

MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD  
MEETING HELD MONDAY, JUNE 7, 2021  
IN THE EXTENSION SERVICE BUILDING  
1440 PARKSIDE AVENUE, EWING, N.J.

**\*\*Meeting via Zoom online platform due to Covid-19\*\***

**I. CALL TO ORDER**

Chairman Steve Jany called this meeting to order at 7:30 PM.

**II. COMPLIANCE STATEMENT**

Mr. Jany 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:**

Mr. Steve Jany, Chair – Present  
Mr. Frank D'Amico, Vice-Chair – Present  
Mr. Scott Ellis – Present  
Ms. Laurie Emde – Present  
Mr. Gary Mount – Present  
Ms. Kristine Walsh – Absent  
Ms. Theodora Wang – Present

**B. Non-voting Members:**

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

**C. Others Present:**

Ms. Emily Blackman/Mercer CADB Administrator, Senior Planner  
Ms. Leslie Floyd/Mercer County Planning Director  
Mr. Andrew Lloyd/Assistant Planner, Mercer County  
Ms. Susan Bacso, Esquire/CADB Attorney  
Ms. Amy Mandelbaum/SADC  
Guests: Mr. Charanjit Singh, Ms. Lynn Bartolone, Ms. Mary Delahanty (Attorney for Ms. Bartolone)

**IV. APPROVAL OF MINUTES**

On a motion by Mr. Mount and seconded by Ms. Wang, the minutes of the April 5, 2021 regular meeting were unanimously approved.

**V. PUBLIC COMMENT: None.**

**VI. CORRESPONDENCE:**

Ms. Blackman shared a letter to the Board from Mr. Lee Hendrickson, the owner of a preserved farm in Lawrence Township, regarding Canada thistle. The Deed of Easement is held by the County. Mr. Hendrickson gave the letter to Ms. Blackman at his farm's annual monitoring visit on May 19<sup>th</sup>, 2021. The letter outlined the history of the farm's problems with Canada thistle spreading from the County's adjacent Mercer Meadows park and asked for the Board's help in addressing it. Ms. Blackman stated that she has spoken with the Park Commission's Stewardship Department about the issue and understands that the Park Commission has been working to

control the thistle with herbicide and mowing over the past four years. It is also on their schedule of areas to treat with herbicide this year in the park. The Board discussed different control methods and emphasized the importance of the issue and the serious negative impacts of thistle on farmland. Mr. Mount stated that Lawrence Township has done a good job mowing the thistle along road ROWs annually ever since a meeting in the 1980s between the Township and local farmers, including Mr. Hendrickson. Board members stated that there needs to be communication between the Hendricksons and Park Commission staff about the remaining work that needs to be done because there seem to be two versions of the story. Ms. Melendez mentioned that thistle is becoming more and more of a problem due to climate change and that the entire population must be treated in order to control it. The Board agreed that Ms. Blackman will draft a letter to the Park Commission on behalf of the Board capturing their concerns and emphasizing the need to treat the issue seriously. She will share it via email for the Board's review before sending it to the Park Commission. Ms. Melendez offered to provide recommendations for thistle control to the Park Commission if needed.

## **VII. COMMITTEE AND STAFF REPORTS**

### **A. SADC:**

Ms. Mandelbaum provided an update on current SADC policy issues – the draft Soil Protection Standards (SPS), the Special Occasion Events legislation and the issue of solar energy on farms are the three big items of note. She emphasized that the SADC is welcoming informal comments about the SPS until June 18<sup>th</sup>.

### **B. Land Development Activity:**

There are no land development applications on the upcoming County Planning Board agenda within the Agricultural Development Area (ADA).

### **C. Farmland Preservation Updates:**

Ms. Blackman provided an update on County farmland preservation projects. The Kerr and Chowdhury Farm projects continue to move towards completion. The Wert Farm closed at the end of April and is now preserved under County ownership; Ms. Blackman will apply to the SADC soon for a cost-share grant. Ms. Blackman, Ms. Melendez and Ms. Wang will complete the 2021 season farm monitoring in mid-June.

