

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)  
REGULAR MEETING**

**REMOTE MEETING DUE TO CORONAVIRUS  
EMERGENCY**

**July 22, 2021**

Mr. Denis Germano, Vice Chairman, called the meeting to order at 9:03 am.

Ms. Payne read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Roll call indicated the following:

**Members Present**

Martin Bullock  
Scott Ellis  
Gina Fischetti  
Denis Germano, Vice Chairman  
Cecile Murphy  
Brian Schilling  
James Waltman  
Roger Kumpel, Alternate Farmer Member  
Julie Kraus  
Richard Norz

**Members Absent**

Pete Johnson  
Chairman Fisher

---

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

---

**Minutes**

SADC Regular Meeting of June 24, 2021 (Open Session)

It was moved by Mr. Kumpel and seconded by Ms. Fischetti to approve the Open Session minutes of the SADC regular meeting of June 24, 2021. Mr. Bullock, Mr. Ellis, Ms. Krause, and Mr. Schilling abstained from the vote. The motion was approved by the remaining members.

### **Report of the Chairman**

There was no report of the Chairman, as Secretary Fisher was absent from the meeting.

### **Report of the Executive Director**

Ms. Payne reminded the public that the SADC has changed how the public participates in its monthly meetings. If a member of the public who attends the meeting by using Microsoft Teams following the URL link would like to address the committee during the public portion of the meeting, they can do so by “raising their hand” on the icon at the top of the screen. Once all the members of the public who have “raised their hands” have spoken, the committee will recognize any attendees who have called into the meeting by phone and wish to provide public comment.

Ms. Payne stated that Chairman Fisher would be absent from the meeting today and is on vacation.

Ms. Payne introduced the newest SADC member, Julie Krause, representing the Treasury Department. Ms. Krause stated that she’s been with the state of New Jersey for 14 years and worked in different positions throughout the state. Ms. Krause transferred to the Department of Treasury from the Department of Environmental Protection two years ago. She stated that she’s pleased to be a part of the SADC and looks forward to working with everyone and becoming an active and contributing member of the SADC. Ms. Payne welcomed Ms. Krause to the SADC.

Ms. Payne discussed the solar legislation and stated that the two bills that were the subject of a tremendous amount of legislative activity in recent months have been signed into law by the Governor. Staff emailed a summary of the bills to the SADC members and that summary will be posted to the SADC website. During the development of these bills, one major question was how much unreserved farmland these projects could consume with solar panels.

The first bill was the grid supply solar bill, S2605. That bill represents the new utility scale solar legislation in New Jersey and supersedes prior legislation. . This bill represents a broadening of what can be done on farmland from the prior utility scale solar law and tries to balance the need for solar with the need to protect the state’s best soil agricultural resources. The bill defines a grid solar project as a minimum of 5 megawatts. Approximately 5 acres of solar panels equal one megawatt so this bill will apply to projects that are approximately 25 acres or larger.

Regarding farmland, the focus is on protecting the best farmland in the state and that is represented by prime and statewide important soils within the Agricultural Development Areas (ADAs). The bill allows the first 2.5% of the prime and statewide soils in the ADA to be developed without a waiver from the Board of Public Utilities (BPU) and once the state

hits the 2.5% mark, anything over that would require a waiver from BPU. The bill goes on to put an absolute cap on the loss of more than 5% of any individual counties' prime and statewide soil in their ADA.

After 5 years, the BPU will work with the Department of Environmental Protection (DEP) and the Secretary of Agriculture to evaluate how the program performed and what changes are recommended going forward. The bill did not change the current farmland assessment law related to solar, nor the limits applicable to preserved farmland.

Ms. Payne stated that the SADCs primary role under this new law is to be the authority on the mapping of the ADAs and the calculation of the development of prime and statewide soils in the ADAs. Farmland outside of ADAs are not limited for development and they could potentially become a preferred alternative for development. It also does not put any caps on soils within the ADA that are not classified as prime or statewide important to encourage development on land that does not contain the state's best soils. Once again, a re-evaluation period will take place in the next 5 years.

