

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)

REGULAR MEETING

**REMOTE MEETING DUE TO CORONAVIRUS
EMERGENCY**

September 24, 2020

Chairman Fisher called the meeting to order at 9:04 am.

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
Brian Schilling
Martin Bullock
Ralph Siegel
Scott Ellis
Denis Germano
Pete Johnson
Richard Norz

Members Absent

James Waltman

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

Minutes

A. SADC Regular Meeting of August 27, 2020 (Open and Closed Sessions)

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the Open Session minutes of the SADC regular meeting of August 27, 2020. Mr. The motion was approved.

Report of the Chairman

Chairman Fisher noted that state funding for the SADC is now in place and the goal is to preserve as many farms as possible.

Chairman Fisher stated that the Committee received a letter from Warren County concerning the re-designation of of farmland as “blighted” so that the properties could be developed using redevelopment laws and converted to nonagricultural use. He mentioned that this is a serious issue and thanked Warren County for the thoughtful letter raising awareness of the issue..

Chairman Fisher mentioned that the Department of Agriculture is moving soon to Riverview Plaza and the department is using its best efforts to make use of the new space.

Chairman Fisher stated that he wanted everyone to understand that the decision on the Princeton Show Jumping (PSJ) case from last month’s meeting was made based on the landowner’s failure to comply with conditions in the farmland preservation easement . He explained that the Board of Agriculture and the SADC wholeheartedly support the equine industry and he expressed hope that PSJ will come into compliance soon.

Report of the Executive Director

Ms. Payne stated that the SADC continues to do outreach and is in the process of creating a two-part training seminar through Rutgers University’s Center for Government Services. Rutgers agreed to host these seminars that are aimed at public officials and other key individuals who play a role in local land use approvals. The goal is to educate people as to the agriculture industry and help them better understand the Right to Farm and Farmland Preservation programs, including the Rural Microenterprise Program. Ms. Payne noted that presentations will be recorded and available for use in the future . She thanked Rutgers, Cindy Roberts, and staff for their continued efforts in this endeavor.

Communications

Ms. Payne identified an article with a link to a website that compared agriculture today with agriculture 100 years ago in all 50 states.

Public Comment

Ms. Uttal advised that anyone wishing to make a public comment at this meeting should email their comments to SADC@AG.STATE.NJ.US. All public comments will be read during the public comment portions of the meeting.

Mr. Ellis suggested that all comments for Princeton Show Jumping (PSJ) should be directed to the Secretary of the Pennsylvania Department of Agriculture, as that agency has cancelled all horse shows while New Jersey and the SADC have not cancelled any shows.

There was no public comment.

New Business

A. FY2021 Appropriation Recommendation

Mr. Distaulo reviewed the FY2021 appropriation recommendations in a detailed memorandum with accompanying exhibits. The FY2021 appropriation provides for substantially more funding from Corporate Business Tax (CBT) revenues than were anticipated. Mr. Distaulo outlined funding availability for stewardship activities, county, municipal and non-profit grant programs, administrative costs, and acquisition costs.

An estimated \$56.26 million in CBT funds together with approximately \$882,000 available from interest earnings and other sources support a total appropriation request of \$57.14 million. Chairman Fisher asked Ms. Payne to clarify for the Committee why the administrative budget increased by \$1 million. Ms. Payne noted that in FY20 the Office of Management and Budget (OMB) required the SADC to pay 25% of its fringe costs from the SADCs CBT proceeds, whereas for FY21, OMB is requiring the SADC to cover 100% of fringe costs.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the FY2021 appropriation recommendation. A roll call vote was taken. The motion was unanimously approved.

B. Stewardship

1. Rural Microenterprise Discussion – Haines Farm

Haines Farm, SADC ID# 03-0071-EP, Block 602, Lot 7 and Block 603, Lot 2, 96 acres, Southampton Township, Burlington County, 96 acres.

Note: Mr. Johnson recused from this discussion as he is a member of the Burlington County Agriculture Development Board (CADB).

Mr. Roohr explained that staff received an application for a special permit for a Rural Microenterprise (RME) activity on preserved farmland from the owner of the Haines Farm for a “Class 2” activity. This RME application would convert an existing farm market, hoop house and carport into a point of sale for Freedom Metals, a company specializing in manufacturing and sale of metal roofing, siding, trim and accessories.

