

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

**REMOTE MEETING DUE TO CORONA VIRUS  
EMERGENCY**

**May 27, 2021**

Chairman Fisher 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**

Chairman Fisher  
Martin Bullock  
Denis Germano  
Pete Johnson  
James Waltman  
Brian Schilling  
Ralph Siegel  
Richard Norz  
Scott Ellis  
Cecile Murphy  
Gina Fischetti

**Members Absent**

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

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## **Minutes**

SADC Regular Meeting of April 22, 2021 (Open Session)

It was moved by Mr. Schilling and seconded by Mr. Germano to approve the Open Session minutes of the SADC regular meeting of April 22, 2021. Mr. Ellis and Ms. Murphy abstained from the vote. Ms. Fischetti was absent for the vote. The motion was approved by the remaining members.

## **Report of the Chairman**

Chairman Fisher stated that the Soil Disturbance rules, Special Occasion Events (SOEs) legislation, and Solar (grid scale and dual use) legislation are still under consideration and SADC is hoping that these initiatives keep moving forward and in the right direction.

## **Report of the Executive Director**

Ms. Payne stated that the SADC has changed how the public participates in our monthly meeting. 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 hand and face icon at the top of the screen while in the meeting. Once all the members of the public who have “raised their hands” have spoken, the committee will recognize any attendees who has called into the meeting and wishes to provide a public comment. She asked that the public be patient and bear with the staff as they navigate through this new process.

Ms. Payne stated that Senator Sarlo’s original bill for Special Occasion Events (SOEs), S2714, was approved by the senate and went over to an assembly committee where it was amended and released. The assembly version, A5478, was then scheduled for a vote in the full assembly on May 20<sup>th</sup>, but was pulled from the board agenda and has not been voted on. The SADC continues to await resolution on the two competing versions of that bill in the legislature.

Ms. Payne reminded the committee that comments on the draft Soil Protection Standards that was sent out to stakeholders are due on June 18<sup>th</sup> and staff is looking forward to receiving everyone’s comments.

Ms. Payne stated that she attended a virtual Garden State Preservation Trust (GSPT) meeting this week where the Rowan University’s Blueprint Project was discussed. She noted that the SADC has been working with Rowan University on the Blueprint project, which is a statewide interactive mapping tool that helps identify conservation opportunities in community open space, water resources, and farmland. The SADC has worked on this project for several years and uses the tool extensively. GSPT provided funding for the Blueprint project to help support its continued maintenance and development and the GSPT recently

renewed a contract of \$75,000 to support the tool. Ms. Payne stated that Blueprint is gaining momentum as the go-to place for mapping information as it is an intuitive and powerful tool.

Ms. Payne stated that there is a Right to Farm (RTF) bill (A-3619) that has passed through the assembly and has also now been sponsored in the senate as S-3838. The bill enables farmers that prevail on a RTF complaint to recover reasonable costs and attorney's fees if the CADB or SADC finds that the complaint was filed in "bad faith". If such finding is made, the bill contemplates the CADB or SADC issuing an order on requiring payment. Staff is looking at how the logistics of the bill would work, as it is a significant change to the RTF program. Staff has done research on other states that have similar cost recovery provisions in their RTF programs and found 13 other states have a similar provision.

### **Communications**

Ms. Payne stated that the first item in the communications packet is a comment letter from West Amwell regarding soil protection standards and noted that staff will keep giving comments to the SADC as they come in. Mr. Germano asked if the West Amwell letter was the only comment received so far. Ms. Payne answered that it was the first comment received since the SADC sent out the package in April soliciting informal comments. Mr. Germano stated that he was surprised that there was only one comment made by this time. Chairman Fisher stated that this is an informal process in preparation for the formal rulemaking and formal public comment period.

Ms. Payne stated that a memo was received late last night regarding the Martin Farm and staff will cover its contents when the matter is heard. Ms. Payne stated the Martins are on the phone so Chairman Fisher may recognized them to comment at that time.

NOTE: Gina Fischetti has joined the meeting at 9:17am

### **Public Comment**

There was no public comment.

### **New Business**

#### **A. Stewardship**

##### **1. Resolution: House Replacement Requests**

##### **a. William and Nancy Martin Farm, Clinton Township, Hunterdon County**

Mr. Willmott reviewed the specifics of the house replacement request for the William and Nancy Martin Farm. He noted that the CADB heard and approved this request at its meeting on May 13. He stated that there are two, 2-family residences on the property and

one single family home. Mr. Willmott stated that the owner would like to demolish the 1,200 square foot single-family home that is in disrepair and build a new one that is 6,500 square feet in size.

