

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 November 29, 2017

8:00 p.m.

Held at the Cranbury Township Municipal Building

ATTENDANCE:

Voting Members:

Alan Danser  
Jim Giamarese  
Robert Von Thun  
Thomas Mancuso  
Rodger Jany

Staff:

George Ververides  
Mirah Becker  
Laurie Sobel  
Daria Venezia, Esq.

Others:

Richard Smentkowski  
James Smentkowski  
Garrett Woolf  
James Stahl, Esq.  
Dan Knox  
James Froehlich  
Andrew Zaleski  
Robert Hluchy  
Lou Cyktor  
Greg Pasquale, Esq.  
Walter Toto, Esq.  
Otto Kostbar, Esq.



**ATTENDANCE:** (continued)

**Others:** (continued)

Charles Dipierro  
Ron Kurek  
Stanley Skeba  
Susan Lindh

**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. A salute to the flag was led by Mr. Danser. 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	present

**III. Approval of Minutes of the Regular Meeting of September 13, 2017**

The minutes of the Regular Meeting of September 13, 2017 were distributed to the members in advance of today's meeting. A motion was made by Mr. Giamarese, seconded by Mr. Von Thun and approved to adopt the minutes of the Regular Meeting as presented.

**IV. Approval of the Minutes of the Closed Session of September 13, 2017**

The minutes of the Closed Session of September 13, 2017 were distributed to the members in advance of today's meeting. A motion was made by Mr. Giamarese, seconded by Mr. Von Thun and approved to adopt the minutes of the Closed Session of September 13, 2017.

**V. Correspondence**

**A. FY2019 County Planning Incentive Grant (PIG) Update**

Ms. Sobel informed everyone that she is working on the Annual PIG Update for Fiscal Year 2019. The update must be submitted to the SADC by December 15<sup>th</sup> for the county to remain eligible for State cost sharing on acquisitions. As part of the annual update, staff reached out to the six municipalities located in Agricultural Development Areas and PIG Project Areas to ask for any additions or changes to the Targeted Farm Lists. Staff is anticipating have one or two additional Targeted Farms added this year. Once the revisions to the targeted farm list are made, staff will update the GIS mapping of the project areas. Staff will share a summary of the PIG Update with the members at the next meeting.



**V. Correspondence (continued)**

B. Potential Right to Farm Case

Ms. Sobel stated that she received a call from a resident who lives across from a non-preserved horse operation in Cranbury Township. The resident had complaints concerning some activities and events that are being held on the property. The resident expressed interest in filing a formal Right to Farm complaint against the landowner.

**VI. Old Business**

A. Update on the Individual Farm Easement Purchase Applications

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

<u>Applicant</u>	<u>Status</u>
Melissa Beck-Callanan J.B. Heatherwood Farms	<p>The farm is very close to closing. There have been several rounds of edits on the various legal documents. The latest changes were provided by the SADC on 11/17/17. The County attorneys provided information to the applicant's attorney on 11/27/17 regarding the Subordination Mortgage and Lien Agreement documents. Once the applicant's attorney obtains all required signatures on those documents, the remaining signatures from County and State officials will be obtained and a closing date will be set.</p> <p>The SADC and staff conducted the closing inspection on 11/16/17. County Parks staff conducted the inspection of the wetlands donation area. No issues or encroachments were found during these inspections.</p>
Estate of Anthony Zimbicki, Sr.	<p>After the last CADB Meeting, the appraisals were submitted to the SADC. One of the appraisers supplied additional information to the SADC's Review Appraiser, which was submitted on 11/2/17. A certified value is expected to be received after the 12/7/17 SADC meeting.</p>



**VII. New Business**

**A. Division of Premises Request – Kurek Farm, Cranbury Township**

Ms. Sobel stated that a Division of Premises Request was received from Ronald and Patricia Kurek, owners of the Kurek Farm at 3 Wyckoff Mill Road in Cranbury. The preserved farm is comprised of two lots, Block 14, Lot 3 (57 acres) and Block 14, Lot 4.02 (106.7 acres). The application requests permission to divide the preserved premises along pre-existing lot lines in order to sell Lot 3 in its entirety to 38 Brickyard Road, LLC.

