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DEPARTMENT OF INFRASTRUCTURE MANAGEMENT

Office of Planning
Agriculture Development Board

Charles Kenny
Chairperson,
Infrastructure Management

John A. Pulomena
County Administrator

Khalid Anjum
Department Head

Alan A. Danser, *Chairman*

James Giamarese
Vice Chairman

Thomas Mancuso, *Secretary*

Mirah Becker, PP, AICP
Supervising Planner

Laurie Sobel, PP, AICP
Senior Environmental Planner

MINUTES
MIDDLESEX COUNTY AGRICULTURE DEVELOPMENT BOARD
Meeting of September 12, 2018
8:00 p.m.
Held at the Cranbury Township Municipal Building

ATTENDANCE:

Voting Members:

Alan Danser
James Giamarese
Robert Von Thun
Rodger Jany
Thomas Mancuso
Samuel Landy

Non-Voting Members:

none

Staff:

George Ververides
Louie Greenwell
Mirah Becker
Laurie Sobel
Daria Venezia, Esq.

Others:

Tom Patterson, PSE&G
Tom Letizia, Pepper Hamilton
Adrian-Marie Diaz, PSE&G
Jason Kalura, PSE&G
Leonard Schuster, Walker Gordon
Steven Bruder, SADC
Jose Rivera-Benitez, Esq., Monroe Township



I. Notification of Adequate Public Meeting Notice

Mr. Danser called the meeting of the Middlesex County Agriculture Development Board to order at 8:00 p.m. Ms. Sobel stated that the meeting had been properly noticed according to the Open Public Meetings Act and all notifications had been provided to all local media outlets.

II. Roll Call

Ms. Sobel called the roll as follows:

Mr. Danser	present
Mr. Giamarese	not present (joined the meeting in progress)
Mr. Von Thun	present
Mr. Mancuso	present
Mr. Jany	not present (joined the meeting in progress)
Mr. Landy	present

III. Approval of Minutes of the Regular Meeting of May 16, 2018

The minutes of the Regular Meeting of May 16, 2018 were distributed to the members in advance of today's meeting. A motion was made by Mr. Von Thun, seconded by Mr. Landy and approved to adopt the minutes of the Regular Meeting as presented.

IV. Introductions

Ms. Sobel welcomed and introduced Mr. Sam Landy who was appointed as a Public Member of the CADB a few months back and Louie Greenwell who joined the Office of Planning as Director of Comprehensive Planning earlier this year.

V. Correspondence

A. CADB Membership Vacancy

Ms. Sobel reminded everyone that there is still one public member vacancy on the CADB. If anyone knows of someone who would like to be considered, please contact her.

B. SADC Partner Update Newsletters

Ms. Sobel distributed the SADC Partner Update Newsletters for June, July and August. She pointed out some of the key topics that were covered in these issues, which included the following:

Rural Microenterprise Rules: The rules were adopted this summer, which permit a farmer who owns a qualifying preserved farm to apply for a Special Permit to conduct a "Rural Microenterprise" on the farm. However, the rules apply only to farms that were preserved prior to January 12, 2006 without an exception area. Rural Micro Enterprise is a small-scale business activity fully compatible with agriculture.



V. Correspondence (continued)

B. SADC Partner Update Newsletters (continued)

Winery Special Occasion Events Pilot Program: Although not applicable in Middlesex County, law A2787, which extends for another two years the pilot program for winery special occasion events on preserved farmland.

Deer Fencing Grant Program: Approximately \$456,000 was approved for 32 eligible deer-fencing projects, six of which has been completed. SADC staff will be revising the deer-fencing program policy to streamline the application process, clarify construction specifications and address other issues in preparation for a second round of grants.

Proposed Changes to the Municipal PIG Program Rules: The SADC is seeking to amend its Municipal PIG Program rules, which were last updated in 2007. None of the municipalities participate in the Municipal PIG Program.

C. Funding Status

Ms. Sobel stated that the SADC approved the FY2019 appropriation request over the summer. However, no new funding from FY2019 is planned to go to the counties for the various County PIG Programs. The SADC anticipates that the existing, available competitive grant funding still left in the County PIG Program from prior years will be sufficient to meet the closings that are projected to occur in FY2019. It is anticipated that the counties will receive their full PIG Grants in 2020.

