

October 4, 2023

Ms. Susan E. Payne, Executive Director  
State Agriculture Development Committee  
PO Box 330  
Trenton, NJ 08625-0330  
Submitted Via Email: [SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)



**RE: Comments – Franklin Township Agriculture Advisory Committee  
Proposed Soil Protection Standards (NJAC 2:76-25 and 25A)**

Dear Ms. Payne,

Please accept this letter as formal written comments from the Franklin Township Agriculture Advisory Committee (herein, "AAC") regarding the proposed Soil Protection Standards (NJAC 2:76-25 and 25A).

While the AAC understands the need for the State Agriculture Development Committee (herein, "SADC") to adopt regulations regarding the protection of soils on preserved farms, the regulation as proposed is far too limiting for landowners of preserved farms. As agriculture in New Jersey continues to evolve and diversify to meet existing consumer demand and to retain the industry in such a highly developed State, the types of infrastructure, outbuildings, and daily practices may require appropriate disturbance to the soil. As written, the proposed Soil Protection Standards will significantly limit the types of agriculture that may be necessary now and, in the future, to continue and retain this valuable industry.

Farms that have been preserved prior to the proposal of this regulation were not prepared for such a limitation. Because these farmers were not notified of the potential of such a drastic change to the already agreed upon contract and Deed of Easement, the implications to their existing and future operations are being significantly challenged and, in some cases, threatened. At the bare minimum, farms preserved prior to the adoption of the Soil Protection Standards should to these terms.

Lastly, the Franklin Township AAC feels that the Soil Protection Standards, as currently written, are more appropriate for preserving a viewshed or a perception of what agriculture should look like, rather than the actual industry and corresponding practices that make agriculture in New Jersey successful. If farmers are restricted to this degree, not only will the actual industry suffer, but the future of farmland preservation will as well. New farmers will not be as willing to preserve their farms based on the strict requirements for adherence to a percentage/area of soil disturbance, as well as the rehabilitation of "disturbed soils", which just result from agricultural practices.

The Franklin Township AAC appreciates the SADC's efforts to protect soils that are important for agricultural purposes in New Jersey, especially for our preserved farms, but respectfully submits these comments that would ultimately result in a different overall approach. As presented, the Soil Protection Standards are far too limiting and will have a negative impact on agriculture as an industry and the New Jersey Farmland Preservation Program.

Please feel free to contact Tara Kenyon, Land Preservation and Management Consultant, with any questions or to respond to these comments. We appreciate your consideration in this matter and look forward to our continued work together!

Sincerely,



Tara Kenyon, AICP/PP – Land Preservation and Management Consultant  
Township of Franklin (Somerset County)

cc: Franklin Township Open Space Advisory Committee



October 4, 2023

Ms. Susan E. Payne, Executive Director  
State Agriculture Development Committee  
PO Box 330  
Trenton, NJ 08625-0330  
Submitted Via Email: [SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)



**RE: Comments – Franklin Township Open Space Advisory Committee  
Proposed Soil Protection Standards (NJAC 2:76-25 and 25A)**

Dear Ms. Payne,

Please accept this letter as formal written comments from the Franklin Township Open Space Advisory Committee (herein, "OSAC") regarding the proposed Soil Protection Standards (NJAC 2:76-25 and 25A).

While OSAC understands the need for the State Agriculture Development Committee (herein, "SADC") to adopt regulations regarding the protection of soils on preserved farms, the regulation as proposed is far too limiting for landowners of preserved farms. As agriculture in New Jersey continues to evolve and diversify to meet existing consumer demand and to retain the industry in such a highly developed State, the types of infrastructure, outbuildings, and daily practices may require appropriate disturbance to the soil. As written, the proposed Soil Protection Standards will significantly limit the types of agriculture that may be necessary now and, in the future, to continue and retain this valuable industry.

Farms that have been preserved prior to the proposal of this regulation were not prepared for such a limitation. Because these farmers were not properly notified of such a drastic change to the already agreed upon contract and Deed of Easement, the implications to their existing and future operations are being significantly challenged and, in some cases, threatened. At the bare minimum, these farms should not be subject to the Soil Protection Standards, if adopted.

Lastly, the Franklin Township OSAC feels that the Soil Protection Standards, as currently written, are more appropriate for preserving a viewshed or a perception of what agriculture should look like, rather than the actual industry and corresponding practices that make agriculture in New Jersey successful. If farmers are restricted to this degree, not only will the actual industry suffer, but the future of the farmland preservation will as well. New farmers will not be as willing to preserve their farms based on the strict requirements for adherence to a percentage/area of soil disturbance, as well as the rehabilitation of "disturbed soils", which just result from agricultural practices.

The Franklin Township OSAC appreciates the SADC's efforts to protect soils that are important for agricultural purposes in New Jersey, especially for our preserved farms, but respectfully submits these comments that would ultimately result in a different overall approach. As presented, the Soil Protection Standards are far too limiting and will have a negative impact on agriculture as an industry and the New Jersey Farmland Preservation Program.

Please feel free to contact me with any questions or to respond to these comments. We appreciate your consideration in this matter and look forward to our continued work together!

Sincerely,

A handwritten signature in blue ink that reads "Tara Kenyon". The signature is written in a cursive, flowing style.

Tara Kenyon, AICP/PP – Land Preservation and Management Consultant  
Township of Franklin (Somerset County)

cc: Franklin Township Agriculture Advisory Committee





# WEST WINDSOR TOWNSHIP

## DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF LAND USE AGRICULTURAL ADVISORY COMMITTEE

September 26, 2023

Susan Payne, Executive Director  
SADC  
P.O. Box 330  
Trenton, NJ 08625-0330  
Email: [SADC@AG.STATE.NJ.US](mailto:SADC@AG.STATE.NJ.US)

### RE: SOIL PROTECTION STANDARD DRAFT RULE PROPOSAL

Dear Ms. Payne,

The proposed Soil Protection Rules for Preserved Farmland needs to be reconsidered as we oppose them as written today.

The court said that there needs to be clarification on soil disturbance and soil protection. While we are in concurrence with soil protections, we are not in agreement with retroactively limiting impervious coverage on already deeded preserved farms.

These landowners were told and the deeds of easement describe that agricultural structures can be built with consideration for water runoff and erosion control.

This new rule will affect the value of the farms and severely limit the viability of New Jersey agriculture in the future. As Climate Change occurs, agriculture could be forced to do more indoor farming to control conditions. We understand that the maximum impervious coverage does not affect all farms today but what about 10-20 or more years down the road?

The rules to address soil erosion and soil protection should have been written and clarified for previously Deed Restricted Farms. Limiting impervious coverage should not apply retroactively.

If you want to limit the amount of impervious coverage on farms, then it should apply to farms applying now for farmland preservation so that they can decide if they want these restrictions or not. It would be their choice.

The West Windsor Agricultural Advisory Committee feels that these rules will deter new farms from applying to the program.

Sincerely,

Steve Jany  
Chairman, Agricultural Advisory Committee

SJ/ik  
c: H. Marathe, Mayor  
C. Appelget -- via email  
D. Tindall -- via email

c:\Agricultural Advisory Committee\SoilProtectionStandard-DraftRuleProposal.docx

271 CLARKSVILLE ROAD · PO BOX 38 · WEST WINDSOR, NEW JERSEY 08550 · (609) 799-9448

WEBSITE: [WWW.WESTWINDSORNJ.ORG](http://WWW.WESTWINDSORNJ.ORG)