

Ronald G. Rios  
Freeholder Director

Charles E. Tomaro  
Deputy Director

Kenneth Armwood  
Charles Kenny  
Leslie Koppel  
Shanti Narra  
Blanquita B. Valenti  
Freeholders



## 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 13, 2017

8:00 p.m.

Held at the Cranbury Township Municipal Building

#### ATTENDANCE:

##### Voting Members:

Alan Danser  
Jim Giamarese  
Robert Von Thun  
Thomas Mancuso

##### Staff:

George Ververides  
Mirah Becker  
Laurie Sobel  
Daria Venezia, Esq.

##### Others:

Greg Pasquale  
Bob Gagliano

#### 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	present
Mr. Von Thun	present
Mr. Mancuso	present
Mr. Jany	not present

## III. Reorganization

Mr. Ververides stated that the annual reorganization would take place at tonight's meeting.

Mr. Ververides asked for nominations for the position of Chairman. Mr. Giamarese nominated Mr. Alan Danser for the office of Chairman. Mr. Von Thun seconded the nomination. There were no other nominations and the nominations were closed. All members were in favor of the appointment of Mr. Danser as Chairman.

Mr. Danser asked for nominations for the office of Vice Chairman. Mr. Von Thun nominated Mr. Jim Giamarese for the office of Vice Chairman. Mr. Mancuso seconded the nomination. There were no other nominations from the floor and the nominations were closed. All members were in favor of Mr. Giamarese being appointed as Vice Chairman.

Mr. Danser asked for nominations for the office of Secretary. Mr. Von Thun nominated Mr. Thomas Mancuso for the office of Secretary. Mr. Giamarese seconded the nomination. There were no other nominations from the floor and the nominations were closed. All members were in favor of Mr. Mancuso being appointed as Secretary.

## IV. Approval of Minutes of the Regular Meeting of December 21, 2016

The minutes of the Regular Meeting of December 21, 2016 were distributed to the members in advance of today's meeting. A motion was made by Mr. Mancuso, seconded by Mr. Giamarese and approved to adopt the minutes of the Regular Meeting as presented.

## V. Introduction of Daria Venezia, Esq.

Ms. Sobel introduced Daria Venezia, Esq. to the members. Ms. Sobel explained that there have been some changes to the process most notably to the due diligence process. She explained that Wilentz firm will be completing the work on the Callanan application. Ms. Venezia will be working on all new applications and other farmland matters that arise. The members welcomed Ms. Venezia.

## VI. Correspondence

### A. SADC Memo – Farmland Preservation Appropriation Bills Signed

Ms. Sobel distributed a SADC memo regarding Farmland Preservation Appropriation Bills that were signed by the Governor. The bills will provide \$65.3 million for farmland preservation and stewardship activities. Middlesex County will receive a full



## VI. Correspondence (continued)

### A. SADC Memo – Farmland Preservation Appropriation Bills Signed (continued)

\$1 million for FY2017. Middlesex County will also be eligible for up to \$5 million competitive funding. The county has spent down all of its 2009, 2011, and 2013 base grants and is still eligible to compete for the remaining \$566,997.17 from FY13 competitive grant funding.

### B. SADC Memo – Conflicts of Interest: CADB Members and Other Local Officials Applying to Sell Development Easements or Land in Fee Simple Interest for Farmland Preservation Purposes

Ms. Sobel distributed a memo from the SADC as a reminder of the SADC's conflict-of-interest rules. The County and Municipal PIG rules prohibit CADB and municipal agricultural advisory committee members – as well as their immediate family members – from selling or applying to sell development easements on their property or from selling or applying to sell their property in fee simple pursuant to the Agriculture Retention and Development Act and the Garden State Preservation Trust Act. The regulations define "member of the immediate family" as "the member's spouse, child, parent, or sibling, residing in the same household."

The CADB members are reminded of these restrictions in the event that any of them or their immediate family members consider participating in the Farmland Preservation Program. The SADC's rules do not address how long a member must be off the board before he or she can apply to participate in the program. The CADB's code of ethics should address this issue.

CADBs are required to adopt a code of ethics that incorporates the above prohibition on applications from CADB members and their immediate family members, in order for the CADB to be eligible for a Planning Incentive Grant. The Middlesex CADB adopted a Code of Ethics on March 8, 2001.

### C. PSE&G Metuchen-Trenton-Burlington Project

Ms. Sobel provided a brief summary of a PSE&G Project which will strengthen the electric transmission system by replacing 138,000-volt circuits with 230,000-volt circuits between the PSE&G Metuchen Switching Station and the PSE&G Burlington Station. This project will potentially impact some preserved farms in the project's route. The only farm which will be impacted in Middlesex County is the Walker Gordon Farm in Plainsboro, which was an early donation to the County. The SADC has had a few meetings with PSE&G and they will be providing more information in the coming weeks. Ms. Sobel will keep the Board apprised of further developments.

### D. CADB Vacancies

Ms. Sobel reminded the members that there are still two vacancies on the CADB. If anyone has recommendations for public members they should contact her.



