

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)

Department of Agriculture

REGULAR MEETING

**REMOTE MEETING DUE TO CORONAVIRUS
EMERGENCY**

June 25, 2020

Chairman Fisher called the meeting to order at 9:06 a.m.

Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Chairman Fisher
Renee Jones
Gina Fischetti
James Waltman
Martin Bullock
Ralph Siegel
Pete Johnson
Roger Kumpel (Alternate Farmer Member for Mr. Norz)

Members Absent

Brian Schilling
Richard Norz
Denis Germano

Susan E. Payne, Executive Director
Jason Stypinski, Esq., Deputy Attorney General

Minutes

A. SADC Regular Meeting of May 28, 2020 (Open Session)

It was moved by Mr. Kumpel and seconded by Mr. Johnson to approve the Open Session minutes of the SADC regular meeting of May 28, 2020. A roll call vote was taken. Mr. Ellis abstained from the vote. The remaining members unanimously approved the motion.

Report of the Chairman

Chairman Fisher stated that there are many factors affecting farmers right now involving complications from COVID-19. Some of these factors include gathering workers to plant and pick crops, the need for COVID-19 safety inspections, and disruptions in the marketplace. Agritourism and the horse racing industry are adversely affected due to social distancing requirements. He noted that some farm markets are recovering nicely and are able to provide products to consumers; however, he wants everyone to understand that this is a stressful time for the entire agricultural community.

Chairman Fisher observed that budgetary problems arising from the COVID crisis may cause the state to take certain measures such as furloughing employees in order to balance the state budget.

Report of the Executive Director

Ms. Payne stated that the Delegation Report was provided to the Committee and will continue to be distributed monthly to the SADC members for their information.

Ms. Payne reported that the FY2019 Annual Report was mailed out and she thanked Ms. Winzinger and Ms. Lemyre for their work on the report.

Ms. Payne stated that there was a seminar held June 10th hosted by American Farmland Trust to discuss its recent report titled "Farms Under Threat – the State of the States" and the report's finding that NJ received the #1 rank of all states in working to stem the loss of farmland. Ms. Payne noted that she and Secretary Fisher participated in the meeting and recommended the Committee review the link to the study on the agency's website, as it is a great resource tool.

Ms. Payne stated NJ ranks number one primarily because of its investment in farmland preservation, the identification of Agriculture Development Areas (ADAs), and the Farm Link program. Ms. Payne has begun working with fiscal staff to examine our program's statistics and performance, broken down by program type and county to understand what

trends we can recognize. Data to be reviewed will include farm sizes, closings statistics, geographic distribution and development easements values in an effort to evaluate what NJ is doing well and where is there room for improvement. She anticipates that a subcommittee will be formed and information will be presented to the Committee after the data is collected and analyzed.

Ms. Payne noted that the Planning Incentive Grant rule revisions the Committee approved in February 2020 will be published in late July or early August, which will allow for immediate access by municipalities to a competitive pot of funds to support their preservation efforts.

Finally, Ms. Payne stated that given COVID-19 and the restrictions on travel and social distancing requirements, the SADC has contracted with a drone operator to allow for remote inspections of five farms seeking to enter the program. She noted that all farm owners consented in writing to the drone overflights and they will be provided a full copy of the drone report submitted to staff.

Public Comment

Ms. Payne stated that public comments are to be emailed to sadc@ag.state.nj.us and will be read at the appropriate time during the meeting .

Ms. Winzinger stated that Mr. Clare Nichols, a retired district conservationist, and technical service provider for the National Resource Conservation Service (NRCS), wanted to introduce himself and pass his resume along to the department to possibly do work in NJ. Chairman Fisher observed that the state does not accept unsolicited resumes. Ms. Payne stated that Mr. Nichols could potentially attend an SADC meeting and hand his resume to the Committee for its review, but that the resume would not be distributed or posted in any way.

Old Business

NOTE: Mr. Johnson, a member of the Burlington County CADB, recused on the discussion of this matter as the Burlington County CADB had previously acted on this item.

A. Resolution: Review of Non-Agricultural Development Project in an ADA on Preserved Farmland-Medford Township Temporary Construction Access; Jennings Farm, Medford Township, Burlington County

Alison Reynolds, Esq. reviewed a draft resolution memorializing the SADC's findings at its May 2020 meeting that the proposed use of the preserved Jennings farm for a

temporary construction access does not meet the statutory test that there is no immediately apparent feasible alternative.

Ms. Reynolds recapitulated the facts, applicable ARDA statutes and legal positions of the parties she presented at the May 2020 meeting.

Finally, she noted that at last month's meeting staff recommended that the Committee find that the Wildflower access presented an immediately feasible alternative and, therefore the proposed condemnation of the preserved farm did not meet the ARDA statutory requirements.