## **IX. OLD BUSINESS: None**

## **X. NEW BUSINESS**

### **A. Singh Farm, Hamilton – Determination of compliance with conditions of August 3, 2020 resolution regarding house approval**

#### ***Summary of the Issue:***

Ms. Blackman summarized the history of the issue before the Board – the question of whether Mr. Singh has met the conditions in the Board's resolution of August 3, 2020 for the approval of his house and exception area location on his preserved farm on Uncle Petes Road in Hamilton Township. The County holds the Deed of Easement on Mr. Singh's farm and it allows for a two-acre exception area with the ability to build a 4,000 sq. ft. single-family home within it, with the approval of the CADB. When Mr. Singh first applied to the CADB for the approval in June 2020, the Board was made aware of a serious erosion and runoff issue impacting the neighboring Bartolone property. During rain events, water and topsoil were running from the farm onto the Bartolone property and into the road, flooding the road, the drainage ditch and the bottom of the Bartolone's driveway.

At the June 2020 meeting, the CADB agreed that it could not consider Mr. Singh's house request until the flooding issue was addressed. Mr. Singh subsequently built a berm along the property boundary in question to funnel the water away from the Bartolone property and into the drainage ditch along the road. He then reapplied to the CADB for his house approval at the August 3, 2020 meeting. Staff from the CADB, Hamilton Township and the Natural Resource Conservation Service (NRCS) visited the farm multiple times in 2020 and the NRCS recommended that Mr. Singh seed a 140' wide by 750' long buffer along the property boundary with strong rooted grass (fescue, Kentucky bluegrass, ryegrass). Mr. Singh chose to install the berm instead and CADB staff visits confirmed that it was keeping water from flowing to the back of the Bartolone property as intended. At the August 3, 2020 meeting, the CADB agreed to grant Mr. Singh's house approval subject to a number of conditions, including that he seed the berm and a five-foot buffer with strong-rooted grass to slow down the flow of water and hold the soil in place.

Ms. Blackman then outlined the most recent developments – in 2021, Mr. Singh has provided her with a copy of the site plan for the house showing the two-acre exception area with the driveway, septic system and reserve area located within it and a statement from his Engineer that the house will not exacerbate the flooding issue. A surveyor is under contract to monument the exception area and Mr. Singh will provide Ms. Blackman with a copy of the survey when available. These items were all conditions of the August 2020 CADB resolution. Finally, Ms. Blackman understands that Mr. Singh has applied to Hamilton Township for his building permits and that the Township is waiting to review them until Mr. Singh has received the CADB's approval.

Regarding the seeding of the berm and five-foot buffer, Mr. Singh informed Ms. Blackman that he hand-seeded the area with no site preparation on April 17<sup>th</sup>, 2021 with fescue and Kentucky bluegrass. Ms. Blackman and Ms. Wang visited the farm on May 12<sup>th</sup>, 2021 and did not see any evidence of grass germination. They noted that the berm was in satisfactory structural condition and that the soil in the buffer area was very dry and compacted. Ms. Blackman, Ms. Wang and Mr. Lloyd visited the farm again on June 2<sup>nd</sup>, 2021 and again did not see any evidence of grass germination. The field had recently been planted with soybeans all the way up to the berm. They noted that the berm was in satisfactory structural condition.

***Discussion:***

Ms. Floyd noted that Mr. Singh, Ms. Bartolone and Ms. Delahanty were present at the meeting and wished to speak when the Board was ready to hear from them. The Board discussed whether there was a way to allow Mr. Singh's house approval to move forward, while still ensuring that the seeding be completed adequately. Mr. Jany introduced the idea of Mr. Singh entering into an escrow agreement with the County for \$5,000 where the funds would be returned to Mr. Singh if he completed the seeding to the Board's satisfaction using Rutgers best management practices, or the County could use the escrow funds to do the seeding if Mr. Singh chose not to do it. Ms. Bacso confirmed that an escrow agreement would be a feasible option and that the CADB could pass a second resolution if they chose to modify the conditions of the house approval from the August 2020 meeting.

After discussion, the Board agreed in concept that an escrow agreement could accomplish the dual objectives of allowing Mr. Singh to move forward with his house and ensuring that the seeding work be completed. Board members discussed that the release of the escrow could be conditioned on CADB and Hamilton Township staff satisfaction that the seeding was done adequately. The Board then agreed to hear from Mr. Singh, Ms. Bartolone and Ms. Delahanty. Mr. Singh spoke about the history of the issue and stated that he has done a lot of work on his farm over the past two years to move soil into place to try to address the flooding. He noted that the berm was his idea and has been successful in directing the water to the drainage ditch. He

emphasized his critical need to build his house and barn so that he can live on the property with his family. He stated that he has had farm equipment stolen from the property multiple times because he does not have any storage. Regarding the recent planting of soybeans all the way up to the berm, he stated that he told his farmer not to plant in the buffer area, but that he must have forgotten. Mr. Singh also stated that he feels singled out in this issue because many other farms and properties in the area have similar flooding problems.