Due to the age of the house, staff reached out to the State Historic Preservation Office (SHPO) and the property is identified as potentially historic. However, it's been confirmed that the home itself is not listed on the NJ or national register of historic places. SHPO confirmed that since this property is not listed on the NJ register of Historic Places, the SADC does not have review responsibilities under the NJ register of Historic Places Act. Staff also checked with Clinton Township regarding the local historic significance of the house, and it confirmed that the property is registered on the local list of historic places, and a site visit was needed to determine its historical value. The site visit determined that while the home does have some historical components, there has been significant alterations over the past century and it currently has limited historical value. Therefore, the Clinton Township historical preservation commission does not object to the request for the demolition of the house. Mr. Willmott also noted that the deed of easement (DOE), which was signed in 1999, does not have the historic language paragraph in it.

Mr. Willmott reviewed a map of the proposed demolition, as well as the proposed residence site, utilities, pre-existing farm lane, borrow pit, and proposed lane extension. Mr. Willmott noted that the DOE allows for the replacement of any existing residential building anywhere on the premises with the approval of the county and the committee. He stated staff recommendation is to grant approval with the condition that the existing residence be removed prior to beginning construction of the new residence and construction of the new residence is subject to all applicable local, state, and federal regulations. Mr. Willmott stated that Mr. & Mrs. Martin along with their attorney, Mr. Sposaro, are on the call if the committee has any questions for them.

Ms. Payne stated that staff also investigated compatibility of the proposal with the Highlands Act restrictions and noted that the existing farm lane and the installation of the proposed lane extension would require the removal of woodlands. The site visit revealed that some trees were taken down during installation of the driveway. Staff reached out to Mr. Minch of the Department of Agriculture's Division of Agriculture and Natural Resource who communicated with the Highlands Council. Mr. Roohr stated that the property owners have cut down trees for the driveway, but the Highlands Council stated that this is compliant with its rules. Clinton Township has adopted applicable provisions of the Highlands regulations, and the Highlands indicated no objection to this work.

Mr. Siegel stated that one of the objectors charged that there was no significant public notice that this action would be taken today and asked why this topic could not be tabled to the next meeting to allow sufficient notice to the public. Ms. Payne stated that the SADC agenda is posted to the website a week prior to the meeting date therefore significant notice was given to the public as to the items that would be presented on the agenda today. Mr. Siegel later stated that the objector was referencing the CADB and not the SADC, so it is not an SADC issue.

Chairman Fisher commented that the CADB, Highlands Council, SHPO, and the Clinton Township Historic Commission have all reviewed this project and do not object to this proposed construction. Chairman Fisher asked Mr. Sposaro, attorney for the landowners, for his comments on this matter.

Mr. Sposaro stated that the Martin's have rehabilitated barns on the property and they intend to repurpose and re-utilize structures on the property that are salvageable. The Martins are very excited about the prospect of breathing new life into the property and they want to build a home for their family.

Ms. Payne stated there are a lot of proposed improvements and disturbance on this farm and staff looked at what this would mean considering the proposed soil protection standards. Ms. Payne noted that the third page of the resolution, states "*the estimated soil disturbance calculation for the existing farmstead complex and driveways, as well as the proposed driveway extension, home and agricultural buildings, is approximately 7.28 acres, which is less than 50% of the maximum soil disturbance allocation for this premises as set forth in the draft Soil Protection Standards*". Ms. Payne stated that staff advised the landowners of this and they are taking this project on knowingly. Mr. Sposaro confirmed.

Chairman Fisher asked for any public comment at this time.

Mr. Walter Wilson stated that he read the memo submitted and would like to reiterate its contents. He also suggested there be more of an opportunity to assemble documents from public agencies and that the property be revisited to look at the proposed lane to the homesite. He urged there to be a critical analysis of how much agricultural land will be taken out of production for the house, utilities, septic and improvements.

He noted that the proposed development is overbearing and stated the proposed lane extension has already been constructed and cuts through a forested area. Mr. Wilson argued that this road is not permitted because it is more than 15 feet wide, and this project is not consistent with the farmland preservation principles. He stated that he hopes the committee members and staff get a better look at the construction of the driveway itself.