It was moved by Mr. Ellis and seconded by Mr. Kumpel to approve Resolution FY2020R6(1), granting approval of the staff recommendation that the Wildflower access presents an immediately feasible alternative and, therefore, the proposed condemnation of the preserved farm does not meet ARDA statutory requirements. A roll call vote was taken. Mr. Johnson recused from the vote. The remainder of the committee unanimously approved the motion. A copy of Resolution FY2020R6(1) is attached to and a part of these minutes.

New Business

A. Stewardship

1. Resolution: House Replacement Request

Willis Farm, Block 82, Lot 9, Hopewell Township, Cumberland County, 137.3 Acres

Mr. Roohr referred the Committee to a request for a house replacement on the Willis Farm. He reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant final approval. He noted that Mr. Willis lives in the existing house and is asking permission to continue to reside there until the new house is complete. SADC has honored such requests numerous times in the past, on condition that the existing residence house be demolished within 60 days of the landowner obtaining a certificate of occupancy for the new house. The Cumberland CADB previously reviewed and approved Mr. Willis's request.

Mr. Ellis asked if Hopewell Township is on board with demolition of the old house. Ms. Armstrong stated that she did not check with the township about demolishing the old house, but can do so in the future if that's the Committee's preference. The Committee agreed that it's good practice to determine if there is a municipal historic preservation restriction when a request like this arises in the future.

Ms. Payne stated that the Committee could consider the resolution with an amendment that indicates staff will communicate with the municipality regarding future demolition of

the existing residence, and if the township approves the demolition, then the landowner can proceed. However, if the township raises concerns, then this would have to be brought back to the Committee for review.

It was moved by Mr. Siegel and seconded by Mr. Kumpel to approve Resolution FY2020R6(2), granting approval for the house replacement request for the Willis Farm, with an amendment that staff will communicate with the municipality regarding the proposed demolition of the existing residence, and if the township approves the demolition, the landowner can proceed. However, if the township raises concerns, then the house replacement request would have to be brought back to the Committee for review. A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2020R6(2) is attached to and a part of these minutes.

2. Resolution: Division of Premises – Cericola Farm

Cericola Farm #1
Block 58, Lots 8, 9, 12, 13, 15
Franklin Township, Warren County, 173 Acres

Cericola Farm #2
Block 58, Lot 10
Franklin Township, Warren County, 30 Acres

Mr. Roohr referred the Committee to a request for division of premises and reconfiguration of the Cericola Farms. The request is to divide Cericola #1 to create one 99-acre farm and combine the remaining 74 acres with Cericola #2 to create a 105-acre farm. Mr. Cericola is under contract to sell the 105-acre area to the tenant farmer who owns the neighboring farm operation. A condition of this division approval is the requirement that the transfer deed include additional language that merges the 74-acre piece with the 30 acres of Cericola #2. He reviewed the specifics of the application with the Committee and stated the division did satisfy the ag purpose and ag viability tests and as such, staff's recommendation is to grant final approval.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve Resolution FY2020R6(3), granting approval for the division of premises request for the Cericola Farm. A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R6(3) is attached to and a part of these minutes.

3. Resolution: Septic Replacement Outside Exception Area

Enz Farm
Block 3, Lot 20
Washington Township, Warren County
Block 14, Lots 4 & 52

White Township, Warren County 75.64, Acres

Mr. Roohr referred the Committee to one request for a septic replacement outside a 1.5 acre non severable exception area on the Enz Farm. During the process of building a new home, it was established a new septic was needed. The landowner's engineer determined a new septic was not feasible with the land area available within the exception due to the size of the pond and the location of the water source for the house. Policy P-49 allows landowners with non-severable exceptions to construct septic systems outside the exception if it is determined it is not physically possible to build one inside the exception and three tests referenced in the Policy are met. He reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Ms. Jones to approve Resolution FY2020R6(4) for a septic replacement for the Enz Farm. A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2020R6(4) is attached to and a part of these minutes.

4. Rural Microenterprise Discussion – Hart Farms

Hart Farms
Block 37, Lot 23
Hopewell Township, Mercer County, 15 Acres
SADC ID# 11-0002-EP

Note: Mr. Waltman, Executive Director of The Watershed Institute, recused on the discussion of this matter as the Hart Farm is adjacent to the Watershed Reserve, which is managed by The Watershed Institute. The Watershed Institute also occasionally does business at Mr. Hart's Rosedale Mills store.

Mr. Roohr stated that staff received an application for a Rural Microenterprise permit (RME) from Mr. Hart to repurpose his 4,000 square foot barn as an agricultural supply store and to continue to utilize his existing 500 square foot butcher shop for the processing of deer as “Class Two” activities under the RME law.

