Salem County Agriculture Development Board
51 Cheney Road
Woodstown, NJ 08098
(856)339-8619

October 28, 2021

State Agriculture Development Committee
P.O. Box 330
Trenton, NJ 08625-0330
ATTN: Susan Payne, Executive Director

RE: SSAMP – Jesse and Abigail Sickler (Hidden Creek Farms)

Dear Mrs. Payne:

An SSAMP request was filed and received by Mr. and Mrs. Sickler on May 25, 2021. The Salem CADB held a hearing at its August 25, 2021 and September 22, 2021 meetings and attached is a copy of the approved Salem CADB resolutions.

Sincerely,

Kris Alexander

Kris Alexander
Salem CADB
Program Administrator

Enclosure
Cc: Quinton Township (w/enclosure)

# SALEM COUNTY AGRICULTURE DEVELOPMENT BOARD RESOLUTION OF FACTUAL FINDINGS AND CONCLUSIONS FROM PRELIMINARY HEARING HELD ON WEDNESDAY, AUGUST 25, 2021

IN THE MATTER OF JESSE SICKLER AND ABIGAIL SICKLER, Owners and Operators of Hidden Creek Farm, Agricultural Management Practice for Farm Market

WHEREAS, by written application filed by Jesse Sickler and Abigail Sickler, the owners and operators of Hidden Creek Farm, (hereinafter "Applicant") have called to the attention of the Salem County Agriculture Development Board (hereinafter "Board") a dispute in respect to the operation of a farm market on premises located at 601 Quinton-Marlboro Road in Quinton Township, Salem County, New Jersey; and

WHEREAS, the Applicant claims that this matter gives rise to a matter in which the Applicant is entitled to statutory and regulatory Right-to-Farm Protection and, further, that the operation of the Applicant's farm market is an activity, which is accordingly eligible for Right-to-Farm Protection by virtue of an established Agricultural Management Practice; and

WHEREAS, the Board conducted a preliminary hearing on August 25, 2021 to determine the following:

1. Whether the Applicant's operation meets the definition of "Commercial Farm" as that term is described in the Right-to-Farm Act (N.J.S.A. 4:1C-1 et. seq.) and the regulations promulgated by the State Agriculture Development Committee ("SADC");

2. Whether agriculture is a permitted use on the Applicant's property on which the farm market is located under the Township of Quinton Land Use Ordinance, and is otherwise consistent with the Township's Master Plan; and

WHEREAS, at the hearing, the Board, after considering the presentation offered by the Applicant, including, but not limited to, the testimony given by Abigail Sickler, determined the following:

1. Hidden Creek Farm, including its operation of the farm market at 601 Quinton-Marlboro Road in Quinton Township, meets the definition of a commercial farm; and

2. The location of the Hidden Creek Farm Market is in a zoning district in Quinton Township, which recognizes agriculture as a permitted use; and is not inconsistent with the Master Plan of the Township; and

3. The dispute brought forth to the Board by the Applicant, relates to an activity, namely the operation of a farm market, which is recognized under Right-to-Farm statutory legislation and SADC regulations as an activity eligible for Right-to-Farm protection; and

4. There exists a recognized Agricultural Management Practice, established by SADC regulation, covering operations associated with farm markets.

WHEREAS, the Board, at the conclusion of the hearing, by unanimous vote of its members, determined that a hearing, upon notice, should be held in order to make a formal determination as to whether, the farm market of Hidden Creek Farm is entitled to protection under the Right-to-Farm Act and Regulations and the specific Agricultural Management Protection associated with Farm Markets.

NOW, THEREFORE, BE IT RESOLVED, as follows:

A. A formal hearing, on notice, shall be held by the Board at 7:30 p.m. on Wednesday, September 22, 2021, in the Ware Building located at 51 Cheney Road, Suite 3, Woodstown, NJ 08098.

B. Notice of the hearing shall be published and served by the Applicant in accordance with the regulatory requirements set forth in N.J.A.C. 2:76-2.8 prescribing hearing procedures for Right-to-Farm cases.

C. Applicant shall, as soon as practicable, file all exhibits upon which Applicant intends to rely at the time of the noticed hearing in advance to allow for effective distribution of the documents to Members of the Board and for review by any interested member of the public.

WITNESS

Kris Alexander
KRIS ALEXANDER, Program Administrator

Dean Sparks
DEAN SPARKS, Chairman

# SALEM COUNTY AGRICULTURE DEVELOPMENT BOARD RESOLUTION GRANTING "RIGHT TO FARM" PROTECTION TO HIDDEN CREEK FARM HEARING HELD ON WEDNESDAY, SEPTEMBER 22, 2021

WHEREAS, the Salem County Agriculture Development Board (SCADB) passed a Resolution of Factual Findings Conclusions from a preliminary hearing held on August 25, 2021in respect to the Hidden Creek Farm relating to the operation of a farm market on premises located at 601 Quinton-Marlboro Road in Quinton Township, Salem County, New Jersey; and

WHEREAS, the SCADB on September 22, 2021, on having given all proper notice pursuant to N.J.A.C. 2:76-2.8, held a meeting that complied with the advance public notice requirements of the Open Public Meetings Act at the Salem County Ware Building, Mannington Township, New Jersey to hear the case according to N.J.A.C. 2:76-2.7(j), N.J.A.C.2:76.8 and N.J.A.C. 2:76-2.3(k), a quorum of the Board being in attendance; and

WHEREAS, the evidence at the hearing focused on the relevant issue, according to N.J.S.A.C. 2:76-2A.13, of whether the operation of Hidden Creek Farm is entitled to Right to Farm protection in accordance with the Agricultural Management Practice promulgated by the State Agricultural Development Committee;

NOW, THEREFORE, BE IT RESOLVED by unanimous vote of the members in attendance at that the SCADB finds and determines as follows:

1. Hidden Creek Farm, including its operation of the farm market at 601 Quinton-Marlboro Road in Quinton Township, constitutes a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2A.13, a copy of which is attached, and thus satisfies the statutory and regulatory requirements for Right to Farm Protection.

2. This determination is predicated upon the findings set forth in the Statement of Factual Findings attached to, and made a part of, this Resolution.

WITNESS

Kris Alexander
KRIS ALEXANDER, Program Administrator

Dean Sparks
DEAN SPARKS, Chairman

## ROLL CALL VOTE

RECORD OF VOTE

| MEMBER | RESOLUTION MOVED | RESOLUTION SECOND | AYE | NAY | ABSTAIN | ABSENT |
|---|---|---|---|---|---|---|
| John Coombs, Jr | | ✓ | | | | |
| Ronald H. Vassallo | | | | | ✓ | |
| Byron DuBois | | | | | ✓ | |
| Thomas Williams | | | | | | ✓ |
| Jack Cimprich | | | ✓ | | | |
| Dave Schaeffer | ✓ | | | | | |
| Dean Sparks | | | ✓ | | | |

✓ Indicates Vote

The undersigned Chairperson and Program Administrator of the Salem County Agriculture Development Board hereby certify that the foregoing is a true copy of a Resolution adopted to memorialize its action taken by the Board on September 22, 2021.

WITNESS

Kris Alexander
KRIS ALEXANDER, Program Administrator

Dean Sparks
DEAN SPARKS, Chairman

# SALEM COUNTY AGRICULTURE DEVELOPMENT BOARD
# STATEMENT OF FACTUAL FINDINGS
# RESOLUTION GRANTING "RIGHT TO FARM" PROTECTION TO HIDDEN CREEK FARM
# HEARING HELD ON WEDNESDAY, SEPTEMBER 22, 2021

1. Abigail Sickler (hereinafter "Ms. Sickler") testified at the hearing.

2. Ms. Sickler is a Member of Hidden Creek Farm, a New Jersey Limited Liability Company.

3. Hidden Creek Farm is the applicant in this matter.

4. Hidden Creek Farm seeks Right-To-Farm protection associated with its operation of a farm market on property located at 601Quinton-Marlboro Road in Quinton Township, Salem County, New Jersey.

5. Hidden Creek Farm has one other Member, Jesse Sickler (hereinafter "Mr. Sickler"), who is Ms. Sickler's husband.

6. Although Mr. Sickler attended the hearing on September 22, 2021, Mr. Sickler, relying on Ms. Sickler's testimony, did not provide independent testimony on his own.

7. Mr. Sickler did, however, indicate his acceptance of the testimony offered by Ms. Sickler.

8. Ms. Sickler testified that Hidden Creek Farm conducts farming operations on two (2) parcels of land.

9. One of Hidden Creek Farm's parcels is the farm market property located at 601 Quinton-Marlboro Road in Quinton Township.

10. The property on which the farm market is located (601 Quinton-Marlboro Road in Quinton Township) contains 10.12 acres of land.

