, 2025 directed to the SCADB. Does the SCADB confirm that the proposed fully compliant barn is an agricultural structure? Will the CAB direct Hampton Township to issue the zoning permit it refused to process. That is all the applicant is asking.

Chairperson Southway stated that he does not believe the matter has jurisdiction before the SCADB if it is not a commercial certified farm. The statute is clear that the SCADB only has authority if it is approved as a commercial farm.

Katie Fina, Esq. agreed with Chairperson Southway. She added that as the applicant has stated that they are not seeking certification as a commercial farm. Therefore the SCADB would not have jurisdiction to hear that dispute. Ms. Fina stated that the dispute should be addressed through the appeal process of the zoning officer’s decision.

Mr. Siejkowski stated that they did file a Form A and B for CF Certification and SSAMP as they were asked to do by the SCADB staff. He believes under NJAC 2:76-2.3 that the SCADB is required to determine whether the municipal action or inaction is impeding lawful agricultural use. There is nothing within the statute that requires a prerequisite of CF designation or a SSAMP. He states that the statute clearly states that the purpose of the CAB is to interject into disputes between municipalities and farmers in agricultural activity.

Ms. Fina disagreed with that interpretation. Just so the SCADB knows, the statute itself applies directly to CF’s. You see that repeatedly in the statute. A determination must first be made whether you would qualify as a CF, as in Form A. The first determination is whether the SCADB has jurisdiction over the matter. She asked the applicant if they are a CF.

Mr. Siejkowski stated that he is farmer not an attorney and his understanding was that CF certification was only necessary to seek New Jersey State Right to Farm Act protection. Because they are no seeking RTF Act protection, this Board can make that determination.

Chairperson Southway stated that that is an incorrect interpretation of the statute.

Mr. Siejkowski stated that if that is the case, they will proceed with their CF application.

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Chairperson Southway asked the applicant if they are going to strike their correspondence of December 11, 2025, where they say they are requesting CF certification.

Mr. Siejkowski stated he is not striking the correspondence. But we can proceed with application of Form A and Form B.

Ms. Fina asked if the applicant would like to reserve his right to bring that objection to a later point or appeal it, that's reserved. But if you would like to proceed with the certification at this point it is ok to do so.

Chairperson Southway informed Mr. Siejkowski that SCADB will base determination on the data that they have and if they need more information they will ask for it. He explained how the request for relief is through an SSAMP at a secondary meeting because of notice provisions that the applicant must provide to the township and neighbors.

Mr. Siejkowski stated that they requested a waiver of that notice. They are not looking for any kind of farm interjection into local ordinances. Their proposed structure is fully compliant with all of the local ordinances.

Chairperson Southway stated that that may be what the applicant thinks, but the SCADB does not know if it is true. We have to notice the township and that they have an opportunity to be present to raise any objections they have or any neighbors that are within the zone created by the statute. He added that since he has been on the SCADB that this organization has never been "heavy handed" with the municipalities. The SCADB always provides the municipalities the opportunity to appear and provide any objections they may have or not have. The SCADB has never taken the approach the demand that the applicant has put into his correspondence. That is not the process that is not how the legislation was set up. We are not going to abuse the SCADB and force a town to do something. The SCADB may override their decision but it is done through the appropriate channel/process.

Chairperson Southway asked the applicant that the farm is located at 98 Mary Jones Road, in Newton, NJ, if he is the owner/operator, and if he has more than 5 acres. Mr. Siejkowski stated that was correct, 179 acres. Chairperson Southway states the applicant is qualified on acreage. Chairperson Southway went over the agriculture crops; hay, forage crops, equine boarding, equine training/lessons, pork, eggs, forestry, sawmill, firewood, composted manure (limited). He asked if the land is currently farm assessed. Mr. Siejkowski stated yes. Chairperson Southway summarized the farmland breakdown as 34 acres harvested, 7 acres cropland, 135 acres forested, for a total of 178 acres and one acre for the farmhouse. The gross annual sales of agricultural sales of \$34,000 and the prior year of \$31,000 and the current tax year as \$34,810. Documentation was provided. He asked about 2025 showing a final income of \$13,500, which is less than 2023 and 2024, correct? Mr. Siejkowski stated that the Staff had adjusted some number as being non-agricultural income that was not included. They have some additional comments on that. Chairperson Southway continued, there is no farm market or farm labor housing, correct? Mr. Siejkowski stated correct. Chairperson Southway asked if there were any other questions.

Caleb Orr asked if there are any receipts. Mr. Siejkowski stated they did not include them in the packet but they are available. Chairperson Southway stated that there is a partnership return

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included that shows \$65,204 for 2024 and asked about 2025. Mr. Siejkowski stated that 2025 would be greater 2024.

MOTION

A motion was made by Caleb Orr to approve Barn View LLC as a commercial farm. The motion was seconded by Lisa Chammings. A roll-call vote was taken. Results were as follow: Caleb Orr-Yes; Lisa Chammings-Yes; Peter Southway-Yes; Billy Marotta-Yes; and Anthony Lentini-Yes. Motion carried.

Chairperson Southway and Mr. Koppenaal explained the next steps to Mr. Siejkowski for the SSAMP as included in the Planning Staff report, notice period timeline and the January meeting of January 20, 2026.

Mr. Siejkowski asked again about the SCADB waiving the notice requirement.

Ms. Fina stated that the regulatory citation for notice makes it mandatory for the applicant to provide the notice to the municipality, individuals and entities.

Chairperson Southway added that during his time in the SCADB the notice requirement has never been waived, it is a standard operating procedure.

