

MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT
BOARD MEETING HELD MONDAY, June 5, 2023
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 Frank D'Amico called this meeting to order at 7:33 p.m.

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. ROLL CALL

Voting Members:

A. Voting Members:

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

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. Leslie Floyd/Mercer County Planning Director
Sean Pizzio, SADC
Susan Bacso, MCADB Attorney

IV. APPROVAL OF MINUTES

On a motion by Mr. Jany and seconded by Mr. Mount, the minutes of the February 6, 2023 regular meeting were unanimously approved.

V. PUBLIC COMMENT: None.

VI. CORRESPONDENCE: None

VII. COMMITTEE AND STAFF REPORTS

A. SADC:

Sean Pizzio from SADC stepping in for David Kimmel.
SADC welcomes newly appointed public member Tiffany Bolin – background in Engineering, Transportation and Agriculture. She replaces James Waltman, former Executive director of the Watershed Institute.

SOE Update – SADC will make an SOE presentation to North Jersey CADB members and the administrators to Somerset County on June 14th at 4 p.m. Also hosting a webinar for preserved land owners on June 5th at 7 p.m. Contact Dave Kimmel for details.

SADC also holding a farmland preservation workshop in Chesterfield, June 12th, focus on municipal staff that works in towns with preserved farmland to provide them with

information and resources on rules and regulations tied to the preservation program. Plan to provide them with post-closing stewardship requests – ie, house replacement, solar installation, ag labor etc.

Question for Mr. Pizzio from Ms. Floyd – Possibility of SADC grant funds to help with administration of special occasion events? Grants for counties for SOE staff augmentation, etc. Mr. Pizzio stated he is not aware of any, but he will look into it.

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:

Kerr Farm: Kerr family trying to take care of one last task prior to closing. Closing should be this summer.

Wert Farm: Received final approval from the SADC. Ms. Floyd states she needs to update the survey so SADC funding can be received.

Ms. Floyd states she is planning to auction Wert and Chowdhury later this fall.

VIII. OLD BUSINESS:

Farm Monitoring: Ms. Floyd recaps that Frank Pinto has been hired again this year to handle farm monitoring visits. Frank and his team visited all preserved farms and conservation easements held by county. She states we revisited the violation policy that was adopted in 2020 and made minor changes to it. Policy was emailed to members prior to meeting. Policy will lay out the order of events if someone is found in violation. This new policy supersedes the one adopted in 2020. It follows the model used in Morris County. Policy will be updated as needed. Mr. Jany asked for motion to approve the draft Agricultural Development Board policy for deed of easement restrictions and violation. Moved by Mr. Ellis, seconded by Mr. Mount. Motion Approved unanimously.

Ms. Floyd introduced Mr. Frank Pinto – he managed the farmland program at Morris County for several years before retiring and starting his own consulting firm for farmland preservation. He also has two staff members who were also county ag board administrators in other counties. All Mercer County properties were visited over the course of a month. A couple were pulled for review that had the most egregious violations:

Mr. Pinto: Four properties to be presented. Three are tree nurseries with no activity on them.

Property 1 – Wojcik Property known as farm 24 aka Dakota 3 property near the NJTP and Gordon Road. (slide show throughout) Mr. Pinto states there are three farms that are tree nurseries that focus on selling mature trees, but there haven't been any sales/removal of trees over the course of years. This creates a woodland rather than a production farm. He states this will take some thought, that the market may have dwindled and lessened sales, but at what point does it go from a productive farm to a woodland which is contrary to the deed of easement. (farm pictures are shown) Per Ms. Floyd, this is not based solely on Mr. Pinto's observation, but that the County subscribes to an aerial service for detailed aerials showing no activity as well. Per Mr. Pinto the sale of one tree qualifies for farmland assessment, but at what point does the rest of the property become a woodland. He recommends this be worked on by the County with the SADC.

Dakota 4 Farm: same situation as previous property. Additional growth within the nursery trees.

Gres/Johnson Farm: Driveway discussion recap. Mr. Pinto shows lots of overgrown areas, states it is not being managed as a farm.

Perrine property: Lack of understanding of permitted use on the farm. Large area being used for heavy machinery storage and materials. Large sand and gravel piles not within exception area. Equipment has no relation to agricultural operation.

Mr. Pinto states letters were written to them last year, confirmed by Ms. Floyd, all four received letters. This led to the policy review and how to deal with the next steps.