Ms. Sobel distributed a chart showing the current funding status of Middlesex County's remaining base grant and competitive eligibility. After closing on the Beck Farm earlier this year and after allocating the funding that will be necessary for the Zimbicki application, approximately \$403,840 will remain in Middlesex County's FY2017 Base Grant. There is also still about \$5 million in FY2017 Competitive Funding and about \$2 million in FY2018 Competitive Funding, that the County could compete for when Middlesex County spends down their remaining base grant.

Ms. Sobel also noted that the county is getting ready to apply for the FY2020 PIG Grant. The application must be submitted by December 17th. The county has notified the municipalities of their intent to apply. The municipalities were also given project area mapping and the current targeted farm list. This will give the municipalities an opportunity to update their targeted farm list. Staff will submit an abbreviated FY2020 PIG Application Letter instead of a full-blown application.

D. Monitoring Season

Ms. Sobel stated that over the summer staff completed the annual on-site monitoring inspections of all preserved farmland in the County. Annual monitoring inspections are required to ensure no violations are going on and that the farms appear to be in compliance with their preservation Deed of Easement. Staff did not see any new issues or concerns, other than a couple of properties with large-scale mulching which were previously reported. There were a handful of landowners who had questions about housing replacements and divisions of premises. Staff will be working with these landowners.

E. Bylaws

Ms. Sobel reported that there is an effort underway at the County Office of Planning to update the bylaws for some of the existing boards and committees that support the County Planning Board. When the CADB was created in 1985 there were no bylaws adopted. Staff will be working on drafting bylaws over the coming months. The CADB members will be updated and consulted as the effort moves forward.



V. Correspondence (continued)

F. Potential New Applications

Ms. Sobel gave an update on Potential New Applications. She recently received an Eligibility Determination Form from a landowner in Monroe who previously applied to the program. The parcel is located on Federal Road and is approximately 10 acres. She is planning to do a site visit with the GIS staff to determine if the property will meet the tillable acreage requirement. The application for a Hague Farm in East Brunswick is expected shortly.

VI. New Business

A. Notice of Intent for Utility Construction in Agriculture Development Area/PSE&G – Walker Gordon Farm Plainsboro Township

Mr. Tom Letizia of the law firm of Pepper Hamilton made a presentation on behalf of PSE&G. The CADB and SADC received a Notice of Intent for Utility Construction in an Agricultural Development Area (ADA) which relates to the proposed Metuchen Trenton Burlington (MTB) Overhead Transmission Project. The project involves PSE&G replacing existing towers and overhead high voltage power lines within PSE&G's Right-of-Way on the preserved Walker Gordon Farm in Plainsboro Township.

Mr. Tom Patterson made a brief presentation on behalf of PSE&G. He explained that the MTB corridor is approximately 55 miles long and 100 feet wide. The average age of all the structures in the project area is 80 years. The towers have seen the end of their life and need to be replaced. Three alternatives were explored. The first being to remove the existing corridor without replacing, the second being to install new circuit and remove/abandon the existing or the third alternative to rebuild-replace the existing facilities. The proposed project would replace the existing lattice towers with steel mod poles. While doing so, upgrading the voltage from 138 KV to 238 KV will be done. The infrastructure would be capable at operating at 345 KV in the future. The project has received approval from PJM, a regional transmission organization.

Specifically, in the ADA areas, there is little, or no farming done in the right of way. The project would replace four existing lattice towers with two towers. All access will remain as it is today. All construction activities will be within the PSE&G property. PSE&G will work with the property owner if any restoration is needed.

Mr. Danser stated that the project looked straight forward and does not impact the ADA. He opened the meeting to hear public comment on the project. No comments were made. Mr. Danser closed the public comment period.

A motion was made by Mr. Jany, seconded by Mr. Giamarese and unanimously approved to adopt a resolution which acknowledged the NOI For Utility Construction in an ADA. This matter will be considered by the SADC at their meeting on September 27.

B. Right to Farm/CADB Resolution – Cranbury Sales Stables, Cranbury Township

Ms. Sobel informed the Board that the CADB received a Right to Farm complaint from Traci and John Zuczek of Monroe Township against a neighboring property over the town border in Cranbury (known as Cranbury Sales Stables). The property is owned by Miguel Guzman. Mr. Guzman is allegedly operating horse rodeo events that are described by the complaining party as a nuisance and which they do not believe are related to any agricultural purpose.

