

MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD
MEETING HELD TUESDAY, MAY 6, 2024
IN THE EXTENSION SERVICE BUILDING
1440 PARKSIDE AVENUE, EWING, N.J.

I. CALL TO ORDER

Vice-Chair D'Amico called this meeting to order at 19:30.

II. COMPLIANCE STATEMENT WITH THE OPEN PUBLIC MEETINGS ACT

Vice-Chair D'Amico announced that pursuant to the Sunshine Law, notice of this meeting was mailed to the Trenton Times on February 15, 2024 and posted on the County Planning Department's website.

III. ROLL CALL

a. Voting Members:

Mr. Steve Jany, Chair – not present
Mr. Frank D'Amico, Vice-Chair – present
Mr. Scott Ellis – present
Mr. Gary Mount – not present
Ms. Theodora Wang – present
Ms. Emily Blackman – present

B. Non-voting Members:

Ms. Meredith Melendez/Rutgers Cooperative Research and Extension – present
Mr. William Agress, County Planning Board Liaison – present

C. Others Present:

Ms. Leslie Floyd/Mercer County Planning Director
Mr. David Kimmel, SADC
Ms. Daphne Bacon, SADC
Mr. Ed Silver, Court Reporter
Ms. Susan Bacso, MCADB Attorney
Mr. Aqua Etuk, Mercer County Assistant Counsel
Ms. Cindy Taylor, Mercer County Land Preservation Coordinator
Ms. Diane Kottas, Mercer County CADB Administrator
Mr. John Hart, Needle Creek Brewery, applicant
Mr. Gregg Marantz, Needle Creek Brewery, manager
Ms. Beth Scheuerlein, Needle Creek Brewery, partner
Mr. Merrick Wilson
Mr. Abel Smith

IV. APPROVAL OF MINUTES

On a motion by Ms. Wang and seconded by Mr. Ellis, the minutes of the April 9, 2024 meeting were approved unanimously.

V. PUBLIC COMMENT: None

VI. OLD BUSINESS

a. John Hart brewery SSAMP public hearing

See attached transcript.

On a motion by Ms. Blackman and seconded by Ms. Wang, the application was approved unanimously. Resolution was approved and adopted unanimously by email. Mr. Mount abstained due to absence.

VII. NEW BUSINESS

a. Bellemont Farm brewery SSAMP commercial farm determination

Ms. Kottas gave an overview of the Bellemont Farm brewery SSAMP application and site visit conducted by Staff. Documents were provided to the Board for the commercial farm determination portion of the application. Staff recommended that the Board make the determination that Bellemont Farm is a commercial farm and that they are eligible to move on to the next portion of the SSAMP process. On a motion by Ms. Blackman and seconded by Mr. Ellis, the Board unanimously approved Bellemont Farm's eligibility to move on to the public hearing portion of the SSAMP process.

b. Merrick Wilson Right-to-Farm eligibility determination

Susan Bacso, Board Attorney, recused herself from this matter due to a conflict of interest. Mr. Aqua Etuk, Assistant County Counsel, stood in as her replacement. It was discussed whether or not the public can record the meeting on their personal devices. Counsel advised that as long as it did not interfere with the meeting it can be allowed. Ms. Kottas gave a brief overview of the situation: Mr. Wilson's tenant farmer, Abel Smith, is living in an RV/manufactured home on the property in order to protect his livestock. Hopewell Township contests that this is not permitted housing and lacks hook ups to all utilities and is not a right to farm issue. There was discussion centered on if housing is a protected activity under the Right to Farm Act. Mr. Wilson, Mr. Smith and Mr. Hart all commented in support. Mr. Etuk and Ms. Floyd stated that this issue is not within the jurisdiction of the CADB. Counsel advised the Board that housing code and ordinance violations and health and safety issues are not in their purview and advised the members to dismiss the complaint as not a right to farm protected activity. On a motion by Mr. Ellis and seconded by Theodora Wang, the Board unanimously dismissed the complaint and asked Staff to formalize the decision in the form of a resolution.

VIII. CORRESPONDENCE: None

IX. COMMITTEE AND STAFF REPORTS

a. SADC

Mr. Kimmel from the SADC presented.

Executive Director Payne to retire: SADC Executive Director Susan Payne will retire effective June 1, 2024. A subcommittee will conduct a search to fill the vacancy.

Soil Protection Standards: The Committee approved the publication of proposed changes to the original soil protection standards rule proposal. Changes will be published in the NJ Register and will be subject to an additional 60 day comment period.

Statewide Formula Value: Consulting firm, 4WARD PLANNING, has been selected to perform research and analysis needed in support of the SADC's development of the statewide formula value.

Appraisal Handbook: SADC approved changes to the FPP Appraisal Handbook to augment guidance provided on fee simple transactions and on appraising land in the Pinelands.

Saddle Hill Cellars Special Occasion Events: SADC approved its first SOE application.

b. Land Development

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

c. Farmland Preservation Updates

Ms. Kottas reported on the annual monitoring visit to the farm of Jim Britton. Ms. Kottas reported that she and Ms. Taylor observed a large area of soil disturbance and soil piles in what appeared to be a racetrack as well as a large structure that does not appear to be for ag use. The Board approved the sending of a 10-day letter requiring an explanation of the observed issues, the first step in the enforcement policy.

X. DISCUSSION:

Ms. Taylor mentioned to the Board that Bill S3126 was introduced at the State Senate level allowing conflicts of interest within CADBs to be handled by neighboring counties.

Ms. Floyd and Mr. Kimmel discussed the matter of dual enterprises existing on a property and if they can be combined for commercial farm determination. Mr. Kimmel stated that they cannot.

Ms. Kottas showed the Board the new Policies and Procedures web page that is now live on the County website.

XI. PUBLIC PARTICIPATION: None

XII. EXECUTIVE SESSION: None required

XIII. ADJOURNMENT

- a. Vice-Chair D'Amico adjourned the meeting at 21:00. The next scheduled meeting of the MCADB is June 3, 2024.

Respectfully submitted,

Diane Kottas

Diane Kottas
Secretary to the Board