The company claims that approximately 50% of their business is conducted with agriculture operators in connection with barns and other agricultural buildings. The issue for consideration at this time is to determine whether such a business qualifies as a “Class 2” activity which, under the RME law, is considered an agricultural support service having “a direct and positive impact on agriculture, such as equipment supply or repair shops, seed suppliers and veterinary services”. As part of the SADC’s review of the application, the landowner will need to identify the building and site improvements are required by the municipality so that the SADC can assess whether such improvements constitute “substantially altering or finishing” the structures and otherwise comply with the RME rules.

Mr. Roohr stated that staff believes that this type of business would fill a void in the agriculture supply chain locally and will have a positive impact on agriculture. If the Committee believes that this is a Class 2 activity, staff finds that the owner and the land is eligible for an RME. Mr. Roohr stated that Mr. Will, the owner of Freedom Metals is on the line if anyone had questions for him.

Mr. Siegel stated that in the past, RME review was were never concerned with whether the business customers were nonagricultural, just whether the business itself supported the agricultural industry. Mr. Roohr stated that was correct. He also noted that the total area of land and buildings devoted to the RME cannot exceed one acre .

Brian Schilling stated that looking at the intent of the RME to improve the economic viability farms and how it places limits on improvements to the property, he sees no immediate concerns and no potential that it could adversely affect the farm’s agricultural production .

Mr. Will stated that he appreciates the opportunity to bring these products to Central Jersey, as he realizes that there’s a need for this product in the area and he thanked the Committee for its efforts. Chairman Fisher stated that the Committee is in favor of proceeding with the application as outlined by Mr. Roohr .

2. Roof- Mounted Solar - DLS Farms, LLC

DLS Farms, LLC., Block 1101, Lot 3, Burlington County, Block 602, Lot 21.01, Springfield Township, Burlington County, 122.6 Acres.

Note: Mr. Schilling recused from the discussion as Mr. David Specca is an employee of Rutgers University. Mr. Germano recused from the discussion as he has worked with Ms. Specca in the past. Mr. Johnson recused as he is a member of the Burlington CADB.

Mr. Roohr referred the Committee to a request for installation of roof-mounted solar energy equipment on a preserved farm. He reviewed the specifics of the application with the Committee and stated that the request for approval meets all the requirements of the solar regulations.

It was moved by Mr. Ellis and seconded by Mr. Bullock to approve Resolution FY2021R9(1) for the roof mounted solar equipment at DLS Farms, LLC. A roll call vote was taken. The motion was unanimously approved by the members who had not recused. A copy of Resolution FY2021R9(1) is attached to and is a part of these minutes.

3. Amended Escrow Agreement

NOTE: Mr. Bullock left the meeting during the discussion of this item.

Van Doren Farm, Block 20, Lots 11, 16, 16.01, and 30, East Amwell Township, Hunterdon County.

Mr. Roohr stated there is a 2018 escrow agreement between the landowners and the SADC that was signed at the time of preservation to ensure that certain erosion-related conditions would be remediated after closing. The remediation has not been satisfactorily addressed by the landowners, and they are now proposing to greatly reduce the number of cattle on the farm which, in turn, could affect the required remediation of the site.

The amended escrow agreement includes revised corrective actions which must be completed by April 21, 2021. These actions include significantly reducing the herd numbers and moving the remaining cattle to a new fenced-in location installed by an approved contractor. The landowners will also plant a crop as a vegetative buffer along the stream, and that area, along with the pasture, will achieve a 70 percent cover. If the owners fail to comply, SADC will use escrowed funds to hire a third party to complete the work. Staff believes that these practices will achieve conservation goals similar to those sought in the original escrow agreement and recommends that the amended agreement be approved. Once the work is completed and approved, the SADC will release the remaining funds in accordance with a payment schedule contained in the amended agreement.

It was moved by Mr. Siegel and seconded by Ms. Fischetti to approve the staff recommendation for the Amended Escrow Agreement for the Van Doren Farm. A roll call vote was taken. Due to connectivity issues, Mr. Ellis was absent for this vote. The motion was unanimously approved by the members present.