Ms. Mala Estlin requested that this application be rejected because there is no real farming done on this property and only in the last couple of months has corn been planted in the fields. Ms. Estlin stated that there is a major disturbance on this property and taxpayers want to see farms with farm endeavors taking place and not subsidize development for a private estate with a view. She argued that the property has adequate housing opportunities to support an agricultural operation and requested that the existing house on the property not be destroyed as it is a historical home. She pleaded with the SADC to execute the farm preservation mission with restrictions on the property as the SADC has the power to vote no on this "mockery of farmland preservation".

Chairman Fisher called on the committee members to give their comments.

Ms. Fischetti asked about the size of the new proposed residence and what impact construction of a house of that size would have on the property going forward. On a policy level it seems like construction of a house of this size would make it more difficult for farmers to own this property in the future unless they have significant financial resources to do so. She also questioned whether the length of the proposed lane extension has an impact on tillable and farmable land on the site.

Ms. Payne stated that the more expensive and substantial the non-agricultural improvements are on a preserved farm, the higher the market value, which makes it a less affordable farm for farmers to buy in the future. That is the essence of the discussion as to whether there should be house size limits on preserved farms; some counties have established house size limits in deeds for this specific reason.

Ms. Fischetti stated if the Martin's decide they no longer want to live there, will a farmer be able to afford the farm and that she is not comfortable with the lack of affordability on a policy level. Chairman Fisher stated that the SADC has checked all its own rules and policies regarding this case to ensure the proposed house replacement is in compliance.

Ms. Payne stated that if this were, say, a request for a 20,000 square foot house, there is a point at which the committee could not support that extent of non-agricultural development on the property. However, the DOE and the rules require SADC approval in order to replace an existing house. Here, there is nothing in the DOE regarding house size limitations.

Mr. Waltman commented that he agrees with Ms. Fischetti's points and has made similar statements on other house replacement applications in past meetings. He is also concerned about the issue of farmland affordability for new and beginning farmers and the impacts that development like this will have on those looking to get into the agriculture business. He also noted there is a large amount of soil disturbance that seems excessive as to what the Department of Environmental Protection (DEP) would consider permissible and would require storm water mitigation. He stated that he is interested in a soil management plan for this house replacement request. Mr. Waltman stated that he is very uncomfortable as this project has a huge impact and he will have to vote against this application for those reasons.

Mr. Ellis commented that any preserved farmland with a residential exception area or a place to build a nice house costs a tremendous amount of money and it is hard to justify buying it for the farmland.

Mr. Germano said he is in favor of the application but suggested an amendment to the resolution to state the lane extension, the septic system and the utilities be installed as shown on the plan, to amend the plan to show the location of the septic system and to require that all the construction be done in accordance with that plan.

Chairman Fisher asked if the road is already constructed and if permission is needed to put the road in. Ms. Payne asked Mr. Roohr to answer that and to address Mr. Waltman's issue regarding storm water.

Mr. Roohr reviewed the farm map with the committee that shows an existing farm lane that was put in by the owners previously and noted that the landowners jumped the gun and installed the "proposed lane extension" prior to getting approval for the house. Chairman Fisher asked if they had permission to install the road, regardless of approval to build the house. Mr. Roohr stated that the DOE has specific language that allows landowners to create farm lanes and there is no permission needed from the SADC to do so. Chairman Fisher asked for clarification as to whether this is a farm lane or a road. Ms. Payne stated that this is a road, and the DOE allows lanes for farmers to access their fields.

Mr. Schilling stated that there is a reference in the resolution of a proposed set of soil protection standards that staff has been working on, however, at this time there is no statutory, policy or regulatory direction on how to make decisions in this case. He noted that at the time there is no guidance on this and to be clear there is no DOE restrictions on house size on this property. Mr. Schilling stated that the issue of preserving farmland is for the purpose of insuring that there will be a farming industry in the future and the issue of affordability needs to be tackled.

Chairman Fisher stated that he runs the SADC meetings based on current policies that are in place right now and this is how he views the issue of whether the old house can be taken down and the new house can be constructed. Ms. Murphy commented that she echoes the concerns of the other committee members on the affordability issue and suggested that the appropriate subcommittee be reconvened to discuss this matter.

Mr. Roohr addressed the issue of storm water and stated that as part of the proposed lane extension, Mr. Martin was required to get a soil erosion and sediment control plan for the new road, which does account for storm water, and the soil disturbance numbers were calculated in accordance with that plan.

