

MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD
MEETING HELD MONDAY JUNE 1, 2020
IN THE EXTENSION SERVICE BUILDING
1440 PARKSIDE AVENUE, EWING, N.J.

*****Meeting via Zoom online platform due to Covid-19 County facility closure*****

I. CALL TO ORDER

Vice-Chairman Frank D'Amico called this meeting to order at 7:35 PM.

II. COMPLIANCE STATEMENT

Ms. Blackman announced that pursuant to the Sunshine Law, notice of this meeting was mailed to the Trenton Times and the Trentonian, and was posted on the County Planning Department's website, including a public zoom meeting link and instructions.

III. ROLL CALL

A. Voting Members:

Steve Jany, Chairman – Present (7:40 pm)
Frank D'Amico, Vice-Chairman – Present
Scott Ellis – Present
Laurie Emde – Present
Gary Mount – Present
Kristine Walsh – Present (joined for Singh house request)
Theodora Wang – Present

B. Non-voting Members:

Bill Agress/County Planning Board Liaison – Present
Meredith Melendez/Rutgers Cooperative Research and Extension – Present

C. Others Present:

Emily Blackman, CADB Secretary
Leslie Floyd, County Planning Director
SADC Staff: Amy Mandelbaum, Gillian Armstrong
Public: Charanjit Singh, John Hart, Lynn Bartolone, Dan Pace

IV. APPROVAL OF MINUTES

On a motion by Mr. Ellis and seconded by Ms. Wang, the minutes of the February 3, 2020 regular meeting were unanimously approved.

V. PUBLIC COMMENT: Mr. Hart shared that he has been in touch with the Hoffman and Hoch farm owners in Hopewell about preservation and is working with SADC staff.

VI. CORRESPONDENCE: None

VII. COMMITTEE AND STAFF REPORTS

A. SADC:

Ms. Mandelbaum reported that the SADC currently has 11 active farmland preservation applications in Mercer County. She also shared that a recent report from the American Farmland Trust ranked New Jersey #1 in the country for its farmland preservation program and policies. New Jersey also is ranked as one of the states where remaining unpreserved

farmland is most at risk for loss. The CADB should be proud of their contributions to preservation and continue their good work. The report is available online, here: <https://farmlandinfo.org/publications/farms-under-threat-the-state-of-the-states/>. Finally, Ms. Mandelbaum reported that the SADC's monthly meetings are being held remotely.

B. Land Development Activity: None

B. Farmland Preservation Status:

Ms. Blackman reported that the Chowdhury Farm and Kerr Farm preservation project surveys are in progress and that the County has ordered appraisals for a potential new project – the Wert Farm off of Mine Road and Route 31 in Hopewell. It is about 30 acres and is a targeted farm.

IX. OLD BUSINESS

A. Update - Bids for farm leases of County open space:

Ms. Blackman updated the Board about the status of the County's open space farm leases. There were two properties recently up for public bid because of the retirement of the farmer. The Hutchinson property off of Pond Road in Robbinsville will be leased by Paul Keris of Windsor Farm. He bid \$85/acre and was the only bidder. There were no bids for the PRL property off of Route 571 and Rabbit Hill Road in West Windsor. The County will need to decide whether to re-bid the property or perhaps seed the field as a meadow. Mr. Jany stated that he believed the farm was not bid on because farmers were unsure that the lease terms made sense for only 10 acres of tillable area. Ms. Blackman agreed that this was what she understood from the farmers she spoke to. Mr. Jany stated that the requirement to leave a 30-foot wide mowed area for public access around the farm field especially did not make sense for such a small area and asked if the lease can be changed. Ms. Floyd stated that this requirement came from Green Acres and that perhaps the County can speak to them about it, as the public can access the property from other areas.

X. NEW BUSINESS

A. Draft Easement Enforcement Policy:

Ms. Blackman introduced an easement enforcement policy for the Board's consideration. She stated that it follows what the CADB and staff currently do when there is a potential violation and that it would be useful to have a written policy to share with landowners when needed. The Board agreed that the policy is a good idea and asked that a more informal communication by telephone be added to the timeline, before written notification is sent. The written notification would serve to memorialize the phone conversation. Ms. Blackman will amend the policy to include this language. Ms. Emde made a motion to adopt the policy with the addition. Mr. Ellis seconded. The policy was adopted by a unanimous vote.