Staff finds the applicant and the qualifying land eligible to receive a special permit for an RME on the premises, as the farm was preserved prior to January 12, 2006 without an exception area and Mr. Hart is the owner-operator of the farm. The entire 4,000 square feet of floor space of the larger barn proposed to be dedicated for the RME will be used as a retail store. The store will sell a mix of merchandise commonly purchased by backyard homesteaders, small farmers, and hobbyists including, but not limited to, livestock feed and materials, deer corn, fertilizer, gardening materials, poultry feed and equipment, canning supplies, and miscellaneous farm supplies including fencing materials, and farm pest control supplies. A second, approximately 500 square foot barn next to the main

barn is used as a butchering facility dedicated to processing livestock produced by the farm as well as deer that are brought from off-site.

The improvements to the larger barn are anticipated to exceed 2,500 square feet, so the applicant is pursuing a heritage farm structure designation for this barn as required by the RME law. If eligible for this designation, the owner would be permitted to renovate the entire interior of the structure for use as an RME in exchange for an agreement to place a historic façade easement on the exterior of the building.

Mr. Roohr stated that staff is requesting the Committee's input to determine if the combination of the retail farm store selling livestock and wildlife grains and feeds and butchering facility meets the criteria found as a "Class Two" activity. Staff finds that the proposed dual use of the butchering facility shares a nexus to agriculture and that processing deer, when combined with a retail farm store, is compatible with agricultural use and production on the preserved premises. Staff is seeking input from the Committee on whether it concurs that there is enough of a connection between the feed/supply store and butcher shop to consider them one activity for purposes of a Rural Microenterprise. If the Committee agrees with the staff assessment, a completed formal resolution will be brought to the Committee at its July meeting.

Mr. Everett reviewed the historic and heritage preservation aspects of this potential RME application with the Committee. He noted that conversion of the entire barn into a new retail business location is possible under the SADC's RME rules which allow conversion and finishing of greater than 2,500 square feet if a heritage preservation easement is recorded on the historic barn. If this proposal comes to fruition it will be the first time an RME permit has utilized the "barn preservation" aspects of the SADC's RME rules. A 20-year heritage preservation easement will be recorded on the property contemporaneous with the issuance of a special permit for the RME. The reason for a 20-year easement is so the business interest is commensurate with the protections on the building.

Chairman Fisher stated that he approached Ms. Payne with the idea of RMEs 8 to 10 years ago because he was concerned these types of barns needed to be preserved as heritage farm structures. He noted that staff created an effective RME and heritage structure program and asked the Committee if it had any concerns with the staff proceeding in the manner presented by Mr. Roohr and Mr. Everett. The Committee expressed no concerns.

Mr. Hart, who attended the meeting remotely, stated that his vision for the farm is to downsize his business while maintaining the preserved farm's operation and promoting agriculture. Chairman Fisher stated that he is hopeful that the inside of the barn will remain as intact as possible, because it tells the story of the original barn. Mr. Hart stated that everything that is in the barn now will remain the same except to modernize the floor and the siding.

Ms. Jones stated that this is very ambitious and a terrific representation of preserving agricultural history. Mr. Johnson stated that he commends this effort as it takes tremendous cooperation from local and state officials to preserve these structures and make them safe to occupy and practical for use.

Chairman Fisher asked Mr. Everett to facilitate this worthwhile project with Mr. Hart.

B. Resolutions: Delegation of Routine SADC Actions for Acquisition

Ms. Winzinger reviewed the delegation request with the Committee. The resolution authorizes the review and approval of certain routine Acquisition Program actions to the Executive Director, in furtherance of the Committee's recent delegation of other routine business matters, in order to speed the approval process and increase staff efficiency. These include minor amendments to the appraisal handbook, annual approval of the list of appraisers eligible to perform SADC program appraisals, annual approval of the County and SADC Direct easement purchase programs' minimum standards and scores, and enrollment of farms into the SADC's term easement 8 or 16-year terms program. She stated that staff recommendation is to grant approval.

It was moved by Mr. Siegel and seconded by Ms. Jones to approve Resolution FY2020R6(5) for the Delegation of Routine SADC Actions for Acquisition. A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2020R6(5) is attached to and a part of these minutes.

C. Resolution - Term Farmland Preservation Program - Certification for New Enrollment

Mr. Kimmel referred the Committee to a Term Farmland Preservation Program request for new enrollment. He reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve Resolution FY2020R6(6), granting final approval to the following application under the Term Farmland Preservation Program, as presented, subject to any conditions of said resolution:

1. William H. Madara, Jr. and Cynthia Madara, SADC ID #08-0033-TF, Resolution FY2020R6(6), Block 260, Lot 13, Mantua Township, Gloucester County, 9.785 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2020R6(6) is attached to and a part of these minutes.

