

## MINUTES

MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD  
MEETING HELD MONDAY, JUNE 6, 2022  
IN THE EXTENSION SERVICE BUILDING  
1440 PARKSIDE AVENUE, EWING, N.J.

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

### **ATTENDANCE:**

#### **A. Voting Members:**

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

#### **B. Non-voting Members:**

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

#### **C. Others Present:**

Ms. Leslie Floyd/Mercer County Planning Director  
Ms. Lisa K. Fritzinger/Assistant Planning Director  
Mr. Dave Kimmel/SADC  
Ms. Stefanie Miller/SADC  
Mr. John Kluthe/SADC  
Mr. Jeff Everett/SADC

### **I. CALL TO ORDER**

Vice Chair Frank D'Amico called this meeting to order at 7:30 PM.

### **II. COMPLIANCE STATEMENT**

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

### **III. APPROVAL OF MINUTES**

On a motion by Mr. Mount and seconded by Ms. Wang, the minutes of the May 4, 2022 regular meeting were unanimously approved.

### **IV. PUBLIC COMMENT: None.**

### **V. CORRESPONDENCE: None**

### **VI. COMMITTEE AND STAFF REPORTS**

**A. SADC:**

Mr. Kimmel reported that the next SADC meeting is June 23, 2022. There are six active farmland applications in Mercer County. The four Kerr farms, Wert, and the Gulyas Estate on Federal City Road. Ms. Floyd reported that the property on Federal City Road is across from Mercer Meadows and adjacent to Twin Pines park. The County tried to preserve it for open space but the seller preferred to have it preserved for farmland preservation. This is a State purchase not a County project.

The Soil Protection Standards were reviewed by the SADC on April 28<sup>th</sup> and they will be published in NJ Register in the late summer/early fall. A more detailed presentation on the Soil Protection Standards was held later in the agenda.

**B. Land Development Activity:**

Ms. Floyd presented the site plan for an 18 acres property with 8 proposed lots located on Old York and Sharon Roads in Robbinsville and within the ADA. There is a preserved tree farm to the south and another preserved farm to the north west, and an active farm to the west.

After discussions Mr. Mount made the motion that the Ag Board's recommendations for this subdivision be as follows:

- the developer shall put "right to farm" language in each resulting deed so future owners are aware that they will be living adjacent to active farming operations
- the developer shall install a fence (split rail) and landscaping along the southerly and westerly property lines to prevent trespass and to screen the homes from the farming operations. Care should be taken that the landscape plantings are of such varieties that will not spread disease to the adjacent Christmas tree farm.

Ms. Walsh seconded the motion. The motion was unanimously approved.

Ms. Floyd will share the recommendations with the County Planning Board when this application is heard on June 8, 2022.

**C. Farmland Preservation Updates:**

Ms. Floyd reported that the county projects were addressed in Mr. Kimmel's report and added that Kerr is being reviewed by the SADC and the Wert property has erosion issues that will be discussed in more detail later in the agenda.

**VII. OLD BUSINESS:** None

**VIII. NEW BUSINESS:**

**A. Annual Monitoring**

Ms. Floyd introduced Frank Pinto from Pinto Consulting. His team was hired by Mercer County to do the annual monitoring of the 89 County farmland easements and 6 conservation easements. Mr. Pinto was the former CADB administrator in Morris County. His team consists of Bob Canace, President of Conservation Advising, a Geologist and former Chief/Hydrologist with NJDEP, and Tara Kenyon, AICP/PP Principal of Kenyon Planning, LLC, and former administrator of the Somerset County Farmland Preservation program.

Mr. Pinto reported that the monitoring has been completed and a report on all the issues has

been submitted to the Planning staff. Staff will be reviewing the report and provide information to the Board, if Board action is needed. The County will send follow up letters and the consultant will submit the SADC forms.

Mr. Pinto expressed how impressed he was with the County's agricultural economy and diversity and congratulated the County on a great job of preserving large blocks of farmland. He offered his services to help train the new employee if needed.

**B. Wert Farm Erosion Issues**

Ms. Floyd explained that this farm is located on Mine Road in Hopewell and slopes towards Route 31. She visited the farm with SADC staff in early spring. Ms. Floyd expressed concern about addressing erosion issue prior to closing. The farmer is being cooperative but the County owns the farm, the farmer is just leasing.

Mr. Kluthe has prepared a list of recommendations in a letter provided to the Board and included as part of these minutes. Mr. Kluthe reviewed the types of erosion on the property in four locations and the recommended solutions that he has described in his letter.

Ms. Miller confirmed that the SADC is not trying to prevent the County from obtaining SADC funds and will work with the County and the farmer to address these issues. Ms. Floyd will provide contact information for Mr. Kluthe to connect with the farmer to discuss which modifications can reasonably be implemented by a tenant farmer in the short term.

**C. Benioff Solar**

Mr. Everett reported that the SADC has already review and approved the request to enlarge the solar array on the Benioff farm. They had not heard from the County as the easement holder within the 30-day comment period. In respect to Mr. Benioff's time restrictions and that the request for an expansion met the spirit of the rules the approval was granted. He is glad to take any comment from the Board at this time. Ms. Floyd noted that staff received this request in late May after the decision had been made to cancel the May meeting.

The Board reviewed the request and approved by consent.

**D. Soil Protection Standards**

The SADC staff was present to address any questions on the program. The SADC's draft Soil Protection Standards (SPS) have been revised again and are out for prepublication comment. As of now, the schedule is for the standards to be published in the NJ Register in late summer/early fall for a late 2022 adoption. Landowners will be mailed a letter and a map with a link to an online portal to an interactive version of the map. The landowner will have six months to review the map and appeal. This process will not begin until the Standards are fully adopted. Maps will be sent to landowners before the Standards are fully adopted.

Here is the summary of the Boards discussion:

- Concerns remain about the legality of imposing standards retroactively
- The ability of County staff to monitor impervious cover and related issues remains
- It is clear that the SADC is working hard to provide mapping to kick off the process. Will those maps be updated on an ongoing basis? If so, by whom?
- There is a plan to send every landowner a map of their property and associated SPS measurements. Actually, reaching every landowner and getting them to engage with the process at all, but especially before the conclusion of the appeal period, is a concern. Will

the County also receive copies of the letter and maps?

- The timing of landowner notification will be critical. If the six-month appeal period overlaps with the busiest part of the growing season, landowner engagement in the process will suffer.

SADC Staff offered to come to the next meeting in August or a special meeting to do a new presentation to address the changes that have occurred since it was last presented and to provide for further discussion. Ms. Floyd will poll the Board for when it is best to schedule the presentation.

**IX. PUBLIC PARTICIPATION:** None

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

**XI. ADJOURNMENT**

The meeting was unanimously adjourned at 9:20 pm. The next scheduled meeting of the MCADB is August 1, 2022.

Respectfully submitted,



Lisa K. Fritzinger  
*Interim CADB Secretary*

**Date adopted:** 8/1/22

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.