Ms. Payne stated that the dual use bill, S3484, was designed to determine if solar development can co-exist with agricultural production, rather than replace it. This bill is a new concept in the United States and sets up a 3-to-5-year pilot program to test the viability of the dual use concept. It caps the size of a dual use project to 10 megawatts, which is 50 to 100 acres and caps the overall pilot project to 200 megawatts, so that's between 1,000 to 2,000 acres.

The bill requires the land under the panels to be actively devoted to agriculture. It relies heavily on the collaboration between the BPU and the Secretary of Agriculture so when it comes to evaluating and approving projects, the Secretary has a central role, which allows agriculture to be at the forefront as this technology.

The law authorizes a research study, which has been started by Rutgers University, and the FY2022 budget included funding for this research. Rutgers intends to develop these dual use pilot projects at different stations throughout the state and the idea is to test the viability as to what kinds of crops they work best with. The bill prohibits a dual use project on prime and statewide soils in the ADA, unless it's one of the University's research projects, and there is no waiver provision for that. A last-minute addition to the bill makes dual use projects that are approved by the BPU and the Secretary of Agriculture a "permitted use" in the municipality, thereby overriding municipal zoning with respect to whether dual use is considered permitted or not. This pilot period expires in 3 to 5 years, then there is a re-evaluation period and then permanent rules will be adopted by the BPU.

Ms. Payne discussed revisiting the delegation of authority granted to the Executive Director and Chairman for the duration of the COVID public health emergency. She reviewed the resolution dated April 23, 2020, where the SADC delegated certain actions to the Executive

Director and the Secretary, including certification of easement values waiving/suspending/modifying SADC regulations, programmatic and contractual deadlines, and the management of all active litigation cases. This delegation resolution is to remain in effect until executive order (EO) 103 (the order under which the governor declared the public health emergency) is terminated or the resolution is rescinded by the committee

On June 4, 2021, the governor declared an end to the public health emergency, but the “state of emergency” remains in place. Under legislation enacted on that same date, EO 103 was terminated, but other various COVID-related executive orders are to remain in effect until January 1, 2022. Ms. Payne stated that her question for the committee is whether it wants to rescind the delegation prior to that date. Further, she stated that if the committee would like to continue delegation of any of those matters identified in the resolution beyond January 1, 2022, they could identify those matters for staff to prepare a resolution delegating those matters on an on-going basis.

Mr. Schilling stated that all actions come before the committee at some point so there is no topic that the committee does not have access to and stated that he is comfortable with extending the delegation of authority while the committee is still meeting remotely or to January 2022. Mr. Schilling asked if there were any determinations as to when the committee would resume meeting in person. Ms. Payne stated that there is still a mask mandate in place for the state conducting meetings in person which makes the meetings difficult to record.

Mr. Kumpel stated that the future is unknown with the different variants out there and stated that he supports continuing with the delegation because it eliminates the need for executive session, and the meetings have been done very well up to this point.

Mr. Norz agreed with Mr. Schilling and Mr. Kumpel that the delegation of authority should run through the end of the year, but he stated that he believes it’s the committee’s responsibility to review these items. Mr. Schilling agreed with Mr. Norz.

Ms. Fischetti asked if the provision in the April 2020 SADC resolution, which references the SADC’s ability to “waive/suspend, modify SADC regulations in accordance with EO 103” is still in effect in light of EO 103 being repealed. Ms. Payne stated that no action was taken during COVID to waive, suspend or modify regulations as it’s a substantial process and there was no need for it to date. Mr. Smith stated that he will look into this and get back to Ms. Fischetti with more detail.

Mr. Germano stated that the essence of the commentary is the status quo is to remain the same until 2022. Ms. Payne stated that this topic will be addressed again at the December meeting to determine the committee’s preferences beyond January of 2022..

**Public Comment**

Ms. Payne stated that staff received a letter dated July 9, 2021, from Anthony Sposaro, Esq. on behalf of his client, Hunter Farms, requesting to be placed on the July 22nd SADC agenda for consideration of approval of additional horse shows for the 2021 year. The request was not received in time to be properly prepared for the July 22nd SADC meeting; therefore, a special meeting will be held in the first two weeks of August to hear and decide the matter. Mr. Germano asked if the township and property owners will get notice of this meeting. Ms. Payne stated that they will be notified accordingly.

