

1
2 MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD
3 MEETING HELD MONDAY APRIL 20, 2009
4 IN THE COUNTY ADMINISTRATION BUILDING
5 640 S. BROAD STREET, TRENTON, N.J.
6 2ND FLOOR CONFERENCE ROOM
7

8 I. CALL TO ORDER

9 Chairwoman Nancy Tindall called the meeting to order at 7:35 PM.

10
11 II. COMPLIANCE STATEMENT

12 Pursuant to the Open Public Meetings Act, notice of this postponed meeting was given to the
13 Trenton Times, Trentonian, Mercer County Clerk, and posted in the Mercer County
14 Administration Building.
15

16 III. ROLL CALL

17 A. Voting Members:

18 Nancy Tindall, Chairwoman – Present
19 Steve Jany, Vice-Chairman - Present
20 Earl Tindall - Present
21 Peggy McNeill – Absent
22 Charles Appelget – Absent
23 Scott Ellis - Present
24 Frank D’Amico, Jr. – Present
25

26 B. Non -Voting Members:

27 Bill Agress, County Planning Board – Present (left at 9:10pm)
28 Rodger Jany, Rutgers Cooperative Research and Extension – Present
29

30 C. Others Present:

31 Dan Pace, MCADB Secretary
32 Leslie Floyd, Assistant County Planning Director
33 New Jersey Turnpike Representatives: John Keller, Larry Pesesky, Don Ehrenbeck, Ryan

34 Scerbo

35 Members of the public: Mike and Joan Esposito (JEM Stables), Mr. Kim and others (Evergreen
36 Farm), Tim Brill and Dan Knox (SADC), Brian Wilson Burlington CADB.
37

38 IV. APPROVAL OF MINUTES

39 Ms. Tindall asked for a motion to approve the March 16, 2009 meeting minutes. A motion was
40 made by Mr. Jany to approve the minutes. Mr. Tindall seconded. The minutes were approved.
41

42 V. PUBLIC COMMENT – Ms. Tindall asked if there was any public comment. There was none.
43

44 VI. CORRESPONDENCE

45 Mr. Pace reported on being blind copied on an email response sent by the SADC to a solar energy
46 company proposing to construct a solar power generating project on a preserved winery near its
47 facility in Hamilton Township. He asked if anyone knew if this was Silver Deocy. Board
48 members did not know.
49

50 VII. COMMITTEE AND STAFF REPORTS

51 A. SADC

52 1. Web-posting of 2009 PIG application status: Mr. Pace reported that the public can see how
53 much money the SADC has encumbered by county and what County applications might be acted
54 upon at the next SADC meeting. The April SADC meeting has no County PIG applications for
55 final review. The May meeting has Mercer’s three applications and many from Gloucester

1 County. With only these two counties competing for competitive funds in May, and any one
2 county limited to \$3 million from the \$15 million pool of funds, Mercer is in a good position to
3 receive its share of competitive funds.
4

5 2. Rule Pre-proposal for Conservation Easements and Ag Easement applications: This proposed
6 rule would address farmland preservation applications where the owner attempts to have any
7 development restriction removed (for example, an open-space easement made part of a planning
8 board approval) AFTER making a farmland easement application – in order to increase value.
9 The SADC will not continue reviewing the application if this occurs.
10

11 3. SADC Ag/Horticultural Subcommittee: Formed to guide SADC policy on the issue of
12 DenHollender and the impact of soil disturbance. The SADC gave all CADB Administrators a list
13 of preserved farms in each county that identified six sectors (equine, fruit/veg, grain/forage,
14 nursery/greenhouse, other) and asked that they select representative farms.
15

16 B. Land Development Activity – No report
17

18 C. Status of Farmland Preservation Applications

- 19 • 2001 Round; 2002 Round; and 2008 Round: No change in status.
- 20
- 21 • 2009 PIG –
 - 22 ○ County of Mercer (Briarholm, Hights, and Sawmill) applications forwarded to the
 - 23 SADC for final review by the April 1st deadline for SADC action at their May
 - 24 meeting. Mount easement purchase is nearing completion but contingent upon a State
 - 25 Appropriation of 2007 Referendum bond funds. “Batog” fee purchase is also nearing
 - 26 completion.
 - 27