11. The other parcel of land, on which Hidden Creek Farm conducts agriculture operations, is a 73-75 acre (+/-) farm, located at 272 Marlboro Road in Stow Creek Township in Cumberland County.

12. Both parcels of land, operated by Hidden Creek Farm, in tandem with one another, as a single enterprise, constitute a farm management unit within the definition of that term as set forth in the New Jersey Administrative Code.

13. The parcels of land are approximately one and a half to two miles from one another.

14. In addition to the farm market itself, there are a number of greenhouses on the farm market parcel, as well as other agriculture-related structures and a pasture area.

15. At the current time, two of the greenhouses on the farm market property are in full use for nursery sales. These greenhouses are utilized all year long.

16. A third greenhouse is in full use as a brooder for Hidden Creek Farm's broiler chickens. This greenhouse is in operation during the months of March until October.

17. In October, the chickens are moved from the farm market parcel to Hidden Creek Farm's Stow Creek parcel.

18. Ms. Sickler testified that in the upcoming winter months, Hidden Creek Farm will be bringing two more greenhouses, on the farm market property, into full production for nursery production.

19. An additional greenhouse will be brought into production for wintering laying hens.

20. According to Ms. Sickler, Hidden Creek Farm has approximately $10,000 in inventory of mums in the greenhouses. In addition, an inventory of poinsettias, having an approximate worth of $6,000, were planted in the greenhouses.

21. Hidden Creek Farm maintains freezers for its farm-produced meat products, and $70,000 worth of meat is in cold storage, to be sold on the farm and at the farm market.

22. During the course of the fall and winter, Hidden Creek Farm will have fall plants coming out of greenhouse, for sale, such as corn stalks, hay bales, and deer corn. These are all products of Hidden Creek Farm's farm management unit.

23. Ms. Sickler testified that no State or Federal violations have been charged, and that there are no State or Federal enforcement actions brought or pending against Hidden Creek Farm concerning the operation of the farm market.

24. There is no evidence that the operation of the farm market by Hidden Creek Farm poses a direct threat to public health and safety.

25. The farm market is located in an area in which, under the Quinton Township Land Development Ordinance, is actually zoned to permit agriculture.

26. In addition, the operation of the farm market at 601 Quinton-Marlboro Road in Quinton Township, is consistent with the Quinton Township Master Plan, particularly the Township's most recent Reexamination Report and Master Plan Amendment.

27. From the time the farm market opened on May 30, 2021, through the date of August 31, 2021, the farm market generated gross sales of $201,820.35.

28. Of the gross sales, the sum of $107,906.27 – 53% of the gross – was generated as revenue from the sale of commodities produced by Hidden Creek Farm on its farm management parcels.

29. At the time of the hearing on September 22, 2021, Ms. Sickler testified, and provided updated sales data, showing that the percentage of farm grown products, in relationship to gross sales by Hidden Creek Farm, and its farm market, had increased to 57.9%.

30. Ms. Sickler testified that Hidden Creek Farm plans to expand its nursery and farming operations over the course of three (3) years and to be in full utilization of greenhouse space and production at the end of calendar year 2023.

31. Ms. Sickler also testified that by March of 2022, Hidden Creek Farm will be increasing its production of livestock, as well, and, specific to the farm market property, the production of broiler chickens will be increased.

32. Ms. Sickler further testified that the increase of production will, in turn, increase the percentage of sales by Hidden Creek Farm's farm management unit, through expansion of its livestock program, sweet corn, pumpkin fields and horticultural operations.

33. Development associated with the building from which the farm market is operated at 601 Quinton-Marlboro Road in Quinton Township, received preliminary approval on November 4, 1985, and final approval on December 5, 1985, as granted by the Quinton Township Planning Board.

34. A plan entitled "Site Plan for Kenneth Harris" (then-owner of the farm market property) dated June 24, 1985, revised on August 22, 1985, and further revised on November 25, 1985, was prepared in connection with the approved development.

35. The plan was date-stamped, as approved, by the Township Planning Board, and signed by the Planning Board Chairman, the Planning Board Secretary and the Township Mayor.

36. Architectural construction plans for the building were approved by the Township Planning Board received "field checked approval" by the Quinton Township Construction Office on February 12, 1986.

37. Ms. Sickler testified that the structure depicted on the approved plans, approved by the Quinton Township Planning Board, by the Quinton Township Mayor and by the Quinton

Township Construction Official is the same building at which Hidden Creek Farm currently operates its farm market.