**New Business**

**A. Reorganization**

1. Election of Vice Chairman

It was moved by Mr. Schilling and seconded by Mr. Kumpel to elect Mr. Germano as the Vice Chairman of the SADC. Mr. Norz motioned to close the nominations and Mr. Bullock seconded the motion. The motion was unanimously approved.

2. July 2021 to July 2022 Meeting Dates

It was moved by Mr. Kumpel and seconded by Mr. Waltman to approve the July 2021 to July 2022 SADC Meeting dates. The motion was unanimously approved.

**B. Stewardship**

Mr. Willmott referred the committee to a draft resolution approving the division of a 195-acre farm owned by Theodore Miller into two resulting parcels, one containing 84 acres and the other 111 acres. The purpose of the division is to sell a portion of the property to Kirby Mitchell, a lifelong farmer, and his wife in order for them to own land that will be used to expand the existing Mitchell family farm. He reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Norz and seconded by Mr. Bullock to approve Resolution FY2022R7(1) granting approval to the following application, as presented, subject to any conditions of said resolution.

1. Theodore Miller, FY2021R6(2), Block 40, Lot 14, and Block 41, Lots 1 & 4, Pilesgrove Township, Salem County, 195.67 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2022R7(1) is attached to and a part of these minutes.

**C. Resolutions: Final Approval – County PIG Program**

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

It was moved by Mr. Waltman and seconded by Mr. Kumpel to approve Resolutions FY2022R7(2) and FY2022R7(3), granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Ralph and Dianna Anema, SADC ID#21-0611-PG, FY2022R7(2), Block 66, Lot 1, Washington Township, Warren County, 128.06 acres.
2. Dale and Donald Smith, SADC ID#17-0224-PG, FY2022R7(3), Block 36, Lot 17 and Block 38, Lot 1, Alloway Township, Salem County, 78.6 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R7(2) and FY2022R7(3), is attached to and a part of these minutes.

#### **D. Resolutions: Preliminary Approval – Direct Easement Program**

Ms. Miller referred the committee to four requests for preliminary approval under the Direct Easement Program. The Direct Easement program requires committee approval for applications that meet the farm acreage and quality score for “alternate” or “other” farms. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant preliminary approval.

It was moved by Mr. Kumpel and seconded by Ms. Fischetti to approve Resolutions FY2022R7(4), FY2022R7(5), FY2022R7(6), and FY2022R7(7), granting preliminary approval to the following applications under the Direct Easement Program, as presented, subject to any conditions of said resolution.

1. Gerald and Carolyn Sleeter, SADC ID#04-0013-DE, FY2022R7(4), Block 20201, Lot 3, Gloucester Township, Camden County, 40.4 net easement acres.
2. Joseph and Josephine Martinelli, SADC ID#01-0045-DE, FY2022R7(5), Block 4802, Lots 12, 13, & 14, Hammonton Township, Atlantic County, 55.4 gross acres.
3. Dan and Dana Ott, SADC ID#17-0358-DE, FY2022R7(6), Block 14, Lots 3 & 5, Pilesgrove Township, Salem County, 71.2 gross acres.

Mr. Norz stated his concern for the exception area located in the middle of the parcel and the absence of an existing roadway to the location. Mr. Waltman agreed with the concern. Ms. Miller noted the SADC’s policy regarding access to a non-severable exception does require location approval by SADC staff and further discussions take place with the applicant during the acquisition process.

4. Charles Wible, SADC ID#17-0360-DE, FY2022R7(7), Block 33, Lot 14, Lower Alloways Creek Township, Salem County, 73.7 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2021R7(4) through FY2021R7(7) is attached to and a part of these minutes.

**Public Comment**

There was no public comment.

**TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., September 23, 2021

Location: TBA

**ADJOURNMENT**

The meeting was adjourned at 10:01 a.m.

Respectfully Submitted,



Susan E. Payne,  
Executive Director

State Agriculture Development Committee