

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625**

REGULAR MEETING

March 26, 2015

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

Douglas H. Fisher, Chairman
James Requa (rep. DCA Commissioner Constable)
Brian Schilling (rep. Executive Dean Goodman)
Renee Jones (rep. DEP Commissioner Martin)
Alan Danser, Vice Chairman
Peter Johnson
Jane Brodhecker
Torrey Reade

Members Absent

Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Denis C. Germano, Esq.
James Waltman

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

Others present as recorded on the attendance sheet: Timothy Brill, Heidi Winzinger, Cindy Roberts, Stefanie Miller, Paul Burns, Hope Gruzlovic, Jeffrey Everett, David Kimmel, Charles Roohr, David Clapp, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Tom Beaver, New Jersey Farm Bureau; Donna Rue, Rue Brothers Farm, Monmouth County; Daniel Pace, Mercer County Agriculture Development

Board; Brian Wilson, Burlington County Agriculture Development Board; Casey Jansen, Holland Greenhouses, Middlesex County; Amy Hansen, New Jersey Conservation Foundation; Harriet Honigfeld, Monmouth County Agriculture Development Board; and Mark Villinger and Rebecca Ziefle, Ocean County Agriculture Development Board.

Minutes

A. SADC Regular Meeting of February 26, 2015 (Open and Closed Sessions)

It was moved by Ms. Brodhecker and seconded by Mr. Requa to approve the Open Session and Closed Session minutes of the SADC regular meeting of February 26, 2015. The motion was approved. (Mr. Danser abstained from the vote.)

REPORT OF THE CHAIRPERSON

Chairman Fisher made the following comments:

- Soil Disturbance

Chairman Fisher stated that he would like to amplify what he said last month and bring it to an even higher pitch in terms of what the agricultural community has been telling him everywhere he goes across the state about soil disturbance and this floated proposal for the possibility of a rule. When it was just out there in the very first days after the six-year subcommittee that met, he started hearing things right away. That is why he created the idea of floating – meaning that it was just out there – because there were many in the agricultural community who thought the SADC was in a rush to get this done, in other words, sort of a freight train agenda. Chairman Fisher stated that he knows that wasn't the intention of the SADC but it didn't matter in terms of perception because regardless of what this board was thinking of doing, the perception was out there that it was a freight train. So everywhere he went since the first day, he would hear from different sectors that many times don't even pay attention to some of these matters. The latest one was someone who has horses and breeds them and said, "oh, this is going to really impact me and I'm not sure that my land, my operation, is going to be as valuable as I once thought it was based on something like this."

Chairman Fisher stated that there were others who came to him and said, "well, you know we entered into this program and suddenly years later this new factor comes into

play that no one ever told us that we couldn't put buildings up for our production and what we need to do" – packing houses, but this newer dimension about greenhouses particularly. The greenhouse industry, the nursery industry are really worried. Chairman Fisher stated that they are worried that they are not going to be able to expand their operation based on something like this. Last month he discussed in his Secretary's report that no one really knows what agriculture is going to look like in the future. That is so true. Chairman Fisher stated that his office was in the basement of this building where some Department documents are stored and came across some Agricultural Society materials that have been there for 50 years that talk about agriculture. The documents talk about things that happened 100 years before these past 50 years and it was amazing. It talked about industries that he didn't even know existed. At one time there were 12,000 acres devoted just to the oyster industry in this state. There were 396,000 acres of just hay in 1900. There were 257,000 acres of corn in New Jersey. Put the two together and those acreage amounts are pretty much what we have left today for the whole of agriculture. Chairman Fisher stated that furthermore, it just reverberates all over the entire state, in terms of agriculturalists. The State Agricultural Convention passed a resolution and said please stop. The county boards are sending letters to him and to the SADC. The Farm Bureau wrote a letter and said stop please. Chairman Fisher stated that he called them up and said, "wait a minute, you really haven't even heard anything, and you ought to listen." But regardless of all that, it is pretty much universal. People that do farm credit called him and said they are not sure how they are going to be able to provide funds in the future if they don't know some of these things that are going to happen, how valuable an asset it is going to be if something like this blossoms the way they at least thought that it is going to blossom.

Chairman Fisher stated that when he was in the Legislature, sometimes a bill would come up and someone would be the first one to want to announce if they thought it had such broad-based appeal, they wanted to be the first one to say this is dead on arrival. What he is saying in this case, and he has never said it before, is that this is pretty much dead on arrival in terms of the way it was put out or, not so much the way it was put out but what the implications are and what is there.

Chairman Fisher commented regarding what he personally thinks, that he has heard from agriculturalists who say, "well you have to do something, there are always bounds and limits to what takes place in any endeavor." However, he believes that there better be a lot more discussion with the entire agricultural community and not just a few Committee members sitting in a room and thinking they have the entire scope and breadth of what it is that they are thinking about in terms of a decision that they want to bring forward as a committee to the full SADC.

Chairman Fisher stated that is his report in the sense that this, the way it is now, can't happen. At this point Chairman Fisher turned the meeting over to the Executive Director for her report to the Committee.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- Soil Disturbance

Ms. Payne stated that in light of Secretary Fisher's comments and from her perspective as well, what we want the public to understand is that staff worked on this hard for years to collect a lot of data and to gain a better understanding of soils and impacts and the like. The Committee, in its defense, has only seen this once. We talked about it at the December meeting, staff presented it, and that is all the conversation the Committee had about this. Ms. Payne stated that she has been clear with the public to try to help them understand that. But at this point she thinks it is helpful to communicate directly with the agricultural community that the proposal, or the preliminary draft, as it was prepared, is not going to be acted on by the SADC and it is not going to be submitted to the New Jersey Register for a rule. Ms. Payne stated that she thinks it is fair to say, from her perspective certainly, that the SADC always envisioned a significant process of engaging the agricultural community on this issue. She thinks people are scared and she thinks that we alarmed them in just talking about this publicly. So we would like to take the pressure out of the balloon and let everybody know that we are trying to deal with this issue and we want their input on what they see regarding how this issue should be dealt with and that is going to be a long conversation. Ms. Payne stated that she is totally open to however the SADC wants to participate in that conversation as this goes forward. At this point she thinks staff would like to formally put that message out in writing to send it to everyone and really invite the agricultural community, the county agriculture development boards, the boards of agriculture, and the various sectors for their input. Many of them are being represented through the subcommittee that the State Board of Agriculture has convened. Ms. Payne stated that she doesn't know what the reaction will be. She doesn't know whether people will want to individually engage or whether that will all be funneled through the State Board, but certainly the county agriculture development boards, nonprofit community and our partners, we want to hear from you and we are going to have to roll up sleeves and spend a lot of time to get to the bottom of this. That is how we are seeing this.

Ms. Payne asked if anyone has any questions or comments. Mr. Schilling stated that he wanted to echo some of the Secretary's comments. Within the Extension there has been a lot of discussion between farmers and agents, and a lot of agents have spoken with him. He isn't going to repeat everything that the Secretary has said other than to say he has heard the same. The SADC has, he thinks, done a tremendous amount of work in six years that has provided data that we haven't had before so at least moving forward now we can have an intelligent conversation based on data, which is something he has often felt was needed. He thinks that this is a productive step because the pushback from the community, he sees both sides of the argument but he didn't see this happening as it stood now. He thinks it will be good to take a deep breath and kind of start over again if you will.

Chairman Fisher stated that there is data but farmers many times will tell him there is data and then there is what they do on the farm on their operations. You can map everything, you can talk about there is this much, you know the land is being used in this way, you can talk about the number of different areas, you can get soil scientists to tell you one thing. He is sure you can get soil scientists who will tell you some other things but ultimately we are all here to make sure that we have agriculture in New Jersey. Many times you get hung up on the discussion about whether it's available for agriculture or in agriculture – a big point of contention. Many times at the State Agricultural Convention they push and say preserved farmland should be “in” agriculture, not “available for” agriculture. At least in this case, what happened here is it rose up to such a fever pitch that now he hopes that we all learn from these experiences and we all understand that the intentions are pretty much, not pretty much, he would say almost entirely everyone's intentions are good. There is no hidden agenda, other than trying to make sure we have agriculture in the state, that we have lands preserved to be able to do that, and the public's enjoyment and use and understanding of vistas and the like. They know exactly what in their mind's eye that they think of, otherwise they would never vote for these bond issues or public questions for that matter.

Chairman Fisher asked if anyone else had anything else to say. There were no other comments.

COMMUNICATIONS

Ms. Payne stated that under Tab 2 in the Committee binders, she wanted to point out a couple of things – one was a thank you from Somerset County regarding Dave, Jeff and Brian of the SADC staff who participated in Somerset County's annual meeting to

celebrate National Agriculture Day. They made presentations on Agricultural Mediation and Right to Farm. The SADC received a very nice email thanking staff for their participation. In addition, behind that letter, is a letter from the Monmouth County Agriculture Development Board regarding the soil disturbance standards. Staff has been providing the Committee with copies of every comment letter the SADC receives and will continue to do that. What she will do, she thinks in discussions with Secretary Fisher, is when we receive a comment letter – because this is an incredibly hot topic, or any other hot topic – rather than wait for the books and the monthly meeting, staff will just send them to the Committee in an email so that the Committee can see them as staff is getting them in so that they can be better apprised. Ms. Payne stated that there is also an email from the New Jersey Conservation Foundation and stapled and loose in your books as of this morning is a subsequent letter from them on the issue of soil disturbance. It is signed on by a host of environmental groups, so please make sure you pay attention to that correspondence as well. Mr. Danser asked if it was the same letter but with a bunch more signatures or is there any difference. Ms. Payne stated she thinks it is the same; she just got it this morning so she hasn't studied it but she thinks it is pretty much the same.

Chairman Fisher commented that the Committee is going to get correspondence as it comes in rather than waiting for the monthly book, so it will give everyone time to review it and think about how you want to deal with those comments at the next meeting because remember, staff is making these recommendations based on what they think the Committee's policies are and, obviously a lot on some other considerations too, and based on rules, regulations and statutes. But at the same time you obviously play an important role in terms of the policy and functionality of staff and what they do in terms of decisions that are being put to you that you ultimately have to vote on. He wants the Committee to challenge staff more often and he wants the Committee to have the information at a faster clip.

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.

PUBLIC COMMENT

Amy Hansen from the New Jersey Conservation Foundation stated that they are just extremely disappointed in the “dead on arrival” comment about the soil disturbance standards. They have been working to preserve farmland across the state as an organization for more than 50 years and they are a big partner with the SADC and she thinks that it would be good to have some dialogue about this. The Federal Farm and Ranch Lands Protection Program (FRPP) does have an impervious cover limit and

farmers voluntarily accept those limits when they take the FRPP money because they want to protect topsoil, they are willing. She guesses she wonders why the SADC would even consider soil types if you are not going to try to protect soil in your ranking program. She would like to set up a meeting soon, and it's certainly not a rush job if you have been working on this for six years. Also, she wonders what the status is of the Garden State Growers lawsuit that you all have been involved in that was a poster child for why we do need such soil disturbance standards. We are disappointed that you changed your view on the Holland Greenhouses and she is questioning why that farm was preserved if its soils were just so disturbed already.

OLD BUSINESS

A. Review of Activities

1. Holland Greenhouses, Upper Freehold Township, Monmouth County

Mr. Rohr referred the Committee to Resolution FY2015R3(1) regarding the review of activities on a preserved farm known as the Rue Brothers Inc. farm, Block 15, Lot 17.02; Block 15.01, Lots 17, 18, and Block 16, Lot 12, in Upper Freehold Township, Monmouth County.

Mr. Roohr stated that this is a review of activities formalizing the action the Committee took at last month's meeting, which was to approve Mr. Jansen's greenhouse project as proposed in the engineering work that he submitted to the SADC some time back. The approval is for that greenhouse project on what staff is calling Parcel A, which is the parcel by itself on the north side of I-195. You may recall about a year ago it was approved for a division of the premises but then, as an accommodation to the landowners and Mr. Jansen, the SADC rescinded this approval and went back and approved a flatter, similar-sized piece on the south side of I-195 (Parcel B), and they were going to do the project there. But based on last month's determination that it would be approvable to do the project on Parcel A, we are 1) approving the action of creating the greenhouse complex as proposed and 2) reinstating the division of the premises that separates this parcel from the remainder of the farm. Mr. Roohr reviewed various aerial maps with the Committee showing the parcels. Staff recommendation is to memorialize last month's approval.

Ms. Jones asked if staff received the final report from the NRCS. Mr. Roohr stated that staff received the final report from the NRCS quite a bit ago but the report from Dr. Palkovics, who is our in-house expert, was received yesterday and that information was forwarded to the Committee via the SADC member website and in their meeting binders. Mr. Roohr stated that staff had conversations with Dr. Palkovics a few days prior and the

resolution does reflect his final report. The resolution is accurate to that report.

Ms. Brodhecker asked how the owners and the purchaser were reacting to this new proposal. She asked if staff has heard from them. Mr. Roohr stated that they are present at today's meeting. Staff's question to them prior to posting this to the Committee was, is this a live project that they would still be able to do? Their answer was yes, they would like the Committee to approve it and staff will work out the details after that.

It was moved by Mr. Johnson and seconded by Mr. Danser to approve Resolution FY2015R3(1) finding that the activities that the Purchaser, Casey Jansen of Holland Greenhouses, has proposed for Block 15, Lot 17.02 of the Premises related to grading and the construction of greenhouses as described herein do not constitute a violation of the Deed of Easement. The Purchaser must implement the recommended soil conservation practices described in the report from Dr. Palkovics. Any topsoil not utilized to create the greenhouse growing floor area shall be stored onsite in a manner consistent with techniques described in the USDA, NRCS Field Office Technical Guide related to storage of topsoil. This finding and approval is valid only on Block 15, Lot 17.02 of the Premises. This action is nontransferable. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R3(1) is attached to and is a part of these minutes.)

2. Division of Premises Request
 - a. Rue Brothers Inc., Upper Freehold Township, Monmouth County

Mr. Roohr referred the Committee to Resolution FY2015R3(2) for a request by Rue Brothers, Inc., owners of Block 15, Lot 17.02; Block 15.01, Lots 17, 18; and Block 16, Lot 12, in Upper Freehold Township, Monmouth County, comprising 331.91 acres. The owners propose to divide the Premises with the intention to retain ownership of Block 15.01, Lots 17 and 18, and Block 16, Lot 12 (Parcel A), on the south side of I-195. The Owners propose to sell Block 15, Lot 17.02 (Parcel B) on the north side of I-195, to Holland Greenhouses, Inc. (Purchaser). The owners will also be conveying a 13-acre, non-preserved tract adjacent to Parcel B, Block 15, Lot 41.01, with frontage on County Route 524 to the purchaser as part of this conveyance.

The Purchaser, Mr. Casey Jansen, operates a greenhouse business that grows a large variety of flower, vegetable and herb plants for the wholesale industry and he proposes to utilize the premises to expand their existing greenhouse operation as well as to grow field-grown cut flowers. The resulting Parcel A would include four existing single-family

residences and several farm outbuildings. Parcel A is improved with tree irrigation ponds. Parcel B would be improved with an irrigation pond. Prior to preservation, the tillable acreage of Parcel B was mined for subsoil base material, regraded and the topsoil redistributed. Analysis of the soils on the property confirms that Parcel B was significantly altered and no longer has the characteristics of a prime soil and is now considered a “udorthent” soil as described in the March 26, 2015 review of activities resolution for Holland Greenhouses.

At the February meeting, the Committee determined that based on recent confirmation of the mining and resulting soil disturbance that occurred on Parcel B prior to preservation, it could approve the Purchaser’s proposed greenhouse project on this site based on the limited impact the project would have to the already degraded quality of the existing disturbed “udorthent” soils.

The Committee had initially approved this request in July 2013 but rescinded its approval in November 2014 in exchange for approving a new configuration at the request of the owners. Staff recommendation is to approve the request as presented and discussed.

It was moved by Mr. Johnson and seconded by Mr. Danser to approve Resolution FY2015R3(2) finding that the division is for an agricultural purpose and results in Parcel A being agriculturally viable and capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel’s agricultural output. The Soils on Parcel B under their current post-mining condition and management are not capable of sustaining a variety of operations that yield a reasonable economic return under normal conditions, solely from the parcel’s agricultural output. Because the soils on Parcel B are now classified as “udorthent” soils, use of a controlled environment agricultural production management system on Parcel B, as described by the Purchaser, will result in an increase in the production and diversification of the agricultural output of the property that can yield a reasonable economic return under normal conditions, solely from the parcel’s agricultural output. The SADC hereby approves the division of Parcel B (Block 15, Lot 17.02) from the remainder of the Premises as set forth in the Resolution, which approval supersedes the SADC’s July 25, 2013 approval of the same division and hereby rescinds the SADC’s November 13, 2014 approval for the division of approximately 79 acres of ground on the south side of I-195, known as Block 15.01, Lot 18 and p/o Lot 17. This approval is subject to the conditions set forth in the resolution and is not transferable to another purchaser. The SADC’s approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC’s approval resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The

motion was unanimously approved. (A copy of Resolution FY2015R3(2) is attached to and is a part of these minutes.)

NEW BUSINESS

A. Renewals and Terminations of 8 Year Farmland Preservation Programs

Ms. Payne referred the Committee to the Farmland Preservation Program Eight Year Program Summary showing the following:

Renewals:

1. John Katinos, SADC # 0808-04M-001/08-0013-8M
Harrison Township, Gloucester County, 16.22 Acres
Soil and Water Conservation Cost Share Grant Eligibility (subject to available funding): \$9,732.00
8 Year Program Expiration Date: May 20, 2023
2. Charles A. and Joan W. Boarts, SADC # 0808-08M-01/08-0027-8M
Harrison Township, Gloucester County, 49.44 Acres
Soil and Water Conservation Cost Share Grant Eligibility (subject to available funding): \$29,664.00
8 Year Program Expiration Date: April 17, 2023

Terminations:

1. Nicholas T. and Cheryl A. Lacovara, SADC # 0816-12F-01/08-0001-8F
South Harrison Township, Gloucester County, 9.64 Acres
Soil and Water Conservation Cost Share Grant Eligibility Approved: \$5,784.00
Soil and Water Conservation Cost Share Grant money spent: \$0.00

Ms. Payne stated that this was informational for the Committee and that no action was required.

Ms. Reade asked if we are going to be working with a much smaller budget for preservation, does that mean that the conservation program is still going to be by the boards? Ms. Payne stated she didn't think it meant that – the Committee will decide. Once it is determined how much money will be flowing to the program, one of the positive things that is going on with respect to funding is that the ability to use the funding for stewardship purposes is part of what we are looking at. So the Committee

will decide of the funds that we get how much to allocate to all the programs, including soil and water cost share grants.

B. Resolution for Certification

1. Agricultural Development Area Map Amendments

a. Hunterdon County

Mr. Brill referred the Committee to Resolution FY2015R3(3) for a request for a certification of an amended agricultural development area map for Hunterdon County. In June 2013 the Township Committee of the Township of Raritan adopted a resolution supporting the expansion of the Hunterdon County ADA to include Block 27, Lots 39 and 30 and Block 28, Lots 29 and 43. The specifics of the request are outlined in the resolution. Mr. Brill stated that zoning in this area reflects residential and industrial zoning where agriculture is listed as a permitted and principal use so it is not an area that has been planned for the exclusion of agriculture by any means. However, there are services that are available here, both public water and sewer are available, which is another criteria that the County has established that they chose to waive in agreeing to add these four lots to their County ADA. Mr. Brill stated that you can see from the map of the entire county that there are not that many areas with public sewer available in Hunterdon County so this was not an easy decision for the County to simply say we'll add these lots to the ADA. The other factor involved here is that there is very limited treatment capacity in the current sewer plant in Raritan Township at the moment. However, a sewer line that currently exists along the southern boundary of the parcel in question is a gravity line so it could be tapped into for future use. The County looked at the agricultural significance and the environmental significance, as well as the historic significance. The farmstead on the property is listed on both the State and National Registers individually and then also as part of the historic district along the South Branch of the Raritan River that includes both Raritan and Reading Township properties.

Mr. Brill stated that for many reason the Hunterdon CADB felt that this was an appropriate expansion of its ADA. They received support from the landowner, the Township Committee, the Township Local Historic Committee as well as the Hunterdon County Cultural and Heritage Commission. Mr. Brill reviewed the specifics of the request with the Committee and stated that staff recommendation is to approve the certification of the amended ADA map, as presented and discussed.

Ms. Jones stated that she knows along the Raritan River there is a greenway effort. She asked whether there was any discussion with the Township or the County in terms of an opportunity of doing a joint effort on any of these farms to protect the watershed or the

