

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

**REMOTE MEETING DUE TO CORONAVIRUS  
EMERGENCY**

**June 24, 2021**

Chairman Fisher called the meeting to order at 9:05 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  
Gina Fischetti  
Denis Germano  
Pete Johnson  
Renee Jones  
Richard Norz  
Ralph Siegel  
James Waltman  
Roger Kumpel, Alternate Farmer Member

**Members Absent**

Martin Bullock  
Scott Ellis  
Brian Schilling

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

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**Minutes**

SADC Regular Meeting of May 27, 2021 (Open Session)

It was moved by Mr. Germano and seconded by Mr. Waltman to approve the Open Session minutes of the SADC regular meeting of May 27, 2021. Ms. Jones and Mr. Kumpel abstained from the vote. The motion was approved by the remaining members.

### **Report of the Chairman**

Chairman Fisher stated that there are several major issues under consideration and soil protection is currently number one on the list. He stated that the committee received a packet containing informal comments made by various stakeholders and interested parties. He requested the committee to take into consideration all comments that were made and to remember the objective with the anticipated rules is to protect the soils and enable agricultural endeavors to continue to flourish .

Chairman Fisher spoke about Special Occasion Events (SOEs) and noted that the pilot program legislation has expired. Preserved farm wineries are asking about what is permissible under the terms of the Deed of Easement (DOE) and whether any enforcement action will be taken by the SADC. Chairman Fisher stated that the committee will tread as lightly as it can, but as the municipalities begin getting involved, there will come a time when action has to be taken. Hopefully, the legislature will address these issues as soon as possible.

Lastly, Chairman Fisher stated that there was a lot of work done with the grid scale and dual use scale solar initiatives. The SADC spent a lot of time informing the public about how to advance the policy goals of protecting farmland soils and promoting clean energy.

### **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 has called into the meeting by phone and wishes to provide a public comment.

Ms. Payne stated that the committee has received a full packet of every public comment that was received by the June 18<sup>th</sup> deadline, regarding soil protection standards. Additional comments have come in and staff will distribute them to the committee once a week.

Staff is reviewing and organizing the comments received and will categorize the changes requested to the proposed rules. Once that task is completed, staff will convene with the deed of easement subcommittee for further discussion, and any proposed changes to the draft rules will be brought to the committee for review. Ms. Payne anticipates that a revised draft will be presented to the committee in September. In the mean time she asked the committee to communicate its thoughts, ideas, and opinions regarding the comments to her or Mr. Everett.

Ms. Payne stated that a press release was issued notifying the public that SADC is accepting applications for the state acquisition program. She noted that staff is circulating the information to interested parties and looks forward to seeing some great applications.

**Public Comment**

Patricia Springwell commented that the objective of the farmland preservation program is to protect the soil and that, as a taxpayer who funds the program, her wish is to protect the soil. Ms. Springwell said agriculture is not about parking lots, solar panels, development of “McMansions” and other non-agricultural uses. She stated that if there is an agricultural need that does not require direct soil contact, then it should not disturb the farmland. The 8% allocation for soil disturbance should be determined based on the amount of tillable, good soil. Chairman Fisher thanked Ms. Springwell for her impassioned words.

**New Business****A. Resolutions: Eligibility Waiver- County PIG Program**

Ms. Miller stated that on April 7, 2021, the SADC received a Planning Incentive Grant (PIG) application from Camden County for Stella Farms, Inc., totaling approximately 53.0 gross acres. Since the County did not submit individual farm applications for the previous three funding cycles, there is no average quality score for Camden County. In instances where the County does not have an average quality score, the SADC considers, on a case-by-case basis, a waiver of the minimum score criterion for individual farm applications submitted under the County PIG Program.

The Committee may grant a waiver of the minimum score criteria upon a finding that any of the following apply: (a) the conversion of the farm to non-agricultural use will likely cause a substantial negative impact on the public investment made in farmland preservation within the project area; or (b) the subject property is of exceptionally high agricultural resource value based on soil characteristics; or (c) the subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.

The Stella farm is located in the Tansboro section of Winslow Township where the agricultural industry is prominent, offering ample direct marketing opportunities. The tillable acreage percentage is 69%, and 99% of the soils are classified as of Statewide Importance. Finally, it is adjacent to the preserved Michaels Farm, the State’s permanently protected Penbryn Point Wildlife Management Area, and Camden County’s Berlin Park. This is Camden County’s first PIG application since 2012 and staff has been working with the County to reinvigorate their farmland preservation efforts.

Ms. Miller stated that staff recommendation is to approve the resolution granting an eligibility waiver.

Ms. Payne stated that if the resolution is approved, then the application will proceed through the normal acquisition process.

Mr. Siegel made a motion to approve the waiver and noted it was great to see both Winslow Township and Camden County become active in farmland preservation again. Mr. Kumpel seconded the motion.

Mr. Norz asked if there is any other preserved farmland around this farm. Ms. Payne stated that the property to the north as well as the property to the southeast of this farm are both preserved. Mr. Norz asked if there were Green Acres preserved properties around this farm. Ms. Miller stated that the wildlife management area and Camden County park is nearby. Ms. Jones stated that the wildlife management area was funded through Green Acres program.