Mr. Sposaro stated that there is a storm water management plan that has been prepared and shared with Mr. Showler from the Department of Agriculture. He noted that the landowners are doing all they can to limit the disturbance that would be regulated by the storm water management rules. The plan will be thoroughly reviewed and approved by Mr. Showler before construction.

Mr. Sposaro touched on the issue of farming affordability and stated that Mr. Martin paid close to 1.9 million dollars for the property and that is the value stripped of the development rights. He noted that this farm is worth a lot of money and Mr. Martin did his due diligence to look at the DOE to determine what could and could not be done regarding constructing homes on this property.

Mr. Sposaro stated that perhaps a subcommittee needs to be created to deal with house size, however, he reminded the committee that this application checks every box as the CADB, Clinton township, and the SHPO has no objection and SADC staff supports this application.

He noted that denying this application because the house may be too big, or the location is not favorable will have a chilling effect on those who may wish to preserve their farms in the future. Mr. Sposaro stated that this application needs to be approved.

It was moved by Mr. Norz and seconded by Mr. Germano to approve Resolution FY2021R5(1), with the amendment that the resolution reflect the road, septic and utilities as shown on the plan and that all construction follow the plans that were submitted, granting approval to the following application, as presented, subject to any conditions of said resolution.

Ms. Payne stated that the committee received a memo from Mr. Joe Shallo of Clinton township last night. She asked Mr. Stypinski, Deputy Attorney General, to expand on whether that memo should be read to the committee. Chairman Fisher asked if the points could be summarized, and Mr. Stypinski advised against that because that can result in human error. As a result, the memo was shared via video on the teams meeting for the committee's review. The committee did not comment on anything in the memo that they read.

William and Nancy Martin Farm, FY2021R5(1), Block 19, Lot 27 & Block 23, Lot 5, Clinton Township, Hunterdon County, 211.87 Acres.

A roll call vote was taken. Mr. Norz, Mr. Germano, Mr. Bullock, Mr. Ellis, Mr. Johnson, Ms. Murphy, Mr. Schilling, Mr. Siegel and Chairman Fisher voted in favor of the motion. Mr. Waltman and Ms. Fischetti voted against the motion. The motion was approved. A copy of Resolution FY2021R5(1) is attached to and a part of these minutes.

Chairman Fisher stated that he hopes the applicant takes seriously the thoughts and opinions that the committee expressed that impacted their decisions. He noted that regarding the issue of farmland affordability, this farm would have cost even more had it not been preserved, and the price is also reflected based on the area in which farmland is located. Chairman Fisher suggested that the landowners not make a mockery of the SADC by making sure that the land is farmed as it should be because it is valuable property.

Chairman Fisher recognized that the existing house is 150 years old, but no agency laid claim to it. He stated that he understands improvements will be made but asked that Mr. Sposaro consider the historic aspects of what is there. Lastly, Chairman Fisher asked that the landowners appreciate the precious value of this farmland in the state.

Mr. Siegel stated that when he joined the SADC 20 years ago, there was a farmer committee member who was instrumental in creating Mercer county's house size limit after a giant mansion was built on a preserved farm near him. Mr. Siegel stated that this issue is ongoing and by approving this application the SADC is guaranteeing that this farmland will never be owned by a farmer. Mr. Siegel suggested that the DOE should have housing and labor housing restrictions and limits to allow farmers to own properties like these.

- b. Dennis J. Kelly Sr. & Dennis J. Kelly Jr. Farm (E & D Farms)

Mr. Willmott referred the committee to two draft resolutions approving the replacement of an existing house and authorizing the exercise of a residual dwelling site opportunity (RDSO) on this 209-acre grain and vegetable operation, E&D Farms. The owners are selling their adjacent farm which is the location of the existing farmstead complex and will move the operation headquarters to the subject property. The Kelly Farm operation, operating under the name of E&D Farms, LLC, currently farms over 480 acres, including the subject property. The house replacement request proposes to replace an existing ~3,300 square foot residence in dilapidated condition with a new 1,500 square foot ranch-style home for the daughter of one of the owners. The daughter, Devin Kelly, handles the farm operation's paperwork.

Mr. Willmott referred the committee to a house replacement request for E&D Farms. He reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Schilling and seconded by Mr. Germano to approve Resolution FY2021R5(2), granting approval to the following application, as presented, subject to any conditions of said resolution.