Ms. Floyd also mentioned the Guzikowski farm on the Zygmont property on Uncle Pete's Road, stating that it is overgrown, has an unkempt building and is not being farmed, but also as reported by Mr. Jany next door, thistle is spreading onto the County portion of the Zygmont property. Ms. Floyd states the issue is being monitored, and she may request the area be mowed. All letters being sent to owner are being returned. Ms. Floyd asked Ms. Bacso if our policy allows us to mow and send a bill to the owner. Ms. Bacso confirms, but with the letters being returned, we will get unpaid bills and would need to attempt to collect from the owner. Ms. Bacso states for the record that Mr. Guzikowski was charged with animal cruelty for conditions on the farm with farm animals running the property. He was arrested and charged with animal cruelty. He does not reside at the property. Per Ms. Floyd he also is not living at his primary residence in Pennsylvania as the mail has been returned from there as well. Mr. Jany asked about his tax bills. Ms. Bacso advised he is not paying taxes as they are going to tax sale. Multiple notification attempts have been made.

Ms. Bacso request a motion to have the board determine that these farms are in violation of their deeds of easement and to give staff the authority to follow the new revised policy. Mr. Jany recused himself over the matter concerning the Perrine Property.

Mr. Mount made a motion to approve. Mr. Ellis seconded the motion. Mr. D'Amico recused himself. Ms. Floyd requested a vote. Discussion of what is needed for a quorum with recusals etc. Ms. Bacso states this should be tabled as to Perrine. Letter may be sent, but cannot progress beyond that in the policy.

Dakota Property: Mr. D'Amico recused himself from this vote due to past issues.

Call for vote for Dakota, Gres, and Guzikowski Property by Mr. D'Amico will abstain from Dakota.-

Call for vote for Gres and Guzikowski by Mr. Jany. Vote to follow new policy approved.

Further business for monitoring: SADC inspection form must be filled out and will be completed by Mr. Pinto by July 15th.

IX. NEW BUSINESS:

John Hart – Rural Microenterprise Activity – Hosts tenant butcher on property and would like it covered under this program. Sean Pizzio – Discussion on the property in Hopewell Township. Farm has hay and straw production and cattle. They plan to expand to lamb, pigs, goats, and chickens. A former storage shed is now a facility to butcher and process the livestock raised. The activity is considered compliant. He has now leased the structure to a local butcher. RME permit now required and Mr. Hart is applying as the farm is a candidate for the permit. Application is asking for a 20-year permit and for the board to confirm the owner is not in violation of any provisions of the deed of easement.

Board Comments/Questions:

He is not in violation of anything at this time. The RME is meant for farms without exception areas. Board agrees with request of 20-year permit. There are no other RMEs on the property. The RME extinguishes when the property changes hands. SADC can work with any possible changes.

Mr. Jany requests a call for a motion – Mr. Mount called for the motion, seconded by Mr. D'Amico. Vote is passed in favor with Mr. Ellis abstaining.

Bent Iron Brewery SSAMP application – Application received from Peter Brittain on Extonville Road. Hamilton Township and the SADC have been notified of the application. Receipt of the application needs to be acknowledged and eligibility determined. Once that is done, an inspection must be scheduled with the board and any other needed participants, have a public hearing, and the board can pass a resolution with its findings.

Mr. Brittain and Mr. Sass are in attendance. Mr. Jany gives them the opportunity to discuss the topic.

Mr. Brittain: Discussed the construction of the farm brewery. Building shell is constructed and work continues. Hoping to be open by the end of the year. 2 acres designated for the brewery. They have hops in full production and will be growing barley. Question re: State and ABC regulations for productions for wine/vineyards – similar requirements for this? Hops and barley production are set to satisfy the requirement. Wastewater management is sufficient for the location. All permits have been obtained. Discussion about the SSAMP will assure best management practices are being followed, and provide a level of protection against neighbor complaints against some aspects of the activity. Special Occasion Events cannot be held in the building until it is 5 years old – brewery events can be held.

Mr. Sass: Chesterfield resident helping Mr. Brittan with the brewery permitting, approvals, etc. They have reached out to neighbors during the process.

Questions from the Board: Should the farm be eligible at this meeting to be approved? Per Ms. Bacso, documentation can be reviewed as far as commercial farm eligibility is concerned. After discussion on previously provided documents Mr. Jany recommends motion that farm is considered a commercial farm and can move to the next step. Mr. Mount moves to approve, seconded by Mr. D'Amico. Mr. Ellis recused himself. Motion approved. Board visit is set to be scheduled and to have any other experts on the matter involved as needed ie, NRCS, Soil Conservation District, etc. Discussion concluded with suggestion to pick dates and set a time to meet with any other participants. Public hearing could be set for the CADB August 7th meeting.

X. DISCUSSION:

Kristine Walsh was the representative from the Mercer County Open Space Board for the County Agricultural Development Board – request if anyone would like to represent the CADB on the OSB. There are also 2 open public member vacancies if anyone knows anyone who is interested.

XI. PUBLIC PARTICIPATION: None

XII. EXECUTIVE SESSION: None was required.

XIII. ADJOURNMENT

On a motion by Mr. Jany and seconded by Mr. Ellis, the meeting was unanimously adjourned at 8:55 pm. The next scheduled meeting of the MCADB is August 7, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Leslie R. Floyd".

Leslie Floyd