Mr. Koppenaal added the within the Planning Staff report it does denote the plans that were included in NJAC 2:76 2A10CDE which were not included in the materials received to date. It requires a farm conservation plan prepared pursuant to NRCS Field Office Technical Guidance. It requires information on a stocking rate, which is specific to equine operations. It requires a manure management plan; information on the riding and training areas that they are compliant with the standards; and requires a farm nutrient management plan. The SCADB has historically received in relation to this type of application is usually a site plan for the structure. The plans that were submitted to date may not be sufficient for what the SCADB would require or expect. He explained the included Staff map that was used to confirm compliance with area requirements.

Chairperson Southway asked if they have an engineer drawing. Mr. Siejkowski stated that they have not had engineering drawings done. Chairperson Southway asked if they have been working with a contractor for the building structure. Mr. Siejkowski stated that they would need to retain an architect and asked what level of detail does the SCADB require? Chairperson Southway explained that it needs to be detailed enough so the SCADB can make sure there are zoning ordinances that need to be preempted (height, location, etc.). Mr. Siejkowski stated that all of that was covered in their zoning application. The work has already been done. Chairperson Southway stated that they can provide the SCADB with that information in the SSAMP application.

There was some discussion between Mr. Siejkowski and Chairperson Southway about what is needed for the SSAMP.

Mr. Koppenaal added that the plans shown were provided with the zoning application and the other was provided by the applicant on October 31, 2025 as part of the SSAMP application. He also reiterated that an approval by the SCADB does not exempt the applicant from State and Federal regulations or any public safety or welfare issues that may be associated with this.

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Looking at the plans provided some of the questions the SCADB would be interested in is the specific uses of the structure and if there is public access to it. Based on the drawings provided there is an access to a County Road and circular paths around the building they are proposing. And what appears to be cutouts for public parking. If the public is coming, there are safety issues that have to be addressed with it.

Mr. Siejkowski stated that that is an incorrect assumption. There is no public access. He explained the different access areas around the building. Chairperson Southway asked if they are doing boarding and training then the public would be there, correct? Mr. Siejkowski stated that it would be select members that are part of the organization. It would not be open to the public.

There was discussion between Chairperson Southway, Mr. Koppenaar and Mr. Siejkowski about health/safety issues for the public and the site location maps provided for the footprint of the building and a site visit.

B. Conflict Resolution

Bi. 44 Route 284

Mike Lavery, Esq. returns to the meeting.

Chairperson Southway asked if Derek Porter, the complainant is present. No one present for this matter.

Mr. Koppenaar stated that there are still outstanding items related to verifying if this is a commercial farm eligible operation.

Mr. Lavery added that they were asked to provide information as to whether or not they are a CF and the SCADB may have to make a decision at the next meeting to dismiss.

Chairperson Southway asked if Mr. Porter contacted the Staff. Mr. Koppenaar stated that he did. There was some discussion about the case between Chairperson Southway and Mr. Koppenaar about the issues on the farm concerning the animals.

Bii. Los Perez Ranch Resolution

Mr. Koppenaar stated that there was a letter sent by Sergio Perez of Los Perez Ranch dated October 23, 2025. And there is additional information required.

Mr. Perez updated the SCADB on no additional information.

There was some discussion between Chairperson Southway, Mr. Koppenaar, and Mr. Lavery about how the applicant was sent letters sent to Mr. Perez about information that was missing. There were three extensions granted and no paperwork has been filed. The SCADB has a resolution to dismiss w/o prejudice. Mr. Lavery told Mr. Perez that he can file a complete application and the SCADB can hear it. They went over the documents provided and what is needed.

The SCADB will defer this over to January 2026 meeting.

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NEW BUSINESS:

A. 2026 Meeting Date Resolution

Tuesday, January 20, 2026
Tuesday, February 17, 2026
Monday, March 16, 2026
Monday, April 20, 2026
Monday, May 18, 2026
Monday, June 15, 2026
Monday, July 20, 2026

Monday, August 17, 2026
Monday, September 21, 2026
Monday, October 19, 2026
Monday, November 16, 2026
Monday, December 21, 2026
Tuesday, January 19, 2027

MOTION

A motion was made by Caleb Orr to move to approve the 2026 SCADB Meeting Dates as presented. The motion was seconded by Anthony Lentini and carried unanimously.

B. Harvest, Honey, and Garlic Festival Heat Map

Mr. Koppenaar updated the SCADB on the Harvest, Honey, and Garlic Festival Heat Map and attendance.

C. FY2027 County PIG Application

Mr. Koppenaar updated the SCADB on the FY2027 County PIG Application for FYI.

Dave Zayback updated the SCADB on SADC activities. He highlighted Next Generation Farmer meeting, purchase and auction of farms in other counties, the Statewide Formula, SADC personnel changes, increased funding for farms, and the SADC meeting in January.

OLD BUSINESS:

A. Wilson-Taylor Status Update

Mr. Koppenaar updated the SCADB on the Wilson-Taylor Farm.

B. Non-Profit PIG Update

Mr. Koppenaar updated the SCADB on the Non-Profit PIG.

Commissioner Jack Degroot briefed the SCADB on the referendum that passed, updating the FP Plan, and the 4 Seasons of Agriculture.

PUBLIC COMMENT:

Chairperson Southway opened the meeting to the public. No public was present. Chairperson Southway closed the meeting to the public.

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EXECUTIVE SESSION

MOTION

A motion was made by Billy Marotta to move into executive session. The motion was seconded by Anthony Lentini and carried unanimously. The SCADB moved into executive session at 8:55 p.m.

A motion was made by Billy Marotta to move out of executive session. The motion was seconded by Anthony Lentini and carried unanimously. The SCADB emerged from Executive Session at 9:07p.m. No official action was taken.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Caleb Orr. The motion was seconded by Billy Marotta and carried unanimously. The meeting adjourned at 9:09p.m.