B. Rural Micro Enterprise (RME) Request: Hart Farm, Hopewell

Ms. Blackman introduced a request for a 20-year RME permit for the Hart Farm on Titus Mill Road in Hopewell. Mr. Hart provided an explanation of the products that will be available and the renovations he is planning. The request was for a retail store and small parking area and would involve renovating a historic barn to house the store. It would be a smaller version of Mr. Hart's Rosedale Mills store, selling home and farm products such as livestock feed, fertilizers, pet food, bird seed, poultry feed and equipment and other farm-related hardware items.

Ms. Blackman also explained that Mr. Ellis is recused from this matter because the application will be heard by the SADC. Because Mr. Ellis is a member of both Boards, he can

only comment and vote either as a member of the CADB or as a member of the SADC. Mr. Ellis' recusal from the matter before the CADB will allow him to fully participate when the SADC hears the application.

Ms. Blackman then introduced Ms. Armstrong of the SADC staff to explain RMEs and the Board's role. Ms. Armstrong explained that RMEs are permits that are available to farms preserved before 2006 without an exception area. They can be approved for up to 20 years and the applicant must be the owner/operator of the farm. The activities permitted within RMEs are either customary rural activities that rely on equipment and skills historically possessed by the agricultural community or agricultural support services. Mr. Hart's application falls into the latter category. The SADC handles the formal approval of the RMEs and ensures that they meet all permitting requirements. Ms. Floyd asked how CADB staff will know during monitoring visits whether the RME is being operated as approved. Ms. Armstrong stated that the RME activity must be contained within a one-acre envelope. The CADB's role is to provide a letter to the SADC with the following information: 1) whether any RMEs currently exist on the property, 2) whether there are any easement violations, and 3) what timeframe the Board recommends for approval and any other approval conditions. Ms. Armstrong offered to give a longer presentation about RMEs if the Board is interested at a later date.

Ms. Blackman noted that there are no easement violations and no RMEs on Mr. Hart's property. Mr. Mount made a motion to approve the application, including the 20-year timeframe, with no additional conditions. Mr. D'Amico seconded. The application was unanimously approved (Mr. Ellis recused). Ms. Blackman will provide Ms. Armstrong with a letter on behalf of the CADB.

C. House Request: Singh Farm, Hamilton (floating two-acre exception)

(Ms. Walsh joined the meeting)

Ms. Blackman presented a house request from the Singh Farm on Uncle Petes Road in Hamilton. The deed of easement specifies a floating 2-acre exception area where the house would be located, so the request included memorializing the location of the exception area. Before presenting the specifics of the house request, Ms. Blackman brought the Board up to date on the status of the ongoing erosion issue on the farm. During heavy rain events, water carrying soil flowing from the farm is impacting the Bartolone property to the north, and impacting the drainage ditch running parallel to Uncle Petes Road and under the Bartolone's driveway. Ms. Blackman presented a timeline and pictures of events since the issue was first brought to her attention in March of 2019. The spring of 2019 was especially wet with a number of heavy rain events that flooded the Bartolone property. In the summer of 2019, Ms. Blackman met with Mr. Singh and Natural Resource Conservation Service (NRCS) staff on the farm to talk about potential solutions. Mr. Singh was advised that he could apply for NRCS grant funding to receive a conservation plan for his property and cost-share funding for erosion control measures. However, Mr. Singh chose not to apply for funding in 2019.

Ms. Blackman was contacted again by Ms. Bartolone in early 2020 because the erosion issue continued to be a problem. Mr. Williams, the Hamilton Township Engineer, also became involved in late 2019/early 2020 to address the drainage ditch along Uncle Petes Road, which is in the Township's road Right of Way. The Township dug out the ditch and improved the rip rap where the water drains into the ditch from the field. In the spring of 2020, Mr. Singh received a recommendation from the NRCS to plant a 140-foot grass buffer between his and

the Bartolone's property. Mr. Singh chose not to implement the NRCS recommendations and instead began installing berms on the property to try to control the water. However, in correspondence with the County, Ms. Bartolone stated that the water continued to be a problem. Mercer County's attorney sent two letters to Mr. Singh indicating that the continuing erosion problem was an easement violation and asking him to follow the NRCS recommendations. Hamilton Township also sent a letter to Mr. Singh indicating that he would be cited for an ordinance violation if the water was not controlled. Ms. Blackman received Mr. Singh's house request in the spring of 2020, in time for the Board's June meeting. It should also be noted that the Covid-19 public health crisis began during the spring of 2020.