**VII. Old Business**

**A. Update on the Individual Farm Easement Purchase Applications**

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

**Applicant**

**Status**

Melissa Beck-Callanan  
J.B. Heatherwood Farms

All closing documents have been under review by the SADC closing/legal staff & have gone through several rounds of edits. Survey, Deed of Easement and Affidavit of Title have all been finalized.

Counsel is currently working to address an issue associated with the 4.7017-acre conservation easement on the property that cannot be paid on unless the easement is vacated or a new clarifying document is prepared that specifies the purpose, rights associated with the easement and states that agricultural activities are permitted. As such, counsel has prepared a Confirmatory Deed incorporating the terms of an amended approval yet to be secured from the Monroe Township Planning Board, which clarifies the language of the existing conservation easement via Resolution & will state that equine activities and farming operations are permitted within the conservation easement.

Landowner's attorney is currently reviewing terms of legal documents to address the existing conservation easement; mortgage release and subordination on property; and a subordination pursuant to the existing lease the landowner has with the horse business operator.

Deed of Dedication is being drafted for the 2.26 wetlands donation piece. Planning & Parks staff to do walk through inspection of donation area prior to closing.

Estate of Anthony Zimbicki, Sr.

The Appraisal Contracts were awarded at the 6/15 Freeholder Meeting. The Appraisal Review presentation will take place later in the meeting.

**B. CADB Conditionally Refundable Fee for Repeat Applicants**

At the last CADB Meeting, the Board voted to institute a new policy similar to Mercer County's policy that creates a conditionally-refundable fee for repeat applications. The fee would cover the County's cost of the second round of appraisals



## VII. Old Business (continued)

### B. CADB Conditionally Refundable Fee for Repeat Applicants (continued)

for repeat applicants. It would eliminate situations where an applicant rejects the County's certified value offer based on the value determined by the appraisal reports that the County pays for, and then reapplies at a later date and the County must again order two new appraisals at a cost to the County of over \$3,000 per farmland application.

Under the County's new proposed policy, repeat applicants would have the \$3,000 fee returned to them after closing. The County currently charges a \$50 flat fee to all applicants at the beginning of the process which will remain in effect for applicants.

A motion was made by Mr. Von Thun, seconded by Mr. Giamarese, and unanimously approved to adopt a resolution that creates an escrow account for a newly-established conditionally refundable \$3,000 application fee for repeat applicants applying to the farmland preservation program.

## VIII. Convene a Closed Session

A motion was made by Mr. Von Thun, seconded by Mr. Mancuso and approved to convene a Closed Session at 8:20 p.m. to discuss an acquisition matter and a Right to Farm issue.

## IX. Adjourn a Closed Session

A motion was made by Mr. Von Thun, seconded by Mr. Mancuso and approved to adjourn the Closed Session at 8:50 p.m.

## X. Public Comment

Mr. Gregory Pasquale, Monroe Township Attorney, addressed the Board regarding the Right to Farm case which involved several landowners who have mulching operations in the Township. In 2016 Monroe passed an ordinance which defined mulching as a conditional use in the township. They have issued several notices to the landowners. One landowner has made an application to the Zoning Board. However, the other parties have ignored the notices. A number of the parties have claimed that they are protected under the Right to Farm Act. The township questions if they are protected under the Right to Farm Act, obviously the CADB has to make that determination. However, they have not applied to the Zoning Board for a conditional use or they have not applied to the CADB for a site-specific determination.

In July 2017, the court had ordered the landowners who wanted Right to Farm protection to apply to the CADB within 30 days. The township would like to be heard on all the applications. The township's position is mulching is recycling, not farming. Regardless, the township believes that there needs to be restrictions since some of the operations are located close to housing.



**X. Public Comment (continued)**

Mr. Ververides asked if there was a limit to the size of the mulching operation. Mr. Pasquale stated that each of the entities had applied for a NJDEP Exemption Permit for Recycling. The permit states that mulching is permitted four times a year for a two-week period. Some parties believe that they can mulch 14 days each quarter equaling 56 days a year with the days not being consecutive. Mr. Danser asked if all the cases were the same. Mr. Pasquale replied that one case may not qualify as a commercial farm since the landowner has only a Forestry Management Plan in place. Mr. Danser recommended that Mr. Pasquale make a request to be placed on the CADB agenda mailing list to be sure that they receive notice of agenda items that may be of interest to the township.

**XI. New Business**

**A. Appraisal Review of Estate of Anthony Zimbicki, Sr., Monroe Township**

A motion was made by Mr. Von Thun seconded by Mr. Mancuso and approved to accept the appraisals for the Estate of Anthony Zimbicki, Sr. Farm. The appraisals will be forwarded to the SADC.

**XII. Next Meeting**

The next meeting was scheduled for November 29, 2017 at 8 p.m. in the Cranbury Municipal Building.

**XIII. Adjournment**

A motion was made, seconded and approved to adjourn the meeting at 9:05 p.m.

lak

[p/comprehensive\\_planning/farmland\\_preservation/cadb/minutes/2017/091317](http://p/comprehensive_planning/farmland_preservation/cadb/minutes/2017/091317)