D. Resolutions: Final Approval- County PIG Program

Ms. Mazzella referred the Committee to two requests for final approval under the County PIG program. She reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve Resolutions FY2020R6(7) and FY2020R6(8) granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Daniel and Heather Brown, SADC ID #08-0203-PG, Resolution FY2020R6(7), Block 19, Lot 3, South Harrison Township, Gloucester County, 10.057 acres.
2. Benny LaSala, SADC ID #06-0200-PG, Resolution FY2020R6(8), Block 84, Lots 21, 24, 25, 29 & 30, Deerfield Township, Cumberland County, 97 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R6(7) and FY2020R6(8) is attached to and a part of these minutes.

E. Resolutions: Final Approval- Municipal PIG Program

Ms. Mazzella referred the Committee to two requests for final approval under the Municipal PIG program. She reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve Resolutions FY2020R6(9) and FY2020R6(10) granting approval to the following applications under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. Eric & Shelly Mihalecz, SADC ID #17-0213-PG, Resolution FY2020R6(9), Block 701, Lot 50 & 50.02, Pittsgrove Township, Salem County, 25.5 acres.
2. Anna Bauman, SADC ID #17-0215-PG, Resolution FY2020R6(10), Block 2202, Lot 17, Block 2203, Lot 32, 33, 42, 42.01, 42.02, & 43, Pittsgrove Township, Salem County, 56.20 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R6(9) and FY2020R6(10) is attached to and a part of these minutes.

F. Resolutions: Final Approval- Direct Easement Purchase Program

Ms. Mazzella referred the Committee to three requests for final approval under the Direct Easement Purchase Program. She reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve Resolutions FY2020R6(11), FY2020R6(12) and FY2020R6(13) granting approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. James Wepler (Lot 16), SADC ID #10-0252-DE, Resolution FY2020R6(11), Block 2, Lot 16, Clinton Township, Hunterdon County, 54.9 net easement acres.
2. James Wepler (Lot 18), SADC ID #10-0253-DE, Resolution FY2020R6(12), Block 3, Lot 18, Clinton Township, Hunterdon County, 108.5 acres.
3. David & Lisa Oertle, SADC ID #10-0274-DE, Resolution FY2020R6(13), Block 39, Lot 3, 3.03, & 4, Kingwood Township, Hunterdon County, 107.4 net easement acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R6(11), FY2020R6(12) and FY2020R6(13), is attached to and a part of these minutes.

G. Resolutions: Final Approval- Non-Profit Program

Ms. Mazzella referred the Committee to two requests for final approval under the Non-Profit program. She reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve Resolutions FY2020R6(14) and FY2020R6(15) granting approval to the following applications under the Non-Profit Program, as presented, subject to any conditions of said resolution.

1. Kent Kimball, SADC ID #21-0045-NP, Resolution FY2020R6(14), Block 61, Lot 5, White Township, Warren County, 44.62 acres.
2. James Parave and Elicia Smith, SADC ID #17-0054-NP, Resolution FY2020R6(15), Block 99, Lot 10 & 10.01, and 14 and Block 101, Lot 24, Alloway Township, Salem County, 61.9 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R6(14) and FY2020R6(15) is attached to and a part of these minutes.

Public Comment

Ms. Payne read an email that was submitted by Ms. Ashley Kerr, of the NJ Farm Bureau, which stated: *“At the State Board meeting yesterday, Secretary Fisher and Susan*

mentioned A2773 Bill for Special Occasion Events on farms that is going to be voted on by the full Assembly during their next session on Monday. Both concurred that the winery pilot had expired on May 30th and that it may or may not be extended. One of the Governor's executive orders extended expiration dates of regulations, so was the pilot technically extended 60 days beyond the end of the pandemic? Just to clarify, what do you expect to happen next in the legislature?"

Chairman Fisher clarified that he and Ms. Payne mentioned that the winery pilot was expiring, and they did not mention a bill at the state board meeting. Ms. Payne noted that was correct.

Ms. Payne stated for clarification that the Winery Special Occasion Event (SOE) law expired at the end of May so there is no current winery SOE enabling law in effect at this moment. The Governor's executive order allowed for extensions of regulations, not statutes like the SOE law, and Ms. Payne indicated she believes any such extension would have to be enacted by the legislature. The SADC sent its report containing recommendations on SOEs to the Legislature and to the Governor's office in March of this year.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., July 23, 2020

Riverview Plaza or NJDA

ADJOURNMENT

The meeting was adjourned at 11:03 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