Following the County's second letter, Mr. Singh requested a meeting on the farm between himself, the County, Township and NRCS to look at the work that he had done most recently. The meeting took place at the end of May 2020. Mr. Singh had installed a berm along the length of the boundary between his property and the Bartolone property, and also installed a smaller berm along the road. The NRCS staff suggested that Mr. Singh seed the berm along the boundary with grass and make some adjustments to the berm near the road to better channel the water to the ditch. Ms. Blackman expressed concern about the bare soil and Mr. Singh indicated that he would soon plant crops all the way to the berm.

Mr. Singh and Ms. Bartolone were both present by telephone for the CADB meeting. Mr. Singh stated that he had installed the berms to control the water and had spent a lot of time and effort trying to deal with the issue. Ms. Bartolone stated that Mr. Singh's efforts were ineffective. She expressed particular concern about the sedimentation impacting the creek and stated that she had to take down some trees on her property due to the continually wet soil from the flooding. Ms. Floyd stated that the Board's concern under the Deed of Easement is the erosion of topsoil from the Singh property. The Board discussed the issue and asked Mr. Singh some questions, such as whether there was a cover crop planted and what Mr. Singh's plans were for farming the property for the year. Mr. Singh stated that he did not plant a cover crop and that his farmer would soon be planting soybeans. Mr. Jany was especially familiar with the property because he used to farm it and stated that part of the technique he used to control the water was a ditch along the property. The Board expressed strong concern that there was no cover crop because it would do a lot to help keep the soil in place. Mr. Jany and Mr. Mount also noted that Mr. Singh's farmer uses conventional tilling, while Mr. Jany used no-till, which helped to control the erosion when Mr. Jany was farming the property. Mr. Jany reiterated that Mr. Singh must act to slow down the flow of water. Mr. Singh stated that he plans to plant a row of fruit trees along the property boundary. Mr. Mount stated that a wider vegetative buffer would be needed to control the erosion. Mr. D'Amico noted that the 140-foot buffer recommended by the NRCS was a lot of area to take out of production. Ms. Bartolone asked that Mr. Singh's house request be put on hold until the erosion is addressed.

Ms. Floyd stated that the Board had two choices – to decline to act on the house request while there is an easement violation, or to condition the house approval on Mr. Singh controlling the erosion. The Board did not believe that the work Mr. Singh had completed to date would be enough to solve the erosion problem. Mr. Jany asked for a motion to decline to take formal action on Mr. Singh's house request until the erosion is addressed. Mr. Mount made the motion and Ms. Emde seconded. The motion was passed unanimously with an abstention by Mr. D'Amico.

The Board stated that Mr. Singh will need to implement a plan prepared by a professional. Ms. Blackman will provide the Board with an update at the August meeting.

XI. DISCUSSION

A. County Farmland Preservation Plan Update - Timeline and Board Role:

Ms. Blackman reported that the update to the farmland preservation plan is underway. She and other staff are in the process of updating the data, text and maps of the plan. She does not anticipate any updates to policy, targeted farms, project areas or the Agricultural Development Area. She plans to have a first draft for Board review at the August meeting with a final draft ready for the October meeting. The CADB and County Planning Board would then adopt the plan at their December meetings (note the CADB does not meet in September or November). Ms. Blackman asked for the Board's feedback about how they would like to go about providing comments on the plan. The Board suggested that Ms. Blackman can send specific questions to Board members and can provide the drafts ahead of the meetings.

XII. PUBLIC PARTICIPATION: Mr. Pace stated that he agreed with the Board's decision regarding the Singh Farm, but wondered if a timeline should have been set for Mr. Singh to act. The Board decided to revisit the issue at the August meeting. Ms. Walsh asked whether Mr. Singh will be able to get local approvals for his house without CADB approval. Ms. Blackman will let the Township know that the Board declined to act on the application. Ms. Mandelbaum noted that Mr. Singh can apply to for a SADC soil and water conservation grant if he enrolls in a term preservation program (the County did not take SADC funding for the preservation of his property, so he is not automatically eligible to apply).

XIII. EXECUTIVE SESSION: None was required.

XIV. ADJOURNMENT

Mr. D'Amico made a motion to adjourn the meeting at 9:10 PM. The next scheduled meeting of the MCADB is August 3rd, 2020.

Respectfully submitted,

Emily Blackman
MCADB Secretary

Date adopted: August 3, 2020

Attachments, if any, are made a part of the permanent record and are filed in the Minute Book, and are located in the Mercer County Planning Division Office. All copies are available upon request.