Staff officially contacted Mr. Guzman by letter along with a request to complete a Commercial Farm Determination Questionnaire on March 16, 2018. Staff received a letter dated April 24, 2018 from Phillip Barrood



VI. New Business (continued)

B. Right to Farm/CADB Resolution – Cranbury Sales Stables, Cranbury Township

stating that he was in the process of compiling the information requested in connection with this complaint. Mr. Barrood acknowledged receipt of the CADB's request and requested an extension until May 4, 2018 to respond. CADB Counsel sent a follow-up letter dated July 12, 2018, advising that due to the failure of his client to respond, the CADB may review this matter at the next CADB meeting and it was likely that a determination that the property is a commercial farm will not be made since no information was provided.

Staff and Counsel presented a proposed Resolution for the complaint. The resolution stated that due to the failure of the operator of the property or his attorney to provide the requested information necessary to first make a commercial farm determination, at this time, the CADB cannot determine that the property in question is a "commercial farm" as defined by the RTF Act. Since the CADB does not have information before it to qualify the property as a "commercial farm", the CADB has no jurisdiction over the complaint, and the matter is thereby dismissed, and the disputed activities alleged in the complaint are to remain under the jurisdiction of all other appropriate, local, state and/or federal authorities. A motion was made by Mr. Giamarese, seconded by Mr. Mancuso and unanimously approved to adopt the resolution as described above.

VII. Old Business

A. Right to Farm (RTF)/CADB Resolutions – Smentkowski Brothers, Monroe Township & Lark Farm and Nurseries, LLC

Ms. Venezia stated that the CADB previously heard testimony from the applicants and their attorneys at a CADB Public Hearing that was held on November 29th, 2017 regarding their Commercial Farm Determinations. On December 20th, 2017 the CADB passed resolutions for both properties finding that, based on the information provided, both properties appeared to be Commercial Farms as defined by the RTF Act.

In order to advance the RTF process, both applicants were provided with Site Specific Agricultural Management (SSAMP) applications on February 13th, 2018. They were directed to submit the completed applications and all requested information to the CADB within 30 days to move on to the next step of the RTF process for a formal determination to be made on the specific mulching activities in question. Ms. Venezia provided additional correspondence to their Counsels on March 26th, 2018, advising that the CADB's Commercial Farm Determination does not provide RTF protection for any specific activity on the properties. She further advised that unless and until the CADB receives and makes a determination about the activities in question on the properties, the properties do not have RTF protection. To-date, we have not received any information from either of these two applicants or their attorneys in connection with the SSAMP Applications.

The Board also received a letter dated August 9, 2018 from Counsel of Monroe Township requesting that "because the time within which the defendants were permitted to apply has long lapsed without any finding that the mulching activities conducted by the defendants are not permissible activities and thereby turn jurisdiction of the matters to the Township Zoning Board of Adjustment.

In light of all the time that has passed without staff receiving the requested information that is necessary to make a SSAMP determination, staff had prepared resolutions for the Board's consideration for Smentkowski Brothers and Lark Farm and Nurseries that will in effect conclude that the CADB cannot make the RTF determinations for the activities in question at this time due to the applicants' failure to provide the requested information necessary to make a formal RTF determination, thereby dismissing the matters from the MCADB and further maintaining that the disputed activities alleged in the complaint shall remain under the jurisdiction of all other appropriate local, state and/or federal authorities.



VII. Old Business

A. Right to Farm (RTF)/CADB Resolutions – Smentkowski Brothers, Monroe Township & Lark Farm and Nurseries, LLC

Ms. Sobel and Ms. Venezia did have contact with Mr. Smentkowski this week who indicated that he is working on submitting the information.

A motion was made by Mr. Von Thun, seconded by Mr. Landy and unanimously approved to adopt the Smentkowski Brothers resolution as presented. A motion was made by Mr. Giamarese, seconded by Mr. Jany and approved with an abstention from Mr. Mancuso to adopt the Lark Farm and Nurseries, LLC resolution.

B. Update on the Individual Farm Easement Purchase Applications

Ms. Sobel presented a report on the current status of an easement purchase applications as listed below:

<u>Applicant</u>	<u>Status</u>
Estate of Anthony Zimbicki, Sr.	The Board of Chosen Freeholders passed a resolution committing to their 20 percent cost share of the acquisition on June 7 th , 2018. The SADC granted final approval on July 26 th , 2018. CADB Counsel is currently working on drafting the Contract. Once the contract is executed, the title work will be ordered before the survey work begins.

VIII. Public Comment

There was no Public Comment at tonight's meeting.

IX. Next Meeting

The next meeting will be determined.

X. Adjournment

A motion was made, seconded and approved to adjourn the meeting at 8:52 p.m.

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