28 VIII. OLD BUSINESS
29

30 A. **Monitoring:** Lawrence, Robbinsville, East Windsor, and West Windsor completed with no
31 significant violations. Hopewell West monitoring on April 22nd and Hopewell east on April
32 29th.
33

34 B. **JEM Site Specific Ag Management Practice:** Continuing the SSAMP request from the last
35 meeting, Ms. Tindall asked the Esposito’s to address the Board on the status of their discussions
36 with Robbinsville Township and the offer to purchase development rights. Mr. Esposito said that
37 Robbinsville was dragging their feet and making revisions to their earlier verbal agreement. He
38 gave examples of: how originally three paddocks near Mr. Cruser’s house were to be moved –
39 now there are 7 or 9; the outdoor ring would need to be moved 550’ from Mr. Cruser – which
40 Mr. Esposito considered unreasonable; and, Robbinsville is requiring that existing drainage
41 problems be remediated before they would execute any agreement – which Mr. Esposito
42 indicated he could not afford to address ahead of obtaining payment of development rights from
43 Robbinsville. Mr. Esposito also said that he was considering moving his entire operation into
44 West Windsor.
45

46 Board members and staff then pointed out to Mr. Esposito that a SSAMP determination was
47 based on a snapshot of current operations. Should operations change, then the SSAMP would
48 not be valid. Given the many operational scenarios being considered by the Esposito’s, moving
49 forward with a SSAMP at this time was not in the best interests of all parties. The Board
50 suggested to the Esposito’s that they sketch out a preferred arrangement of their facilities and
51 meet as soon as possible with West Windsor (Sam Surtees) to determine what could be located
52 in that municipality. Ms. Tindall also asked that Mr. Pace be kept informed as to developments.
53

54 In order to provide benefit to the Esposito’s, the SSAMP request cannot be dealt with until the
55 various changes being considered for the operations are actually implemented. No further action

1 was taken by the Board on the request.

2 **C. Turnpike Widening Project** – Continuing the discussion from the last CADB meeting,
3 Board members and staff addressed a number of questions to the Turnpike Project
4 representatives on the documents they had most recently submitted. Areas discussed included:
5 Pipeline relocation and impact on farmland; Farmland impact from the relationship between
6 power line, roadway and pipeline ROW; ADA parcels omitted from the NOI; Map concerns
7 regarding scale and legend; Restrictions on types of farming that can occur within utility ROW;
8 and the importance of Figures 2, 3, and 4 in the document entitled “Notice of Intent” since there
9 were many errors in those illustrations.

10
11 Because Turnpike representatives were unable to provide explanations for many of these
12 questions, the Board was not comfortable taking action to determine if there was or was not an
13 “unreasonable adverse impact” by the widening on the ADA.

14
15 Instead, on a motion by Mr. Jany, seconded by Mr. Ellis, the Board unanimously approved again
16 tabling the discussion until the May 4, 2009 CADB meeting with the understanding that the
17 Turnpike would transmit, as soon as possible, copies of the April 17th revised documents to
18 Board members. From these documents, Board members and staff would compile a list of
19 questions and conditions towards that would become part of the continuing discussion on May
20 4th.

21
22 **IX. ADJOURNMENT AND NEXT MEETING**

23 There being no New Business or Other Business of the Board, the meeting was adjourned at
24 9:50PM. The next meeting of the Board will be on June 1, 2009.

25
26 Respectfully submitted,

27
28
29 Daniel Pace
30 MCADB, Secretary

31
32 Date adopted:

33
34 Attachments and related correspondence, if any, are made a part of the permanent record and are filed
35 with these minutes in the Agricultural Development Board Book located in the Mercer County Planning
36 Division Office. All copies are available upon request.