Ms. Bartolone then spoke about the history of the issue and stated that she has experienced two years of flooding because of the farm. She noted that she does not believe that a five-foot buffer will do anything to slow down the water and reminded the Board that the NRCS recommendation was 140 feet. She stated her concern about the large volume of muddy water polluting the stream and threatening the root stability of trees on her property.

Ms. Delahanty, an attorney representing Ms. Bartolone, thanked the Board for their consideration of the escrow and stated her concern that the escrow be large enough to resolve the issue in the event that Mr. Singh does not complete the work in accordance with recommendations.

Mr. Singh restated his critical need to build his house and barn in order to increase security on the property.

After hearing from all parties, the Board agreed that the house approval should move forward, but be conditioned on an escrow agreement of \$10,000 to ensure that there are enough funds to cover the reconstruction of the berm if required, as well as the seeding work. The work should be done in consultation with Rutgers and checked by CADB staff and Rutgers once complete to ensure that the grass is well established.

The Board then discussed the appropriate timeframe for the work and agreed that the seeding should be done this fall before October 1st, 2021, with grass establishment expected by June of 2022. The Board agreed that Mr. Singh should provide updates to Ms. Blackman; she agreed that she will contact him periodically to check on progress. Ms. Bacso confirmed that the escrow could be held by her office on behalf of the County.

***Board Action:***

Mr. Jany asked for a motion to approve Mr. Singh's house request, with the conditions as stated – that he enter into a \$10,000 escrow agreement with the County to be released at the earliest in June of 2022 following confirmation that the grass has been planted according to Rutgers best management practices and is well established. Mr. Mount made the motion, seconded by Ms. Wang. The motion was unanimously approved.

Ms. Bacso and CADB staff will draft a resolution and send it to the Board via email for review. The final resolution and escrow agreement will then be provided to Mr. Singh. A copy of the final resolution will also be shared with Hamilton Township and the Soil Conservation District.

**B. Tindall Farm Preservation Inquiry**

Ms. Blackman introduced a farm preservation inquiry from Mr. Larry and Ms. Michelle Tindall regarding a ~7-acre property they own adjacent to their preserved farm on Sharon Road in Robbinsville Township. They are looking at different options for the property and wanted to know if the County might be interested in preserving the land. Ms. Blackman noted that, although small, the property appears to meet minimum SADC preservation standards because it is almost entirely tillable. There is an existing house that would likely go into an exception area if preserved. The Board agreed in concept that it would make sense to preserve the land and would

want to know whether the Tindalls are interested in adding the land to the existing farm or in preserving it as a separate farm.

**XI. DISCUSSION**

**A. Draft SADC Soil Protection Standards (SPS) – Request for Informal Comments:**

Ms. Blackman noted that Mr. Ellis is recused from any discussion of the SPS due to his role as a SADC Board member.

Ms. Blackman introduced the SADC’s draft SPS and asked for Board comments – she noted that the SADC has requested that any written comments be provided by June 18<sup>th</sup>. Mr. Jany mentioned some comments about the SPS that have been made recently at a Farm Bureau meeting – that farms preserved before the SPS are adopted should ideally be grandfathered, but that if grandfathering is not possible, farm owners should receive compensation for the new impervious cover limits. Board members also discussed the idea of updating the standards every few years, the need to reference the financial impact of the standards on farms in the rules, that weed fabric and hoop houses should be listed in the “green” category as fully allowable practices and that the proposed restriction of only one 30’ by 150’ hoop house is too restrictive. Ms. Blackman mentioned her concerns about CADB enforcement of the standards – that many of the details of the BMPs for different farm practices are very technical and that CADB staff in most counties do not have the expertise to enforce them. Also, Ms. Blackman mentioned that she anticipates receiving many inquires about the SPS once they are adopted, so will need significant assistance from the SADC to communicate accurate information.

Ms. Blackman will draft a letter to the SADC on behalf of the Board that captures the discussion and send it via email to the Board for review.

**XII. PUBLIC PARTICIPATION: None**

**XIII. EXECUTIVE SESSION: None was required.**

**XIV. ADJOURNMENT**

The meeting was unanimously adjourned at 9:30 pm. The next scheduled meeting of the MCADB is August 2<sup>nd</sup>, 2021.

Respectfully submitted,

Emily Blackman  
*MCADB Secretary*

**Date adopted:** October 4, 2021

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 Department Office. All copies are available upon request.