Dennis J. Kelly Sr. & Dennis J. Kelly Jr. Farm (E & D Farms), FY2021R5(2), Block 22, Lots 1, 3, & 4, Oldsman Township, Salem County, 209.76 acres (house replacement request).

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R5(2) is attached to and a part of these minutes.

2. Resolution: Exercise Residual Dwelling Site Opportunity (RDSO)
  - a. b. Dennis J. Kelly Sr. & Dennis J. Kelly Jr. Farm (E & D Farms)

The RDSO request proposes construction of a new residential unit as a home for one of the properties two owners, Dennis Kelly, Sr., who is fully engaged in the day-to-day agricultural operation, including planting, crop management, harvest and delivery of grain and vegetable products.

Mr. Willmott referred the committee to a RDSO request for E& D Farms. He reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2021R5(3), granting approval to the following application, as presented, subject to any conditions of said resolution.

Dennis J. Kelly Sr. & Dennis J. Kelly Jr. Farm (E & D Farms), FY2021R5(3), Block 22, Lots 1, 3, & 4, Oldsman Township, Salem County, 209.76 acres (RDSO request).

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R5(3) is attached to and a part of these minutes.

#### **B. Resolution: Final Approval – FY 2022 PIG Program**

Mr. Bruder referred the committee to the Annual County PIG Program Applications and the Municipal Planning Incentive Grant Applications including comprehensive farmland preservation plans and project area summaries. The draft resolution for the County PIG Program approves 14 of the total 18 county applications for funding in FY2022 (Atlantic, Camden, Ocean, and Passaic counties have not requested additional funds for FY22). In total, the 18 county plans target 4,954 farms and 198,172 acres for preservation. For the Municipal PIG Program, there are a total of 44 municipal plans for continued program participation and 34 of those municipalities seek funding eligibility under the FY22 funding cycle. In total, the 44 active municipal plans target 2,309 farms and 101,065 acres for preservation. Mr. Bruder reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant approval.

##### 1. Annual County PIG Program Applications

It was moved by Mr. Germano and seconded by Mr. Bullock to approve Resolution FY2021R5(4), granting approval to the following application, as presented, subject to any conditions of said resolution. The motion was unanimously approved. A copy of Resolution FY2021R5(4) is attached to and a part of these minutes.

##### 2. Annual Municipal PIG Program Applications

It was moved by Mr. Norz and seconded by Mr. Germano to approve Resolution FY2021R5(5), granting approval to the following application, as presented, subject to any conditions of said resolution. The motion was unanimously approved. A copy of Resolution FY2021R5(5) is attached to and a part of these minutes.

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

Ms. Miller addressed a change to the language of the resolution regarding the exception areas of applications. In a case where there is a change in acreage after final approval that is under an acre and relatively insignificant, this language would allow the SADC Executive Director to approve the adjustment without having to consult with the committee. The language in the resolution states “*WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein approved exception, so long as there is no impact on the SADC certified value; and WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director.*”

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 staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2021R5(6), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Readington Township, SADC ID#10-0438-PG, FY2021R5(6), Block 74, Lot 4, Readington Township, Hunterdon County, 49.657 acres.

The motion was unanimously approved. A copy of Resolution FY2021R5(6) is attached to and a part of these minutes.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2021R5(7), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

2. Estate of Ernest Bergfelder, SADC ID #12-0026-PG, FY2021R5(7), Block 316.01, Lot 22.06, East Brunswick Township, Middlesex County, 29.6 gross acres.

Mr. Siegel voted against the motion. All the remaining members voted in favor of the motion. The motion was approved. A copy of Resolution FY2021R5(7) is attached to and a part of these minutes.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve Resolution FY2021R5(8), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

3. Christopher Aleszczyk, SADC ID #06-0205-PG, FY2021R5(8), Block 11, Lots 41 & 42, Downe Township, Cumberland County, 24 acres.

Mr. Siegel and Mr. Waltman voted against the motion. The remaining members voted in favor of the motion. The motion was approved. A copy of Resolution FY2021R5(8) is attached to and a part of these minutes.