The buyer currently operates a licensed growing facility and dispensary in Cranbury Township that provides medical marijuana to licensed patients. County and SADC staff along with Mr. Kurek toured the facility last week. The buyer intends to construct a greenhouse facility of approximately 100,000 square feet in the existing non-severable exception area (2.04 acres), and preserved premises immediately adjacent in order to grow the cannabis crop. The application and proposed greenhouse construction was also discussed with the SADC Stewardship Manager who indicated that in the past, the SADC has typically been comfortable approving such requests that have an estimated 2-acre footprint on the preserved farm area. Since the greenhouse footprint and related soil disturbance within the 2.04-acre non-severable exception area does not count towards the total disturbed area, the greenhouse facility should comply with SADC project standards. This was also discussed with both the buyer and seller during the site visit last week. The remaining area of this lot will be in vegetable production. Mr. Kurek will continue to farm the larger lot.

Mr. Danser opened the meeting up to questions from the Board. Mr. Giamarese asked the property owners if they planned for water usage or applied for water permits. Mr. Giamarese had some bad experiences with depending on well water and cautioned the buyers to plan for water usage. Mr. Zaleski indicated that getting the approval for the Division of Premises is the first step in the process. He hoped to keep the project as “green” as possible.

A motion was made by Mr. Jany, seconded by Mr. Giamarese and unanimously approved to grant approval of the Division of Premises Request for the Kurek Farm.

**B. Commercial Farm Determination – Smentkowski Brothers, Monroe Township**

Mr. Walter Toto representing Richard and James Smentkowski appeared before the CADB to present testimony and evidence in the Smentkowski Brothers Commercial Farm Determination. The property is located on Block 32, Lots 2.1 and 2.3 in Monroe Township (424 Hoffman Station Road). See detailed transcript attached to the minutes for testimony.

**C. Commercial Farm Determination – Brothers Investment, LLC, Monroe Township**

Mr. Otto Kostbar and Mr. Charles DiPierro appeared before the CADB to present testimony and evidence in the Brothers Investment, LLC Commercial Farm Determination. The property is located on Block 17, Lot 3.7 in Monroe Township (33 England Road). See detailed transcript attached to the minutes for testimony. Mr. Gregory Pasquale, representing Monroe Township provided a breakdown of the property assessment over the years for the Board’s review.



**VII. New Business (continued)**

**D. Commercial Farm Determination -- Lark Farm and Nurseries LLC, Monroe Township**

Mr. Jim Stahl and Mr. Lou Cyktor appeared before the CADB to present testimony and evidence in the Lark Farm and Nurseries, LLC Commercial Farm Determination. The property is located at Block 6, Lots 1.1 and 2.1 in Monroe Township (149 Applegarth Road). Mr. Mancuso recused himself from any decision on this determination. See detailed transcript attached to the minutes for testimony.

Mr. Danser stated that no action was taken on any of the Commercial Farm Determination cases since Ms. Venezia must draft individual resolutions indicating specific findings on fact on each case. He opened the floor to questions from the Board. There were no questions from the members.

**VIII. Public Comment**

There was no public comment at tonight's meeting.

**IX. SADC Update**

Mr. Dan Knox gave an update on SADC activities.

The SADC is proposing amendments at N.J.A.C. 2:76-22.1 through 22.12 and 22.14, and new rules at N.J.A.C. 2:76-22.12 and 22A to implement legislation (P.L. 2015, c. 275) that allows a farmer who owns a qualifying preserved farm to apply for a special permit to conduct a rural microenterprise within certain parameters. Rural microenterprises are certain types of appropriately scaled businesses or activities that are compatible with the agricultural use of the farm. The Act also promotes and incentivizes the preservation of historic and culturally significant agricultural structures. The public comment period is open until January 5, 2018.

The SADC recently awarded seven grants for soil and water conservation. Additional funds (\$500,000) are being allocated for future grants. Lastly, the SADC recently discussed the Code of Ethics. Mr. Knox noted that the Middlesex CADB is in compliance and no further action was needed.

**X. Next Meeting**

The next meeting was scheduled for December 20, 2017 at 8 p.m. in the Cranbury Municipal Building.

**XII. Adjournment**

A motion was made, seconded and approved to adjourn the meeting at 9:00 p.m.

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