

Adopted June 16, 2015

AGRICULTURE COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
May 1, 2015 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Ed McGlinchey (Chairman), Sean Earlen, Paul E. Galletta, and Ed Lloyd

MEMBER ABSENT: Richard Prickett

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry Liggett, Susan R. Grogan, April Field, Paul D. Leakan and Betsy Piner. Also present was Amy Herbold with the Governor's Authorities Unit.

Chairman McGlinchey called the meeting to order at 9:32 a.m. and said he appreciated that the Commission had created this new Committee and thanked the members for volunteering to serve. He said he anticipated the Committee meeting perhaps quarterly.

Chairman McGlinchey said the issue of initial concern to him was that of special events conducted on farms. He asked if the Commission should have a policy related to special events, e.g., events related to the celebration of Halloween, with haunted hayrides and the associated activities related to vendors, parking, and other factors now that Halloween has become a huge, sometimes 30- to 40- day long, celebration. He asked if the Commission should consider developing a policy to allow special events such as festivals or is it better to leave well enough alone.

Commissioner Galletta said he felt the Committee should focus specifically on issues related to the Tuckahoe Turf Farm as this could provide insight for pilot programs. By making a pilot program an agenda item for this Committee, the Policy and Implementation Committee could focus on other matters.

Commissioner Galletta also said that many growers have approached him about expansion on their farms and are unaware how Pinelands and NJ Department of Environmental Protection (NJDEP) regulations affect them. For instance, what are the limits on expansion for beneficial insect control? He said it would be helpful if staff could promulgate some information to share with the agriculture community. He said he felt farmers often blame the Commission for issues that are actually under the purview of the NJDEP and he wanted to have clarification to share with them.

In response to Mr. Liggett's question if he were referring to expansion in wetlands for berry farming, Commissioner Galletta said that many blueberries are now grown on uplands on converted peach orchards and he believed the expansion was more of a NJDEP concern.

Mr. Liggett said perhaps staff could develop something jointly with NJDEP.

Chairman McGlinchey said he had special concerns with threatened and endangered (T/E) species, noting that in Winslow he had experience with the expansion of farms without anyone's knowledge and potential habitat was destroyed before anyone was aware it was occurring.

Ms. Grogan said there are situations where an activity is exempt from the Pinelands process but not that of NJDEP. She said a detailed guidance document regarding the regulatory responsibilities of the Commission and NJDEP would be helpful.

In response to comments from the Committee about adopting such a document as part of the CMP, Ms. Grogan said that a summary of the existing rules would be more appropriate. Mr. Liggett said a formal document could be written if an application for a Letter of Interpretation were submitted.

Ms. Wittenberg said perhaps there were other issues for which such a guidance document could be helpful.

Commissioner Galletta said he wanted something to share with the growers advising them that their issues are often with NJDEP, not with the Commission.

Chairman McGlinchey noted that, as recently as four days ago, he had encountered the same situation locally.

Commissioner Earlen, referencing Chairman McGlinchey's earlier question regarding ignoring special events on farms, said a lot of special events are special to the Pinelands. He said the Commission has learned from the situation of soccer events being conducted at Tuckahoe Turf Farm that it cannot turn a blind eye. He said it made sense to address all special events.

In response to Commissioner Lloyd's question as to the extent to which the pilot program would address special events, Ms. Wittenberg said staff had been meeting with various groups to discuss those issues, including county farmland preservation representatives, the NJ Farm Bureau and others. She said there are upcoming meetings scheduled with the State Agriculture Development Committee (SADC) and NJDEP. She said staff has found there many complex issues and many more types of events and activities than first thought. She said there may also be concerns with Right to Farm and farmland assessment.

In response to Commissioner Earlen's question regarding some of these activities not being exclusively applicable to farmland, Ms. Wittenberg said decisions have to be made at every level, e.g., is the Commission going to address all lands in the Agricultural (APA) and Special Agricultural Production (SAPA) Areas or only those preserved under Pinelands Development Credit (PDC) deed restrictions.

Commissioner Galletta confirmed that the first determination must be if there should be different standards for preserved farms.

Ms. Grogan said there is not much difference in permitted uses but there are farms subject to farmland preservation program and SADC easements that are similar but not exactly the same as those of the Pinelands Development Credit (PDC) program. One of the biggest differences is the express prohibition of athletic fields in SADC and county farmland preservation easements. She said the Pinelands APA contains some 8,000 acres of SADC protected lands and 13,000 of PDC deed restricted acres. The Commission will need to determine if the pilot program should make distinctions between types of properties and types of deed restrictions. She said much of the public outcry against the soccer tournaments at Tuckahoe Turf Farm was related to the PDC deed restriction.

Commissioner Galletta said he believed the agriculture community was ambivalent about the deed restriction.

Chairman McGlinchey said he believed that although the Tuckahoe Turf Farm issue was not yet resolved, special events on all types of agricultural lands should be addressed. He said when the legislature had tried to circumvent the CMP (*Assembly Bill 3257*) he objected to having the Commission being told what to do. He asked how Right to Farm plays into this.

Ms. Grogan responded that the issue has been raised by the Farm Bureau members during their recent meeting with staff and it is definitely a concern of theirs. Ms. Wittenberg said the Farm Bureau is also concerned about complaints from neighbors resulting from some special events.

In response to Commissioner Lloyd's question if staff would come up with a scope of issues following the meetings with the various interest groups, Ms. Wittenberg said yes. She said in addition to those groups she had listed earlier, staff has met with the Pinelands Preservation Alliance (PPA) and the New Jersey Conservation Foundation (NJCF) and specifically Atlantic and Burlington counties.

Ms. Grogan added that upcoming meetings with NJDEP, Ocean County and SADC were being scheduled. Following those meetings, staff will provide an outline of the scope and scale of non-farm related activities, noting that the special events category is only one component. There are yoga retreats, softball camps and a variety of other events. The Commission will need to decide how far it wants to go with the pilot program.

Chairman McGlinchey said with Halloween, there can be as many as 30-40 events per year.

Ms. Wittenberg noted an example where "pumpkin chunkin'" on a farm was declared a violation because the pumpkins were imported from another farm, demonstrating that these are complicated issues.

Commissioner Galletta asked that the members of the Pinelands Agricultural advisory Committee be approached and provided with the minutes from these meetings.

Ms. Grogan responded that staff planned to reach out to the members of that committee.

Chairman McGlinchey said he would like this Committee to meet for a brainstorming session without the public present. He said there are other issues to examine in the APA, e.g. why are there limitations on the subdivision of 10-acre parcels of agricultural lands so that only one such lot may be created every 5 years?

Mr. Liggett said the concern may be that the farm not be broken up.

Chairman McGlinchey said although he was not a farmer, he has always had an interest in agriculture and he had concerns with the PDC allocation to farmers, clearing forests and other matters. He wanted to know how much forestry was occurring in the Pinelands and whether there were still issues related to clearing methods (e.g., drum chopping).

Mr. Liggett said converting forests to farmland is expensive for farmers and noted that forestry is a separate issue from clearing for agriculture.

Ms. Wittenberg asked Ms. Field to check with Mr. Charles Horner, Director of Regulatory Programs, regarding the extent of forestry activities and any remaining issues with clearing practices.

Commissioner Galletta hoped at the next meeting to see a summary of the staff meetings with the various groups.

Ms. Wittenberg responded that there is a tight schedule to advance the pilot program and said that the next meeting should occur in early June.

Ms. Grogan said she believed the next meeting should be a public meeting and staff will try to meet with the agricultural community before then and develop a summary and outline.

Commissioner Galletta suggested the farmers could be asked to respond to perhaps ten pertinent questions.

The Committee agreed to meet again at 9:30 a.m. on June 5, 2015.

In response to Commissioner McGlinchey's question if this Committee needed to establish a Vice-Chairperson, Ms. Wittenberg said no.

Commissioner Earlen asked if the Commissioners could receive meeting notices through Outlook. Mr. Leakan responded that the Office of Information Technology is working on that now and some future updates will include revisions to email addresses.

Chairman McGlinchey called for public comment.

3. Public Comment

Mr. Jay Mounier, a resident of Franklin Township, said he understood the current focus of this Committee was to develop the pilot program as it was time sensitive. But, he added, assuming the Committee is ongoing, it will need a mechanism for communicating with the agricultural community and other landowners on a regular basis and seeking their feedback. He noted that it was difficult for farmers to attend meetings during their April to October primary growing season

Chairman McGlinchey said he wanted to do whatever was needed to involve the farmers.

Ms. Fran Brooks, a resident of Tabernacle Township, asked if, following the various meetings with interest groups, staff would be preparing a written summary and analysis. She noted that these are complex issues.

Commissioner Galletta thanked Chairman McGlinchey for his efforts to create this Agriculture Committee, something he had wanted for quite some time.

Commissioner Earlen said at both the Commission and the P&I Committee meetings, comments have been made regarding farmers making money from the various activities on their farms. He said he had no problem with that as long as such activities are consistent with the rules.

The meeting adjourned at 10:25 a.m. (Moved by Commissioner Lloyd and seconded by Commissioner Galletta)

Certified as true and correct:



Betsy Piner
Principal Planning Assistant

Date: May 11, 2015