#### **D. Resolutions: Final Approval – Municipal PIG Program**

Ms. Miller 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. Germano and seconded by Mr. Bullock to approve Resolutions FY2021R5(9) and FY2021R5(10), granting approval to the following applications under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. Wayne and Mary Vass, SADC ID#21-0319-PG, FY2021R5(9), Block 46, Lot 2, Block 46.01, Lot 1, and Block 47, Lot 4, Knowlton Township, Warren County, 104.8 acres.
2. David & Lynn McAlister, SADC ID #08-0216-PG, FY2021R5(10), Block 5702, Lots 17 and 81, Franklin Township, Gloucester County, 60.003 acres.

The motion was unanimously approved. A copy of Resolutions FY2021R5(9) and FY2021R5(10) is attached to and a part of these minutes.

### **E. 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 staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Johnson to approve Resolution FY2021R5(11), granting approval to the following application under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. Donald Riggs, SADC ID#21-0078-DE, FY2021R5(11), Block 51, Lot 1, Franklin Township, Warren County, 34 acres.

Mr. Norz, Mr. Waltman and Mr. Siegel voted against the motion. The remaining members voted in favor of the motion. The motion was approved. A copy of Resolution FY2021R5(11) is attached to and a part of these minutes.

It was moved by Mr. Waltman and seconded by Mr. Germano to approve Resolution FY2021R5(12), granting approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

2. Helen Lyons, LLC., SADC ID#19-0026-DE, FY2021R5(12), Block 607, Lot 16, Vernon Township, Sussex County and Block 16, Lot 32, Hardyston Township, Sussex County, 126.8 net easement acres.

The motion was unanimously approved. A copy of Resolution FY2021R5(12) is attached to and a part of these minutes.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve Resolution FY2021R5(13), granting approval to the following application under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

3. Everett and Nancy Harris, SADC ID# 17-0354-DE, FY2021R5(13), Block 39, Lot 19, Mannington Township, Salem County, 160.3 net easement acres.

The motion was unanimously approved. A copy of Resolution FY2021R5(13) is attached to and a part of these minutes.

### **Public Comment**

Amy Hansen of the New Jersey Conservation Foundation (NJCF) commented on the Martin Farm asking if the extension of the road is a violation of the DOE because permission was not received by the SADC.

Ms. Payne stated that the SADC has not analyzed what Mr. Martin has done on his farm in that context and property owners have the right to construct roads for agricultural purposes. She noted that an analysis would have to be done to determine if that is a legitimate road for agricultural purposes. She said it seems that the purpose of that road is to provide access to the house. She noted that the SADC would prefer property owners get approvals before improvements so that they do not take any risks, however, that is not always the case. Ms. Hansen requested that further analysis be done of the disturbance done on the property.

She stated that the NJCF will be sending comments regarding the soil protection standards before the deadline. She expressed that the NJCF supports the proposed 8% limit on actions that permanently disturb soil on preserved farms, however, there is a concern that the 6-acre allowance and potential additional allowance for certain practices would fail to protect soil resources. The concerns she expressed are that of NJCF as well as she and her husband who own and operate a preserved organic fruit and vegetable farm in Hunterdon County.

Ms. Estlin stated that she is very disappointed in the committee as they had an opportunity and a right to supersede the actions taken at the county and township levels and do what is in the best interest of the Farmland Preservation Program. She noted that even after the vote there were committee members who expressed that there were a lot of things wrong here. Ms. Estlin stated that the application should have been tabled for the next meeting so that those who had more objections would have time to prepare and provide for a better defense. She thanked those committee members who voted “no” to the Martin Farm application because they used their wisdom and knowledge to make that important decision.

Chairman Fisher thanked the volunteers on the committee for dedicating the time to serve. He commended the farmer members for volunteering on the committee and for their commitment because he understands that this is their high season, and they are very busy.

Mr. Siegel explained that he voted “no” in some of the County Pig and Direct Easement Purchase program applications because of the farm size and his concern about the proposed

soil protection policy and the allowance of development and construction on farms of that size.

Mr. Waltman stated that he reflects the same sentiment as Mr. Siegel.

Mr. Norz asked Ms. Payne if an option can be made for committee members to continue participating in the SADC meetings virtually once everyone goes back into the office because this works better for him during high farming season like this. Ms. Payne stated that staff is exploring how to keep that option available to the public, but it has not been addressed yet for committee members. Mr. Norz asked that it be taken into consideration.

**TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., June 24, 2021

Location: TBA

**ADJOURNMENT**

The meeting was adjourned at 11:33 A.M.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee