



State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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September 8, 2025

Senator Nicholas P. Scutari
Senate President
67 Walnut Ave
Clark, NJ 07066

Assemblyman Craig J. Coughlin
Speaker of the General Assembly
569 Rahway Ave
Woodbridge, NJ 07095

Maureen McMahon, Executive Director
Office of Legislative Services
NJ State House Annex
145 W. State Street
2nd floor – Room 210
Trenton NJ 08608

Re: Special Occasion Events on Preserved Farmland:
Annual Report Update to the Governor and Legislature

Dear Senator Scutari, Assemblyman Coughlin, and Ms. McMahon:

The Special Occasion Events (SOE) law, P.L. 2023, c.9, requires the State Agriculture Development Committee (SADC) to submit an initial report to the Governor and Legislature by August 1, 2024 on SOEs authorized under the law. Updates to the report are required on an annual basis, and a revised report is required once every four years.

Please see attached for a copy of the Annual Report Update that was adopted by the SADC at its July 24, 2025 meeting.

Sincerely,

Charles Roohr
Executive Director

Enclosure

Special Occasion Events on Preserved Farmland:
Annual Report Update to the Governor and Legislature



July 24, 2025

State Agriculture Development Committee

Table of Contents

Background	2
2025 SOE Law Amendments	2
Reporting Requirements	3
Outreach and Education	4
SOE Quantitative Data	4
Issues, Observations, and Other Data	6
Looking Forward	12
Appendix	14

Background

P.L. 2023, c.9 became law on February 3, 2023 and was amended by P.L.2025, c.83 on July 1, 2025. The law recognizes that holding special occasion events (SOEs), under certain conditions, can have positive effects on preserved farms. The SOE law's findings and declarations include the following:

With proper oversight, special occasion events on preserved farmland can have minimal impact on the land's viability for farming and provide for new business opportunities for farmers in the State without displacing agricultural or horticultural production as the first priority use of preserved farmland or disrupting neighborhoods that surround preserved farms. (N.J.S.A. 4:1C-32.15e.)

The SOE law amended the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. (ARDA), to allow SOEs to be held on preserved farms, provided the owner or operator of the farm receives prior written approval from the easement holder and meets other statutory requirements. The law also allows municipalities, under certain circumstances, to require an application for approval of the SOE, and contains limits on the cost and scope of the application.

An SOE is defined as “a wedding, lifetime milestone event, or other cultural or social event conducted, in whole or in part, on preserved farmland on a commercial farm.”

For the purposes of the SOE law, SOEs do not include the following:

- Activities eligible for Right to Farm Act protection;
- Recreational uses already permitted under the farmland preservation deed of easement; and
- Weddings held for the owner, operator, or employee of the commercial farm or weddings held for certain family members of the commercial farm owner.

2025 SOE Law Amendments

P.L.2025, c.83 amended the SOE law's requirements regarding the use of permanent structures for holding SOEs. Previously, permanent structures less than five years old could not be used for SOEs. The amendments now allow such structures to be used if either of the following two conditions is met:

- 1) The structure was constructed and is used in accordance with the Right to Farm Act (N.J.S.A. 4:1C-9) by a winery for the primary purpose of facilitating the tasting, sale, consumption, production, packaging, or marketing of wine, wine-related products, or farm-related products, as determined by the easement holder; or

- 2) The total amount of revenue to be earned by the farm from all SOEs identified in the application, and approved to be held during the calendar year, will not exceed 10 percent of the farm's total revenue during the calendar year.

The amendments further specify that farms seeking to use a permanent structure less than 5 years old for SOEs by complying with either of the above allowances are not eligible for multi-year approvals and will need to submit, as part of their application, a certification and supporting documentation to satisfy: 1) the primary purpose and use requirements if the applicant is a winery, or 2) the revenue percentage requirement, if the applicant is not a winery. SOEs that are approved under these provisions also need to be reviewed annually by the easement holder and either reapproved or denied each year. If a farm's SOEs are approved under the revenue percentage provision, the farm would also need to annually certify to the easement holder that the SOEs together accounted for no more than 10 percent of the annual gross income of the farm during the prior calendar year.

The amendments state that a county agriculture development board (CADB) and the State Agriculture Development Committee (SADC) also may order an independent audit for the purpose of determining compliance with the revenue percentage provision; that the farm is responsible for paying the reasonable costs of the audit; and that easement holders and the SADC may request additional documentation as necessary to verify compliance.

SOEs that would use such recently built permanent structures may not be approved prior to complete construction of the structures and the receipt of final approval from the local construction office. The amendments also provide for monetary penalties if there are violations of the new provisions.

Reporting Requirements

The SOE law required the SADC to submit an initial report to the Governor and Legislature by August 1, 2024. Updates to the report are to be submitted on an annual basis, and a revised report is required once every four years. The SADC submitted an initial report in July 2024. The current report is the SADC's first annual update.

The report must include at least the following:

- Number of commercial farms on which SOEs were held;
- Number of guests, type, and frequency of events;
- Extent to which disputes are reported between commercial farms and neighboring properties, municipalities, and the easement holder and SADC;
- Frequency of violations of the SOE law; and

- Frequency of unintended undesirable consequences of SOEs, such as possible instances of the removal of land from active agricultural or horticultural production to host events.

Report by Rutgers – The New Jersey legislature’s Joint Budget Oversight Committee tasked Rutgers, The State University of New Jersey (Rutgers), with studying the SOE program. Rutgers published a report dated August 1, 2025 that includes components similar to this SADC report. Rutgers will continue to study the program and publish annual reports through 2026. A copy of the current Rutgers study is in the Appendix.

Outreach and Education

The SADC has continued to conduct outreach to the agricultural community regarding the SOE law. The goal is to help farmers, CADBs, and others understand the SOE law, application process, requirements, and conditions. SADC outreach and education efforts over the past year have included the following:

- Conducting SOE outreach presentations for farmers, CADBs, and Rutgers Cooperative Extension agricultural agents;
- Sharing information on the SOE law when attending monthly CADB meetings;
- Maintaining SOE guidance documents and information on the SADC website; and
- Answering SOE questions and inquiries from farmers, CADBs, nonprofits, municipalities, Rutgers, agricultural service providers, and the public.

Many CADBs have used the SADC’s guidance documents when working with farmers, and the SADC has provided assistance with county-specific outreach ideas.

SOE Quantitative Data

Number of commercial farms on which SOEs were held; number of guests, type, and frequency of events; and related information – The SOE law requires easement holders to forward a copy of SOE approvals to the SADC, and it requires participating farms to provide an annual certification to the easement holder with information on SOEs held during the prior calendar year. Easement holders share these certifications as well as SOE applications with the SADC.

From this information, the SADC is aware of 35 farms having submitted SOE applications between February 3, 2023 and July 10, 2025. Twenty-eight (28) applications have been approved, four (4) have been denied, and three (3) are currently under review.

Of the 17 farms that had approval to hold SOEs in 2024, 13 of the farms held SOEs in 2024. According to their annual certifications, these 13 farms held 1, 1, 1, 1, 2, 4, 5, 6, 6, 7, 7, 8,

and 18 events, respectively, or a total of 67 SOEs in 2024. These SOEs included 16 weddings, 25 lifetime milestone events, and 26 cultural or social events, with an attendance range of 15 to 1,100 people per event. The median number of guests was 100, and the overall total number of guests was 12,012.

Calendar Year	# of Farms with approval to hold SOEs	# of those farms that held SOEs	# of SOEs held	Total # of guests at the SOEs
2023	9	5	32	5915
2024	17	13	67	12012
Change from 2023 to 2024	8	8	35	6097

From 2023 to 2024, the number of approved SOEs approximately doubled. More farms participated, and there were significantly more events and guest attendance.

Calendar Year	# of SOEs held	Weddings	Lifetime Milestone Events	Cultural or Social Events
2023	32	20	5	7
2024	67	16	25	26
Change from 2023 to 2024	35	-4	20	19

From 2023 to 2024, there were a few less weddings but many more other types of SOEs. The Rutgers study, a copy of which is attached to this report, contains additional SOE quantitative data and analyses.

Some examples of the SOEs held in 2024 include the following:

- Weddings
 - Ceremonies and receptions.
- Lifetime milestone events
 - Parties or gatherings for birthdays, baby showers/sprinkles, quinceañeras, graduations, retirements, and memorials.
- Cultural or social events

- Community events, e.g., Easter egg hunt, Irish Festival, Ecuadorian carnival, Ecuadorian corn harvest, Mariachi music for Mothers' Day, Line dancing, Touch a truck, Township anniversary celebration, Koi festival, Church mass, and Central American-themed horse and bull riding shows with music, food, and alcohol.
- Events with outside businesses, e.g., a Holiday vendor market and a Bridal showcase with wedding vendors and a caterer.
- Fundraisers and events for nonprofits, e.g., for a church, church youth group, local conservation foundation, local historical association, and local wellness organization.
- Private parties, e.g., a family reunion, corporate event, meet and greet social event, and field hockey team pizza parties and a team dinner.

Some examples of SOEs that were included in farms' applications but not on farms' end-of-year certification forms, perhaps because they were not held, included farm to table dinners hosted by local chefs, community outreach events, and country nights with line dancing, dinner, and BYOB.

Issues, Observations, and Other Data

Municipal approvals of SOEs – The SOE law continues to be the subject of varied interpretations by municipalities as to the municipal role in the SOE approval process. This may be due to ambiguous statutory language regarding the extent to which municipalities can regulate SOEs. Some municipalities require farms to obtain planning and/or zoning board approval on the grounds that the events require submission of site plan and/or variance applications under local land use ordinances. Other municipalities allow SOEs to occur without land use board approvals and have relatively basic review processes, if any. Some simply request information necessary to address public health and safety concerns that are typical of special events.

One municipality amended its Master Plan in 2024 to clarify its interpretation that SOEs would need a variance and that the SOE law does not override local land use regulation: "A Grantee's approval for SOEs on a preserved farm does not preempt the need for an SOE to be a permitted use in a municipality, subject to all local regulations and permits." The Master Plan also highlighted what the municipality sees as "the potential for myriad negative impacts to the community", such as increased traffic, signs, lighting, and noise. It concluded by saying that the Township "has no intention to permit SOEs". A farm that received SOE approval from the CADB in 2023 has not been able to get SOE approval from the municipality with the amended Master Plan, resulting in ongoing litigation. The farm has continued to hold SOEs in the meantime.

Another municipality, in which SOEs previously were not a permitted use, adopted ordinances in 2024 to officially allow SOEs. The ordinances created different levels of review based on the scale of the proposed event. Small scale events with up to 50 people would require an administrative staff review and approval, and larger scale events with more than 50 people would require site plan approval by the planning board. Municipal officials met several times with local farmers, whose concerns were addressed in the adopted ordinance.

Some municipalities have expressed the view that the SOE review process should include an opportunity for the public to comment on proposed SOEs so that relevant health and safety issues and potential impacts on neighbors could be evaluated and, if necessary, addressed. Some municipalities also have said they would like to be notified earlier in the application process.

As noted in the 2024 report, the time and expense associated with site plan and/or variance application reviews and approvals, and the potential for subsequent litigation, presumably were not what was envisioned when the SOE law was enacted.

Clarification of the SOE law – The inconsistent regulation of SOEs by municipalities may stem from the fact that SOEs are non-agricultural activities and, accordingly, are ineligible for protection under the Right to Farm Act.

The SOE law at N.J.S.A. 4:1C-32.17a.(4)(a) and (b) contains open-ended language that all applicable laws and regulations apply to SOEs, implying that customary land use board approval is required, but then provides that compliance with such laws and regulations can be reviewed and approved merely through the filing of an application form with, and the payment of a fee of no more than \$50 to, the municipality. The 2023 report included copies of letters from attorneys representing a municipality and a landowner with conflicting interpretations on the extent to which municipalities can regulate SOEs.

The Legislature should clarify whether SOEs are subject to the typical municipal land use review process and, if so, the parameters of such review. Further clarification of N.J.S.A. 4:1C-32.17a.(4)(a) and (b) would help the SADC draft regulations implementing the SOE law.

Extent of disputes between commercial farms and municipalities – In some cases, the extent of farm/municipality disputes depends on how difficult the process is for a farm to receive municipal land use approval. One farm is in ongoing litigation with the municipality due to the inability to get municipal approval. Another farm, which had gotten easement holder approval in 2023, decided not to apply for renewal in 2024 because it was not able to get municipal approval. The CADB reported that the farmer was so discouraged by the time and money invested in trying to get local approval that

the farm was eventually sold and the farmer moved out of state. Some municipalities have had to address noise complaints arising from farms holding SOEs.

Extent of disputes between commercial farms and neighboring properties – As noted above, there have been some neighbor complaints related to noise from SOEs. Additionally, non-farm businesses that were required to obtain municipal site plan approval to hold events expressed opposition to farms being afforded a less rigorous review regarding SOE applications.

Extent of disputes between commercial farms and easement holders – As noted in last year's report, one CADB easement holder has an informal policy that it will not approve SOE applications if the proposed events are not permitted uses by the municipality, and instead directs that municipal approval must be obtained before the commercial farm can obtain CADB approval. This approach resulted in a dispute in 2023 regarding the length of the CADB approval process. The SADC could help clarify through regulations that easement holders do not have to wait for municipal approval to complete their part of the SOE review and approval process.

Another source of disputes between farms and easement holders is violations of the SOE law and farmland preservation easement. In one case, the CADB's process of reviewing a farm's SOE renewal application, after a violation of the SOE law and deed of easement occurred, has been contentious.

Some farms also are interested in obtaining multi-year SOE approvals from easement holders, when allowable, to help them with planning and booking SOEs in the future. This topic, which is not a current dispute but more of a planning concern, could be addressed in SOE regulations. As noted above, the 2025 SOE law amendments state that under certain circumstances, SOE applications are not eligible for multi-year approvals and will need to be reviewed, and approved or denied, annually by the easement holder.

Extent of disputes between commercial farms and the SADC – The SADC to date has received six SOE applications from farms on which it holds the farmland preservation easement. Four applications have been approved and two are under review. The SADC currently is working with one farm that had received SOE approval to better understand the farm's production and agricultural activities, to ensure that the farm is in compliance with the SOE law and deed of easement and to work on a renewal approval.

Frequency of violations of the SOE law/events held without approval – The SADC continues to be aware of events being held that appear to be SOEs and that should have received prior written approval from the easement holder. While it is possible that some farms may not be familiar with the requirements of the relatively new law, there are other farms that should be familiar with the law and are holding events without approval.

One example of the latter is a farm that received approval to hold SOEs in 2024. In 2025, it did not initially return the required certification form regarding events held the prior year, and it has been holding events this year without a renewal approval. When the CADB and SADC learned that the farm was scheduled to hold what appeared to be an unpermitted SOE this spring, they sent the farm a joint letter stating that the event appeared to be a nonagricultural activity that is prohibited on the preserved farm by the terms of the farmland preservation deed of easement and would require a current SOE permit in order to be conducted on the farm. The letter instructed the farm not to engage in activities that would result in violations of the deed of easement and SOE law. The farm then held the event and has held other potential SOEs since, while at the same time submitting a renewal application in April 2025 that was conditionally approved by the CADB in July 2025. The farm also subsequently submitted its 2024 certification form after receiving the joint letter. The form did not include all of the SOEs held on the farm in 2024. During the renewal application review process, the CADB and farm discussed the events held in 2024 and confirmed which ones were SOEs. There were concerns that the farm also was using more acreage for SOEs than the SOE law allows.

Another example is the wineries that participated in the previous winery SOE pilot program. The SADC sent each of these six (6) wineries a letter in 2023 to inform them of the SOE law and its requirements; however, only one of the six submitted an SOE application and received approval. Some wineries feel that because they had participated in the pilot program, they do not need approval under the new law. The SADC is concerned about this incorrect understanding of the law.

The SADC has begun to work with CADBs to ensure that any wineries and other farms that are holding SOEs without approval understand the law's requirement to submit an SOE application and get written approval prior to holding SOEs. If a preserved farm does not seek and receive an approval to hold SOEs, the farm's unapproved non-agricultural events would be considered a violation of the deed of easement.

The SADC recently conveyed this message to a farm on which it holds the easement. After becoming aware that the farm was being used to conduct non-agricultural events related to the services operated by a local church, the SADC sent the farm a letter advising the farm of the potential violation, directing the farm to refrain from engaging in the activities, and noting that the activities might be subject to the SOE law. The farm subsequently submitted an SOE application while also claiming that the church service activities were related to marketing the output of the farm. The farm has continued to hold the events while the application is being reviewed.

Some examples of unapproved events that preserved farms have advertised for and/or held since the enactment of the SOE law include weddings, rehearsal dinners, bridal showers, engagement parties, anniversaries, baby showers, birthdays, quinceañeras,

sweet sixteen parties, graduations, bachelorette/bachelor parties, end of life celebrations, artisan markets, local vendor fairs, holiday vendor events, pop-up makers' markets, festivals with local vendors, other events with outside businesses and vendors (e.g., farmers markets, nonprofit event promoting local farm and food businesses) food truck festivals, music festivals, music concerts, youth singing competitions, fundraisers, corporate events, holiday brunches/parties/events/celebrations/festivals such as for Mother's Day and St. Patrick's Day, Greek and Latino festivals, dance parties, dance shows, comedy shows, picnics, murder mystery events, private parties, private family events, arena rentals for flea markets, sports and club events/meetings/celebrations, health and wellness events, cannabis wellness fair, and country nights with line dancing and dinner.

Frequency of unintended undesirable consequences of SOEs, such as possible instances of the removal of land from active agricultural or horticultural production to host events – The SOE law states that SOEs should have a minimal impact and “shall be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after the event.” The relatively small number of SOEs approved and held so far makes it difficult to identify with great particularity the frequency of negative impacts on a preserved farm's agricultural resources and land, but it is expected that more data will be collected on this issue as the program develops. Easement holders should devote increasing attention to whether any areas of preserved farms are being modified or developed solely or primarily for the purposes of holding SOEs.

Many SOE applications have proposed using crop fields for temporary parking and tents, raising the potential for damage to farmland acreage and/or preventing the affected area from being actively farmed. Another concern is SOEs supplanting agriculture as the primary use of the farmland and/or of the general farm operation. The displacement of agricultural or horticultural production as the first priority use of a preserved farm, or the business opportunity of holding SOEs becoming a driver in the sales of preserved farms, remain significant concerns.

Positive consequences of SOEs – SOEs have helped landowners generate additional income and some have been able to create or retain customers for their farm products. SOE attendees presumably enjoy their time on the farm and might come back as farm customers in the future. The Rutgers study that looked at approved SOE activity in 2024 includes an analysis of the positive economic impacts of SOEs. In addition to contributing to the local and state economy, holding SOEs in 2024 resulted in more than \$500,000 in reported or estimated additional revenue, from the SOEs, for the 17 local farms that requested and received approval to hold them. This dollar impact is evidence that the SOE law is having some effects in terms of providing supplemental revenue. The law

has provided a new business opportunity for farmers, helped them generate supplementary income, and helped support their operations' economic viability. Holding SOEs also has allowed preserved farms to help meet the public's growing interest in agritourism.

SOEs with a connection to the farm's agricultural operation - Some farms have proposed and held SOEs that intermingle aspects of on-farm direct marketing that otherwise might be eligible for Right to Farm Act protection. One farm held cultural and social events, such as fundraisers and ethnic festivals, with primary elements that included car shows, live music, DJs, dancers and dancing, comedians, vendors, food, beer, and local sponsors. At the same time, the farm made its products and farm activities available. Its farm stand and farm-to-table food truck were open, and hayrides, crop mazes, and farm animals were made available for use and viewing by the public. Another farm reported that during the weddings and another event that it held, it used the farm fields for hayrides and pumpkin/sunflower picking. The farm similarly reported having hayrides and offering farm products for sale during a birthday event.

SOE applications, monitoring, and enforcement - The SADC recognizes that the SOE law and recent amendments have imposed additional responsibilities on easement holders. Reviewing and processing applications takes time, as does monitoring. The SOE law also is not specific regarding every detail of the application process and of the entities responsible for farm inspections, monitoring events, and investigating potential violations. Those aspects of program administration might also require the allocation of additional State resources. Addressing the lack of statutory clarity is something the SADC can work on with partners and formalize in future regulations.

Compliance with the easement and compliance with the SOE law often will dovetail during application and monitoring reviews, as questions could arise regarding whether an activity would be any of the following: permissible under the easement, allowable if approved as an SOE, or eligible for protection under the Right to Farm Act. Easement holders are responsible for monitoring the aspects of SOE applications that they approved, and for ensuring that SOEs comply with the safeguarding of preserved farmland outlined in N.J.S.A. 4:1C-32.17.b.(2):

A special occasion event shall not interfere with the use of the preserved farmland for agricultural or horticultural production. The special occasion event shall have minimal effects on the occupied area and shall be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after the event.

If a farm is not complying with the SOE law, it is likely that the farm is not in compliance with the deed of easement due to a non-agricultural use.

Separately, municipalities are responsible for monitoring the aspects of SOEs that they may initially review per the SOE law, e.g., food safety, litter, noise, solid waste, traffic, sanitary facilities, parking, the location of access and egress, and the protection of public health and safety.

Some CADBs have reached out to the SADC with questions regarding the process to follow when they think there might be a violation on one of their farms. In these cases, the SADC has said that the CADBs should document the violations in the form of a written resolution, and then the SADC would handle enforcement and penalties under the SOE law. The SADC has worked with CADBs to draft initial joint letters to farms regarding noncompliance issues with the deed of easement, SOE law, and SOE approvals. The SADC could provide these letters as templates for use by CADBs.

SOEs and On-farm direct marketing (OFDM) activities – The SOE law makes a distinction between SOEs and on-farm direct marketing activities. The former are not eligible for RTFA protection because they are non-agricultural activities, while the latter are eligible for RTFA protection as agriculture-related activities. When reviewing SOE applications, easement holders including the SADC need to consider whether a farm’s activities would be one or the other. In some cases, an activity that promotes or helps to market a farm’s products might still be an SOE because of the activity’s non-agricultural components or focus. When the SADC adopted the OFDM agricultural management practice rule, it noted that not every marketing tool used to attract potential customers to a farm is protected by the RTFA.

By way of example, the SADC approved an SOE application to hold a koi festival. The preserved farm where the event is held is owned by a business that is headquartered on the exception area of the farm that builds, maintains, and services fishponds and related landscaping. The business also imports, raises, and sells koi on the preserved farmland. The festival event showcases the farm’s koi while also promoting the owner’s non-agricultural business operations. The event also includes outside vendors, hot-air balloon rides, a welcome dinner, and a closing banquet. In consideration of the non-agricultural aspects of the event, the SADC determined it was an SOE and granted approval as such.

The SADC is aware of an SOE approval that a CADB granted that included weddings but not other events that appeared to be SOEs. In this case, the SADC will reach out to the CADB to discuss the considerations when making SOE and on-farm direct marketing activity determinations. In some cases CADB staff have indicated a reluctance on the part of county administration to regulate SOE’s. In another case in which a farm that received SOE approval from the SADC listed zero events on its end-of-year certification form, the SADC will have further discussion with the farm to understand the nature of the farm’s events and into what category – SOE, OFDM activity, or eligible recreational activity under the deed of easement – they could fall.

Looking forward

An important goal of the SOE law is to create new business opportunities for preserved farms. Farms have begun to take advantage of this new ability to hold a limited number of non-agricultural events on the farm, helping their “bottom lines” while providing scenic venues for private parties, public events, and community gatherings.

Continued outreach and education with landowners, easement holders, and the agricultural community are needed to ensure that all preserved farms are aware of and remain in compliance with the law to avoid enforcement actions. The SADC anticipates that a continued focus on working with preservation partners on the SOE program will lead to more farms participating and taking advantage of the program’s benefits.

Experience as well as feedback from stakeholders will provide more data on the positive and negative consequences of holding SOEs, including what aspects are working well or could be improved. This data will help inform the topics that need to be addressed and clarified in the SOE regulations and/or through additional legislation. Some topics to address in the rules include clarifying details about the application, monitoring, and enforcement processes, consideration for multi-year approvals where allowable, renewal approvals, mapping requirements, notification standards, distinctions between SOEs and OFDM activities, how to handle unapproved SOEs, and the roles and responsibilities of easement holders and the SADC. Implementation issues, such as the appropriate extent to which municipalities can regulate SOEs, also will need to be addressed by legislation or regulation.

The SADC looks forward to the SOE Program continuing to grow, consistent with the intent and purposes of ARDA. An important next step will be the development of appropriate regulations that should add clarity and guidance, help participating farms thrive, and ensure that agricultural and horticultural production remain the first priority use of the land.

Appendix

1. 2025 SOE Law Amendments – P.L.2025, c.83
<https://www.njleg.state.nj.us/bill-search/2024/S3418>
2. SOE Law – P.L. 2023, c.9
<https://www.nj.gov/agriculture/sadc/documents/rules/SOElaw.PDF>
3. SADC Guidance Document – SOEs Overview
<https://www.nj.gov/agriculture/sadc/documents/farmpreserve/postpres/SOEsOverview.pdf>

Note: The SOE law has been amended since this guidance document was issued. An updated guidance document will be forthcoming.

4. SADC Guidance Document – SOEs Q&A
<https://www.nj.gov/agriculture/sadc/documents/farmpreserve/postpres/SOEsQAndA.pdf>

Note: The SOE law has been amended since this guidance document was issued. An updated guidance document will be forthcoming.

5. Chart with SOE applications and easement holder actions (2/3/23 – 7/10/25), and CY 2024 events.
6. Rutgers SOE Study dated August 1, 2025

[Second Reprint]

SENATE, No. 3418

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 10, 2024

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANDREA KATZ

District 8 (Atlantic and Burlington)

Co-Sponsored by:

Senator Turner, Assemblymen Clifton, Freiman, Assemblywomen Drulis, Speight, Assemblyman Bailey, Assemblywomen Kane and Reynolds-Jackson

SYNOPSIS

Authorizes certain types of permanent structures, recently constructed or erected on preserved farmland, to be used, in certain cases, for purposes of holding special occasion events thereon.

CURRENT VERSION OF TEXT

As amended on June 2, 2025 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 2/27/2025)

1 AN ACT concerning the use of certain recently constructed
2 permanent structures for special occasion events held on
3 preserved farmland, and amending P.L.2023, c.9.

4
5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.2023, c.9 (C.4:1C-32.17) is amended to read
9 as follows:

10 3. a. Notwithstanding any law, or any rule or regulation adopted
11 pursuant thereto, to the contrary, a person may hold a special occasion
12 event on preserved farmland, provided that the grantee determines the
13 preserved farm complies with the terms of the Farmland Preservation
14 Program deed of easement recorded against the preserved farmland,
15 the person complies with the requirements set forth in P.L.2023, c.9
16 (C.4:1C-32.15 et seq.), and the special occasion event is held in
17 compliance with the requirements of this section and the rules and
18 regulations adopted by the committee pursuant to section 6 of
19 P.L.2023, c.9 (C.4:1C-32.20).

20 b. The owner or operator of a commercial farm located on
21 preserved farmland that produces agricultural or horticultural products
22 worth \$10,000 or more annually may hold special occasion events on
23 the farm. The special occasion event shall comply with the following
24 requirements:

25 (1) A special occasion event shall have a maximum duration of
26 two consecutive calendar days if the event is marketed as a single
27 event. An event shall be considered a single special occasion event,
28 even if the event lasts for more than one day, if the event:

- 29 (a) is marketed as a single event;
30 (b) occurs only on consecutive days; and
31 (c) does not last for more than two days.

32 (2) A special occasion event shall not interfere with the use of the
33 preserved farmland for agricultural or horticultural production. The
34 special occasion event shall have minimal effects on the occupied area
35 and shall be designed to protect the agricultural resources of the land
36 and ensure that the land can be readily returned to productive
37 agricultural or horticultural use after the event.

38 (3) A special occasion event that involves the service of alcoholic
39 beverages shall comply with all applicable State and local laws,
40 regulations, resolutions, and ordinances.

41 (4) (a) All applicable State and local laws, regulations, resolutions,
42 and ordinances including, but not limited to, those concerning food
43 safety, litter, noise, solid waste, traffic, and the protection of public
44 health and safety shall apply to the special occasion event and all

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted December 12, 2024.

²Senate amendments adopted in accordance with Governor's
recommendations June 2, 2025.

1 activities related thereto. To comply with local laws, regulations,
2 resolutions, and ordinances, the municipality may require that an
3 owner or operator of a commercial farm located on preserved farmland
4 submit an application to the municipality for approval and may
5 designate an office or agency of the municipality to review municipal
6 applications for conducting special occasion events. A municipality
7 may require a municipal application if the special occasion event
8 would:

9 (i) generate a parking or traffic flow situation that could
10 unreasonably interfere with the movement of normal traffic or
11 emergency vehicles or other organized group sharing similar common
12 purposes or goals proceeding in or upon any street, park, or other
13 public place within the municipality; or

14 (ii) require the expenditure of municipal resources or inspections
15 from agencies or authorities of the municipality.

16 (b) For a municipal application submitted in accordance with
17 subparagraph (a) of this paragraph, the municipality shall not charge
18 an application fee of more than \$50. The municipal application shall
19 not require more information than an identification of locations of
20 where tents and other temporary structures, sanitary facilities, parking,
21 and access and egress will be located for each event, where music will
22 be played, the number of expected guests, and other information that
23 may be of public concern and would be required of a similar event
24 when conducted at a public park or another public venue.

25 (5) (a) No new permanent structures shall be constructed or
26 erected on preserved farmland for the purpose of holding a special
27 occasion event, and improvements to existing structures shall be
28 limited to the minimum required for the protection of health and
29 safety.

30 (b) ~~【No】~~ A permanent structure ~~that has been~~ constructed fewer
31 than five years prior to the date ~~【of】 on which an~~ application ~~【to the~~
32 ~~grantee】~~ to hold a special occasion event ~~is submitted to the grantee,~~
33 pursuant to subsection c. of this section, shall ~~not~~ be used for the
34 purpose of holding ~~【the】 any~~ special occasion event ~~identified in the~~
35 ~~application, unless~~ ¹: (i) such permanent structure ²was constructed,
36 ~~and² is used~~ ²~~【by a winery,】~~ ²in accordance with ²~~【the “Right to Farm~~
37 ~~Act,】~~ section 6 of² P.L.1983, c.31 ²~~【(C.4:1C-1 et seq.),】~~ (C.4:1C-9)
38 ~~by a winery² for the primary purpose of facilitating the~~ ²~~【testing】~~
39 ~~tasting², sale, consumption,~~ ²production, packaging,² or marketing of
40 ~~wine, wine-related products, or farm-related products~~ ², as determined
41 ~~by the grantee²; or (ii)¹ the total amount of revenue to be earned from~~
42 ~~all~~ ¹~~【such】~~ ¹special occasion events identified in the application, and
43 ~~approved to be held on the farm during the calendar year, will not~~
44 ~~exceed 10 percent of the total revenues accruing to the farm in that~~
45 ~~calendar year.~~

1 (c) The installation and use of tents, canopies, umbrellas, tables,
2 chairs, and other temporary structures on preserved farmland for the
3 purpose of holding special occasion events shall be a permitted use
4 provided that the tent, canopy, umbrella, table, chairs, or other
5 temporary structure conforms to all applicable provisions of the State
6 Uniform Construction Code and Uniform Fire Code, which have been
7 adopted by the Commissioner of Community Affairs pursuant to
8 P.L.1975, c.217 (C.52:27D-119[.], et seq.) and P.L.1983, c.383
9 (C.52:27D-192 et seq.), respectively. The permitted use of tents,
10 canopies, umbrellas, tables, chairs, and other temporary structures
11 allowed by this subparagraph shall be limited to the timeframe
12 encompassing the first day of April through November 30 of each
13 year.

14 (d) No public utilities, including gas or sewer lines, shall be
15 extended to the preserved farmland for the purpose of holding special
16 occasion events, except that electric and water service may be
17 extended to preserved farmland for the purpose of holding special
18 occasion events.

19 (6) Parking at a special occasion event shall be provided through
20 the use of existing parking areas on the farm and curtilage surrounding
21 existing buildings to the extent possible. Additional on-site areas
22 required to provide temporary parking shall comply with the standards
23 for on-farm direct marketing facilities, activities, and events adopted
24 by the committee pursuant to the "Right to Farm Act," P.L.1983, c.31
25 (C.4:1C-1 et seq.).

26 (7) The occupied area associated with a special occasion event
27 shall be no more than the lesser of 10 acres or 10 percent of the
28 preserved farmland.

29 c. A special occasion event shall not be held on preserved
30 farmland unless the applicant obtains approval to hold special occasion
31 events, in writing from the grantee, prior to holding a special occasion
32 event. If the applicant is the operator, but not the owner, of the farm,
33 then the operator shall submit to the grantee a notarized affidavit from
34 the owner authorizing the application. Once approval is obtained from
35 the grantee, a permittee shall be required to submit an application
36 pursuant to this subsection not more than once annually, and an
37 individual application shall not be required for each special occasion
38 event.

39 (1) A grantee whose approval is required for a special occasion
40 event to be held on preserved farmland shall develop an application
41 process by which an owner or operator of a commercial farm located
42 on preserved farmland may apply for approval. The application shall,
43 at a minimum, allow the grantee to determine:

44 (a) that the commercial farm located on the preserved farmland
45 produces agricultural or horticultural products worth \$10,000 or more
46 annually, and this may include an attestation that the commercial farm

1 located on the preserved farmland produces agricultural or
2 horticultural products worth \$10,000 or more annually;

3 (b) the number of special occasion events to be held on the
4 commercial farm during the calendar year, and the estimated dollar
5 amount and percentage share of total annual farm revenues expected to
6 be earned, during that calendar year, through the holding of such
7 special occasion events;

8 (c) the maximum attendance of the special occasion events;

9 (d) the acreage of the occupied area, as delineated on a map or
10 aerial photograph, to be used for the special occasion event; and

11 (e) whether the farm is in compliance with its farmland
12 preservation deed of easement.

13 (2) The grantee shall approve [an], in writing, any application
14 [made] submitted pursuant to this section [upon a finding], if it finds
15 that the special occasion events [on the preserved farmland that are the
16 subject of] identified in the application will comply with the
17 requirements of [this act] P.L.2023, c.9 (C.4:1C-32.15 et seq.) and
18 any rules and regulations adopted by the committee [to implement this
19 act] pursuant thereto. ²Notwithstanding any law, regulation, or prior
20 practice to the contrary that permitted multi-year approvals for special
21 occasion events, special occasion events occurring in structures
22 pursuant to subparagraph (b) of paragraph (5) of subsection b. of this
23 section shall be reviewed, and approved or denied, annually by the
24 grantee.² A written approval issued pursuant to this paragraph shall
25 additionally indicate whether the applicant has satisfied the 'primary
26 purpose and use requirements established pursuant to sub-
27 subparagraph (i) of subparagraph (b) of paragraph (5) of subsection b.
28 of this section, or the¹ revenue requirements established pursuant to
29 'sub-subparagraph (ii) of' subparagraph (b) of paragraph (5) of
30 subsection b. of this section, 'as applicable,' as evidenced in the
31 application by submission of an associated certification and supporting
32 documentation, and is, therefore, authorized and approved to use
33 permanent structures, constructed fewer than five years prior to the
34 date of application, for the purposes of holding the approved special
35 occasion events identified therein. ²Special occasion events occurring
36 pursuant to sub-subparagraph (i) of subparagraph (b) of paragraph (5)
37 of subsection b. of this section may not be approved prior to completed
38 construction of the structure in which the special occasion event is to
39 occur and final approval by the applicable construction office.² The
40 grantee shall forward a copy of its written approval to the committee
41 and to the board in the county [in which] where the preserved
42 farmland is located.

43 (a) If the grantee is a qualifying tax exempt nonprofit organization
44 as defined pursuant to P.L.1999, c.152 (C.13:8C-3), the grantee may

1 approve, approve with conditions, or deny the application submitted
2 pursuant to this section.

3 (b) If the grantee does not respond to a written request to hold
4 special occasion events within 90 days following receipt of a request,
5 then the request shall be deemed approved.

6 (c) If the grantee denies an application made pursuant to this
7 section, the grantee shall provide a reason for the denial and an
8 opportunity for the applicant to reapply with an amended application.

9 (3) An applicant shall annually certify to the grantee, in a form and
10 manner to be prescribed by the grantee, information about the special
11 occasion events held in the prior calendar year that were approved
12 pursuant to this section, including, but not limited to, the date,
13 occasion, and approximate number of attendees of each event. The
14 grantee shall forward a copy of the certification to the committee.

15 d. A commercial farm shall not hold more than one special
16 occasion event with over 100 guests per calendar day. A commercial
17 farm may hold 26 special occasion events each calendar year, of which
18 only six special occasion events may have 250 guests or more in
19 attendance at any time during the event. A special occasion event held
20 by or for a nonprofit entity shall not count against the limitations on
21 events provided by this subsection if the event has fewer than 100
22 guests and the permittee does not charge for, and receives no fees or
23 compensation for hosting the event, other than for reimbursement of
24 out-of-pocket expenses. The maximum reimbursement to the
25 permittee shall not exceed \$1,000.

26 e. A retail food establishment other than a temporary retail food
27 establishment, as those terms are defined in the State Sanitary Code
28 adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not
29 operate on a commercial farm in support of a special occasion event.
30 The limitations of this subsection on the use of a retail food
31 establishment shall not apply to a retail food establishment based at the
32 commercial farm.

33 f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules
34 and regulations adopted by the committee pursuant to section 6 of
35 P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion event
36 that is not held, in whole or in part, on preserved farmland on a
37 commercial farm, including, but not limited to, exception areas.

38 ²g. (1) A county agriculture development board or the State
39 Agriculture Development Committee may order, and specify the scope
40 of, an audit of the owner or operator of any farm engaged in
41 conducting special occasion events on preserved farmland, for the
42 purpose of determining compliance with sub-subparagraph (ii) of
43 subparagraph (b) of paragraph (5) of subsection b. of this section. The
44 audit shall be conducted by an independent certified public accountant
45 approved by the board or the committee, and the reasonable costs
46 thereof shall be paid by the owner or operator of the farm. A county

1 agriculture development board, or the committee, may establish a list
2 of independent certified public accountants approved for the purposes
3 of conducting an audit pursuant to this paragraph. Copies of the audit
4 shall be submitted to the board and the committee. In conjunction
5 with an audit ordered pursuant to this paragraph, a board or the
6 committee may request, and the farm shall then submit, additional
7 documentation as may be necessary for the board or the committee to
8 verify compliance with sub-subparagraph (ii) of subparagraph (b) of
9 paragraph (5) of subsection b. of this section. An owner or operator of
10 a farm engaged in conducting special occasion events on preserved
11 farmland shall not be subject to an audit authorized pursuant to this
12 paragraph more than once per year without good cause demonstrated
13 by the applicable board or the committee.

14 (2) An owner or operator of a farm engaged in conducting special
15 occasion events on preserved farmland pursuant to sub-subparagraph
16 (ii) of subparagraph (b) of paragraph (5) of subsection b. of this
17 section shall annually certify to the county agriculture development
18 board that the special occasion events together account for no more
19 than 10 percent of the annual gross income of the farm during the prior
20 calendar year. The board shall forward the certification of annual
21 gross income to the committee.

22 h. In addition to any other penalties provided by law:

23 (1) A person who commits a second or subsequent violation of
24 sub-subparagraph (i) of subparagraph (b) of paragraph (5) of
25 subsection b. of this section shall be liable for double the maximum
26 civil administrative penalty that may be assessed for any second or
27 subsequent violation under subsection a. of section 5 of P.L.2023, c.9
28 (C.4:1C-32.19).

29 (2) A person who commits a violation of sub-subparagraph (ii) of
30 subparagraph (b) of paragraph (5) of subsection b. of this section shall
31 be liable for forfeiture of revenues earned from special events that
32 exceed 10 percent of the farm's total annual revenues, which penalty
33 shall be collected and enforced pursuant to section 5 of P.L.2023, c.9
34 (C.4:1C-32.19).²

35 (cf: P.L.2023, c.9, s.3)

36
37 2. This act shall take effect immediately.

This is a courtesy copy of P.L. 2023, c.9. For an official copy of this or any other New Jersey statute, visit the New Jersey Legislature's website at www.njleg.state.nj.us, select the link for "Statutes" and use the site's lookup options.

CHAPTER 9

AN ACT concerning special occasion events on preserved farmland and supplementing Title 4 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.4:1C-32.15 Findings, declarations.

1. The Legislature finds and declares that:
 - a. Over 2,800 farms comprising over 247,000 acres of farmland have been preserved in New Jersey since the inception of the State's farmland preservation program;
 - b. The original intent of the farmland preservation program was to prevent suburban sprawl and the conversion of agriculturally suitable land to other purposes, and to keep agriculture as an economically viable industry within the State;
 - c. Keeping agriculture as a sustainable industry in the State ensures residents have continued access to fresh food with low environmental impact;
 - d. The growing interest in agritourism, i.e., activities that attract the public to working farms for enjoyment or education of visitors and generate supplementary income for the farmer, has provided farmers with supplemental revenue and enhanced opportunities to market the State's agricultural and horticultural products; and
 - e. With proper oversight, special occasion events on preserved farmland can have minimal impact on land's viability for farming and provide for new business opportunities for farmers in the State without displacing agricultural or horticultural production as the first priority use of preserved farmland or disrupting neighborhoods that surround preserved farms.

C.4:1C-32.16 Definitions.

2. As used in P.L.2023, c.9 (C.4:1C-32.15 et seq.):

"Applicant" means the owner, and in cases where the owner is not also the operator of the farm and the operator is the person seeking to hold the special occasion event, then the operator of the commercial farm who applies pursuant to subsection c. of section 3 of this act for approval to hold a special occasion event.

"Board" means a county agriculture development board established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

"Commercial farm" means the same as that term is defined in section 3 of P.L.1983, c.31 (C.4:1C-3), except that "commercial farm" shall not include a farm that qualifies for farmland assessment pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), based entirely on a woodland management plan or a forest stewardship plan pursuant to section 3 of P.L.1964, c.48 (C.54:4-23.3).

"Committee" means the State Agriculture Development Committee established pursuant to section 4 of P.L.1983, c.31 (C.4:1C-4).

"Exception area" means a portion of the applicant's landholdings that is excluded from the premises and, although identified in the deed of easement, is unencumbered by the farmland preservation deed restrictions set forth in the deed of easement.

"Grantee" means the entity to which the development rights of a preserved farm were conveyed pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for farmland preservation purposes. "Grantee" shall include all entities which lawfully succeed to the rights and responsibilities of a grantee, including, but not limited to, the grantee's successors and assigns.

“Nonprofit entity” means a corporation organized pursuant to the “New Jersey Nonprofit Corporation Act,” N.J.S.15A:1-1 et seq. or a corporation organized pursuant to Title 16 of the Revised Statutes.

“Occupied area” means any area supporting the activities and infrastructure associated with a special occasion event including, but not limited to: an area for parking, vendors, tables, equipment, infrastructure, or sanitary facilities; an existing building; or a temporary or portable structure.

“Owner” means the record owner of the preserved farmland.

“Permittee” means the owner, and if applicable, the operator of the commercial farm to whom permission to hold special occasion events has been issued by the grantee.

“Preserved farmland” means land on which a development easement was conveyed to, or retained by, the State Agriculture Development Committee, a county agriculture development board, a county, a municipality, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for farmland preservation purposes.

“Special occasion event” means a wedding, lifetime milestone event, or other cultural or social event conducted, in whole or in part, on preserved farmland on a commercial farm.

"Special occasion event" shall not include:

(1) an activity which is eligible to receive right to farm benefits pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.);

(2) a recreational use permitted pursuant to a farmland preservation deed of easement; or

(3) a wedding held for:

(a) a spouse, parent, child, grandparent, grandchild, sibling, niece, nephew, or cousin of the owner of the commercial farm; or

(b) the owner, operator, or an employee of the commercial farm.

"Winery" means a commercial farm where the owner or operator of the commercial farm has been issued and is operating in compliance with a plenary winery license or farm winery license pursuant to R.S.33:1-10.

C.4:1C-32.17 Special occasion event, preserved farmland, compliance, Farmland Preservation Program.

3. a. Notwithstanding any law, or any rule or regulation adopted pursuant thereto, to the contrary, a person may hold a special occasion event on preserved farmland, provided that the grantee determines the preserved farm complies with the terms of the Farmland Preservation Program deed of easement recorded against the preserved farmland, the person complies with the requirements set forth in P.L.2023, c.9 (C.4:1C-32.15 et seq.), and the special occasion event is held in compliance with the requirements of this section and the rules and regulations adopted by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-32.20).

b. The owner or operator of a commercial farm located on preserved farmland that produces agricultural or horticultural products worth \$10,000 or more annually may hold special occasion events on the farm. The special occasion event shall comply with the following requirements:

(1) A special occasion event shall have a maximum duration of two consecutive calendar days if the event is marketed as a single event. An event shall be considered a single special occasion event, even if the event lasts for more than one day, if the event:

(a) is marketed as a single event;

(b) occurs only on consecutive days; and

(c) does not last for more than two days.

(2) A special occasion event shall not interfere with the use of the preserved farmland for agricultural or horticultural production. The special occasion event shall have minimal effects on the occupied area and shall be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after the event.

(3) A special occasion event that involves the service of alcoholic beverages shall comply with all applicable State and local laws, regulations, resolutions, and ordinances.

(4) (a) All applicable State and local laws, regulations, resolutions, and ordinances including, but not limited to, those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety shall apply to the special occasion event and all activities related thereto. To comply with local laws, regulations, resolutions, and ordinances, the municipality may require that an owner or operator of a commercial farm located on preserved farmland submit an application to the municipality for approval and may designate an office or agency of the municipality to review municipal applications for conducting special occasion events. A municipality may require a municipal application if the special occasion event would:

(i) generate a parking or traffic flow situation that could unreasonably interfere with the movement of normal traffic or emergency vehicles or other organized group sharing similar common purposes or goals proceeding in or upon any street, park, or other public place within the municipality; or

(ii) require the expenditure of municipal resources or inspections from agencies or authorities of the municipality.

(b) For a municipal application submitted in accordance with subparagraph (a) of this paragraph, the municipality shall not charge an application fee of more than \$50. The municipal application shall not require more information than an identification of locations of where tents and other temporary structures, sanitary facilities, parking, and access and egress will be located for each event, where music will be played, the number of expected guests, and other information that may be of public concern and would be required of a similar event when conducted at a public park or another public venue.

(5) (a) No new permanent structures shall be constructed or erected on preserved farmland for the purpose of holding a special occasion event, and improvements to existing structures shall be limited to the minimum required for the protection of health and safety.

(b) No permanent structure constructed fewer than five years prior to the date of application to the grantee to hold a special occasion event pursuant to subsection c. of this section shall be used for the purpose of holding the special occasion event.

(c) The installation and use of tents, canopies, umbrellas, tables, chairs, and other temporary structures on preserved farmland for the purpose of holding special occasion events shall be a permitted use provided that the tent, canopy, umbrella, table, chairs, or other temporary structure conforms to all applicable provisions of the State Uniform Construction Code and Uniform Fire Code, which have been adopted by the Commissioner of Community Affairs pursuant to P.L.1975, c.217 (C.52:27D-119, et seq.) and P.L.1983, c.383 (C.52:27D-192 et seq.), respectively. The permitted use of tents, canopies, umbrellas, tables, chairs, and other temporary structures allowed by this subparagraph shall be limited to the timeframe encompassing the first day of April through November 30 of each year.

(d) No public utilities, including gas or sewer lines, shall be extended to the preserved farmland for the purpose of holding special occasion events, except that electric and water service may be extended to preserved farmland for the purpose of holding special occasion events.

(6) Parking at a special occasion event shall be provided through the use of existing parking areas on the farm and curtilage surrounding existing buildings to the extent possible. Additional on-site areas required to provide temporary parking shall comply with the standards for on-farm direct marketing facilities, activities, and events adopted by the committee pursuant to the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.).

(7) The occupied area associated with a special occasion event shall be no more than the lesser of 10 acres or 10 percent of the preserved farmland.

c. A special occasion event shall not be held on preserved farmland unless the applicant obtains approval to hold special occasion events, in writing from the grantee, prior to holding a special occasion event. If the applicant is the operator, but not the owner, of the farm, then the operator shall submit to the grantee a notarized affidavit from the owner authorizing the application. Once approval is obtained from the grantee, a permittee shall be required to submit an application pursuant to this subsection not more than once annually, and an individual application shall not be required for each special occasion event.

(1) A grantee whose approval is required for a special occasion event to be held on preserved farmland shall develop an application process by which an owner or operator of a commercial farm located on preserved farmland may apply for approval. The application shall, at a minimum, allow the grantee to determine:

(a) that the commercial farm located on the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually, and this may include an attestation that the commercial farm located on the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually;

(b) the number of special occasion events to be held on the commercial farm during the calendar year;

(c) the maximum attendance of the special occasion events;

(d) the acreage of the occupied area, as delineated on a map or aerial photograph, to be used for the special occasion event; and

(e) whether the farm is in compliance with its farmland preservation deed of easement.

(2) The grantee shall approve an application made pursuant to this section upon a finding that the special occasion events on the preserved farmland that are the subject of the application comply with the requirements of this act and any rules and regulations adopted by the committee to implement this act. The grantee shall forward a copy of its approval to the committee and to the board in the county in which the preserved farmland is located.

(a) If the grantee is a qualifying tax exempt nonprofit organization as defined pursuant to P.L.1999, c.152 (C.13:8C-3), the grantee may approve, approve with conditions, or deny the application submitted pursuant to this section.

(b) If the grantee does not respond to a written request to hold special occasion events within 90 days following receipt of a request, then the request shall be deemed approved.

(c) If the grantee denies an application made pursuant to this section, the grantee shall provide a reason for the denial and an opportunity for the applicant to reapply with an amended application.

(3) An applicant shall annually certify to the grantee, in a form and manner to be prescribed by the grantee, information about the special occasion events held in the prior calendar year that were approved pursuant to this section, including, but not limited to, the date, occasion, and approximate number of attendees of each event. The grantee shall forward a copy of the certification to the committee.

d. A commercial farm shall not hold more than one special occasion event with over 100 guests per calendar day. A commercial farm may hold 26 special occasion events each

calendar year, of which only six special occasion events may have 250 guests or more in attendance at any time during the event. A special occasion event held by or for a nonprofit entity shall not count against the limitations on events provided by this subsection if the event has fewer than 100 guests and the permittee does not charge for, and receives no fees or compensation for hosting the event, other than for reimbursement of out-of-pocket expenses. The maximum reimbursement to the permittee shall not exceed \$1,000.

e. A retail food establishment other than a temporary retail food establishment, as those terms are defined in the State Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7), shall not operate on a commercial farm in support of a special occasion event. The limitations of this subsection on the use of a retail food establishment shall not apply to a retail food establishment based at the commercial farm.

f. Nothing in P.L.2023, c.9 (C.4:1C-32.15 et seq.), or the rules and regulations adopted by the committee pursuant to section 6 of P.L.2023, c.9 (C.4:1C-32.20), shall apply to any special occasion event that is not held, in whole or in part, on preserved farmland on a commercial farm, including, but not limited to, exception areas.

C.4:1C-32.18 Inspection, preserved farm, grantee, committee, compliance determination, appropriate credentials, rights, limitations.

4. a. The grantee and the committee shall have the right, without advance notice, to inspect a preserved farm on which special occasion events are held, upon presentation of appropriate credentials during normal business hours or during a special occasion event, in order to determine compliance with the provisions of P.L.2023, c.9 (C.4:1C-32.15 et seq.).

b. A permittee engaged in conducting special occasion events on preserved farmland shall not be subjected to an inspection for any particular type of event authorized pursuant to P.L.2023, c.9 (C.4:1C-32.15 et seq.) more than once per year without good cause demonstrated by the grantee or committee.

C.4:1C-32.19 Violations, penalties; notification, hearing, rights.

5. a. A permittee who violates the provisions of this act shall be liable to a civil administrative penalty of up to \$1,000 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third and subsequent offense. Each day in which a violation occurs shall be considered a separate offense.

b. In addition to the penalties established pursuant to subsection a. of this section:

(1) for a second offense, the committee shall suspend the permittee from holding special occasion events for a period of up to six months;

(2) for a third offense, the committee shall suspend the permittee from holding special occasion events for a period of six months up to one year; and

(3) for a fourth or subsequent offense, the committee shall suspend the permittee from holding special occasion events for a period of at least one year, or permanently suspend the owner or operator of the commercial farm from holding special occasion events.

c. No civil administrative penalty pursuant to subsection a. of this section or penalty established in subsection b. of this section shall be imposed pursuant to this section until after the permittee has been notified of the alleged violation by certified mail or personal service. The notice shall include:

(1) a reference to the section of the statute, regulation, order, or condition alleged to have been violated;

(2) a concise statement of the facts alleged to constitute a violation;

(3) a statement of the amount of the civil administrative penalty that may be imposed and the duration of the suspension that may be imposed, if any; and

(4) a statement of the right of the permittee to a hearing.

d. The permittee served with notice pursuant to subsection c. of this section shall have 20 days after the receipt of the notice to request in writing a hearing before the committee. The committee may retain the matter for a hearing before the committee or transmit the matter to the Office of Administrative Law in accordance with the provisions of the “Administrative Procedure Act”, P.L.1968, c.410 (C.52:14B-1 et seq.).

(1) If the hearing is conducted by the committee, the hearing shall be conducted in accordance with relevant provisions of the “Administrative Procedure Act”, P.L.1968, c.410 (C.52:14B-1 et seq.) and regulations adopted pursuant thereto, and shall provide opportunity for testimony from the municipality in which the preserved farmland is located. After the hearing, if the committee finds that a violation has occurred, the committee may issue a final order assessing the amount of the civil administrative penalty set forth in the notice and imposing the suspension, if any.

(2) If no hearing is requested, then the notice shall become a final order 20 days after the date upon which the notice was served. Payment of the civil administrative penalty shall be due, and duration of the suspension, if any, shall begin, on the date when a final order is issued or the notice becomes a final order.

e. The committee shall notify, in writing, the grantee and the board in the county in which the preserved farmland is located when it suspends a permittee from holding special occasion events pursuant to subsection b. of this section.

C.4:1C-32.20 Rules, regulations.

6. Notwithstanding the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the committee may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the committee deems necessary to implement the applicable provisions of this act, which shall be effective for a period not to exceed 12 months. The committee shall thereafter adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to implement P.L.2023, c.9 (C.4:1C-32.15 et seq.), including any rules and regulations necessary to determine compliance with the requirements of section 3 of P.L.2023, c.9 (C.4:1C-32.17). The rules and regulations adopted pursuant to this section shall provide forms, processes, and procedures that are the least burdensome as feasible and which are necessary to implement P.L.2023, c.9 (C.4:1C-32.15 et seq.). A grantee may accept applications pursuant to this act and approve applications for special occasion events that comply with the provisions of this act prior to the adoption of the rules required under this section. Upon adoption of rules and regulations pursuant to this section, all approvals pursuant to this act shall comply with the rules and regulations adopted by the committee.

C.4:1C-32.21 Report to Governor, Legislature.

7. a. The committee shall report on special occasion events as authorized by P.L.2023, c.9 (C.4:1C-32.15 et seq.). All grantees shall provide the committee with data requested in relation to the report. The report shall include, but shall not be limited to, an exploration of the following:

- (1) the number of commercial farms on which special occasion events are held;
- (2) the number of guests, type, and frequency of events;

(3) the extent to which disputes are reported between: commercial farms and neighboring properties, commercial farms and municipalities, and commercial farms and the grantee or committee;

(4) the frequency of violations of P.L.2023, c.9 (C.4:1C-32.15 et seq.); and

(5) the frequency of unintended undesirable consequences of special occasion events, such as possible instances of the removal of land from active agricultural or horticultural production to host events.

b. The committee shall submit the initial report conducted pursuant to this section to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on or before the first day of the 18th month next following the effective date of P.L.2023, c.9 (C.4:1C-32.15 et seq.). Following submission of this initial report, the committee shall submit to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1):

(1) an update of the report on an annual basis; and

(2) a revised report, once every four years beginning after submission of the initial report, summarizing the successes and drawbacks of special occasion events, and recommending any administrative and legislative changes.

8. This act shall take effect immediately, except the authority of a municipality to require an application by a winery pursuant to paragraph (4) of subsection b. of section 3 of this act shall take effect on January 1, 2023.

Approved February 3, 2023.

Special Occasion Events - Overview

Special Occasion Events on Preserved Farmland – P.L. 2023, c.9.

Introduction

P.L. 2023, c.9 became law on February 3, 2023. The law recognizes the positive effects that holding special occasion events (SOEs) on preserved farms can have, under certain conditions. Among these are helping sustain the agricultural industry, enhancing the growing demand for agritourism activities on farmland, and improving the viability of the state's farm operations without displacing agricultural or horticultural use of the land, or disrupting neighborhoods that surround preserved farms.



What an SOE Is

An SOE is a cultural or social event, including a wedding, held on preserved farmland. For the purposes of P.L. 2023, c.9., SOEs do not include the following: activities eligible for Right to Farm Act protection; recreational uses already permitted under the farmland preservation deed of easement; and weddings held for the owner, operator, or employee of the commercial farm or weddings held for certain family members of the commercial farm owner.

Who May Apply to Hold SOEs

The owner or operator of a preserved farm that is also a “commercial farm” may apply to hold SOEs. The preserved farmland must produce agricultural or horticultural products worth \$10,000 or more annually to qualify to hold SOEs. If the applicant to hold SOEs is a farm operator, and not the farm owner, the operator must obtain written authorization from the owner to apply.

How Many SOEs May be Held

Farm owners or operators can receive approval to hold up to twenty-six (26) SOEs per calendar year on the preserved farm. Up to six of the SOEs may have 250 or more guests in attendance at any time during the event. If a farm holds more than one SOE on the same day, only one of the SOEs on that day may have 100 or more guests.

An event is considered a single SOE if the event lasts not more than two consecutive days and is marketed as a single event. Further, events held by or for a nonprofit entity do not count as an SOE if the event has fewer than 100 guests and the permittee does not charge for and receives no fees or compensation for hosting the event, other than for reimbursement of out-of-pocket expenses, which cannot exceed \$1,000.



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Special Occasion Events - Overview

Area Used to Hold SOE's

The area used to host the SOEs is referred to as the "occupied area", and includes all areas needed for structures, parking, and other infrastructure. The occupied area may be up to 10 acres or 10% of the preserved farmland acreage, whichever is less. SOEs may not interfere with the use of the preserved farm for agricultural or horticultural production and shall have only minimal effects on the occupied area and ensure that the land can be readily returned to productive agricultural or horticultural use after the event.

SOEs can be held outside, or inside a building that is at least 5 years old at the time of application for the SOE. No new permanent structures may be constructed or used to host SOEs, and improvements to existing structures are limited to the minimum required for the protection of health and safety. Temporary structures or tents may be used, provided they comply with applicable construction and fire codes and are limited to use between April 1 to November 30.

No public utilities other than electric and water service may be extended to the preserved farm for holding SOEs. Parking areas for SOEs must use existing parking areas and land around existing buildings to the extent possible. Additional temporary, on-site parking areas are required to follow standards previously adopted by the SADC in regulation (N.J.A.C. 2:76-2A.13).

How it Works

Farm owners, or farm operators with written authorization from the owner, can submit an SOE application to the holder (grantee) of the Farmland Preservation Program (FPP) deed of easement.

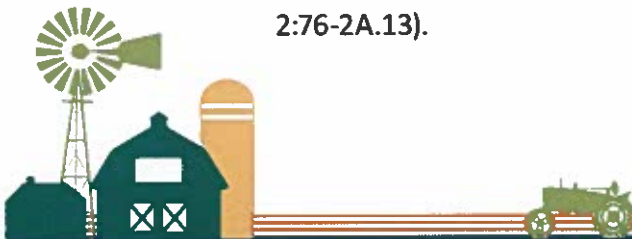
The easement holder, typically a county agriculture development board (CADB), board of county commissioners, nonprofit organization, or State Agriculture Development Committee (SADC), will review the application. The grantee must first confirm that the farm complies with its FPP deed of easement in order for it to be eligible to hold SOEs.

The grantee has 90 days in which to review the application and "shall" approve the application if it adheres to the requirements in the law and to forthcoming regulations promulgated by the SADC.

If the grantee does not respond to the application within 90 days, the application is deemed approved.

A nonprofit grantee can approve, approve with conditions, or deny the application. A grantee cannot require a farm to submit an application to hold SOEs more than once annually.

Once an applicant receives approval to hold SOEs, the applicant is required to report annually to the grantee information about the SOEs held in the prior calendar year, including information on the dates, type of SOEs, and number of attendees of each event held. The Grantee is required to send a copy of this information to the SADC.



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Special Occasion Events - Overview

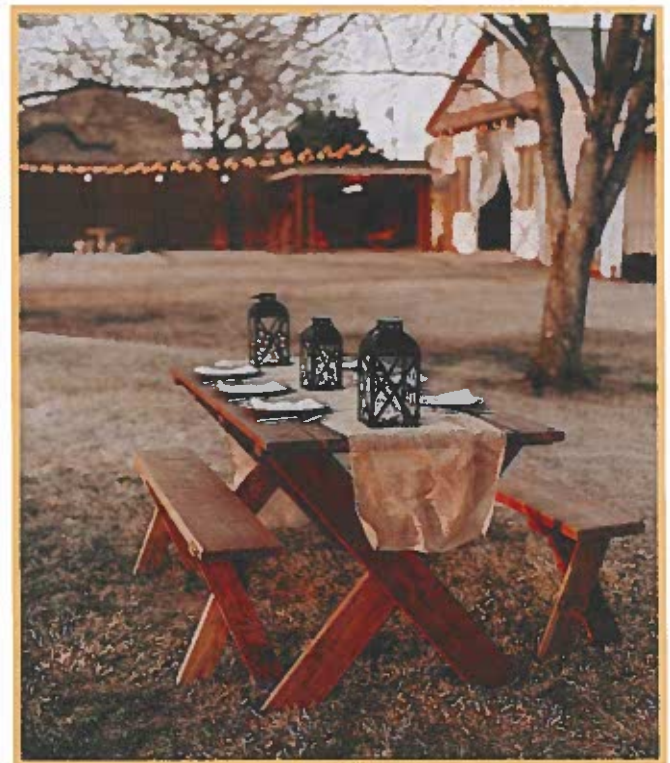
County, Nonprofit, and SADC Roles

Counties and nonprofit partners are responsible for accepting, reviewing, and acting on SOE applications from farms for which they hold the FPP deed of easement. No additional approval by the SADC is required; the SADC, like its partners, only reviews and acts on SOE applications from those farms on which it holds the easement. Partners must forward a copy of all SOE approvals and annual reporting information received from farms holding SOEs to the SADC.

The SADC is directed to develop and adopt regulations governing the SOE program, however, applications may be submitted to and processed by the easement holder prior to the SADC adopting SOE rules. The SADC also is required to regularly report to the legislature on implementation of the program.

Municipal Role

All applicable State and local laws and regulations apply to the holding of SOEs, including but not limited to those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety. If the SOEs proposed by a farm would generate parking or traffic flow that could unreasonably interfere with normal traffic or emergency vehicle movement, or require the expenditure of municipal resources or inspections from agencies or authorities of the municipality, a municipality may require the submission of a municipal SOE application to review compliance of a farm's proposed SOEs with local laws. Municipalities may not charge more than a \$50 application fee and may not require more information than would be required for similar events conducted at a public park or another public venue.



For More Information

Please see the SADC website, www.nj.gov/agriculture/sadc, for a copy of the SOE law and an SADC Q&A document. Farm owners and operators, as well as farmland preservation partners, also can contact the SADC at (609) 984-2504 and ask for David Kimmel.



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Special Occasion Events - Q&A

Special Occasion Events on Preserved Farmland – P.L. 2023, c.9.



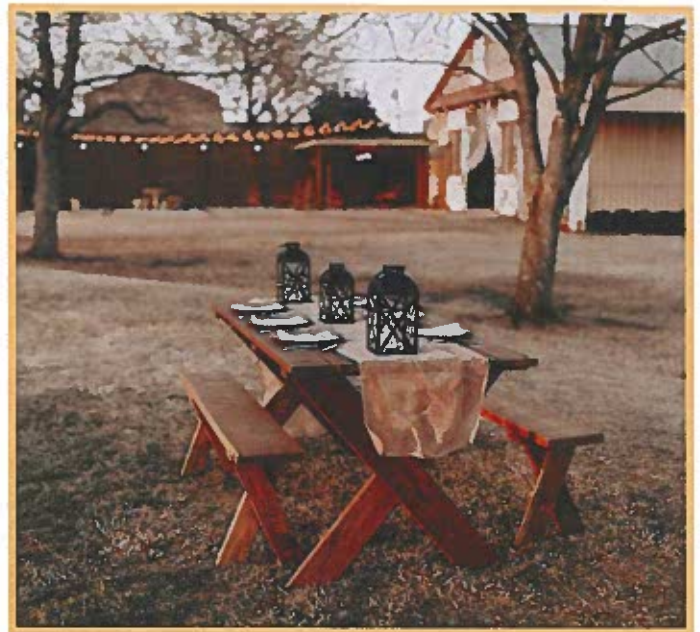
SOE Basics and How to Apply

What is a Special Occasion Event (SOE)?

An SOE is a cultural or social event, including a wedding, held on preserved farmland. For the purposes of P.L. 2023, c.9., SOEs do NOT include the following: activities eligible for Right to Farm Act protection; recreational uses already permitted under the farmland preservation deed of easement; and weddings held for the owner, operator, or employee of the commercial farm or weddings held for certain family members of the commercial farm owner.

Does a farm need approval to hold Special Occasion Events (SOEs) on preserved farmland?

Yes, a farm must get prior written approval to hold SOEs on preserved farmland. SOEs cannot be held unless the farm first obtains approval from the farmland preservation deed of easement holder – the “grantee”. Holding SOEs without having obtained approval from the grantee is a violation of the deed of easement and the law.



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Special Occasion Events - Q&A

Who can apply for a permit to hold Special Occasion Events (SOEs)?

The owner or operator of a preserved farm that is also a “commercial farm” may apply to hold SOEs. The preserved farmland must produce agricultural or horticultural products worth \$10,000 or more annually to qualify to hold SOEs. A farm operator must obtain written authorization from the owner to apply.

- For the purposes of the SOE law, a “commercial farm” means the same as defined in the Right to Farm Act (see below), with one exception: it does not include a farm that qualifies for Farmland Assessment based entirely on a woodland management plan or a forest stewardship plan.
- “Commercial farm” means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the “Farmland Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.), (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the “Farmland Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm management unit that is a beekeeping operation producing honey or other agricultural or horticultural apiary-related products, or providing crop pollination services, worth \$10,000 or more annually.

Who should SOE applications be submitted to? (Who reviews applications to hold SOEs)?

SOE applications are to be submitted to the holder of the farm’s farmland preservation deed of easement – known as the “grantee” of the easement. This typically is a county agriculture development board (CADB), a county board of commissioners, a nonprofit organization, or the State Agriculture Development Committee (SADC).

If a farm wants to hold multiple SOEs, should they all be included in the same application?

Yes, a single application is to be submitted for all the SOEs to be held on the farm during the calendar year.

Separate individual applications are not required for each separate SOE. To the extent known, the number of events and the estimated attendance must be submitted as part of the application.



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Special Occasion Events - Q&A

How often is a farm required to submit an SOE application? (Is an application required each year?)

Once a farm's application to hold SOEs has been approved, the farm shall be required to submit a new application not more than once annually. The easement holder will determine how often an application is needed, whether it be annually, biennially, etc.

Is a farm required to submit an SOE certification each year?

Yes, after each calendar year, a farm that had received approval to hold SOEs must complete and submit a certification to the grantee. The certification is basically a report of the SOEs that were held that year. The information required through the certification form will include at least a list of the number and type of SOEs that were held, their dates, and the number of attendees at each event.

Can easement holders accept and approve SOE applications prior to the SADC adopting SOE rules?

Yes, the SOE law took effect on February 3, 2023. This means farms can immediately apply for permission to hold SOEs. The SADC is required to adopt rules to fully implement the SOE program, but the law explicitly allows farms to apply for, and grantees to approve, based on the law's requirements, the holding of SOEs prior to the adoption of SADC rules.

What happens if an SOE application is denied?

If the easement holder denies an application, it must provide a reason for the denial and an opportunity for the applicant to reapply with an amended application. If the easement holder is a nonprofit, the nonprofit may approve, approve with conditions, or deny an SOE application it receives.

"Special occasion events" as defined in P.L. 2023, c.9.:

"Special occasion event" means a wedding, lifetime milestone event, or other cultural or social event conducted, in whole or in part, on preserved farmland on a commercial farm. SOEs shall not include the following:

- Activities that are eligible to receive Right to Farm Act protection;
- Recreational uses permitted under the farmland preservation deed of easement; or
- Weddings held for the owner, operator, or an employee of the commercial farm, or for a spouse, parent, child, grandparent, grandchild, sibling, niece, nephew, or cousin of the owner of the commercial farm.



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Special Occasion Events - Q&A



SOE Details – Number of Events and Conditions

How many SOEs can a farm hold, and how large can they be?

A farm may hold up to twenty-six (26) SOEs per calendar year, of which six (6) may have 250 or more guests at any time during the event.

Can a farm hold more than one SOE on the same day?

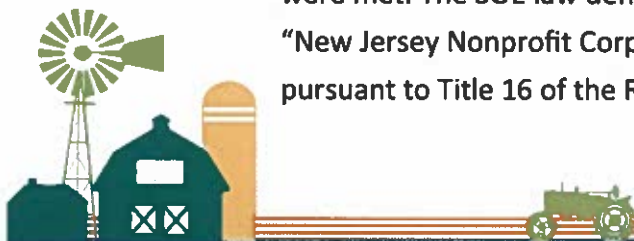
Yes, but if a farm holds more than one SOE on the same day, only one of those SOEs may have 100 or more guests.

Can a farm hold SOEs that last more than one day?

Yes, an SOE can last for two (2) consecutive days if the event is marketing as a single event. If an event lasts for more than two days, it would be considered as multiple SOEs.

If an SOE is held for a nonprofit, does it count towards the farm's limit of 26 SOEs per calendar year?

An SOE that is held by or for a nonprofit (as defined in the SOE law) does not count towards the 26-event limit if the event has fewer than 100 guests and the farm does not charge, or receive fees or compensation, for hosting the event (other than being reimbursed up to \$1,000 for out-of-pocket expenses). For example, if a farm wanted to hold its church's annual picnic at the farm or proposed hosting a fundraiser for the local fire department or land trust, the events would not count towards the 26-event limit if the above conditions were met. The SOE law defines a nonprofit as "a corporation organized pursuant to the "New Jersey Nonprofit Corporation Act," N.J.S.15A:1-1 et seq. or a corporation organized pursuant to Title 16 of the Revised Statutes."



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Special Occasion Events - Q&A

What part of a preserved farm can be used for SOEs?

The area used to hold SOEs may not be more than 10 acres or 10% of the preserved farmland, whichever is less. The SOE law defines this area as the “occupied area” and includes any area that supports the SOE activities including, but not limited to parking, vendors, tables, equipment, infrastructure, sanitary facilities, existing buildings, and temporary or portable structures. All aspects of an SOE must fit within the occupied area. The occupied area could be a single area, or it could be multiple non-contiguous areas on the farm.

Can SOEs interfere with the use of preserved farmland for farming?

No. SOEs may not interfere with the use of preserved farmland for agricultural or horticultural production. SOEs shall have only minimal effects on the occupied area, be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after the event. For example, if a farm proposed holding a mud run (that would involve digging up farmland and creating a mud pit), the proposed SOE would be denied because the SOE’s proposed use of the land would not be protective of land’s agricultural resources.

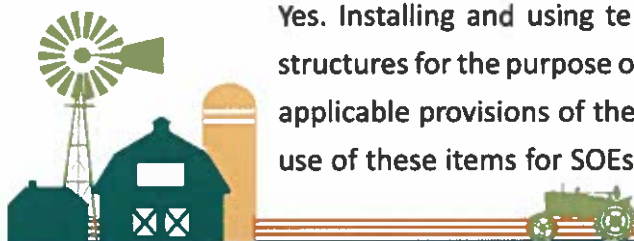


Can SOEs be held in permanent structures on the preserved farm?

Yes, however no new permanent structures may be constructed or used for the purpose of holding SOEs. Specifically, no permanent structures constructed within five years of the application to hold SOEs may be used to host an SOE. Improvements to existing structures shall be limited to the minimum required for the protection of health and safety. For example, holding SOEs and having visitors on the farm might require accessibility improvements, such as installing a handicapped ramp to a building, or require modifications to structures such as additional lighting or ingress/egress.

Can tents and temporary structures be used as part of holding SOEs?

Yes. Installing and using tents, canopies, umbrellas, tables, chairs, and other temporary structures for the purpose of holding SOEs is permitted, provided these items conform to all applicable provisions of the State Uniform Construction Code and Uniform Fire Code. The use of these items for SOEs also is limited to the timeframe from April 1 to November 30.



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Special Occasion Events - Q&A

Can additional utilities be added for the purpose of holding SOEs?

Electric and water service may be extended to the preserved farmland in support of holding SOEs. Other public utilities, such as gas and sewer lines, may not be extended for the purpose of holding special occasion events.

What are the rules for parking for SOEs?

Parking for SOEs must be provided through existing parking areas and the area surrounding existing buildings to the extent possible. If additional on-site areas are required for providing temporary parking, this additional parking must comply with the SADC's standards for on-farm direct-marking facilities, activities, and events in N.J.A.C. 2:76-2A.13.

Can a retail food establishment be operated on a farm in support of an SOE?

If a retail food establishment is already based at the farm, then the farm can use the establishment as part of an SOE. Otherwise, the farm can only operate a temporary retail food establishment, as defined in the State Sanitary Code, N.J.A.C. 8:24, as part of the SOE.

Does the SOE law apply to events held on exception areas?

If an SOE is held ENTIRELY in an exception area, the SOE law does not apply. If an SOE is held in part on an exception area and on part of the preserved farmland, then the SOE law does apply to the part of the event occurring on the preserved farm.

If a farm is not in compliance with its farmland preservation deed of easement, can it hold SOEs?

No, a farm must be in compliance with its farmland preservation deed of easement in order to be eligible to hold SOEs.

Are there any rules about serving alcohol at SOEs?

Yes, SOEs that involve the service of alcoholic beverages must comply with all applicable State and local laws and regulations.

What other applicable laws must be followed?

All applicable State and local laws and regulations also must be followed, including but not limited to those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety.



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Special Occasion Events - Q&A

What is the difference between recreational events permitted under the deed of easement (to which the SOE law does not apply) and recreational events that are not permitted under the deed of easement (for which a farm could seek approval through an SOE application)?

The standard deed of easement says that certain recreational uses are permitted and that income may be derived from them (activities such as hunting, fishing, cross country skiing, and ecological tours) if they use the premises in its existing condition and do not interfere with the use of the land for agricultural production. The standard easement also says that other activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited. If a potential recreational activity is already permitted by the deed of easement, the easement holder should not include it an SOE approval.

For example, suppose a preserved farm holds “goat yoga” in a barn on certain days of the week. People come and put yoga mats down on the floor, and a yoga instructor leads the class. Such an activity would be considered a recreational use that uses the property in its existing condition and is therefore permitted under the deed of easement and does not require SOE approval. However, if the same farm wanted to host a yoga event, where tents are erected outside, portable seating is provided, and vendors set up tables to sell food and yoga supplies, the event would constitute an SOE and require approval. The evaluation of events is fact sensitive, and the grantee reviewing the activity will need sufficient detail to distinguish a permitted recreational activity from one that requires approval as an SOE.



How can a grantee tell the difference between special occasion events (SOEs) and on-farm direct marketing (OFDM) activities and events?

- By definition, SOEs are social and cultural events that are not eligible for the benefits and protections of the Right to Farm Act (RTFA). If a farm is conducting marketing-related events that fit within the RTFA On-Farm Direct Marketing Agricultural Management Practice (AMP) rules, N.J.A.C. 2:76-2A.13, such events would not count as SOEs. If a farm plans to hold both types of events – SOEs as well as events that could be eligible for RTFA protection – the farm must request a Site-Specific Agricultural Management Practice (SSAMP) determination from the CADB to identify which events are protected under the RTFA. The remaining events would count as SOEs.



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Special Occasion Events - Q&A

Administration of the SOE Law – Approvals, Reports, Inspections, and Violations

What is the easement holder's role regarding reviewing SOEs?

Easement holders (the "grantees") are responsible for accepting, reviewing, and deciding SOE applications from farms on which they hold the farmland preservation deed of easement. If they do not respond to an SOE application within 90 days of receiving a complete application, the request to hold SOEs is deemed automatically approved. Grantees must forward a copy of any SOE approvals to the SADC. No additional approval by the SADC is required. The SADC, like its partners, only reviews and acts on SOE applications from those farms on which it holds the deed of easement.

Grantees also are responsible for obtaining farms' annual SOE certification forms, forwarding copies of the certification forms to the SADC, and providing the SADC with requested data for the initial and annual reports that the SADC is required to submit under the SOE law.



What can easement holders do to determine whether the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually?

Easement holders are required to develop an application process that allows them to make determinations such as whether the preserved farmland's annual production is at least \$10,000. The application process could ask the applicant for production information (such as the farm's Farmland Assessment forms), an attestation, or something else. The SADC has developed a sample application form and as well as a production estimator tool (a basic spreadsheet with instructions) that easement holders may use. For a copy of the sample application and spreadsheet tool, please see the SADC website, www.nj.gov/agriculture/sadc/.



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Special Occasion Events - Q&A

What is the municipality's role regarding reviewing SOEs?

A municipality may require the submission of an application if the SOEs would:

- Generate a parking or traffic flow situation that could unreasonably interfere with the movement of normal traffic or emergency vehicles or other organized group sharing similar common purposes or goals (on any street, park, or other public place within the municipality); or
- Require the expenditure of municipal resources or require municipal inspections.

Municipalities may not charge more than a \$50 application fee, and the application may not require more information than the following:

- The locations of tents and other temporary structures, sanitary facilities, parking, and access and egress for each event;
- Where music will be played;
- The number of expected guests; and
- Other information that may be of public concern and would be required of a similar event when conducted at a public park or another public venue.

In order for the municipality to play its appropriate role under the SOE law, the SADC recommends grantees submit a copy of SOE applications to the municipality in which the farm is located, so that the municipality is aware of the request to hold SOEs.

What are the inspection protocols for farms with SOEs?

The grantee and SADC have the right, without advance notice, to inspect preserved farms on which SOEs are held in order to determine compliance with the SOE law. Such an inspection may occur during an SOE event.

What are the penalties for violating the SOE law?

A farm that violates the SOE law shall be liable for a civil administrative penalty of up to \$1,000 for the first offense, up to \$2,500 for the second offense, or up to \$5,000 for a third or subsequent offense. Each day in which a violation occurs is considered a separate offense.

For a second offense, the SADC shall suspend the farm from holding SOEs for up to six months. For a third offense, the SADC shall suspend the farm from holding SOEs for a period of six months up to one year. For a fourth or subsequent offense, the SADC shall suspend the farm from holding SOEs for a period of at least one year, or permanently suspend the farm from holding SOEs.



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Trenton, NJ 08625-0330

phone: 609-984-2504
email: sadc@ag.nj.gov
web: www.nj.gov/agriculture/sadc

Special Occasion Events - Q&A

Who is responsible for enforcement of the SOE law?

The SADC is responsible for enforcement of the SOE law. This includes providing notification of alleged violations and, if requested by the farm, holding a hearing. If the SADC finds that a violation has occurred, the SADC may issue a final order imposing the civil administrative penalty and, if applicable, a suspension from holding SOEs.

Can SOEs be held on farms preserved with federal funding?

Yes, farms preserved with federal funding can apply to hold SOEs. Easement holders (grantees) can approve a farm's application provided the holding of SOEs is consistent with the language in the farm's specific federal deed of easement. Grantees will have to review the specific language in the easement. Additional review and approval by the federal government (USDA Natural Resources Conservation Service (NRCS)) is not required; however, grantees may consult NRCS on a case-by-case basis concerning the grantee's interpretation. NRCS review and approval is necessary only when the easement terms require it or in the event NRCS must exercise its enforcement rights.

If the easement holder is a county, is it the county or CADB's responsibility to administer the SOE law?

The law refers to the "grantee" as having the responsibility of administering the SOE law. Some easements list the grantee, i.e., the easement holder, as a county board of commissioners; some list the CADB; and some list both. If a county is the easement holder, the board of county commissioners would have to determine whether it or the CADB would be responsible for administering the SOE law.



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Will the SADC create a template SOE application form that partners could use?

Yes, in addition to a general SOE Guidance Document and this Q&A Document, the SADC has created a sample application form. Please see the SADC website, www.nj.gov/agriculture/sadc/, for a copy of this document.

Where can someone find more information on the SOE law?

Please see the SADC website, www.nj.gov/agriculture/sadc/, for a copy of the SOE law and related SOE materials. Farm owners and operators, as well as farmland preservation partners, can also contact their easement holder, or they can contact the SADC at (609) 984-2504 and ask for David Kimmel.



PLEASE NOTE: This guidance document is not intended to provide legal advice. If you have any questions, please contact the SADC.



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Chart with SOE applications and easement holder actions (2/3/23 – 7/10/25), and 2024 SOEs held

County	Municipality	Initial Application - Application Date	Initial Application - Types of SOEs in Initial Application	Initial Application - Number and Size (Estimated Attendance) of SOEs Proposed	Easement Holder - Action Taken By Easement Holder	Easement Holder - Date of Initial Action Taken By Easement Holder	Easement Holder - Subsequent Action Taken By Easement Holder	2024 Certification Form - Total Number of SOEs Held in 2024	2024 Certification Form - Types of SOEs Held in 2024
Burlington	Southampton Lumberton	5/9/2023	Other Social/Cultural Events - Small private events in picnic areas - family get togethers, reunions, star watching, observing fireworks originating from offsite	26 SOEs OSCEs - 26 (20-30 ppl)	Approval	6/14/2023	Reapproved in 2025 (Didn't seek reapproval in 2024)	n/a	n/a
Salem	Mannington	5/15/2023	Weddings Lifetime Milestone Events - Private parties – including birthdays, anniversaries, graduations, showers, etc. Other Social/Cultural Events - Township Recreation Committee fundraising event (County food vendor barbecue)	20 SOEs Weddings - 6 (50-200 ppl) LMES - 6 (30-150 ppl) OSCEs - 8 (35-50 ppl)	Approval	7/26/2023	Reapproved in 2024 and 2025	8	Weddings - 3 (155, 125, 135 ppl) LMES - 1 - (birthday party) (30 ppl) OSCEs - 4 - (3 Township Field Hockey team pizza parties or team dinner; 1 church youth group fundraiser) (25, 15, 20, 70 ppl)
Mercer	Robbinsville	6/30/2023	Application: looking for temporary parking for event not occurring on the farm	20 SOEs OSCEs - 20 (2,000 ppl)	Denial	8/7/2023	n/a	n/a	n/a
Monmouth	Upper Freehold	7/11/2023	Weddings - ceremonies, receptions (cocktail hours, sit down dinners) Lifetime Milestone Events - Birthday parties, graduations, other celebrations of life Other Social/Cultural Events - Corporate events, community events, farm to table dinners	20 SOEs Weddings - 10 (50-300 ppl) LMES - 5 (25-300 ppl) OSCEs - 5 (25-300 ppl)	Approval	9/5/2023	Reapproved in 2024 and 2025	7	LMES - 6 (1 graduation, 2 retirements, 2 birthday parties, 1 memorial) (50, 80, 30, 50, 75, 40) OSCEs - 1 - (corporate event) (70 ppl)

County	Municipality	Initial Application - Application Date	Initial Application - Types of SOEs in Initial Application	Initial Application - Number and Size (Estimated Attendance) of SOEs Proposed	Easement Holder - Action Taken By Easement Holder	Easement Holder - Date of Initial Action Taken By Easement Holder	Easement Holder - Subsequent Action Taken By Easement Holder	2024 Certification Form - Total Number of SOEs Held In 2024	2024 Certification Form - Types of SOEs Held In 2024
Ocean	Jackson	6/23/2023	Other Social/Cultural Events - cultural events focused on South American traditions showing importance of folklore, music, dance, food, and arts	6 SOEs OSCEs - 6 (200-300 ppl)	Approval Ocean CADB	9/13/2023	Reapproved in 2024 and 2025	6	LMEs - 2 (- Traditional music band and Spanish food; Horse dancing show, comic show, dinosaur show) OSCEs - 4 (Families search for hidden eggs; Live music marichi for Mothers' Day; Latin Ecuatorian Carnival w/ live music; Ecuatorian corn harvest)
Hunterdon	Readington	7/13/2023	Other Social/Cultural Events - Public events and fundraisers - Fundraisers for veterans group, American Cancer Society, Irish Friday, Tico, Saucetoberfest	5 SOEs OSCEs - 5 (250-1,000 ppl)	Approval Hunterdon CADB	9/14/2023	Reapproved in 2024 and 2025	1	OSCEs - 1 (Irish Festival) (260 ppl)
Ocean	Plumsted	6/12/2023	Weddings - ceremonies, receptions	8 SOEs Weddings - 8 (<175 ppl)	Approval Ocean CADB	10/23/2023	Reapproved in 2024 and 2025	4	Weddings - 4 (100, 80, 100, 80 ppl)
Monmouth	Howell	10/12/2023	Weddings - ceremonies, cocktail hours, sit down dinners Lifetime Milestone Events Other Social/Cultural Events - maybe church and nonprofit events	18 SOEs Weddings - 10 (80-200 ppl) LMEs - 14 (25-250 ppl) OSCEs - 2 (200 ppl)	Approval Monmouth CADB	11/1/2023	Reapproved in 2024 and 2025	No SOEs held in 2024	n/a

Chart with SOE applications and easement holder actions (2/3/23 – 7/10/25), and 2024 SOEs held

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Warren	Franklin	4/21/2023	Weddings - receptions Lifetime Milestone Events - birthday, graduations Other Social/Cultural Events - veterans fundraiser	6 SOEs Weddings - 4 (80-180 ppl) LMEs - 1 (50-150 ppl) OSCEs - 1 (100-150 ppl)	Warren CADB	Approval	11/16/2023	None - Farm did not seek reapproval in 2024 or 2025	n/a	n/a
Gloucester	Franklin	8/1/2023	Weddings - ceremonies, receptions, food Lifetime Milestone Events - birthdays, baby showers, bridal showers, graduation parties	15 SOEs Weddings - 10 (75-150 ppl) LMEs - 5 (40-100 ppl)	Gloucester CADB	Approval	11/28/2023	Reapproved in 2024 and 2025	7	Weddings - 5 (80, 120, 110, 120, 90 ppl) LMEs - 2 (60th birthday party, surprise 60th birthday party) (50, 70 ppl) n/a
Warren	Frelinghuysen	12/12/2023	Other Social/Cultural Events - community classes, NRA gun safety class	14 SOEs OSCEs - 14 (10-25 ppl)	Warren CADB	Denial	1/23/2024	n/a	n/a	n/a
Sussex	Wantage	12/30/2023	Weddings Lifetime Milestone Events Other Social/Cultural Events Notes - public events, private events, events held by/for a nonprofit	26 SOEs Weddings - 22 (100-250 ppl) LMEs - 2 (100-250 ppl) OSCEs - 2 (100-250 ppl)	Sussex CADB	Approval	2/20/2024	Under review by easement holder for reapproval in 2025	1	Wedding - 1 (100 ppl)
Somerset	Hillsborough	2/20/2024	Weddings - ceremonies, receptions Lifetime Milestone Events - birthday parties and LMEs (cocktail hour, party, dinner)	26 SOEs Weddings - 18 (100-150 ppl) LMEs - 8 (75-150 ppl)	Somerset CADB	Approval	2/26/2024	None - Farm elected not to renew in 2025	No SOEs held in 2024	n/a

Chart with SOE applications and easement holder actions (2/3/23 – 7/10/25), and 2024 SOEs held

County	Municipality	Initial Application - Application Date	Initial Application - Types of SOEs in Initial Application	Initial Application - Number and Size (Estimated Attendance) of SOEs Proposed	Easement Holder	Easement Holder - Action Taken By Easement Holder	Easement Holder - Date of Initial Action Taken By Easement Holder	Easement Holder - Subsequent Action Taken By Easement Holder	2024 Certification Form - Total Number of SOEs Held in 2024	2024 Certification Form - Types of SOEs Held in 2024
Burlington	Mansfield	2/22/2024	Weddings - ceremonies and receptions <u>Lifetime Milestone Events</u> - public, private, and nonprofit events Other Social/Cultural Events - public, private, and nonprofit events	26 SOEs Weddings - 8 LMEs - 8 OSCEs - 10	Burlington CADB	Approval	3/14/2024	Reapproved in 2025	No SOEs held in 2024	n/a
Somerset	Montgomery	3/12/2024	Weddings <u>Lifetime Milestone Events</u> Other Social/Cultural Events	13 SOEs Weddings - 4 (20-200 ppl) LMEs - 1 (20-200 ppl) OSCEs - 8 (20-200 ppl)	Somerset CADB	Approval	3/25/2024	None - Farm elected not to renew in 2025	1	Wedding - 1 (95 ppl)
Camden	Voorhees	3/5/2024	Weddings - ceremonies, receptions (cocktail hours, sit down dinner) <u>Lifetime Milestone Events</u> - private parties (for milestones, businesses, etc.) Other Social/Cultural Events - fundraisers, social events, or celebrations for nonprofit, corporate, or other private group	26 SOEs Weddings - 13 (100-350 ppl) LMEs - 7 (50-249 ppl) OSCEs - 6 (100-1,000 ppl)	SADC	Approval	4/25/2024	Reapproved in 2025	No SOEs held in 2024	n/a
Sussex Warren	Green (Sussex) Allamuchy (Warren)	3/28/2024	Weddings - ceremonies and receptions <u>Lifetime Milestone Events</u> - bridal or baby showers, graduations, memorial services, etc. Other Social/Cultural Events - farm to table dinners, vendor events, hosting community outreach events, seasonal festivals based on what is in season on the farm	25 SOEs Weddings - 5 (100-150 ppl) LMEs - 12 (50-100 ppl) OSCEs - 8 (50-150 ppl)	Sussex CADB	Approval	5/20/2024	Reapproved in 2025	18	LMEs - 12 - (6 birthday parties; bridal shower; 3 baby showers; graduation; family reunion) (75, 75, 175, 75, 175, 175, 75, 75, 75, 175, 175 ppl) OSCEs - 6 - (3 line dancing; touch a truck; township centennial celebration; holiday vendor market)(100, 100, 100, 1,000, 268, 500 ppl)
Somerset	Montgomery	4/1/2024	Weddings - ceremonies, receptions (cocktail hours, sit down dinner) <u>Lifetime Milestone Events</u> - private parties (for milestones, businesses, etc.) Other Social/Cultural Events - fundraisers, social events, or celebrations for nonprofit, corporate, or other private group	26 SOEs Weddings - 10 (100-250 ppl) LMEs - 14 (100-250 ppl) OSCEs - 2 (50-250 ppl)	SADC	Approval	5/23/2024	n/a	2	OSCEs - 2 (Nonprofit fundraiser and awareness event (had greater than \$1,000 reimbursement); Meet and greet social event) (300, 70 ppl)

Chart with SOE applications and easement holder actions (2/3/23 – 7/10/25), and 2024 SOEs held

County	Municipality	Initial Application - Application Date	Initial Application - Types of SOEs in Initial Application	Initial Application - Number and Size (Estimated Attendance) of SOEs Proposed	Easement Holder - Action Taken By Easement Holder	Easement Holder - Date of Initial Action Taken By Easement Holder	Easement Holder - Subsequent Action Taken By Easement Holder	2024 Certification Form - Total Number of SOEs Held in 2024	2024 Certification Form - Types of SOEs Held in 2024
Monmouth	Colts Neck	5/16/2024	Weddings - ceremonies, receptions (cocktail hour and sit down dinner) Lifetime Milestone Events - private parties (for birthdays, anniversaries, corporate events, etc.) Other Social/Cultural Events - farm to table dinners hosted by local chefs, nonprofit social events open to public pending ticket purchase directly from NP, vendor showcase events where bridal/event vendors advertise services in public setting	12 SOEs Weddings - 4 (175-225 ppl) LMEs - 4 (125-225 ppl) OSCEs - 4 (30-225 ppl)	Monmouth CADB	Approval 6/4/2024	Reapproved in 2025	5	Weddings - 2 (225, 150 ppl) OSCEs - 3 (Bridal showcase hosted by an off-premise caterer and bridal showcase company that hosted multiple wedding event vendors and guests; Nonprofit event for Monmouth Conservation Foundation; Nonprofit event for Monmouth County Historical Association) (100, 200, 400 ppl)
Hunterdon	Alexandria	2/27/2024	Other Social/Cultural Events - 1 event, 2024 Koi Fest - sell their fish, host vendors, have food trucks, offer giveaways	1 SOE OSCE - 1 (500 ppl)	SADC	Approval 6/27/2024	Reapproved in 2025	1	OSCEs - 1 (Koi Fest with koi fish for sale, vendors, auction, food trucks, dinner, banquet) (500 ppl)
Hunterdon	Readington	6/25/2024	Other Social/Cultural Events - Romeria (Costa Rican tradition/Sacrifice for the Virgin - church service in indoor arena, walk through woods); country nights (line dancing, BYOB, dinner; Zapote (Costa Rican tradition/music, dancing, food, bull riding, more); Paso Fino horse show (show, music, Columbian food, traditions); Quinceiras	20 SOEs OSCEs - 20 (100-1,500 ppl)	Hunterdon CADB	Approval 9/12/2024	Reapproved in 2025	6	LME - 2 (Quinceaneras) (199, 250 ppl) OSCEs - 4 (Church mass, non profit church event, Zapote USA with music food alcohol, bull riding, horseback riding, Paso Fino Horse Show with horses food alcohol music) (250, 200, 400, 435 ppl)
Monmouth	Upper Freehold	7/24/2024	Weddings - ceremonies, receptions (cocktail hours, sit down dinner) Lifetime Milestone Events - private parties and LMEs such as birthdays, anniversaries, graduations Other Social/Cultural Events - hosting community events like a HS prom	26 SOEs (from a combination of) Weddings (75-200 ppl) LMEs (75-200 ppl) OSCEs (75-200 ppl)	SADC	Approval 1/23/2025	n/a	n/a	n/a

County	Municipality	Initial Application - Types of SOEs in Initial Application - Application Date	Initial Application - Number and Size (Estimated Attendance) of SOEs Proposed	Easement Holder - Action Taken By Easement Holder	Easement Holder - Date of Initial Action Taken By Easement Holder	Easement Holder - Subsequent Action Taken By Easement Holder	2024 Certification Form - Total Number of SOEs Held in 2024	2024 Certification Form - Types of SOEs Held in 2024
Burlington	Mansfield	Weddings Other Social/Cultural Events	26 SOEs Weddings - 22 OSCEs - 4	Approval	3/13/2025	n/a	n/a	n/a
Cape May	West Cape May	Weddings - ceremonies and receptions Lifetime Milestone Events - private parties for anniversary, birthday, graduations Other Social/Cultural Events - community cultural event, musical festivals (e.g. Jazz Festival, Country music), church and nonprofit fundraising events	26 SOEs Weddings - 12 LMEs - 8 OSCEs - 6	Approval	3/24/2025	n/a	n/a	n/a
Monmouth	Upper Freehold	Weddings Lifetime Milestone Events Other Social/Cultural Events - Windmill Day celebration with guests, vendors, ribbon cutting, luncheon	1 SOE OSCE - 1 (350 ppl)	Approval	4/1/2025	n/a	n/a	n/a
Middlesex	Cranbury	Weddings Lifetime Milestone Events - birthday or anniversary parties Other Social/Cultural Events - children's school trips and social events serving Hispanic community and other ethnic	5 SOEs Weddings - 2 (<=3300 ppl) LMEs - 2 (50-200 ppl) OSCEs - 1 (50-249 ppl)	Approval	4/23/2025	n/a	n/a	n/a
Mercer	Robbinsville	Lifetime Milestone Events - birthdays, anniversaries, corporate team building private parties and gatherings, catered like farm to table events Other Social/Cultural Events - cultural or nonprofit events catered like farm to table events	26 SOEs LMEs - 22 (25-150 ppl) OSCEs - 4 (50-100 ppl)	Denial	5/7/2025	n/a	n/a	n/a
Burlington	Chesterfield	Weddings Lifetime Milestone Events	26 SOEs Weddings - 20 LMEs - 6	Approval	5/8/2025	n/a	n/a	n/a
Burlington	Springfield	Weddings Lifetime Milestone Events Other Social/Cultural Events	26 SOEs Weddings - 20 LMEs - 3 OSCEs - 3	Approval	5/8/2025	n/a	n/a	n/a
Gloucester	South Harrison	Lifetime Milestone Events - birthday parties Other Social/Cultural Events - nonprofit events like hosting meetings for County 4H clubs, Boy Scouts, and Girl Scouts.	26 SOEs LMEs - 26 (75-100 ppl)	Approval	6/17/2025	n/a	n/a	n/a

Chart with SOE applications and easement holder actions (2/3/23 – 7/10/25), and 2024 SOEs held

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Salem	Mannington	4/22/2025	Other Social/Cultural Events	26 SOEs OSCEs - 26 (30-250 ppl)	Salem CADB	Approval	6/25/2025	n/a	n/a	n/a
Ocean	Plumsted	8/9/2023	Weddings Lifetime Milestone Events - family events or owner rodeo harvest farm stand events Other Social/Cultural Events - farm to table, barbecues	18 SOEs Weddings - 4 (250ppl) LMEs - 4 (100ppl) OSCEs - 10 (200 ppl)	Ocean CADB	Denial	A - 2024	n/a	n/a	n/a
Monmouth	Upper Freehold	6/6/2025	Weddings Lifetime Milestone Events- birthdays, anniversaries, graduations. Other Social/Cultural Events - community barbecues, farm to table dinners	25 SOEs Weddings - 10 (50-150 ppl) LMEs - 10 (50-100 ppl) OSCEs - 5 (50-150 ppl)	Monmouth CADB	Current Application	Under review	n/a	n/a	n/a
Burlington	Medford	6/2/2025	Other Social/Cultural Events - outdoor local church services and Sunday school	26 SOEs OSCEs - 26 (150-550 ppl)	SADC	Current Application	Under review	n/a	n/a	n/a
Atlantic	Egg Harbor City	7/2/2025	Other Social/Cultural Events - Festomato event with NOFA-NJ (outside vendors), Arts & Crafts Festival, concerts, dinners	5 SOEs OSCEs - 5 (50-500 ppl)	SADC	Current Application	Under review	n/a	n/a	n/a

ANNUAL EVALUATION OF SPECIAL OCCASION EVENTS ON PRESERVED FARMS: CALENDAR YEAR 2024

AUGUST 1, 2025

SUBMITTED TO THE
NEW JERSEY LEGISLATURE'S JOINT BUDGET OVERSIGHT COMMITTEE
AND THE
STATE AGRICULTURE DEVELOPMENT COMMITTEE

Brian J. Schilling, PhD

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Your time and valuable feedback is greatly appreciated!

TABLE OF CONTENTS

ACKNOWLEDGEMENTS 1

I. INTRODUCTION 3

II. SOE STATUTE..... 5

Definition of Special Occasion Event 5

Eligibility for Holding Special Occasion Events on Preserved Farms 5

Allowances and Restrictions for Holding Approved SOEs 6

SOE Application and Certification Process 7

III. DEVELOPMENT AND PUBLICATION OF ANNUAL EVALUATION AND REPORT 9

Methodology 9

IV. DATA ANALYSIS – SOEs HELD IN 2024..... 11

V. OUTCOMES OF HOLDING SOEs IN 2024 15

Economic Impacts of Special Occasion Events 15

Disputes, Violations, and Unintended Undesirable Consequences..... 17

VI. EQUITY 21

VII. EVALUATION OF THE 2024 SOE PROGRAM AND RECOMMENDATIONS FOR 2025 AND BEYOND 25

CADB Administrators – Top Issues..... 25

Municipal Partners – Top Issues..... 26

Landowners – Top Issues..... 28

Recommendations for 2025 and Beyond 30

VIII. CITATIONS..... 32

I. INTRODUCTION

On February 3, 2023, P.L. 2023, c.9 became law. This law, (herein, "Special Occasion Events legislation" or "SOE legislation"), recognizes the positive effects that holding Special Occasion Events (herein, "SOEs") can produce for preserved farms in New Jersey, under a permitted program with specific conditions. Until the adoption of the SOE legislation, preserved farms were limited to only holding events for the purposes of marketing agricultural and/or horticultural products grown and/or raised on the farm, an allowance memorialized through the On-Farm Direct Marketing Agricultural Management Practice (NJAC 2:76-2A.13), under the New Jersey Right-to-Farm Act (NJSA:4.1-C). Provisions therefore exist to allow owners of preserved farms to engage in agriculture-related educational activities and farm-based recreational activities that relate to the marketing of farm output, as well as "ancillary entertainment-based activities, commonly used as incidental components of on-farm direct marketing activities that are accessory to and serve to increase the direct market sales of the agricultural output of a commercial farm " (<https://www.nj.gov/agriculture/sadc/rftprogram/amps/adoptedamps/onfarmdirectmarketing.html>). The SOE legislation provides a new opportunity for owners of preserved farms to diversify their income and to contribute to the improvement of the State's overall agricultural viability.

This report satisfies the charge outlined in a May 3, 2023, memorandum issued by the New Jersey Department of the Treasury's Office of Management and Budget (herein, "OMB") to the State Legislature's Joint Budget Oversight Committee (herein, "JBOC"), which directs researchers at the New Jersey Agriculture Experiment Station (herein, "NJAES") to:

"Study the Special Occasion Events on Preserved Farmland Program that is administered by the State Agriculture Development Committee. The study will evaluate a variety of key performance indicators concerning the use and implementation of the program which may include the number of participating commercial farmers, number of guests at events, types of events, frequency of events, financial or other benefit derived from the program, among others. The findings and recommendations will be published in a public report."

This report, *Annual Evaluation of Special Occasion Events on Preserved Farms: Calendar Year 2024* (herein, "2024 Annual Report"), is an independent evaluation performed of the implementation and outcomes of the Special Occasion Events program. Just as the previous iteration of the *2023 Annual Report* (available here in the Appendix of the SADC's 2024 Report:

https://www.nj.gov/agriculture/sadc/documents/farmpreserve/postpres/SOEsOnPreservedFarmland_InitialReport_20240725.pdf), the *2024 Annual Report* summarizes detailed analysis of SOE permits and certification reports submitted to the State Agriculture Development Committee (herein, "SADC"), as well as information collected from interviews with SOE applicants (preserved farmland owners), easement holders of preserved farmland, County Agriculture Development Board (herein, "CADB") administrators, municipal staff, and other important partners in the agricultural industry. The *2024 Annual Report* again provides recommendations for strengthening the SOE Program in future years. It is anticipated that this evaluation will, in part, contribute to fulfilling SADC's statutory annual program reporting requirement to the Governor and the Legislature.

The *2024 Annual Report* is therefore organized in a manner that addresses each of the requirements outlined in the charge to NJAES (May 2023 OMB memorandum), as well as the SOE legislation (C.4:1C-32.21):

- I. [Introduction](#): Brief background of the SOE legislation and the framework of the *2024 Annual Report*
- II. [SOE Statute](#): Definition of SOEs, eligibility, allowances, and restrictions; application process
- III. [Development and Publication of the Report](#): Purpose, study team, and methodology for collecting and analyzing quantitative and qualitative data
- IV. [Data Analysis](#): Findings of data derived from SADC records, SOE permit applications, and certification reports for calendar year 2024. These data are supplemented by structured interviews with preserved farmland owners/operators, municipal officials, and easement holders (e.g., staff from the SADC and CADBs) held between April and June of 2025. Comparisons to the findings of 2023 are made where applicable.
- V. [Outcomes of Holding SOEs on Preserved Farms in 2024](#): Direct and indirect economic impacts of holding permitted SOEs on preserved farms during calendar year 2024, as well as information related to disputes, and unintended and/or undesirable consequences. Comparisons to the findings of 2023 are made where applicable.
- VI. [Equity](#): Review of equity disparities found in the SOE Program during calendar year 2024, and recommendations for bridging those gaps. Comparisons to the findings of 2023 are made where applicable.
- VII. [Evaluation of the 2024 SOE Program and Recommendations for 2025 and Beyond](#): Key findings with recommendations for improvements to the SOE permit and/or review process, inconsistencies with municipal and/or CADB review, and disputes between commercial farmers and neighbors/easement holders/municipal Ordinances and/or procedures.

II. SOE STATUTE

“With proper oversight, special occasion events on preserved farmland can have minimal impact on land’s viability for farming and provide for new business opportunities for farmers in the State without displacing agricultural or horticultural production as the first priority use of preserved farmland or disrupting neighborhoods that surround preserved farms.”

Source: “Findings and Declarations” of the SOE legislation [C.4:1C-32.15(e)]

Through the development and adoption of the SOE Legislation (P.L. 2023, c.9), the Legislature has found that allowances for SOEs on preserved farms uphold the original intent of the farmland preservation program, specifically to keep agriculture as an economically viable industry within the State of New Jersey. The SOE legislation provides additional sources of revenue for preserved farmers in New Jersey, where the cost of living is already ranked as the fifth highest in the nation (*Forbes Advisor, June 2024*). Allowances for SOEs on preserved farms provide options for gatherings and celebrations in an agricultural setting, helping to satisfy the growing interest in agritourism, as well as expanding the range of venues available for lifetime and milestone events. Finally, permitting SOEs on preserved farms is viewed as a potential strategy to help retain farmland and enhance the economic viability of the agricultural industry in the long-term through a diversified and resilient income structure for farmers.

Definition of Special Occasion Event

The SOE legislation defines a Special Occasion Event as, “a wedding, lifetime milestone event, or other cultural or social event, conducted in whole or in part on preserved farmland on a commercial farm”.

SOEs are not:

- ✖ Activities or events that are eligible for protection under the New Jersey Right-to-Farm Act
- ✖ Recreational uses permitted pursuant to a farmland preservation Deed of Easement
- ✖ A wedding held for a spouse, parent, child, grandparent, grandchild, sibling, niece, nephew, or cousin of the owner of the commercial farm
- ✖ A wedding held for the owner, operator, or an employee of the commercial farm.

Eligibility for Holding Special Occasion Events on Preserved Farms

In order for an owner of a preserved farm to hold SOEs, the commercial farm must produce agricultural and/or horticultural products worth \$10,000 annually. Additionally, the preserved farm must be in compliance with all aspects of the Deed of Easement.

Allowances and Restrictions for Holding Approved SOEs

Allowances and restrictions for holding approved SOEs are established in §C.41:1C-32.17(b) as follows:

- ☑ A commercial farm may hold up to 26 SOEs during a calendar year, of which only six (6) may have 250 guests in attendance at any time during the SOE.
- ☑ A commercial farm may not hold more than one SOE with over 100 guests on a single calendar day.
- ☑ If the SOE is marketed as a single event, the maximum duration of the SOE is two consecutive calendar days.
- ☑ An SOE held by or for a non-profit entity does not count towards the limitation of events prescribed in the legislation if that event has fewer than 100 attendees, and the SOE permittee does not receive any compensation or fees* for holding the SOE.
**The SOE permittee may be reimbursed for out-of-pocket expenses incurred from holding the SOE, not to exceed \$1,000*
- ☑ SOEs shall not interfere with the use of the preserved farmland for agricultural and/or horticultural purposes.
- ☑ SOEs and the corresponding occupied area (i.e., area supporting the activities and infrastructure associated with a SOE, such as parking, sanitary facilities, temporary structures, etc.) shall be designed to protect agricultural resources of the land, having minimal effects on the land. The land must be readily returned to productive agricultural or horticultural use after the SOE.
- ☑ SOEs that involve the service of alcoholic beverage must comply with all State and local laws, regulations, resolutions, and ordinances.
- ☑ Retail food establishments, other than temporary retail food establishments, are not permitted to operate in support of an SOE on a preserved farm.
- ☑ All applicable State and local laws, regulations, resolutions, and ordinances including, but not limited to, those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety shall apply to the SOE and all related activities.
- ☑ No new permanent structures shall be constructed or erected for the purposes of holding SOEs. Improvements to existing structures shall be limited to the minimum required for the protection of public health and safety. No permanent structure constructed fewer than five years prior to the date of the SOE application to the grantee shall be used for the purpose of holding SOEs.

**Bill S-3418 was passed on July 1, 2025, amending the SOE legislation by introducing more flexibility in the use of existing permanent farm structures, within specific conditions. More information on Bill S-3418 can be found on page 23 of this report.*

- ☒ The use of tents, canopies, umbrellas, tables, chairs, and other temporary structures is permitted provided that they conform with all applicable provisions of the State Uniform Construction Code and the Uniform Fire Code during the limited timeframe of April 1 – November 30.
- ☒ Public utilities shall not be extended for the holding of SOEs on preserved farmland.
- ☒ Existing parking areas and curtilage surrounding existing buildings should be used to the extent possible. Additional parking areas to provide temporary parking must comply with the standards established in the On-Farm Direct Marketing Agricultural Management Practice.
- ☒ The occupied area associated with SOEs shall be no more than the lesser of 10 acres or 10% of the preserved farmland.
- ☒ All SOEs must be held under an approved SOE Permit.

SOE Application and Certification Process

An SOE cannot be held on a preserved farm unless the applicant obtains approval, in writing, from the grantee. Applicants are not required to submit an application more than once annually (once approved), and that application can include the anticipated SOEs for the calendar year.

Grantees are required to develop an application that can be used by an applicant for SOEs on preserved farmland. As detailed in §C.41:1C-32.17(b), the application must allow the grantee to determine, at minimum:

- ☒ Satisfaction of the agricultural/horticultural production requirement (\$10,000 or more, annually)
- ☒ The number of SOEs to be held during the calendar year
- ☒ Maximum number of attendees permitted at the applied for SOEs
- ☒ Acreage of the occupied area for the proposed SOEs (including a map or photograph depicting the location of the occupied area)
- ☒ Whether the commercial farm is in compliance with the Deed of Easement

Grantees (i.e., the holders of farmland preservation easements) have the option of approving, approving with conditions, or denying the application within 90 days of the receipt of a complete application. Approved applications must be forwarded to the SADC and the appropriate CADB. If the grantee denies an application, a written response detailing the reason for denial and an opportunity to reapply with an amended application is to be sent to the applicant. Failure of the grantee to respond to a complete application within 90 days will result in that application being deemed approved.

Applicants who receive approval to hold SOEs on preserved farms are required to submit an annual certification report to the grantee, detailing information about SOEs held in the prior calendar year (date, occasion, number of attendees, etc.). The grantee is responsible for developing the form and/or manner in which the certification is to be submitted, and for forwarding the required certification reports to the SADC.

Municipalities may require a separate municipal application if the SOE would generate a parking or traffic flow situation that interferes with the movement of general traffic or emergency vehicles or would require the expenditure of municipal resources or inspections. The purpose of this municipal review is to ensure that the applicant is conforming with local laws and ordinances, including, but not limited to, noise, food safety, traffic, and public health and safety. Municipalities are able to designate an office or agency of the municipality to review these applications and can charge a review fee not to exceed \$50. If a municipality establishes this separate application process, applicants for SOEs must submit the application, and comply with requirements established by said municipality.

III. DEVELOPMENT AND PUBLICATION OF ANNUAL EVALUATION AND REPORT

As stated in C.41:1C-3.21-7, a report is to be submitted to the Office of the Governor and the Legislature by the SADC that specifically details:

- ☐ The number of commercial farms on which SOEs are held
- ☐ The number of guests, type, and frequency of events
- ☐ The extent to which disputes are reported between:
 - ☐ Commercial farms and neighboring properties
 - ☐ Commercial farms and municipalities
 - ☐ Commercial farms and the grantee or Committee
- ☐ The frequency of violations
- ☐ The frequency of unintended, undesirable consequences of SOEs

Independent from this formal statutory reporting requirement, researchers at Rutgers University's New Jersey Agricultural Experiment Station were tasked by the Legislature's Joint Budget Oversight Committee to "evaluate a variety of key performance indicators concerning the use and implementation of the program." The scope of inquiry included the evaluation of the SOE program from the perspective of landowners, municipalities, and counties to identify the benefits realized by farmers, obstacles encountered in the application and/or approval process, gaps in equity, jurisdictional issues, and potential improvements for the future of the program.

Methodology

To prepare the *2024 Annual Report*, the following methodology was implemented:

1. A study team was formed comprising:
 - ☐ Brian J. Schilling, PhD, Director - Rutgers Cooperative Extension (Principal Investigator)
 - ☐ Tara Kenyon, AICP/PP, Principal - Kenyon Planning, LLC
 - ☐ Kevin Sullivan, Assistant Director of Statistical Analysis – New Jersey Agricultural Experiment Station's Office of Economic Development
2. David Kimmel, Agriculture Development Program Manager at the SADC, served as the administrative liaison between the project team and SADC.
3. SADC staff compiled and organized a database comprising information from all submitted certification reports and related permitting/application information obtained from grantees and landowners for SOEs in

2024. These data were independently analyzed and summarized by the study team.

4. Questionnaires developed in 2023 were reviewed and edited, as needed, to gather feedback from landowners, municipal partners, and CADB Administrators, and to ensure that the required elements of the *2024 Annual Report* are satisfied. Respondents shared their individual experiences about the application process, permitting, benefits, unintended or undesirable consequences incurred, changes to relationships, income generated, and more.
5. Data from the SADC's database were further analyzed to identify trends and to drill down specific information about types of SOEs, number of attendees, and more. Data were then converted into a visual representation for use in the *2024 Annual Report*. Comparisons of findings and trends from 2023 were made where applicable.
6. Outreach to landowners, municipal partners and the CADB administrators was implemented as follows:
 - ☐ A virtual focus group was held with the CADB administrators on May 14, 2025. Prior to this focus group, the questionnaire was distributed to all 18 CADB administrators electronically. 11 CADB administrators attended the focus group, and 15 administrators submitted written responses to the questionnaire.
 - ☐ Requests for interviews were sent to municipal staff in the 15 communities where SOEs were held or applied for in 2024. Staff from nine municipalities participated in interviews.
 - ☐ Requests for interviews were sent to 17 landowners who held and/or applied for SOEs in 2024. 11 landowners participated.
7. Interviews were carefully documented, and key findings were compiled and analyzed. These key findings were then cross-referenced with data procured from certification reports submitted for 2024.
8. Economic impact analysis, using the IMPLAN modeling system, was conducted to assess the direct and indirect economic benefits of holding SOEs in 2024 to participating farmers and the State of New Jersey.
9. The top findings were documented for CADBs, municipalities, and landowners. Comparisons of the top findings from the *2023 Annual Report* were reviewed and discussed.
10. Recommendations for 2025 and beyond were made based on overall findings from 2024, and with consideration of the recommendations outlined in the *2023 Report*.

IV. DATA ANALYSIS – SOEs HELD IN 2024

Data for the 2024 Annual Report were obtained, organized, and analyzed from certification reports submitted from the landowner to the CADB and SADC during the calendar year of 2024. This section of the 2024 Annual Report details the number, types, and frequency of SOEs held, the number of attendees at SOEs, and notable trends.

County	Municipality	Frequency (n)				Attendees
		Farms Applied	Farms Permitted	SOEs Approved	SOEs Held	
Burlington	Mansfield Twp	1	1	26	0	0
Camden	Voorhees Twp	1	1	26	0	0
Gloucester	Franklin Twp	1	1	15	7	640
Hunterdon	Alexandria Twp	1	1	1	1	500
	Readington Twp	2	2	31	7	2,694
	Sub-total	3	3	32	8	3,194
Middlesex	Cranbury Twp	1	0	0	0	0
Monmouth	Colts Neck Twp	1	1	12	5	1,075
	Howell Twp	1	1	26	0	0
	Upper Freehold Twp	1	1	20	7	395
	Sub-total	3	3	58	12	1,470
Ocean	Plumsted Twp	3	2	10	10	2,350
Salem	Mannington Twp	1	1	20	8	575
Somerset	Hillsborough Twp	1	1	26	0	0
	Montgomery Twp	2	2	39	3	465
	Sub-total	3	3	65	3	465
Sussex	Green Twp/ Alamuchy Twp/ Warren Twp	1	1	26	18	3,218
	Wantage Twp	1	1	25	1	100
	Sub-total	2	2	51	19	3,318
Total		19	17	303	67	12,012

Exhibit 1: Frequency of Special Occasion Events on Preserved Farms by County and Municipality

In 2024, 17 farms reported holding a total of 67 SOEs across 15 municipalities and 10 counties (Exhibit 1). Certification reports showed 12,012 people attended SOEs in 2024. Sussex County (Green/Alamuchy/Warren Townships) held the most SOEs (18) and had the highest attendance (3,218). Overall, Sussex, Monmouth, and

Ocean counties together accounted for the majority of the total SOEs held (61%). In terms of attendance, Sussex, Hunterdon, and Ocean counties accounted for the greater part of the total (74%). This represents a change from 2023, when Gloucester, Ocean, and Salem held the most SOEs (87.5%), and Hunterdon, Gloucester, and Salem together made up the majority of total attendees (92%).

Reported SOE activity was higher in 2024 than in 2023. From 2023 to 2024:

- the number of farms holding SOEs increased from 5 to 17 (+12 farms)
- reported attendance at SOEs increased from 5,915 to 12,012 (+6,097 attendees)
- the number of counties in which SOEs were held increased from 4 to 10 (+6 counties)
- the number of municipalities in which SOEs were held increased from 4 to 15 (+11 municipalities)

SOEs are categorized into four general categories: weddings, lifetime milestone events, social/cultural events, and non-profit events. Exhibit 2 shows the distribution of the 67 SOEs, with corresponding attendees, held in 2024 across these categories.

Type of SOE	Number of SOEs Held	Pct. of Total	Total Attendees	Pct. of Total
Weddings	16	23.9%	1,865	15.5%
Lifetime Milestone Events	24	35.8%	2,424	20.2%
Cultural or Social Events	19	28.4%	6,543	54.5%
Non-Profit SOEs	8	11.9%	1,180	9.8%
TOTAL	67	100.0%	12,012	100.0%

Exhibit 2: Types of SOEs Held in 2024, with Corresponding Attendees (General Categories)

Exhibits 3 and 4 compare the composition of SOEs and attendance at SOEs across categories reported in 2023 and 2024. In 2023, weddings accounted for the largest share of SOEs held (63%) and cultural/social events drew the largest percentage of SOE attendees (53%). In 2024, lifetime milestone events accounted for the largest percentage of SOEs held (36%), and cultural/social events again drew the largest share of SOE attendees (54%).

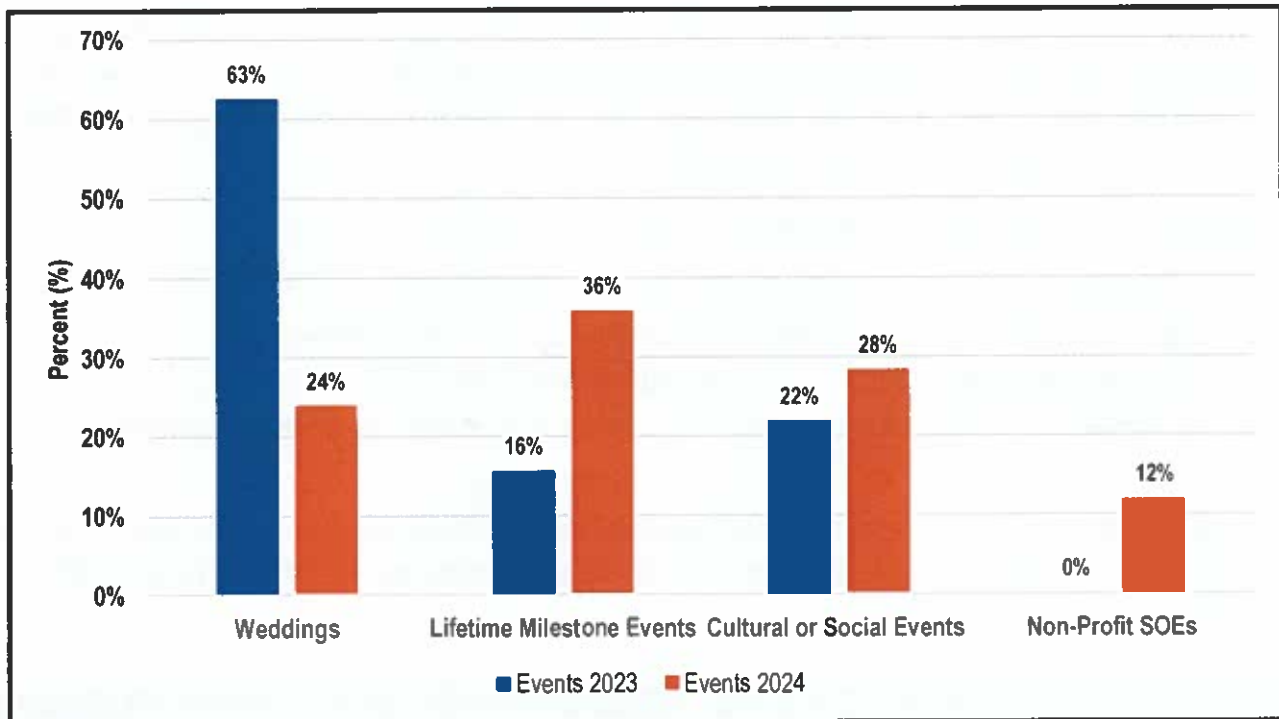


Exhibit 3: Comparison of SOEs Held by General Category (Percentage, 2023 - 2024)

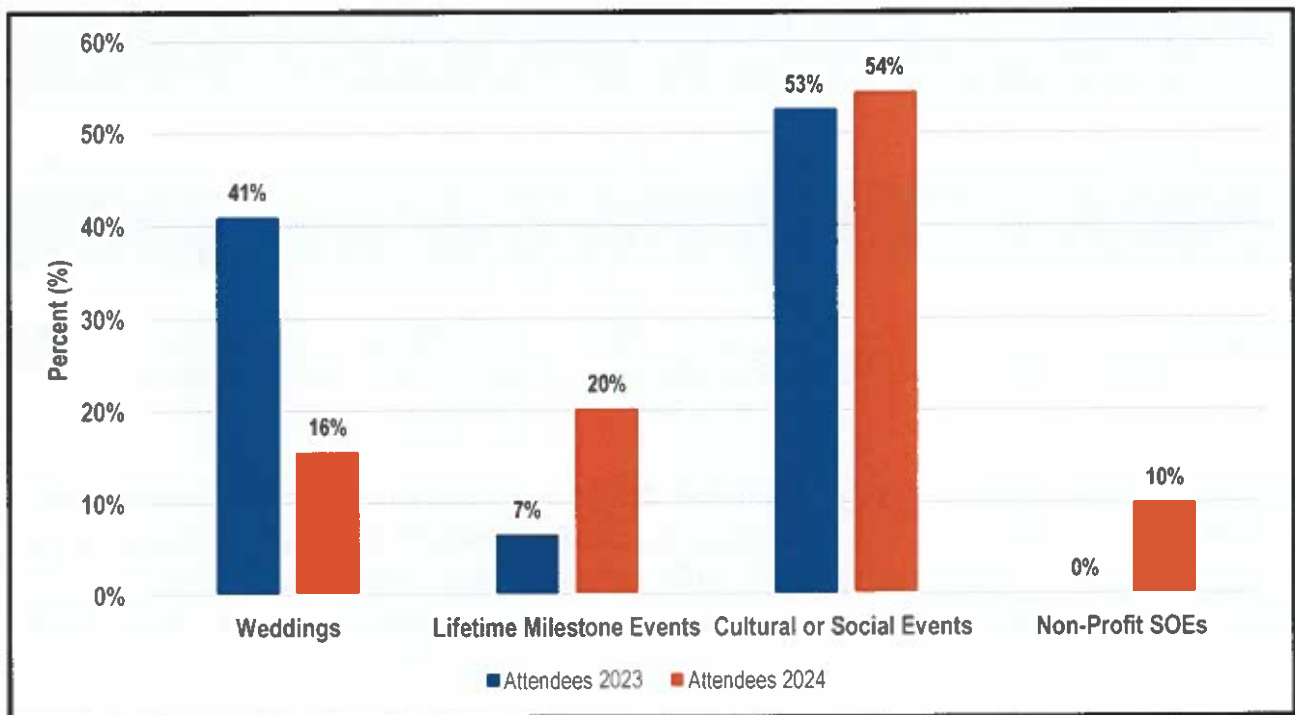


Exhibit 4: Comparison of Attendees at SOEs Held, by General Category (Percentage, 2023 – 2024)

In 2024, most SOEs were held between the months of May and October. The most SOEs (13) were held in September, but August drew in the largest number of SOE attendees (3,098). These trends are largely comparable to those reported in the 2023 assessment.

Exhibits 5 and 6 detail the number of SOEs held per month, with the corresponding number of attendees.

Month	SOEs Held	Attendees
January	0	0
February	0	0
March	1	500
April	2	145
May	11	1,134
June	4	750
July	9	2,250
August	10	3,098
September	13	1,980
October	11	1,215
November	5	910
December	1	30
TOTAL	67	12,012

Exhibit 5 – Number of SOEs Held with Corresponding Attendees by Month

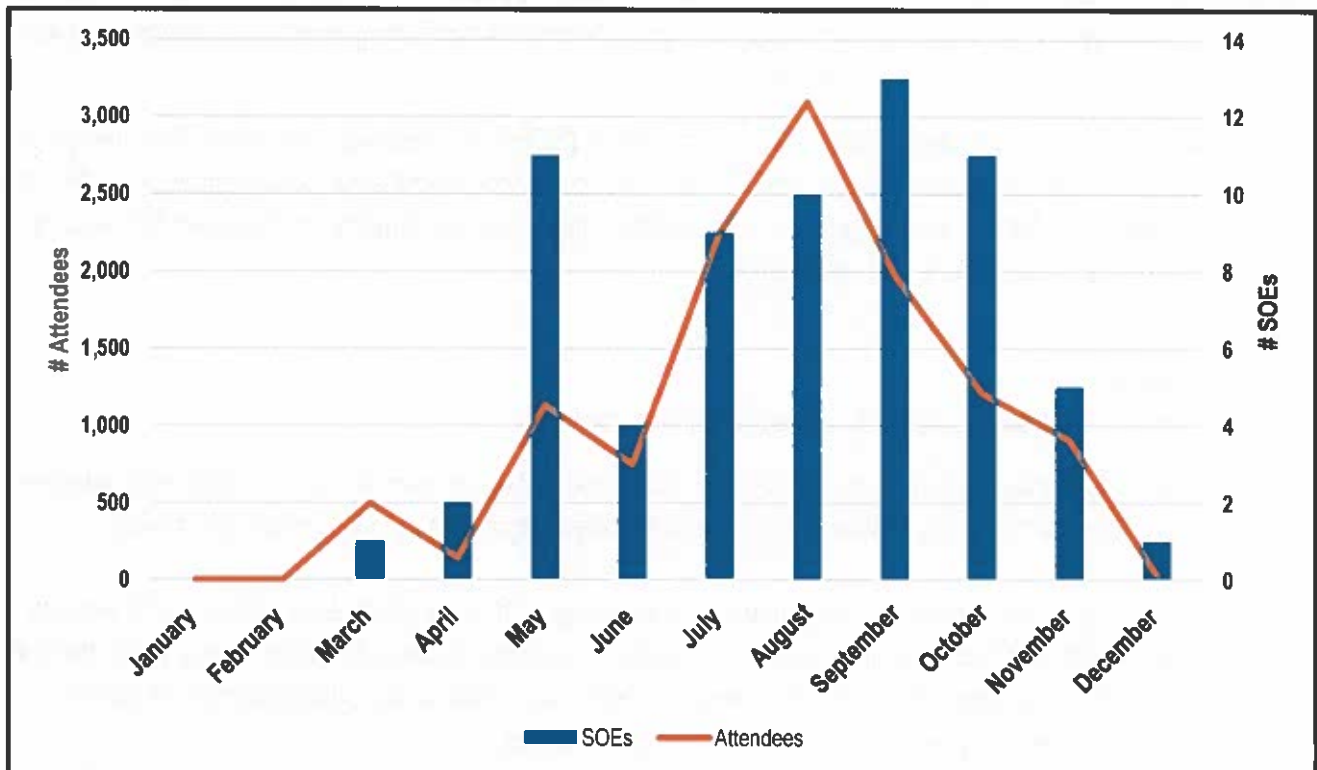


Exhibit 6 – Visualization of the Number of SOEs with Corresponding Number of Attendees by Month

V. OUTCOMES OF HOLDING SOEs IN 2024

Holding SOEs on preserved farms has the potential to provide positive impacts not only directly to the farmer and/or landowner, but also to the surrounding community and for the viability of the agricultural industry in New Jersey. At the same time, the SOE statute (P.L. 2023, c.9) states an intent to avoid “displacing agricultural or horticultural production as the first priority use of preserved farmland or disrupting neighborhoods that surround preserved farms.” This section of the *2024 Annual Report* will review the following topics:

- ❑ Direct and indirect economic impacts
- ❑ Disputes between farmers and neighboring property owners, municipalities, easement holders, the CADB, or the SADC
- ❑ Violations issued to farmers holding permitted SOEs
- ❑ Undesirable and/or unintended consequences experienced by farmers holding permitted SOEs

Economic Impacts of Special Occasion Events

Economic impact analysis assesses how changes in specific industries or sectors affect overall economic activity, measured in terms of output, value-added, or employment. These studies highlight interindustry relationships and help quantify the ripple effects that one industry can have on others. Central to this analysis is the use of economic multipliers, which capture the flow of dollars through a regional economy—reflecting direct expenditures, employee and business re-spending, and tax reallocations.

For this study, the economic impact of Special Occasion Events (SOEs) on preserved farmland in New Jersey was estimated using IMPLAN Professional® Version 3.0 within a Social Accounting Matrix (SAM) framework. IMPLAN is a widely accepted input-output modeling system that estimates industry-level impacts for more than 500 sectors, including total output, employment, and value-added.¹

Multiplier Effects

Economic multipliers are categorized into indirect and induced effects:

- ❑ **Indirect Effects** capture how output changes in SOEs stimulate upstream demand in supporting industries. For example, farms, food vendors, or equipment suppliers expanding output to meet SOE needs.
- ❑ **Induced Effects** represent changes in household spending as a result of wages earned by SOE workers. These workers use their income to purchase goods and services, further circulating money within the state economy. For example, when a dollar in wages is earned by a SOE worker, that dollar will be used to purchase a variety of goods and services from other industries.

¹ IMPLAN® model, 2024 Data, using inputs provided by the user and IMPLAN System (data and software), IMPLAN LLC 16905 Northcross Dr., Suite 120, Huntersville, NC 28078 www.IMPLAN.com.

Direct Output Estimation

Primary data collected through structured interviews provided estimates of SOE revenues earned by participating farmers. To increase participants' willingness to provide financial information, the interviewer presented revenue categories rather than ask for exact earnings. Exhibit 7 summarizes direct output impacts, derived by multiplying the number of respondents in each sales category by the midpoint value of that range. We believe these estimates are conservative.

Reported or Estimated Revenue from SOEs	# of respondents	Estimated Direct Economic Impact
\$0	4	\$0
\$5,001 - \$10,000	5	\$38,000
\$10,001 - \$20,000	1	\$15,000
\$20,001 - \$30,000	1	\$25,000
\$30,001 - \$50,000	2	\$80,000
\$50,001 - \$75,000	2	\$125,000
\$100,001 - \$125,000	1	\$113,000
\$150,001 - \$250,000	1	\$200,000
Total	17	\$596,000

Exhibit 7 - Direct Economic Impact (\$ Output) Attributed to New Jersey SOEs in CY2024

Total Economic Impact

Using IMPLAN, we estimated the direct, indirect, and induced impacts of SOEs on the state economy. Exhibit 8 summarizes these results. At an aggregate level, the output impact of SOEs was estimated to be \$946,000. The value-added impact of New Jersey's SOEs totaled \$589,000.

Impact Type	Direct Effect	Indirect Effect	Induced Effect	Total Effect
Output (\$ dollars)	\$596,000	\$164,000	\$186,000	\$946,000
Value Added (\$ dollars)	\$371,000	\$96,000	\$122,000	\$589,000
Labor Income (\$ jobs)	\$197,000	\$61,000	\$67,000	\$325,000
Employment (jobs)	6.1	0.9	0.9	7.9

Exhibit 8 - Estimated Impacts of New Jersey SOEs Held to the State Economy in CY2024

Labor income generated totaled \$325,000, and the estimated employment impact was 7.9 job-years. This number should not be interpreted as exactly 7.9 individuals employed, as it reflects full-time equivalent positions over a one-year period. SOEs may employ more people for shorter durations; therefore, the employment impact can be thought of in terms of # job years. Labor income is often more intuitive, reflecting the total compensation received by workers during the event year.

State Tax Revenue

The analysis also estimates that SOEs in New Jersey generated approximately \$35,000 in state tax revenue, which includes sales and use tax, personal income tax, and corporate business tax.²

Disputes, Violations, and Unintended Undesirable Consequences

§C.4:1C-32.21 specifically requires examination of disputes and violations associated with the passage of the SOE statute, including:

- ☐ The extent to which disputes are reported between:
 - Commercial farms and neighboring properties
 - Commercial farms and municipalities
 - Commercial farms and the easement holders and/or SADC
- ☐ The frequency of violations
- ☐ The frequency of unintended and/or undesirable consequences of SOEs, such as possible removal of land from active agricultural or horticultural production to host events.

The information in this section was compiled through the following sources:

- ☐ CADB Administrators Questionnaire
- ☐ CADB Administrators: Focus Group (May 25, 2025)
- ☐ Municipal Partners Questionnaire
- ☐ Interviews with Municipal Partners: Conducted between April and June 2025
- ☐ Landowners Questionnaire
- ☐ Interviews with Landowners: Conducted between April and June 2025

Disputes Between Commercial Farmers and Neighboring Properties

Of the 15 CADB administrators who completed the questionnaire and/or participated in the moderated focus group, none reported receiving any complaints about SOEs from neighboring property owners during the calendar year 2024.

² IMPLAN's estimated tax impacts are based on actual taxes collected by governments in the given data year (i.e., estimated tax impacts are not based on tax rates). IMPLAN allocates taxes by labor income in each sector and distributes by type of tax based on the Annual Census of Government Finances distribution.

Representatives from nine municipalities in which SOEs were held completed a questionnaire and/or participated in an interview with the study team. Of these, three reported that their municipality received complaints about SOEs from neighboring property owners:

- ☐ Municipality A reported that some neighboring property owners and local businesses voiced general complaints about the allowances of “commercial uses” being permitted on preserved farms.
- ☐ Municipality B reported receiving a formal complaint from a neighboring property owner, as well as some informal complaints from residents, related to the volume of noise being produced at a permitted SOE.
- ☐ Municipality C reported receiving a complaint from a neighbor near a permitted SOE related to the duration of the SOE and the volume of noise being produced.

Of the 11 responses obtained from landowners who held SOEs, none reported receiving any complaints or being involved in any disputes with neighboring property owners.

Disputes Between Commercial Farmers and Municipalities

Of the 15 CADB Administrators reporting, two reported disputes between commercial farmers holding SOEs and municipalities:

- ☐ CADB Administrator A noted a minor noise complaint that was forwarded to the municipality by a neighboring landowner; however, the municipality took the lead with the SOE permittee to mitigate it.
- ☐ CADB Administrator B noted that a municipality forwarded a concern over the potential expansion of the permitted occupied area and parking lot (i.e., beyond that area outlined in the approved application).

Of the nine responses obtained from municipalities, two disputes between residents and municipalities are important to note:

- ☐ Municipality A was unable to provide input into this year's program assessment on advice from legal counsel due to ongoing litigation with a landowner. This litigation, in which the municipality asserts that SOEs are not recognized under the Municipal Land Use Law and therefore are deemed and treated as commercial uses, has been in process since 2023 and has not yet been finalized.
- ☐ Municipality B reports that it has encountered hostile behavior towards its staff from residents due to the Township's process for approving, monitoring, and enforcing SOEs. Municipal staff have been threatened on at least one occasion, and in other instances they have been blamed or treated unprofessionally. Municipality B feels that “the passing of a broad and vague law, without any clarifying regulations, is a recipe for local mayhem”.

Only one of the 11 responding landowners who held SOEs or applied for the ability to hold SOEs in calendar year 2024 reported disputes with municipalities:

- ☐ Landowner A reported that they are still involved in ongoing litigation with the municipality, which began in 2023. While the litigation is in progress, the Judge has allowed Landowner A to hold the SOEs approved at the CADB-level. The municipality still disagrees with the SOE legislation and believes that the SOEs in

question are a commercial, non-agricultural use, and that the farm is therefore required to obtain a use variance.

Disputes Between Commercial Farmers and the Easement Holder and/or SADC

Of the 15 CADB administrator who participated in this assessment, none reported any disputes related to SOEs between commercial farmers and the Easement Holder during the calendar year 2024.

Through the CADB Administrators Focus Group, held on May 15, 2025, most CADB Administrators reported that they work closely with applicants for SOEs to prepare the application and required mapping, and that most approvals at the county-level occurred in a timeframe between one and three months (from the date of the submittal of a complete application). Additionally, most CADB Administrators used the same application from 2023 (originally replicated or slightly modified from the SADC's model application) and all CADB Administrators reported using the SADC's guidance documents when reviewing the SOE program and engaging with preserved farmers.

Of the nine municipal respondents, two shared concerns over notification being forwarded by the Easement Holder:

- ❑ **Municipalities A and B** both stated that they received notification of approval from the Easement Holder but did not receive notification of the application. While both notices of approval stated that municipal approvals are needed and are the responsibility of the SOE permittee to obtain, these municipalities expressed that they would like to be notified at the time of application so they can submit feedback ahead of any determination being made by the Easement Holder. This will not only reduce confusion for the landowner in understanding the limitations of the approval from the Easement Holder but will also remove the potential for animosity towards municipal staff who are simply implementing the requirements of the Township's Code and protections for public health and safety.

Of the 11 landowner respondents, 9 characterized the process with the Easement Holder as being "simple". The remaining two respondents characterized the process with the Easement Holder as "extensive" but also noted that in these cases they were the first applicants with that CADB, and therefore the reason for the additional paperwork and requirements was most likely due to a "learning curve".

Frequency of Violations

CADB administrators did not report issuing any violations to SOE permittees during calendar year 2024, which remains the same from 2023. During the focus group held on May 14, 2025, CADB Administrators were asked again if they plan to integrate the monitoring of approved SOEs as part of their regular workplan and/or annual monitoring of preserved farms. All CADB administrators stated that there was no plan for these actions because most SOEs are held "off-hours" and because CADB staff and resources are already overwhelmed and limited.

Municipalities did not report issuing any violations to SOE permittees during calendar year. The one municipality that is involved in litigation with a landowner issued a violation in 2023, which is still unresolved. The landowner is allowed to hold the SOEs permitted by the CADB until a judgement is rendered. As of the most recent interview, the hearing was scheduled for late-June 2025.

None of the responding landowners reported receiving a violation during calendar year 2024. As referenced above, one landowner is involved in ongoing litigation with a municipality for a violation issued in 2023. No new violations

have been reported, and the litigation matter continues to be unresolved at the time of this report.

Frequency of Unintended Undesirable Consequences of SOEs

Four of the 15 CADB Administrators reported noticing unintended, undesirable consequences as a result of allowing SOEs on preserved farms during calendar year 2024:

- * [CADB Administrator A](#) stated that the allowance of SOEs “dilute the farmland preservation program” by allowing commercial uses on preserved farmland.
- * [CADB Administrator B](#) stated that many landowners do not understand the scope of the law, and therefore believe they can automatically hold SOEs, even when they are ineligible or have not received all of the required approvals.
- * [CADB Administrators C and D](#) stated that the SOEs lead to increased traffic and noise, which have an impact on the neighborhoods where these preserved farms are located.

Similarly, three of the responding municipalities noted unintended, undesirable consequences as a result of allowing SOEs on preserved farms during calendar year 2024:

- * [Municipality A](#) stated that permitting SOEs on preserved farms has negatively impacted the business of banquet facilities because farms can host these events at a much lower price point, especially because of the reduced requirements imposed on their properties.
- * [Municipality B](#) stated that the SOE Program is in opposition to the intent of the Farmland Preservation Plan and is concerned about the continued and increased allowances for non-agricultural uses on preserved farms.
- * [Municipality C](#) reported that some noise complaints had to be resolved by the local Police Department. This becomes an extra task for them and takes them away from potentially more pressing situations. Additionally, the Police may not be familiar with the conditions of the SOE permit and therefore do not know how to handle these matters onsite.
- * [Municipality D](#) has worked with the agricultural community to develop ordinances that allow for municipal review, while reducing the original municipal approvals required to better coordinate with the SOE legislation and without impacting public health and safety. Consistently and effectively applying these ordinances without setting a precedent that impedes public health and safety is always a concern.

Landowners were not issued violations in the calendar year 2024. Most acknowledged having great relationships with their neighbors, municipality, and CADBs.

VI. EQUITY

The funding supporting this assessment derives from Coronavirus State and Local Fiscal Recovery Funds, which requires aligning the project's work with the State of New Jersey's equity strategy in the *2021 New Jersey Recovery Plan Performance Report*. One of the important evaluation points for the *2024 Annual Report* is to understand potential barriers or factors causing differential access to the opportunities for holding SOEs as prescribed by the SOE legislation. This feedback has been gathered through interviews conducted with landowners, municipalities, and CADB Administrators associated with SOEs that were held in calendar year 2024, as well as with applications that were submitted but did not result in SOEs being held.

Through this feedback, several areas where potential inequities have or can occur have been identified, along with potential recommendations for mitigating these inequities as they relate to the holding of permitted SOEs on preserved farms.

- Interpretation of the roles of the municipality and CADB can lead to inequities from the beginning of the application process through the determination for approval, modification, or denial.

§C.4:1C-32.17(4) states,

"To comply with local laws, regulations, resolutions, and ordinances, the municipality may require that an owner or operator of a commercial farm located on preserved farmland submit an application to the municipality for approval and may designate an office or agency of the municipality to review municipal applications for conducting special occasion events".

This section goes on to state that municipalities may require a municipal application if the proposed SOEs would generate a traffic or parking flow situation or require the expenditure of municipal resources or inspections. Additionally, municipalities can charge a maximum of \$50 as an application fee. Importantly, §C.4:1C-32.17(4)ii.b states,

"The municipal application shall not require more information than an identification of locations of where tents and other temporary structures, sanitary facilities, parking, and access and egress will be located for each event, where music will be played, the number of expected guests, and other information that may be of public concern and would be required of a similar event when conducted at a public park or another public venue."

Municipalities across the State have been implementing this allowance for municipal review of SOE applications in different ways since the beginning of the SOE Program. Some municipalities required a use variance application through the Zoning Board of Adjustment or Land Use Board. In these cases, landowners are subject to much greater fees (variance applications are estimated to cost between \$5,000 and \$10,000), and often need to hire professional engineers, planners, and attorneys. In 2024, one municipality interviewed amended its ordinances to eliminate the requirement for a variance, which was replaced with a staff-level review (smaller-scale SOEs) or Planning Board approval (large-scale SOEs). Another municipality in another area of the State has two different "licenses", based on the scale of the proposed SOEs, which require a staff review versus a Township Council approval. In these cases where

larger-scale events are proposed, landowners will still need to hire attorneys, professional planners, and/or professional engineers, however these options allow for more flexibility for the landowner.

Other municipalities have taken a softer approach and are willing to approve SOEs on a preserved farm with the approval of the Easement Holder and minor review from the designated department within the municipality (typically the Zoning Officer or Municipal Clerk). Two municipalities reported in 2024 that their respective CADBs handle all matters related to SOEs, meaning that the municipalities have no responsibility as it relates to review, approval, monitoring, and enforcement. One municipality noted that an application for SOEs is only forwarded to the Fire Marshall for review, while another nearby municipality requires review from the Fire Marshall, Police Department, Zoning Official, Construction Department, and Administration.

CADB as Easement Holders are often at the first level of review and again have varying processes for approval. At least two CADBs provide "Waivers to the Deed of Easement", which is approval for the proposed SOEs only insofar as it does not violate the terms of the Deed of Easement on the preserved farms. Conversely, two CADBs have instructed municipalities in their jurisdiction that the CADB is responsible for all review and approval. In these cases, municipalities are notified of the approval, but are very limited in the level of review, requirements, and restrictions they can impose.

In practice, this means that an owner/operator of preserved farm in one area of the State may be required to undergo a full variance application or Planning Board hearing with its associated public hearings, evidence, and site plans, while another farm seeking to hold the similar SOEs may only have to complete a simple application, obtain approval from the Easement Holder, and pass inspections of the Municipal Board of Health and Fire Marshall. In situations where the CADB has its own distinct process for review and notification, these differences in processes are even more heightened. These differences in the implementation of the same legislation potentially create inequities in SOEs being held on preserved farms, while also creating a tenuous relationship between the municipality and landowner.

This issue has not changed since the *2023 Annual Report*.

☒ **Recommendation:** The SOE regulations, once promulgated by the SADC, should clarify the roles of the CADB and municipalities in terms of the review and approval processes. The SOE legislation is being applied inconsistently across the State because there is no set policy or clear guidance about the county and municipal roles. Additionally, the SADC should identify areas where the SOE legislation and the New Jersey Municipal Land Use Law are not aligned and provide guidance as to how to bridge these gaps.

☐ **The restriction of buildings permitted for SOEs on preserved farms is limiting to some farmers.**

§C.4:1C-32.17(5) states, "No new permanent structures shall be constructed or erected on preserved farmland for the purpose of holding a special occasion event, and improvements to existing structures shall be limited to the minimum required for the protection of health and safety. No permanent structure constructed fewer than five years prior to the date of application to the grantee to hold a special occasion event (pursuant to subsection c. of this section) shall be used for the purpose of holding the special

occasion event.” In 2023, some of the landowners and CADB administrators noted that this section of the SOE legislation is a “missed opportunity”. Lack of buildings and infrastructure, or the requirement to construct structures and wait for five years to capitalize on their use can lead to landowners having differential access to the benefits intended by the SOE legislation.

On June 10, 2024, Senate Bill 3418 (S-3418) was introduced, proposing to allow “certain types of permanent structures recently constructed or erected on preserved farmland to be used, in certain cases, for purposes of holding Special Occasion Event”. The bill would amend the SOE legislation by removing the restriction on the use of newer buildings for SOEs (i.e., the SOE law prohibits a farm owner/operator from using permanent structures on the farm for SOEs if they were constructed within the five-years of a special occasion events application being submitted). In May 2025, the bill was conditionally vetoed by the Governor due to the requirement for an extensive financial audit to be conducted and submitted by the landowner.

On July 1, 2025, S-3418 was passed, amending the SOE legislation to allow for a limited exception to the statutory restrictions on preserved farm owners using a recently constructed permanent structure for SOEs provided that (1) such structures were “constructed for the primary purpose of facilitating the tasting, sale, consumption, production, packaging, or marketing of wine, wine-related products, or farm related products as determined by the grantee” or (2) “the total amount of revenue to be earned from all SOEs to be held on the farm during the calendar year will not exceed 10% of the total revenues accruing to the farm in that calendar year”. This amendment further identified the role of the grantee to review and approve or deny SOEs being held in these newly allowed permanent structures on an annual basis, and to certify that the applicant has satisfied the requirements established in the legislation. S-3418 specifically states that SOEs cannot be approved prior to the completed construction of an eligible structure in which the SOE will occur, and final approval is obtained through the applicable construction office. Lastly, S-3418 provides the CADB or the SADC with the ability to order an audit of the owner or operator of any farm engaged in conducting SOEs on preserved farmland in these newly eligible permanent structures. The audit is to be conducted by an independent Certified Public Accountant and paid for by the owner/operator.

At the time of the interviews being conducted for the *2024 Annual Report*, the responses to this then-proposed bill and the overall concept of removing the time constraints from buildings for holding SOEs on preserved farms varied. There are respondents from CADBs, municipalities, and landowners that agree with this amendment, and at the same time there are many who do not. The argument has been made that this time constraint is arbitrary, especially where the buildings are already in existence. Additionally, the allowance for rehabilitation of buildings to allow landowners to hold SOEs would be a tool in improving infrastructure on preserved farms, thereby providing income and resources for advancing the primary agricultural operation. Conversely, the argument has been made that this allowance could lead to preserved farms becoming more like event spaces and banquet facilities, as the income generated from SOEs could be much greater than growing, raising, and selling agricultural products. One response that has been reiterated by every group is that without buildings and infrastructure that attract people to hold SOEs, landowners cannot hold such events. Potentially, landowners can purchase or rent tents, tables, chairs, flooring, and other amenities often used for SOEs, however this expense can be prohibitive.

☑ **Recommendation:** CADBs, municipalities, and landowners should familiarize themselves with the amendments recently approved under Senate Bill 3418. Use of permanent structures constructed fewer than five years prior to SOEs being held has now been permitted but only if they were constructed for the purposes of wine tastings, packaging, marketing, and other wine and farm-related activities. Additionally, the total amount of revenue to be earned from all SOEs to be held on the farm during the calendar year cannot exceed 10% of the total revenues accruing to the farm in that calendar year. This allowance comes with new approval and certification requirements from the grantee, as well as the opportunity for CADBs and the SADC to order an audit from owners and operators. CADBs and municipalities should consider developing guidance for landowners to ensure understanding and compliance. The SADC should similarly consider developing guidance for the new auditing process to ensure fairness and accountability.

☐ **Access to, and knowledge of how to use, mapping technology and hi-speed internet can lead to inequities for landowners and added tasks for CADBs and municipalities.**

Landowners are required to complete specific mapping requirements for the SOE application. In order to successfully complete this mapping, access to a computer with internet is necessary, along with the ability to use or learn to use the online software. There are some landowners who encounter various difficulties in completing this portion of the SOE application. To bridge this gap, many CADBs have started working directly with landowners to assist with the development of this mapping. While in many cases this is a necessity to satisfy the requirements of the application, it adds to the workload of CADB staff.

One CADB Administrator raised the concern of equitable access to high-speed internet. In certain areas of New Jersey – more remote areas, areas that are heavily wooded and less densely populated, for example – high-speed internet connections are not guaranteed. If high-speed internet access is available, connectivity and bandwidth problems can slow down the process or make the use of certain applications difficult. Mapping applications, which are using live data and require the use of many layers and digital tools, work much faster with high-speed internet. Without such access, users may face impediments during the completion of the SOE application.

This issue was briefly discussed with CADB Administrators for the development of the *2023 Annual Report*, however the priority of this matter has heightened in 2024, especially as the number of SOE applications increase over time. Internet is now considered to be critical infrastructure, as evidenced in the Bipartisan Infrastructure Law of 2021. As such, limitations on access to internet and technology lead to inequities.

☑ **Recommendation:** The mapping requirements in the SOE application should be re-examined in the context of disparities in technology proficiency and access and internet access—for landowners and CADBs. Addressing these IT challenges would also aid in other mapping requirements, such as applications for farmland preservation, calculating acreage for soil disturbance, and identifying environmental characteristics and constraints on a property.

VII. EVALUATION OF THE 2024 SOE PROGRAM AND RECOMMENDATIONS FOR 2025 AND BEYOND

This assessment of the SOE legislation and its implementation considers data obtained from SOE applications and certification reports, as well as extensive interviews with CADB Administrators, municipal partners, and landowners who applied for and/or held SOEs throughout the year. This section of the report prioritizes the three most prominent issues raised by CADB administrators, municipalities, and landowners, and provides recommendations for consideration by the SADC when developing the regulations moving forward.

CADB Administrators – Top Issues

1. CADB Administrators still agree that the monitoring and enforcement of SOEs is not under their jurisdiction.

Of the 15 CADB administrators interviewed, 10 agreed that the monitoring and enforcement of SOEs should be under the jurisdiction of the municipality. SOEs are typically held during “off-hours” (evenings and weekends) when CADB Administrators and staff are not working, and most counties are unwilling to pay overtime for this work to be completed. These 10 CADB Administrators note that the requirements imposed during the SOEs, such as building permits, occupancy limitations, fire prevention, and traffic direction, are done so through the municipal approval process, and therefore should be monitored and enforced by the municipality.

Four CADB Administrators stated that they are unsure as to who has the responsibility and authority to monitor and enforce permitted SOEs but recognize that county staff could not complete these tasks even if they were responsible due to the events being held in the off-hours.

One CADB Administrator believes that the SADC is responsible for enforcement of permitted SOEs and cited that the SOE legislation outlines the process for the inspection, compliance determination, notification of violation, and collection of penalty fees (C.4:1C-32.18 and 32.19). These sections of the statute highlight the “Grantee” (defined as the Easement Holder) and the “Committee” (defined as the SADC) as the bodies authorized to perform inspections for compliance and for holding a requested hearing and collecting penalties, respectively.

This issue was raised during the 2023 assessment, has and remains largely the same in terms of the need for clarity in the roles of the CADB and the municipality as it relates to monitoring and enforcement. In 2024, CADB Administrators still overwhelmingly feel that the jurisdiction is not in the hands of the county.

2. Mapping requirements need to be simplified so that landowners can complete the task on their own.

CADBs are consistently assisting landowners with the mapping requirements of the SOE application. Because the mapping requirements have proven to be complicated for landowners, and counties often

have the staff and GIS resources, CADBs are becoming more involved in the development of the mapping, including the measuring of the occupied area and documentation of the buildings and infrastructure onsite.

CADB Administrators report being already “stretched thin” and “overwhelmed” not just with SOEs, but also with other programming and requirements of the Farmland Preservation Program. While counties understand the need for this assistance because of the complexity of the task, along with many landowners’ limited knowledge of mapping software and associated digital tools, this additional work is burdensome and will only increase with the increasing number of SOE applications.

The SADC should consider reviewing mapping requirements for SOE applications and simplify the requirements for the landowners to the extent possible. Training opportunities and resources for creating and amending mapping for SOE applications would not only benefit the landowners in this program but would also provide them with the education needed to map areas of their farms for soil disturbance calculations, measuring acreages and perimeters, and analyzing environmental constraints.

3. Some CADB Administrators are beginning to investigate the extension of timeframes for approvals of SOEs.

Currently, CADBs approve SOEs for a timeframe of one year. The process for renewal varies by county (some require a full submittal of an annual application, while others ask for a written request for extension of the same activities, garnering automatic approval); however, the overall length of the typical approval seems to be one year.

In 2024, some CADBs began investigating the possibility of approving SOEs for at least two years, provided there are no major changes in scale or number of events. This longer approval period will reduce paperwork and review by the CADB, thereby reducing the workload of the CADB as it relates to SOEs. Longer approval periods will also provide landowners with more confidence in taking reservations for SOEs, specifically weddings. If the same SOEs are being applied for and held annually, and there are no violations of the SOE permit/ Deed of Easement or disputes related to the preserved farm applying, the longer timeframe for approval may be a feasible option for reducing CADB workload concerns.

This issue is newly raised in 2024. CADBs are seeking guidance as to whether these longer approval timeframes are permissible and if any additional requirements will need to be satisfied.

Municipal Partners – Top Issues

1. There are different interpretations of the SOE legislation at the municipal level, which is ultimately creating different experiences for farmers.

When asked, “What is the process for reviewing and approving SOEs?,” there were numerous different responses from each of the nine reporting municipalities:

- ❑ Municipalities A, B, and C reported that the CADB handles the entire process and that there is no municipal process in place. One municipality stated that “there is no permit needed or wanted.”
- ❑ Municipalities D and E have developed similar processes, which consist of two-tiered levels for review. Municipality D uses its existing Special Events Ordinance to guide the review of SOEs, which provides for a “minor license” for events with less than 25 cars/50 people and a “major license” for events with 25 cars/50 participants or if events are occurring three times or more. Minor licenses require a staff level review, while Major Licenses require the same staff level review plus approval from the Municipal Council/Committee. Similarly, Municipality E has amended its Ordinances to remove the requirement for a Variance and now has an “Administrative Permit” for events of 50 people or less, and “Planning Board Approval” for events of 50 people or more.
- ❑ Municipalities F, G, and H conduct a review with various departments within the municipality to identify permitting issues, as well as improvements needed to address matters of public health and safety. These departments typically include Police, Fire Prevention, Zoning, Construction, Health, and Planning.
- ❑ Municipality I does not have a process in place because they have decided that SOEs are non-agricultural activities that require a variance. This municipality has amended its Master Plan to address its stance on SOEs and to clarify that the municipality does not intend to permit SOEs. This matter is under ongoing litigation with a landowner who applied for and continues to hold SOEs until a judgement is rendered.

This inconsistent application of the SOE legislation has caused confusion and, at times, animosity between landowners and municipalities.

Throughout all the interviews with CADBs, municipalities, and landowners, a request for clarifying guidelines has been expressed.

This matter has not changed since the *2023 Annual Report* and continues to be at the forefront of municipal priorities as they relate to SOEs.

2. Monitoring and inspecting permitted SOEs is still difficult to implement at the municipal level.

Of the nine municipalities interviewed, only one reported that they are actively monitoring permitted SOEs. To effectively do this, the municipality must pay employees in the Department of Community Development overtime. This municipality feels strongly that monitoring and enforcing the conditions of approval of the SOE permit is imperative for the protection of public health and safety, especially for SOEs that have many attendees.

As documented in the *2023 Report*, the majority of the municipalities still do not monitor or enforce the conditions of the SOE permits because of limitations in staff resources or because they believe that monitoring and enforcement is the responsibility of the Easement Holder.

These differences in views on responsibility related to monitoring and enforcement are tied to the lack of regulations and guidance to clarify the roles of the CADB and municipality.

3. Municipalities continue to raise concerns about the lack of notification and the lack of opportunity for public comment in the SOE legislation.

In 2024, three of the municipalities interviewed specifically addressed frustrations with not being notified of an SOE application by the Easement Holder. These municipalities did receive notice of the Easement Holder's decision but would have liked to have been notified at the time of application so they could have submitted feedback for review by the Easement Holder prior to a decision being made. This also leaves the municipality in a vulnerable position with landowners, who feel that the approval from the Easement Holder is paramount or that the municipality is difficult to work with by adding what they may view as additional requirements.

Most municipalities participating in the 2024 assessment continue to raise concerns about the lack of opportunity for public comment for SOEs. During a site plan, subdivision, or variance application, the applicant is required to present the project during a public meeting of the Planning Board, Zoning Board of Adjustment, or Land Use Board. This process also requires notice to neighboring property owners within 200', and to municipalities with borders within 200' of the subject property. The SOE legislation leaves determinations about the need for noticing provisions to municipalities, resulting thus far in SOE applications being approved without public notice or comment about the proposed SOEs and their potential impacts.

These municipal priorities are unchanged from the *2023 Annual Report*.

Landowners – Top Issues

1. There continues to be confusion about the role of municipalities and the CADBs as it relates to SOEs.

Eleven landowners were interviewed, which included six farms who held SOEs in 2024 and five farms who applied for SOEs in 2024 but did not hold any actual events. The questionnaire for landowners asked about the application and review process with the CADB and the municipality separately – the responses received again varied significantly depending on where the preserved farm was located.

Three of the 11 responding landowners characterized the application and review process with the municipality as "complicated". The amount of paperwork to be completed, confusion surrounding the SOE legislation, and requirements imposed related to the use of the buildings on the preserved farm appear to be the main reasons why this process with the municipality has been deemed difficult.

At the same time, two of these three landowners described the process with the CADB as "complicated" or "time consuming". The remaining landowner of this group reported their experience with the CADB as "seamless". In all three of these cases, the CADB approved the SOEs applied for with the requirement that the municipality must also review and approve before the events could be held. Once the SOE application was before the respective municipality, these three landowners were required to hire professionals, submit

engineered site plans, retain legal counsel, and/or make extensive site improvements for public health and safety.

Eight of the 11 landowners interviewed described the application process with the CADB as "simple" or "easy". Two of these landowners further stated that the municipality was "thrilled" or "excited" to have SOEs on preserved farms in the community. Two other landowners from this group reported that they are required to appear before the CADB for the SOE application but did not have complaints related to the process.

The overall impression gained from these interviews is that the SOE legislation is still being applied differently across municipalities statewide. Depending on where a farm is located, the process can vary significantly and involve different levels of approvals, improvements, and restrictions, regardless of the actions of the Easement Holder. This disparity can also lead to varying costs for holding SOEs.

This issue is unchanged from the findings of the *2023 Annual Report* and is increasing in priority as more SOEs are being applied for and held. It should also be noted that this issue has been highlighted by all three groups of respondents for the second year of evaluation of the SOE program.

2. The main reason for holding SOEs was again to generate supplemental income.

When asked, "Why did you decide to hold SOEs on the farm?", all 11 interviewed landowners responded, "to generate supplemental income". The secondary response was "to help with marketing." A new response in 2024 was that three landowners were approached by customers who wanted to hold SOEs on the preserved farm. This led these landowners to seek approval to hold SOEs.

When asked, "What were the benefits of holding SOEs on your farm in 2024?", the main response again was that income was increased and that SOEs brought more customers, especially repeat customers, to the farm.

Of the 11 landowners interviewed, only two indicated that their expectations for holding SOEs were not met. One of the respondents replied that this was due to not receiving the approval required to hold SOEs from the municipality in time, and the other respondent stated that the amount of work needed from the landowner exceeds the benefits. Two of the responding landowners replied that they were unsure because they did not hold SOEs in 2024, even though they did receive the approval to do so. The remaining seven respondents were satisfied and felt that their expectations were met.

Landowners were asked, "Due to increased income from SOEs, were you able to make improvements to the farm, expand the agricultural operation, or reinvest in the business?" – all except two landowners responded that they were able to buy new farm equipment, upgrade buildings, and reinvest in the business.

The direct financial benefit to the 17 farms that held SOEs in 2024 is estimated to be \$596,000 (representing an increase of approximately \$282,000 from 2023), with an additional revenue impact of \$350,000 (representing an increase of approximately \$46,000 from 2023) stimulated in other supporting businesses and through increased household spending. The economic impact analysis also showed that

holding permitted SOEs on preserved farms in 2024 generated an estimated \$35,000 (representing an increase of \$3,000 from 2023) in new State and municipal tax revenue.

Information gathered in 2023 and 2024 suggests that participation in the SOE program does meet the expectations of landowners and generates supplemental income that leads to reinvestment in agricultural businesses.

3. Upfront costs are the main barrier for landowners to participate in the SOE program.

Seven of the 11 landowners interviewed cited the upfront costs of holding SOEs as a main barrier to participation. These costs include permitting fees, hiring professionals to assist with the application process, upgrades to buildings and infrastructure, and hiring additional staff. Attracting customers who want to hold or participate in SOEs on a farm may require the landowner to make upfront improvements and investments. Income generated by SOEs can balance these costs; however, not every landowner has sufficient disposable income to make these investments and improvements, especially if recouping the costs is not guaranteed.

Two landowners specifically reported that a preserved farm needs to have buildings and infrastructure in place to hold income-generating SOEs. Buildings need to be large enough to hold SOEs and be attractive, functional, and comfortable for the customers and their guests. One of these landowners cited the restriction on using buildings that are less than five years old as a major deterrent to holding SOEs. In this instance, buildings are already in place but would not be allowed for use with SOEs under the original statute. This landowner feels that not allowing the use of these buildings does not make any sense and is "a wasted opportunity".

One landowner stated that not having support from the municipality is a main barrier and can add to the costs required to offer SOEs.

Lastly, one responding landowner stated that SOEs on a preserved farm are targeted at a "niche market", meaning that customers are looking for a rustic setting but still want an attractive and comfortable space in a beautiful setting. To bring a farm into this market, significant upfront financial resources are needed for improvements.

This issue was reported in the *2023 Annual Report* but has expanded in importance based on interviews with landowners in 2024.

Recommendations for 2025 and Beyond

- ☒ CADBs, municipalities, and landowners all cited the need to have the SOE regulations from the SADC "sooner than later". These regulations should clarify many of the issues outlined in this report and give each group clear direction and reasonable expectations.
- ☒ The SADC should carefully consider the intent of the SOE legislation as it relates to the role of municipalities and clarify provisions defining expectations for municipal review and requirements (e.g., requirements for use variances, full site plan approvals, and/or public notice and hearing processes).

Clarification on the roles and responsibilities of CADBs is similarly needed. Both sets of clarifications will provide clearer procedural and cost expectations for landowners seeking to host SOEs on preserved farms.

- ☑ Similarly, the SADC should clarify the review and approval processes that can be imposed by municipalities and Easement Holders to ensure that landowners receive equitable treatment, regardless of where they live in New Jersey. Special attention should be paid to staff capacity and expertise at the local and county levels, as well as the potential burdens imposed on applicants in terms of cost, time, and required improvements.
- ☑ The mapping requirements that are part of the SOE application are extensive and may exceed the capacity of some agricultural operations. It is recommended that these mapping requirements be reviewed and simplified to the maximum extent practicable. For example, consider whether mapping with GIS-based software is necessary, or whether the submittal of a sketch accompanied by a site inspection is a feasible alternative.
- ☑ The responsibility for monitoring and enforcement of permitted SOEs needs to be addressed and clarified. Compliance with the SOE permit is viewed as important by municipalities and CADBs; however, the ability to monitor for and enforce compliance is difficult due to jurisdictional confusion, timing of SOEs in connection with CADB and municipal staff hours, and the understanding of all the requirements imposed by separate entities.
- ☑ Some municipalities are focused on the lack of opportunities for public comment as it relates to SOEs. In other site plan and variance applications, public notice would be mandatory and would provide neighboring properties and the community with information about the proposed SOEs and the ability to submit feedback as they see fit. While developing the SOE regulations, the SADC should consider the merits, costs and benefits for public comment when SOE applications are being reviewed and provide a clear framework as to what entities and members of the public are to be notified.
- ☑ The merits of extending the length of approval should be investigated. Allowing approvals to extend to at least two years for preserved farms that are not making major changes from the previous year will give landowners the ability to book more weddings and larger-scale SOEs, which are often planned well over a year in advance. The one-year approval is viewed by some as limiting as a practical business matter and requires more frequent paperwork and mapping. Two-year approvals could also eliminate some of the pressure from CADBs and municipalities.
- ☑ Information about allowances for SOEs on preserved farms is not being disseminated as much as it was last year. While some CADBs are providing information during annual monitoring and/or posting on their websites, there was a greater emphasis on advertising and promotion in 2023. More frequent webinars, meetings, and mailings of printed materials by the SADC and/or CADBs can help increase awareness of SOE opportunities as an economic development strategy in the agricultural community.

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