Mr. Germano stated that he is voting in favor of this application; however, the motion needs to recite the reason(s) for which the Committee is granting the eligibility waiver. Chairman Fisher asked Mr. Siegel if he would like to amend his motion. Mr. Siegel agreed. Mr. Germano stated that the motion should be amended to mention the third of the three criteria in the resolution that states *“the subject property represents unique and valuable agricultural resource to the surrounding community, and the committee finds that it has a reasonable opportunity to remain agriculturally viable.”*

It was moved by Mr. Siegel and seconded by Mr. Kumpel to approve Resolution FY2021R6(1) granting an eligibility waiver to the following application, as presented, and amended to state *“the subject property represents unique and valuable agricultural resource to the surrounding community, and the committee finds that it has a reasonable opportunity to remain agriculturally viable.”* subject to any conditions of said resolution.

1. Stella Farms, Inc., SADC ID #04-0025-PG, FY2021R6(1), Block 801, Lot 3, Winslow Township, Camden County, 53 acres.

The motion was unanimously approved. A copy of Resolution FY2021R6(1) is attached to and a part of these minutes.

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

Ms. Miller referred the committee to one request 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. Norz and seconded by Mr. Kumpel to approve Resolution FY2021R6(2) granting approval to the following application, as presented, subject to any conditions of said resolution.

1. Barry W. Gruber et. al, SADC ID #08-0221-PG, FY2021R6(2), Block 103.07, Lot 12, East Greenwich Township, Gloucester County, 38.045 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R6(2) is attached to and a part of these minutes.

Mr. Siegel stated he still objects to preserving farms of this size, but he is voting in favor of this application since Gloucester County has preacquired this property and withholding the reimbursement for the acquisition of this farm would be unfair.

**C. Resolutions: Final Approval – Non-Profit Program**

**Note: Mr. Norz recused on this matter because he took action at the County level as a member of the Somerset CADB.**

Ms. Miller referred the committee to a request for final approval under the Non-Profit Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

Mr. Waltman stated that this property has an impervious cover limit because of the ALE funding so he will be voting in favor of the application. He noted that if not for that limit, and the concerns he has previously expressed regarding the proposed soil standards, he would be voting against it. Mr. Siegel stated that he intended to make the same comment as Mr. Waltman's.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2021R6(3), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Palermo Show Stable LLC., SADC ID#18-0014-NP, FY2021R6(3), Block 52.01, Lot 3, Bedminster Township, Somerset County, 25.1 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R6(3) is attached to and a part of these minutes.

**D. Resolutions: Final Approval – Direct Easement Program**

Ms. Miller referred the committee to two requests for final approval under the Direct Easement 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. Siegel and seconded by Mr. Kumpel to approve Resolution FY2021R6(4), granting approval to the following application under the Direct Easement Program, as presented, subject to any conditions of said resolution.

1. Christopher and Deirdre Ely, SADC ID#10-0279-DE, FY2021R6(4), Block 25, Lot 21 and Block 25, Lot 10, Bedminster Township, Somerset County, 149.7 net easement acres.

The motion was unanimously approved. A copy of Resolution FY2021R6(4) is attached to and a part of these minutes.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolution FY2021R6(5), granting approval to the following application under the Direct Easement Program, as presented, subject to any conditions of said resolution.

2. Estate of Donald Elston, SADC ID#19-0030-DE, FY2021R6(5), Block 17, Lot 23.01 & Block 117, Lots 27.01 & 27.05, Wantage Township, Sussex County, 108.60 net easement acres.

The motion was unanimously approved. A copy of Resolution FY2021R6(5) is attached to and a part of these minutes.

### **Public Comment**

Mr. Siegel stated that he looked over the comments received on the soil protection standards and found that there is an overwhelming theme that the standards should only be applied going forward. He suggested that people are not understanding that retroactive standards are not the issue here because the easement is what it is and the SADC is applying standards as to how it interprets that easement. He noted that Mr. Everett did a great job making this clear. Chairman Fisher agreed that it is a consistent theme and that the SADC will try to get an understanding of what it all means in those terms.

Mr. Norz stated that he made the same observation as Mr. Siegel, but he doesn't agree that this is spelled out in the DOE and this could hurt the program going forward if things do change. He noted that there is a feeling that the SADC is telling landowners how their land is to be farmed. Mr. Norz stated that he appreciates the public support behind the program and stated that a lot of thought still needs to go into these standards and he looks forward to addressing the issues.

Chairman Fisher stated that he understands there is a concern for the program, but the program was envisioned to preserve farmland and farmland operations. There will be operations in the state that decide not to preserve farmland because they want to do what they want on their land. However, the SADC's mission and its principles are to protect farming in New Jersey in the long run.

### **TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., July 22, 2021

Location: TBA

### **ADJOURNMENT**

The meeting was adjourned at 9:43 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director

State Agriculture Development Committee