C. Review of Non-Agricultural Development in the ADA (N.J.S.A. 4:1C-19)
PSE&G Roseland-Pleasant Valley Transmission Project Segment 2: Hunterdon County

Mr. Bruder reviewed a draft resolution finding that PSE&G's proposed second segment of the project, involving the replacement of existing electric transmission lattice towers with taller monopole structures within a 20-mile stretch of its existing right-of-way, does not cause an unreasonably adverse effects on preserved farms, agricultural development areas, or State agricultural preservation and development policies. Both the Somerset and Hunterdon CADBs have reviewed the matter and made the same findings. Staff is satisfied that PSE&G is staying within the right-of-way, except for one temporary access road, and the company is avoiding preserved farm impacts outside of the right-of-way. Mr. Bruder stated that staff recommendation is to issue a resolution finding that there are no unreasonably adverse effects on preserved farms, agricultural development areas, or State agricultural preservation and development policies.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2021R9(2), finding that the proposed PSE&G Roseland-Pleasant Valley Transmission Project Segment 2: Hunterdon County does not cause unreasonably adverse effects on preserved farms, agricultural development areas, or State agricultural preservation and development policies . A roll call vote was taken. Due to connectivity issues, Mr. Johnson was absent for this vote. The motion was unanimously approved by the members present. A copy of Resolution FY2021R9(2) is attached to and is a part of these minutes.

NOTE: Due to connectivity issues, Mr. Johnson was absent for the remainder of the meeting.

D. Resolutions: Preliminary Approval
FY21 Nonprofit Program Applications

NOTE: Mr. Bullock returned to the meeting for the discussion of this item.

Ms. Miller reviewed a draft resolution granting preliminary approval to the FY21 round of nonprofit applications. Twelve applications totaling over 700 acres were submitted by four nonprofit partners, having an estimated purchase price of \$7.5 million, and an estimated SADC cost share of \$3.76 million . She reviewed the specifics of the applications with the Committee and stated that the staff recommendation is to grant approval.

Some Committee members expressed concerns regarding the proposed location of the non-severable exception area on the Giordano Farm.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2021R9(3), granting preliminary approval for all of the FY21 Nonprofit Program Applications except for the Giordano Farm application. A roll call vote was taken. The motion was unanimously approved by the members present. A copy of Resolution FY2021R9(3) is attached to and is a part of these minutes.

It was moved by Mr. Siegel and seconded by Mr. Norz to amend the prior motion by authorizing staff: (1) to explore with the landowner the ability to move the location of the proposed non-severable exception area; and, (2) if the exception area is not moved, then the Committee would reserve its right not to grant final approval of the application . A roll call vote was taken. The amended motion was unanimously approved by the members present

NOTE: Mr. Bullock left at the conclusion of this discussion for the remainder of the meeting.

E. Resolutions: Final Approval- County PIG Program

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

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolutions FY2021R9(4) through FY2021R9(6) granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Donald Stimpson, SADC ID#17-0221-PG, Resolution FY2021R9(4), block 42, Lot 8 and Block 43, Lot 4, Upper Pittsgrove Township, Salem County, 39.86 acres.
2. Edward Allen, SADC ID#03-0434-PG, Resolution FY2021R9(5), Block 812, Lot 5.05, Pemberton Township, Burlington County, 30 acres.
3. Marlboro Township (Stattel's Brookrest Farm), SADC ID #13-0473-PG, Resolution FY2021R9(6), Block 206, Lot 25, Marlboro Township, Monmouth County, 48 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2021R9(4) through FY2021R9(6) is attached to and a part of these minutes.

F. Resolutions: Final Approval- Direct Easement Purchase Program

Ms. Miller 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 the staff recommendation is to grant final approval.

Note: Mr. Schilling recused on the vote and the discussion for the Lee Ware request.

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve Resolution FY2021R9(7) granting approval to the following application under the Direct Easement Program, as presented, subject to any conditions of said resolution.

1. Lee Ware, SADC ID# 17-0345-DE, Resolution FY2021R9(7), Block 34, Lots 12 & 12.04 Elsinboro Township, Salem County, 86.4 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R9(7) is attached to and a part of these minutes.

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve Resolutions FY2021R9(8) and FY2021R9(9) granting approval to the following applications under the Direct Easement Program, as presented, subject to any conditions of said resolution.

2. Jon Usinger, SADC ID#17-0356-DE, Resolution FY2021R9(8), Block 11, Lot 8, Upper Pittsgrove Township, Salem County, 137.3 acres.

3. Estate of Louisa Hickerson, SADC ID#19-0023-DE, Resolution FY2021R9(9), Block 3301, Lot 21, Hampton Township and Fredon Township, Sussex County, 122.8 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2021R9(8) through FY2021R9(9) is attached to and a part of these minutes.

G. Resolutions: Final Approval- Nonprofit Program

Ms. Miller referred the Committee to one request for final approval under the Nonprofit Program. She reviewed the specifics of the request with the Committee and stated that the staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2021R(10) granting approval to the following application under the Nonprofit Program, as presented, subject to any conditions of said resolution.

1. Albertus & Cathy Pepper, SADC ID #03-0002-NP, Resolution FY2021R9(10), Woodland Township, Burlington County, Block 4602, Lots 3, 4, 7 and 8, 46.9 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R9(10) is attached to and a part of these minutes.

H. Jersey Central Power and Light – Request to Maintain Vegetative Cover of Preserved Farms

Ms. Reynolds stated that in 2014, Jersey Central Power and Light (JCP&L) sought to remove vegetation on a preserved farm in West Amwell Township, Hunterdon County, adjacent to a proposed transmission line on property owned by JCP&L. The company considered the vegetation a threat to the resiliency of its electric transmission system.

SADC staff had concerns that this vegetation management by the utility company would be considered a prohibited activity under the DOE, as it would be for a non-agricultural purpose, and JCP&L did not have a pre-existing right to engage in these activities on the preserved farm. However, SADC staff understood the threat JCP&L's inability to perform these vegetation management activities posed to system resiliency and the impact on its customers. Further, staff was mindful that the preserved farm owner would be permitted to remove this vegetation under the DOE unless such removal was detrimental to the agricultural use of the property.

In addition to the staff considerations, Board of Public Utilities (BPU) regulations require utilities to perform vegetation management in proximity to their electrical conductors to ensure public safety and a reliable supply of electrical power.

Staff and JCP&L representatives have had discussions over the past few years in order to develop points of consensus to form the basis of a potential Memorandum of Understanding (MOU) between the agency and JCP&L regarding the removal of vegetation on preserved farms . Ms. Reynolds reviewed the draft points of consensus provided to the Committee .

Under the points of consensus, in order for JCP&L to remove hazard trees and other vegetation on a preserved farm outside of its existing easement, the company can only obtain the landowners consent for this work on a case by case basis, as opposed to obtaining a general agreement for such rights. Further, the vegetation management shall be performed in accordance with the annual report JCP&L submits to BPU, which shall also be submitted to the SADC at that same time, and the SADC shall have 30 days to identify any vegetation management activities that are inconsistent with the DOE. Finally, before any vegetation management can be performed on a preserved farm, JCP&L must notify SADC at least 60 days prior to conducting such activities, except in the event where vegetation is posing an immediate hazard to the electrical system, in which case JCP&L must make every reasonable effort to notify SADC before such work is performed.

Ms. Reynolds explained that if the Committee agrees with the points of consensus as set forth in the draft, staff shall engage with JCP&L to prepare an MOU regarding vegetation management on preserved farms, and in consultation with the Attorney General's office.

William Harrison, Esq., counsel for JCP&L, thanked the SADC staff for their efforts to address the utility's concerns while maintaining the integrity of the Farmland Preservation Program.

Chairman Fisher asked if this arrangement has been made with all the other utility companies. Ms. Payne stated that JCP&L is the first utility that staff had the opportunity to deal with on a specific case . She noted that if the Committee supports these points of consensus, an MOU will be drafted and brought before the Committee for approval. SADC partners will be notified and their feedback will be considered. Similar MOUs will likely result with other utility companies. Chairman Fisher commended staff and JCP&L for their cooperation in this matter .

Public Comment

Amy Hansen from the New Jersey Conservation Foundation (NJCF) submitted a letter to the SADC dated September 23, 2020 regarding the proposed soil protection standards, and she asked that the letter be read during the public comment period. In the interest of time, Ms. Payne asked her to summarize the contents of the letter and said that a copy would be distributed to all Committee members.

Ms. Hansen explained that the NJCF is happy that the SADC is working on soil protection standards but is concerned that the proposal is not going far enough to protect NJ soil and water resources. Therefore, NJCF is suggesting smaller disturbance be allowed given the various waivers that are proposed. NJCF questioned how the BMPs will be monitored in perpetuity and is concerned about the negative effect of gravel on soil. The conservation foundation believes that the proposed practices could be inconsistent with DEP and municipal standards.

NJCF referred to the “Smith Bill”, enacted in 2002, which amended the Garden State Preservation Trust Act by requiring the SADC and DEP to adopt rules establishing standards for regulating improvements on farms preserved by SADC through its fee simple or direct easement purchase programs. The conservation foundation stated that the purpose of the amendment is to assure that any improvements do not diminish protection of the ground and surface water resources, and NJCF is hopeful that the amendment’s purpose will be taken into consideration when developing the soil protection standards.

Chairman Fisher thanked the staff for all of their hard work and efforts in making these remote meetings successful.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday October 22, 2020

Location: TBA

ADJOURNMENT

The meeting was adjourned at 11:40 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee