

## STATE AGRICULTURE DEVELOPMENT COMMITTEE

### Regular Meeting

March 28, 2024

Secretary Wengryn called the meeting to order at 9:03 a.m.

Ms. Payne read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Roll call indicated the following:

#### **Members Present**

Chairman Wengryn

Martin Bullock

Scott Ellis

Roger Kumpel (alternate farmer member for Pete Johnson)

Richard Norz

Charles Rosen

Lauren Procida

Brian Schilling

#### **Members Absent**

Tiffany Bohlin

Gina Fischetti

Julie Krause

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Susan Payne, SADC Executive Director

Jason Stypinski, Esq., Deputy Attorney General

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#### **Minutes**

SADC Special Meeting for February 12, 2024 (Open Session)

SADC Regular Meeting for February 22, 2024 (Open Session)

It was moved by Mr. Schilling and seconded by Mr. Rosen to approve the Open Session minutes of the SADC Special Meeting of February 12, 2024, and the Open Session minutes for the regular SADC meeting of February 22, 2024. The motion was approved. Mr. Kumpel abstained.

#### **Report of the Chairman**

Mr. Edward Wengryn introduced himself as the newly appointed Secretary of Agriculture. He grew up in Branchburg, NJ and his family had a dairy farm in Hillsborough, NJ. He attended Delaware Valley College of Science and Agriculture

and has a Bachelor of Science in ornamental horticulture. After owning a retail flower shop and working as a florist for several years, Secretary Wengryn found a new career at NJ Farm Bureau doing member outreach education and policy development. This led to working at the Department of Agriculture from 2002 to 2004 for former NJDA Secretary Charlie Kuperus as a confidential assistant. Mr. Wengryn later returned to the Farm Bureau to do more government relations work. Secretary Wengryn stated that he is happy to be selected as Secretary and is looking forward to continuing the farmland preservation program traditions and reaching all the targeted goals. He also wants to focus on farm viability and helping farmers succeed because when farmers and farms are successful, preservation is also successful.

### **Report of the Executive Director**

Ms. Payne welcomed Secretary Wengryn and stated the committee is glad to have him be part of this new era of farmland preservation.

Ms. Payne stated that there are two new members of the SADC staff. Stefanie Miller introduced Daffney Bacon as a new regional acquisition coordinator for Bergen, Burlington, Hunterdon, Mercer, and Middlesex counties. David Clapp introduced Erica Rosetti, the newest member of the conservation staff.

### **Communications**

Ms. Payne reported that staff is working with Rutgers and NASS to see if we can get a joint presentation on the US 2022 census to understand the trends in NJ compared to the rest of the country.

### **Public Comment**

Ms. Patricia Springwell encouraged the SADC to protect preserved farm soils so they can be used to produce food.

### **Old Business**

#### **A. Soil Protection Standards – Revised Draft**

Ms. Payne reviewed the proposed changes to the Soil Protection Standards draft rule that the committee approved at the last meeting. The most basic change is to not count preexisting disturbance on farms that are currently enrolled in the program and to utilize 2023 aerial imagery as the base map to determine existing disturbance on those farms.

While there is no change to the 12% or 4-acre disturbance limit, other revisions to the current rule draft are recommended. The provision that allowed an extra 2% or 1 acre for farms that were at or near the limit has been deleted. The production waiver has been eliminated since that provision was primarily intended to help landowners who were approaching the limit. Text associated with the production waiver, such as construction standards and the stewardship conservation plan requirement, has been

deleted in response to comments received on the original rule proposal. The previous 'innovation waiver' language has been changed to 'innovative practice approval' and is no longer considered a waiver.

Ms. Payne stated she will review the revisions to the rule proposal in depth, and if the committee is comfortable after today's discussion, staff will prepare the final version for April's SADC meeting. If the final draft gets approved next month, it will be published in the New Jersey Register as a 'notice of substantial change upon adoption' for another 60-day public comment period.

Mr. Norz asked if staff received approval from the Governor's office on these revisions. Ms. Payne stated that it did. Mr. Kumpel asked if staff must respond to all comments received previously even though the rule is being changed now. Ms. Payne stated the SADC will respond to the comments received that caused the substantial changes. When the full rule is proposed for final adoption, there will be responses to all public comments received on the originally proposed rule and on the proposed changes.

Ms. Payne reviewed the marked-up draft to highlight the changes made. The definitions for 'allocated soil disturbance', which is 12% or 4 acres, whichever is greater, and 'baseline soil disturbance map', which reflects the soil disturbance on the premises, will be added to the rule. The definition of 'divided premises', which means two or more portions of the original premises resulting from a division approved by the SADC, was added.

Ms. Payne stated the prefix 'pre' was added to read as 'preexisting agricultural water impoundment' and 'preexisting open ditch' as these terms are considered exemptions under the rule. When the baseline map is generated, if there are preexisting water impoundments or open ditches, they do not count as disturbance for currently preserved farms or those coming into the program after adoption. 'Forestland' and 'forest stewardship plan' were deleted because they were connected to the stewardship conservation plan that is no longer required. The definition of 'hoophouse' was revised to clarify what kind of anchoring systems do and do not count as disturbance.

The definition of 'image of record' was added and refers to the aerial imagery upon which the baseline soil disturbance map is developed. For farms preserved prior to October 1, 2024, the image of record is the Nearmap 2023 aerial imagery, and for farms preserved after October 1, 2024, the image of record will be the most current aerial imagery available. Mr. Norz suggested adding 'Spring' to the definition so it would say 'Nearmap Spring 2023 Vertical Imagery'. Ms. Payne stated that staff will investigate the metadata of the imagery to ensure that is an accurate description.

Ms. Payne stated the definition of 'innovation waiver' was revised to 'innovative agricultural practice' proposed by the grantor. The definition of 'limit of disturbance' was deleted from the document because that was part of the production waiver

standards. The new definition of ‘original premises’ refers to the configuration of the farm as it was preserved before any later divisions. The definitions of ‘production waiver’ and ‘riparian zone’ were deleted because they were part of the stewardship plan conservation requirements.

The definition of ‘preexisting soil disturbance’ was added and refers to soil disturbance that exists on the premises as reflected on the 2023 Nearmap vertical imagery. The definition of ‘premises’ means property under easement which is defined by the legal metes and bounds description contained in the deed of easement, including either an original premises or a divided premises. The definition of ‘soil disturbance limit’ was added which is the sum of allocated soil disturbance and pre-existing soil disturbance. Only farms preserved prior to October 1, 2024 qualify for preexisting soil disturbance.

The next substantial change is additional language under ‘soil disturbance limitations’, which clarifies that the limits pertain only to permissible soil disturbance caused by activities authorized under the Deed of Easement (DOE), not soil disturbance associated with impermissible activities. Other disturbances associated with activities that are determined by the committee to constitute impermissible activities are violations of the DOE and do not count toward soil disturbance allowances.

The allocated disturbance for each farm premises that exists as of the date of the rule adoption is equal to 12% or 4 acres, whichever is greater. For premises preserved prior to October 1, 2024, the total limit on soil disturbance equals the sum of preexisting soil disturbance plus the allocated soil disturbance. For any farms preserved after October 1, 2024, the total limit on soil disturbance equals 12% or 4 acres, whichever is greater. Mr. Norz asked how allocations would be determined if a division of premises occurred after the rule’s adoption. Ms. Payne explained the allocation would be proportional to the division configuration. Mr. Norz also noted it is important to require new preservation applicants to read and understand this rule prior to enrolling their farm into the program.

Ms. Payne stated a few public comments asked if ball and burlap operations were considered soil disturbance. Language was added to the rule to state ‘removal of topsoil from the premises is expressly prohibited, except as directly related and incidental to the harvesting of agricultural and horticultural products such as in soil that is typically removed with roots when sod or dug nurse stock are harvested.’

Ms. Payne directed the committee to the section regarding innovative agricultural practice approvals, a substantial change from approvals for innovation waivers set forth in the originally proposed rule. Once the committee approves a practice and determines there are no negative impacts, the innovative practice can be added to the exemption category. Mr. Rosen asked if the need for the public hearing was removed. Ms. Payne stated that it was.

Mr. Schilling asked if there was an obligation for the landowner to seek approval for an

innovative practice. Ms. Payne stated if the landowner wanted the committee to approve an innovative practice so it would not count towards the disturbance allocation, SADC approval would be needed. Mr. Bullock asked if a landowner seeks approval for an innovative practice for which the committee has no expertise, where would the committee go for direction. Ms. Payne stated, in response to public comments, that the committee may consult with the New Jersey Department of Agriculture, USDA, or any federal government entity or organization or person that may provide expertise.

Mr. Rosen suggested a mechanism be put in place by the SADC where the committee does review the innovative practices before they are implemented, regardless of the amount of existing soil disturbance, in order to determine if it is a DOE violation. Ms. Payne stated the concern of the SADC would be if someone does a large-scale implementation of an innovative practice and the burden falls on the committee to prove whether it meets the applicable provisions for approval or not. Mr. Rosen suggested a proactive review of all innovative practices to avoid potential DOE violations.

Mr. Schilling commented that he supports how the rule is written and the committee has an obligation to revise elements as necessary. Mr. Norz asked how the process would work if the committee needed to make a change to the rule after adoption. Ms. Payne stated that the committee would need to amend the rule by publication in the Register and public comment.

Secretary Wengryn stated that annual monitoring is a good time for staff to suggest a landowner apply for SADC approval if they observe a new practice, even if the landowner is under the limit. It's the responsibility of the inspector to notice when something new and different is present and engage with the landowner.

Ms. Payne went on to discuss the deletion of the stewardship conservation plan, the public notice requirement, alternatives analysis, the need for site plans and engineering plans connected to the conservation plan.

Ms. Payne stated that the aggregation and consolidation provision remained in the rule. If two commonly owned preserved farms are adjacent, even if they are divided by a road or a stream, the 12% and 4 acre allocation on those farms can be aggregated, but preexisting soil disturbance cannot be aggregated.

Mr. Norz asked for the committee's opinion on having the ability to aggregate disturbance on commonly owned parcels that are not contiguous because it is practical to concentrate infrastructure in one area instead of building on different properties. Ms. Payne stated this was discussed in detail in 2022 and the complexity associated with tracking the allocation and potential illegal subdivisions would be excessive. Mr. Kumpel stated that he understands both points of view, but the more distant these parcels are from each other, the harder it gets to monitor. Mr. Rosen stated that

stacking everything on one farm can have a greater impact on soil and water resources as opposed to having the infrastructure divided, and the scale could tip too far to the detriment of the soil on that land.

Mr. Norz stated the argument against his proposal seems to be that this is too much management for the staff and perhaps the parameters could be set to make management easier. Mr. Rosen stated that it's a slippery slope because there are countless scenarios where someone would buy a low-quality farm just to be able to stack the allocation on the higher quality parcel. Mr. Bullock noted the monitoring challenges at the county level, as it is already difficult to monitor illegal divisions.

Ms. Payne stated that the SADC frowns on accepting preservation applications for noncontiguous premises because of the amount of time spent on monitoring and enforcing illegal divisions. She stated that there are several illegal division cases the SADC is handling right now, which is why lot consolidation is being encouraged before preservation occurs. Mr. Rosen stated it doesn't make mathematical sense for a farmer to have infrastructure only in one place and then the partner farm being miles away. Secretary Wengryn stated that he wants to see the rule about aggregation and consolidation remain as is, and the issues can be revisited if a problem arises in the future. The committee agreed.

Ms. Payne went on to discuss the division of premises and explained that each divided premises resulting from a division must comply with the soil disturbance limitation at the time of the division. A new parcel cannot be created if it does not comply with 12% or 4 acre limit. When a division does happen, the 12% or 4 acres are allocated proportionally to the parcels being created. Mr. Norz asked what would happen if a division of premises application was still pending by the October 1, 2024 deadline. Ms. Payne stated the committee could consider an extension for divisions that are pending.

Mr. Rosen asked if it was possible to allow the landowner to proportion the 12% allocation between the two parcels. Ms. Payne stated the committee could allow that and recommended that it establish a minimum amount of disturbance allocation that must be left with every premises, such as 4 acres, which is consistent with the rule. Ms. Payne asked the committee if they wanted to change this section to provide an option that is not strictly proportional, it could do so by eliminating the word 'proportionally'. Mr. Rosen stated that if the word 'proportionally' was stricken, there would have to be minimum of 4 acres added.

Secretary Wengryn asked the committee if they supported this revision. Mr. Bullock stated he supported the change. Mr. Ellis asked if the viability of the parcels will be taken into consideration. Ms. Payne stated division of premises approval still requires agriculturally viable parcels and to some extent viability will be dependent on how much disturbance each parcel is allocated. Mr. Schilling stated he supported the concept. Secretary Wengryn asked the committee if there is consensus on getting rid of

the word ‘proportionally’ and adding the 4-acre minimum. Ms. Payne stated that the concept of ag viability will also be incorporated in that language. Mr. Clapp stated that a 4-acre minimum would restrict farms less than 60 or 65 acres from division approvals. Mr. Norz suggested 4 acres or 4%. Ms. Payne suggested staff review this concept and provide the committee with suggestions.

Mr. Norz asked for clarification as to the cut-off date for the applications received within this timeframe. Ms. Payne suggested language be added that states the complete applications must be received by the committee by October 1, 2024.

Ms. Payne discussed the mapping requirements and stated that a baseline soil disturbance map will be created for each farm currently enrolled in the program and those preserved after the rule is adopted. For farms preserved before October 1, 2024, the SADC will remap those premises using the 2023 Nearmap imagery and landowners will have 60 days to appeal. Ms. Payne stated for farms preserved after October 1, 2024, the baseline soil disturbance map shall be provided to the grantor and grantee prior to the date of closing, and the farmer must acknowledge receipt and concurrence.

Mr. Norz suggested having the map attached to the DOE so future buyers are put on notice. Ms. Payne stated that idea was currently being discussed among staff.

Ms. Procida asked if the maps would be found on the website for the public to view. Ms. Payne stated staff is reviewing the license provisions of the Nearmap imagery, so website access is still to be determined.

Mr. Norz stated he was concerned with round bale hay storage being considered disturbance since it can be farmed at any time. Mr. Norz stated that the tent provision was reduced from 180 days to 120 days and has the same concern about round hay bales.

Secretary Wengryn agreed with Mr. Norz regarding the tent and the round bale storage, stating those items can be moved and the land under the storage area can be used with little remediation needed. Secretary Wengryn stated that he has trouble with tents and allowable days and doesn’t quite see a difference between tents and temporary hoopouses and feels this issue needs to be examined further. Mr. Kumpel stated that he agrees with Mr. Norz and the discussion should also include square bales.

Mr. Rosen stated that the soil disturbance subcommittee found that over 98% of preserved farms were nowhere near the 12% of the disturbance limit and farmers are now being given an additional 12% . Mr. Rosen stated the topic of tents should be a separate conversation due to the ability for those to be more a permanent structure. Mr. Rosen stated the changes discussed today do a remarkable job of finding the proper balance between agricultural activities and resource protection and addressing the main issues raised in the public comments received on the original rule proposal.

Mr. Rosen stated if action is delayed because of tents and hay bales, the legislature is not going to look at the committee kindly and the SADC risks losing funding. Mr. Norz stated that he does not see why the change can't be made today. He stated hay is an agricultural commodity and if an activity is related to the agricultural output of the farm, then it should be allowed.

Secretary Wengryn asked staff if round bales are stored for three or more years and then moved, is the storage area still considered disturbed if it's being farmed again. Ms. Payne stated that involves rehabilitation standards which depend on how intense the impact was to the soil. The reason these storage activities were considered disturbance is because there are mulch, soil piles, round bales, and other things that are just sitting year-round where the soil has no access to air, water or sun and so it is considered soil disturbance.

Mr. Schilling commented that the committee needs to move on and for the integrity of the program and common sense, the board can't get into de minimis things worrying about a 100-foot mulch pile or hay bales, as the underlying idea is to prevent gross behavior on the land which stops it from being productive, such as cutting into bedrock or taking soil off the land. Secretary Wengryn stated that he understands that disturbance caused by round bales is remediable. Mr. Norz feels that activities which cause mild soil compaction due to foot traffic or commodity storage should not be considered disturbance.

Ms. Payne stated, in summary, the changes are to add 'Spring' to the aerial imaging reference; the section on divisions and allocations will be amended to eliminate 'proportionally' and replace it with an amount of acreage to be determined; there will be a provision included about complete division applications submitted to the SADC before October 1, 2024 being considered the same as divisions approved prior to that date; and whether maps will be included with the deed of easement.

Mr. Norz stated that he still has concerns that there is nothing being done about the previous discussion related to round bales and the storage of farm commodities counting as disturbance.

## **B. Adoption of Amendments to Agricultural Management Practices Rules and Agricultural Mediation Program Rules**

Mr. Smith stated that two rules were proposed last year by the committee, one for revisions to the agricultural mediation program and the other to the regulations on certain agricultural management practices (AMPs). The task today is to authorize the adoption of those rules. The rules were published in the register and three public comments were received.

The only comment on the ag mediation rules was that all the mediators are farmers, which is not correct.



There are no changes being made to the ag mediation program revisions, which add to the list of subjects that can be mediated consistent with the 2018 Federal farm bill. Another change to the mediation program rules is to add a continuing education program for the certified mediators.

Regarding the ag management practice rules, references have been updated in the commercial tree fruit, commercial vegetable production, on farm composting and wildlife fencing to include the latest Rutgers University practice manuals as well as some other BMP references. On farm composting now includes the land application of slaughter waste but also a provision about controlling odors created by that practice. The comments received for the ag management practices were that the deer population needs to be controlled, but that issue is under the jurisdiction of another state agency. The other comment was about the public's dietary habits when it comes to eating meat. No changes to the proposal are being made. The action of the SADC today will authorize staff to send the adopted rules for publication in the NJ Register.

It was moved by Mr. Ellis and seconded by Mr. Kumpel to adopt the amendments to the Agricultural Management Practice rules and Agricultural Mediation Program rules. The motion was unanimously approved.

### **Soil Protection Standards – Revised Draft – Continued**

Mr. Norz asked for the consensus of the committee to include language in the rule that any area covered temporarily is not considered disturbance. Mr. Ellis stated he is comfortable with not counting the storage of round and square hay bales as disturbance. Mr. Schilling suggested adding the practice of storing hay to the list of exemptions. Mr. Norz stated it is not just hay bales, but also other farm products. Secretary Wengryn pointed out the rule does list an exemption for temporary storage areas. Mr. Norz stated that language only references agricultural equipment, and hay bales would not fall into that category. Mr. Rosen suggested adding 'products and commodities' to the temporary storage exemption. Ms. Payne said staff would work on definition language to capture the committee's discussion on this point.

It was moved by Mr. Norz and seconded by Mr. Kumpel to add to the list of exempted activities the storage of farm products produced by or used on the farm, that do not otherwise include surfacing of any kind or altering the underlying soil. A roll call vote was taken. Mr. Rosen voted against the motion. The motion was approved.

### **C. Stewardship**

1. Resolution: Division of Premises and RDSO Comment  
Jon W. Vaughan, SADC ID #19-0030-EP  
Block 14, Lots 16, 19, 20.01, 21, 22, 23, 26, 30, 31, 32, 38.02 and 39 and  
Block 15, Lots 8, 38, 42, and 43 and Block 22, lot 19, Lafayette Township,  
Sussex County, 636.120 acres.

Mr. Willmott stated that the committee heard this request in February and today's resolution memorializes the committee's discussion and approval. Mr. Willmott stated the Vaughn farm is in Lafayette Township, Sussex County and the owner is dividing a piece of the west property, of 107 acres, to be conveyed to his daughter Coral, who will start her own agricultural operation of raising cattle, sweet corn and blueberries and will be selling forestry products under a woodland management plan. The eastern parcel will continue to be farmed by Mr. Vaughn's other daughter, Kayla, and her husband. There is an RDSO being allocated to the western parcel to be a residence for Coral and her husband, and the resolution does contain language stating one person living in the RDSO must be farming the property.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve Resolution FY2024R3(1) granting approval for the division of premises for the Vaughan Farm as presented, subject to any condition of said resolution.

Jon W. Vaughan, SADC ID #19-0030-EP, FY2024R3(1), Block 14, Lots 16, 19, 20.01, 21, 22, 23, 26, 30, 31, 32, 38.02 and 39 and Block 15, Lots 8, 38, 42, and 43 and Block 22, lot 19, Lafayette Township, Sussex County, 636.120 acres.

Nicole Voigt, counsel for the Vaughn family, addressed the committee and thanked staff for their hard work to produce a resolution. She suggested that represented applicants get advanced copies of the resolutions before the meetings so there is enough time for review purposes.

The motion was unanimously approved. A copy of Resolution FY2024R3(1) is attached to and a part of these minutes.

## **New Business**

### **1. Resolution: Agricultural Labor Housing**

Blue Moon Acres, SADC ID# 11-0037-EP  
Block 46, Lot 4.01, Hopewell Township, Mercer County, 63.23 acres.

**Note: Mr. Rosen recused himself from this discussion as he has a working relationship with the applicant.**

Mr. Willmott stated that the Blue Moon Acres Farm located in Hopewell Township in Mercer County. It's a county held easement which was preserved in 1992, and agricultural production consists of 12 acres of diversified organic vegetables, beans, and salad greens; 10 acres of dry harvest rice; and a tenth of an acre of strawberries with hoop houses to extend the production season.

Mr. Willmott stated this is a two-part ag labor request where previously an ag labor apartment was approved in 2008 over a barn and packing shed for the farm manager.

The request is asking to amend the previous approval to now house five laborers and additionally, the owner is asking for a proposed trailer to house four more laborers. This would allow for nine laborers in total to be employed on the farm working full-time which will support this very labor-intensive agricultural operation. Mr. Willmott showed the committee pictures of the ag labor apartment, the trailer, and the proposed site for the trailer. Staff reviewed the request and found that the locations of the units do not create an adverse impact on the farm property. Laborers will be employed from March through December and primary duties will be soil prep, seeding, watering, transplanting, weeding, harvesting, washing, tarping, composting, applying fertilizers and packing produce. Staff finds that this application complies with the deed of easement and staff is seeking SADC approval.

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve Resolution FY2024R3(2) granting approval for the Amendment to Agricultural Labor Housing and Agricultural Labor Housing for Blue Moon Acres Farm.

Blue Moon Acres, SADC ID# 11-0037-EP, FY2024R3(2), Block 46, Lot 4.01, Hopewell Township, Mercer County, 63.23 acres.

The motion was unanimously approved. A copy of Resolution FY2024R3(2) is attached to and a part of these minutes.

### **Old Business**

#### **1. Review of Activities - Princeton Show Jumping, LLC, Montgomery Township, Somerset County**

**Note: Mr. Schilling and Mr. Norz continued their recusal on this matter for the reasons provided at previous meetings.**

Mr. Roohr stated that Princeton Show Jumping (PSJ) is a 101-acre farm located in Montgomery Township, Somerset County, preserved in 2003 by the SADC as a donation of state-owned land. PSJ purchased the land in 2012 and began to develop the site into an equine training and show facility. The shows consist of several hundred horses, most of which are not owned by PSJ.

In 2013, the SADC had to determine what development would be permissible on a preserved farm and several criteria were established, the main one being that 10% of the horses participating in the shows had to belong or be connected to Hunter Farms for it to be considered on-farm production. The committee approved nine shows and 42 show days, but quantifying production on equine farms is something the SADC has been trying to resolve.

The owner did have several DOE compliance issues, and in October 2021 the committee determined that all physical issues with the farm had been resolved and PSJ was in compliance. The committee was willing to be more flexible with approved

events and in 2022 approved 15 shows and 64 show days.

In 2023 the committee approved 14 shows and 70 show days with the condition that PSJ provide certain information within 30 days of the conclusion of each show. At that same meeting the committee also approved delegation of PSJ's 2024 schedule to the Executive Director if all requirements of the 2023 resolution were met and the farm was in compliance with the DOE. Unfortunately, staff didn't receive the requested information during the show season and staff was unable to utilize the delegated authority which is why this is before the committee today.

On March 6, 2024, staff received a request from PSJ for 14 shows and 69 days with an explanation that it would be tedious for PSJ to provide all the information that was requested. At the SADC meeting on March 15, 2024, PSJ was advised that that staff could not recommend approval of the 2024 schedule unless it received the information that the committee asked for in 2023. On March 19, 2024, PSJ did provide a very substantial portion of that data, which was provided to the committee.

The latest submission, although it's not everything that the committee asked for, is a good faith effort. PSJ has requested no more shows and no more show days than were approved in 2023. Mr. Roohr stated that the staff is looking for guidance from the committee for the requested shows. Mr. Roohr stated that PSJ is represented today by Ms. Nicole Voigt if the committee has any questions for her.

Mr. Ellis asked how much of the information is missing from PSJ's submission. Mr. Roohr stated the committee is trying to understand the 10% participation component and requested the total number of horses that are considered part of PSJ's allotment as well as the names of the trainers and the names of the horses to identify how many times the horse participated in the show. Mr. Roohr stated that all the information was received except for the names of the horses, and it is difficult for staff to determine if a horse participated one time or multiple times. PSJ has previously provided horse names and explained that the new computer system it is required to use does not easily provide that information anymore.

Mr. Bullock asked if the information received supports that the 10% production is taking place. Mr. Roohr stated that staff provided PSJ with a definition of what would be considered PSJ's horse, which includes horses that were raised, bred, and owned and trained by PSJ. Staff learned that if PSJ trains someone else's horse, and they sell that horse, PSJ is entitled to a commission on that sale. In a previous determination the committee decided that example would also qualify as production. However, the new question is how training is defined.

Several years ago, the committee suggested a study be conducted by an equine expert to determine what commonly accepted training in the equine industry consists of. Ultimately it was decided to make this exercise an academic project involving Rutgers or another institution that understands this aspect of the equine industry. Mr. Roohr

stated that the staff has not been able to determine yet what would count as production.

Mr. Rosen stated great work was done by the staff and the landowner to correct the DOE concerns and wants to acknowledge that PSJ is not requesting more show days than previously approved. Mr. Rosen suggested the shows themselves are adding value to horses, not part of PSJ in any way, by simply offering a venue for those horses to perform and can be considered as some sort of agricultural revenue stream. Mr. Kumpel commented that PSJ has done a magnificent job in supporting the equine industry and it is important to note that growers depend on the equine industry as a major stream of income.

Chairman Wengryn invited Ms. Voigt to speak before the committee and to address the issue of why the names of the horses are not provided.

Ms. Voigt stated in December 2023 the show schedule was approved by Montgomery Township and provided to the SADC. Ms. Voigt stated she met with Mr. Roohr and Mr. Smith in January and learned staff needed more information than the submitted preliminary data. Ms. Voigt noted the current computer software used for these shows does not generate the data currently being requested and would like to work with staff to find a solution which meets the requirements in the most efficient way possible. Ms. Voigt stated PSJ did not review the last resolution before it was adopted and did not understand it was required to submit data after 30 days of every show. To meet this requirement during the show season is a burden that PSJ is asking relief from and requested to submit mutually agreed upon data annually by December 31<sup>st</sup>. Ms. Voigt stated that she would like to receive approval for the show schedule today and continue to work with staff to establish agreeable data with respect to production.

Mr. Roohr stated staff does not want to prevent the 2024 show schedule, but they also want some assurance that the information they need from PSJ will be received in a timely fashion since the 2023 deadline was previously missed. Mr. Roohr suggested the committee approve the April, May and June calendar dates conditioned on receipt of the requested data no later than June 1<sup>st</sup>. If that information is received by June 1<sup>st</sup> and it meets the criteria from 2023, the committee will then delegate approval of the remaining shows of the season to the executive director. If the information is not received by June 1<sup>st</sup> or is deemed unsatisfactory, then it can be brought to the committee at the June SADC meeting.

Secretary Wengryn asked if SADC is looking for the completion of last year's data or looking for data from 2024. Mr. Roohr stated that is the decision of the committee, but his thought was the 2023 data. Ms. Voigt explained that this data would have to cross-reference the names of over 4,000 horses to comply with this request and she would like to discuss the possibility of addressing the principle behind that request in an easier way. Ms. Voigt asked Mr. Roohr if he wanted to confirm that no horse was counted twice for a show's data. Mr. Roohr stated that was a major concern and if there is another way to meet the requirements of the committee, staff is open to other methods.

Mr. Kumpel stated he would like to make a motion to approve the April, May, and June shows and if the information is received by the date requested and deemed acceptable, the approval of the remainder of the season can be delegated. Secretary Wengryn stated that it's important to create a standard because there are similar operations occurring on preserved farms and it is necessary to have a baseline model across the industry for events like these.

Ms. Voigt asked the committee to consider if represented parties could receive copies of resolutions in advance. Ms. Payne stated that would be discussed in a closed session.

It was moved by Mr. Kumpel and seconded by Mr. Rosen to approve the April, May, and June calendar show dates for PSJ conditioned on receipt of the data previously requested no later than June 1<sup>st</sup>. The motion was unanimously approved.

## **2. Resolution: Review of Activities**

Canka Farms and Stables, LLC, SADC ID#15-0006-EP,  
Block 85, Lot 8, Plumsted Township, Ocean County 117.75 Easement Acres.

Mr. Roohr stated that Canka Farm and Stables is a 117-acre farm in Plumsted Township, Ocean County preserved with the county in 1996 by the Van Kirk family. At the time of preservation, the Van Kirks had developed the farm into a racehorse, stable and training facility and the crop fields at that time were used for hay and pasture. In 2020, the property was purchased by the LLC ; Boudin and Albert Canka are the principals of the company . After purchasing the farm in 2020, the Cankas entered into a lease agreement with Mr. Watkins of Green Cell Farms for the fields on the southern portion of the property. Green Cell Farm describes itself as a “regenerative organic vegetable, fruit, woody plant, and hemp farm”. In 2023, Green Cell planted a half-acre in vegetable and hemp and the remainder of the fields on the south side were harvested as hay or left fallow.

In early December 2023, the SADC began to receive anonymous calls about a large number of trucks dumping fill on the farm. SADC staff notified the CADB, and the CADB arranged a site visit on December 19 with Mr. Roohr, Mr. Clapp, several Ocean County staff, and board members, their attorney, members of the soil district, the owner and tenant. During the visit, staff observed approximately 6 inches of material containing a significant amount of stone, brick, concrete, asphalt, and other foreign objects, spread in a field. Mr. Watkins explained he spread the material for the purpose of establishing a clay base to which he would add manure, wood chips and hay to create a raised bed system to produce vegetables and hemp crops. Mr. Watkins also believes the material will neutralize pH, improve drainage, and create a barrier between the existing native soils. Mr. Roohr stated staff was advised that all the material came from a park development project located in Edison, NJ and was not applied under any

professionally prepared plan or guidance from an agricultural agency.

Mr. Roohr reviewed various photos of the farms with the committee showing the debris located in the pasture area and the driveway. There is also an 800-foot farm lane connecting to the back of the field that was once 12 to 15 feet wide and has been widened to 25 feet wide and ranges from 1 to 4 feet in height.

Mr. Roohr noted that after the December 19<sup>th</sup> site visit, staff advised the landowner to cease the importation of the material until the committee and CADB had a chance to review it, as it was unlikely that the activity would be found to be for an agricultural purpose. Material continued to be brought to the farm and on December 22<sup>nd</sup>, staff sent Green Cell Farms a notice of violation and a cease-and-desist letter.

Staff visited the farm again on January 25, 2024 with two committee members, a representative from DEP solid waste division, and Dr. Shaw, a former state soil scientist who was hired by the SADC to inspect the pasture field, to test the imported material and to determine the effects it may have had on the existing soil. The farm was found to be in the same condition as the December 2023 visit and, during the January 2024 visit the DEP issued two solid waste violations, one for importing solid waste and one for operating a solid waste facility without a permit.

Mr. Roohr stated that staff was also notified the farm was intending to offer firearms training on site and staff advised the owner that it would be a violation if he proceeded with that plan.

Mr. Watkins told staff he intended to use some of the debris to construct berms along the ditch to raise the area to help prevent flooding. Mr. Roohr stated it was raining during the January 2024 site visit and staff observation is that the pasture field is pitched towards the ditch with the water draining in that directions and gathering at the berms.

On February 1<sup>st</sup> the Ocean Count soil district issued a notice of violation to Canka Farms for failure to submit soil erosion and sediment control plans, as the activities on the property did not qualify for the ag exemption.

At the SADC's February 22, 2024 meeting, the committee decided the activities were not for agricultural purposes and determined the material had to be removed.

On February 26, 2024, staff conducted another site visit to inspect the northern side of the farm and observed unapproved ag labor housing consisting of multiple trailers. Staff also observed another driveway which had been widened and has approximately 15 piles of material which contain red shale and construction debris. There were also containers with steel high beams, equipment and other industrial metal items and two crane trucks labeled '786 Steel Company', a business owned by the Canka family, so it appeared the farm is used for storage for another family business.

Lastly, on the far side of the farm, a few hundred feet at the end of the driveway, there is a corner of the farm where there are walls of organic material which appear to be related to a shooting range. This area is not being farmed and it appears that the tenant is offering firearms training at the site for individuals to receive in field training for a concealed carry permit. The issue here is that and this part of the farm looks like it is being devoted to nonagricultural purposes.

During the site visit Mr. Roohr had asked Mr. Watkins about the purpose of the fill that was brought onto the north side of the farm. Mr. Watkins' stated it was not construction debris but instead was permissible material for use in agricultural operations confirmed by the county soil district. When asked about the steel and steel related equipment, Mr. Watkins replied that "the material, the equipment, and the crane trucks all belong to the Canka family and is being stored on the farm". When asked about the shooting range, Mr. Watkins responded "that the range is unsuitable for agriculture at this time and is being used for state police educational certifications."

Mr. Roohr stated the resolution presented today takes into consideration the committee members' comments and consensus from the February 2024 meeting and additional items staff has subsequently discovered. The fill on the north and south sides of the farm remain unchanged and constitute violations of paragraphs 1, 2, 5, 6 and 7 of the DOE. The shooting range and storage of the steel and steel equipment are considered non ag uses of the preserved farm and constitute violations of paragraphs 1, 2 and 3 of the DOE. The resolution states deposition of the waste material on both farm lanes violates the DOE, and the material from the lanes and the farm field needs to be removed and areas restored in accordance with an approved remediation plan. Staff recommends that the steel and steel-related items and equipment be removed from the farm within 30 days and that there be an immediate cessation of the use of the farm for firearms training.

Mr. Roohr stated he advised the owner of the agency's ag labor housing application and recommended the owner either immediately apply for ag labor housing or remove the trailers.

Mr. Roohr reiterated that the committee and staff are in no way opposed to new farming practices, as long as they are conducted in compliance with the deed of easement. That position is consistent with the decision the committee made when there was a request to conduct a hügelkultur operation on a preserved farm in 2020 .

Dr. Shaw's report states that the material brought in is more of a detriment than a positive. When Mr. Watkins was asked if there was a plan by NRCS, Rutgers or any entity as to how this material could be used, Mr. Watkins responded that his type of agriculture is new and advanced and that the NRCS and Rutgers are not equipped to give him advice. As such, there was no plan staff could review to justify how this practice improved the conditions on the farm, and based on staff's and the soil



scientist's observations, the importation of the material was not a net positive for farming activities. Staff recommendation is removal of the material and restoration in accordance with a plan that is deemed appropriate by staff. Mr. Roohr stated that Mr. Canka and Mr. Watkins are here today to address the committee.

Mr. Dan Watkins introduced himself and described his educational and career background. Mr. Watkins stated he started an agricultural company called Solcell in 2018 and started Green Cell in 2020. In 2021, he was hired as a chief growth officer for a 200-year-old, 7<sup>th</sup> generation organic farm called Hepworth farm. In 2021, Mr. Watkins stated he also decided to find other farms that were financially distressed and to do regenerative agriculture. Mr. Watkins stated that he leases land in Sussex, Morris, Bergen, Monmouth, Columbus, and Ocean Counties.

Mr. Watkins stated Mr. Canka purchased the farm for horses and leased it to boarders, trainers and other equine operations. Mr. Canka is a 7<sup>th</sup> generation cattle farmer from Italy and was involved in the steel industry. Mr. Watkins stated he has a small construction company that focuses on farmland development, particularly with greenhouses, and has spent the last 5 years building 20 to 30 greenhouses in 5 to 6 states in accordance with NRCS specifications. He stated that his specialty is conservation practices and regenerative agriculture which is using natural materials to better the production of food. He models this natural material food production off farming operations in Sweden and Canada, and stated that these market gardening models produce \$80,000 on a third of an acre of land a year.

In 2022, Mr. Watkins leased 60 acres from Canka Farms and started to convert pastureland which does not qualify for conservation practices under the USDA and NRCS programs, and started to plant vegetables, seeds, and grains. He said he recently started to register those crops and became part of a few stewardship programs, such as the Conservation Stewardship Program, where wild weeds, grass and flowers are taken care of in addition to birds, wildlife, turtles, and fish. According to Mr. Watkins, he spent a year and his own expenses and labor to produce 100 varieties of vegetables, fruits, wooded plants, and hemp. Mr. Watkins stated "the Hammonton soil basin is very very loose, very very low in nutrients, very good for drainage, but also very good for creating swampy conditions, not very good for leafy vegetables."

Mr. Watkins stated that in 2023 he produced over \$250,000 of production on over 2 acres in 4 months with no equipment. Mr. Watkins stated that the soil is great for cows, horses, grass, and growing things that put high levels of nitrogen back into the soil, but that it's not favorable to produce leafy vegetables or fruit and other vegetables. He said there was a need to augment the nature of the soil from a high pH and to add minerals. Mr. Watkins stated that the thought was to add clay to the soil and noted that Dr. Shaw's soil test validated that the clay added an extreme amount of potassium, phosphorus, sulfur, magnesium, zinc, and other minerals that did not exist there before. Mr. Watkins stated that the soil should last 30 to 40 years into the future for future farmers.

Mr. Watkins said there is no asphalt, brick or construction debris in the soil in the field. He stated there is asphalt, brick, and construction debris on the road because those materials are water soluble and permissible to use on the road as per the Ocean County soil district and the state soil district for exempt farming activities, and that the DOE states the grantor can maintain roads and tracks. Mr. Watkins said that his processing could create a million-dollar plot. He also said that he reviewed all the rules and there is nothing in the DOE telling him how to farm, but only reserving the rights on residential and commercial activities. He stated that he checked with the soil district and all the fields, the roads and high tunnels are in compliance with EQUIP and an agricultural management assistance (AMA) program.

Mr. Watkins stated the manure on the farm serves a regenerative purpose, but crops cannot be grown in manure or compost alone. Using clay with a high pH and mixing it with the manure, without having to import topsoil, creates a super healthy environment for plants to grow for years to come. Mr. Watkins stated that this was reported to the USDA, and he is now in the process of receiving \$300,000 in conservation assistance for irrigation, crops and 30,000 square feet of high tunnels because this practice works and is validated at the federal and national level.

Mr. Watkins explained his methods of farming include forming plant rows which are meant to be crossed by walking or stepping, not driving, and plant roots grow straight down so the soil needs to be loose. Once the rows are carved out, the manure is added and then maybe topsoil. Mr. Watkins gave an example that from germination to propagation a typical farmer would take 90 days to grow a full head of lettuce, whereas in his model he cuts the leaves three times in 45 days from the same seed. He argued that he outperforms every farm in the area with his 50 feet of crops. Mr. Watkins stated that his method of farming is an extremely efficient, organic, cheap, and regenerative form of agriculture.

Mr. Watkins stated that he spent 20 years doing federal level compliance and he doesn't believe any laws were broken and doesn't see why the SADC would enforce regulations on him, at his cost, going forward.

Mr. Watkins explained that the firing range is located near the police base, and that providing handgun training and certifications is a form of education and is not a business.

Mr. Watkins stated that it's very difficult to understand how the DOE applies to private property. He argued that he owns his property, and the SADC owns the rights to residential and commercial development on that property. He encouraged the SADC to talk to him to learn more about what he is doing as opposed to using incorrect verbiage and making assumptions.

Secretary Wengryn asked Mr. Watkins if he had the test results for the samples of the soil he brought onto the farm. Mr. Watkins said he did. Secretary Wengryn asked Mr.

Watkins if his soil is certified organic and if so, does the soil tests match with the soils that have been brought onto the farm. Mr. Watkins stated that as an operator on seven properties, he is in the process of converting this property from pastureland to agriculture and hasn't had the opportunity to plant on the land yet. He stated that the food must be produced to see if it is categorized as organic. Secretary Wengryn stated that this would be considered transitional to organic and would not be able to be marketed as organic. Mr. Watkins stated that his product is marketed as customer certified organic and not certified organic by USDA.

Mr. Rosen asked Mr. Watkins to discuss his cover crop plan and what cover crops he has planted up to this point. Mr. Watkins stated that 98% of his cover crop is hay. Mr. Rosen stated that in any regenerative practice hay is not considered a viable cover crop because it strips the land of nitrogen. Due to the many issues Mr. Watkins is facing, Mr. Rosen recommended that he introduce a cover cropping program such as Sudan grass, buckwheat, or clover and utilize it for at least three years to add nitrogen to the soil. Mr. Watkins stated that he has sunflowers that he will plant to grow around the area. Mr. Rosen stated that sunflowers won't provide much amendment as they have a short bloom cycle. Mr. Watkins stated that was Mr. Rosen's opinion.

Mr. Rosen informed Mr. Watkins that his (Mr. Rosen's) farm will be the only regenerative organic farm in the NJ that has been fully certified by the Rodale Institute and the only certified cidery and orchard in the United States. He stated that he spent 10 years building berms and swales and bringing in over 3,000 chickens to do pest management because he does not spray, all the pigs do the rooting because they don't till the soil, and the sheep, goats and cows do the weed management. Mr. Rosen stated that he has a fully integrated system of produce, orchards, and livestock and all his employees are formerly incarcerated men and women as well as veterans who have been marginalized. Mr. Rosen stated that there has been a workforce built around his program sourcing a lot of food deserts like Newark and Camden, so this is something that he takes very seriously.

Mr. Rosen agreed with Mr. Watkins about NJ having to provide more nutrient dense food, enlist proper employment practices, and being a steward of the land, but stated that he's struggling to understand Mr. Watkins's philosophical approach to these things. Mr. Rosen stated that Mr. Watkins is a part of a program that has been funded by NJ taxpayers that have elements of responsibility not just in farming practices and revenue streams but also in soil conservation. Mr. Rosen stated at the core of regenerative agriculture is the notion of restricting the amount of inputs coming in from other sources and by creating more nitrogen-enriched soil which allows microorganisms to thrive and creates more flavorful, nutrient dense food. Mr. Rosen applauds Mr. Watkins' goals, but he doesn't see evidence of restorative activity to grow food on the land.

Mr. Watkins stated that all the regulations that the SADC points out defaults to the NRCS conservation programs, and that the SADC did not see the conservation maps,

plans, certifications and proof that Green Cell did the conservation efforts to get the grant awards. He stated that all the pictures taken and shown at the meeting today were from December of 2023 when he ceased his farming operation to concentrate on landscaping and fixing road issues as required by the DOE. Mr. Rosen stated that the concerns are the fill that has been brought in from an outside source, the steel and steel equipment, the potentially uninhabitable trailers, the activity that is being done with the fill creating what seems to be a barrier to drainage. He suggested addressing the violations on the list. Mr. Watkins stated that the soil tests disprove violations.

Ms. Payne asked Mr. Watkins how many truckloads of fill came to the farm. Mr. Watkins stated that 30 or 40 trucks came. Ms. Payne asked if DEP has agreed to that number. Mr. Watkins stated that the DEP license carrier and the state park in Edison confirmed what was brought. Ms. Payne asked if Mr. Watkins knew who deposited the material on the farm. Mr. Watkins stated that he doesn't live on the farm but trusted the people who said they were going to bring it and spread it on the farm. He received the EPA documents, he personally inspected the soil, and it looked like beautiful soil.

Ms. Payne stated that the information provided to the SADC was a soil test but not documentation to verify if there was soil testing done for every load of material brought onto the farm. Mr. Watkins said that is not how the testing works and he's given the documentation to the SADC from the source.

Mr. Roohr stated that there are two types of soil testing. The first kind is where a sample is sent to Rutgers, and they test levels of the pH and other basic soil components, commonly referred to as a farmer's soil test. The soil testing results that were given to staff from Mr. Watkins labeled 'samples from Papianni Park in Edison' were the chemical analysis which a contractor would receive when transporting construction material to make sure the receiving location can accept the material. Staff understands that when a contractor properly disposes of material, this type of testing takes place and each truckload delivery comes with a bill of lading that states the material is clean. Mr. Roohr stated that staff was given only a chemical analysis and when they asked for more information, staff was told there was nothing else to give.

Mr. Schilling suggested walking through each violation. Mr. Roohr stated that the violations include dumping and depositing material in the field and the roadway not for agricultural purposes. Mr. Roohr stated these are violations of 1, 2, 5 and 7 of the DOE. He also cited violations of the ag labor housing requirements in the DOE and regulations. Secretary Wegryn asked Mr. Canka if he plans to apply to get approval for the ag labor housing. Mr. Canka stated he would sign an application today. Secretary Wegryn asked if the committee supports getting the application process started. The committee agreed that it would. Mr. Roohr stated that this is a county held easement so the process would start with the Ocean CADB first.

Ms. Payne asked Dr. Shaw and Mr. Clapp to speak more specifically on the findings from the soil samples of the material found in the field. Dr. Shaw stated that the native

soil is appropriately rated as prime farmland soil and categorized as sandy loam soil with some loamy sand and loam, and is a preferred soil for growing vegetables. Dr. Shaw noted the water table was approximately two feet under the surface. He stated the imported material's texture ranged from sandy loam to sandy clay loam which is firmer than the native soil and contributed to the ponding due to the water moving through slowly. The imported material falls into the 'very stony' class which will affect germination and contained a large amount of gravel, approximately 15%.

The material on the road contained a lot more artifacts than the field and, based on the USDA and NRCS's interpretation for road fill, the material would have failed for both the stones and boulders and the texture of sandy clay loam since it does not drain well for road fill. In reference to the nutrients in the soil deposited on the field, Dr. Shaw stated he sent three samples of the fill material and 3 samples of the native soil to Rutgers lab for soil testing and to an XRF lab which scans for trace metals like asphalt, copper, and zinc. The Rutgers soil test results showed the native soil was not deficient in anything and the red fill material was similar, with some nutrients being high and some being adequate; however, the material has a high pH above 8 and the added manure also has a high pH. The fill in the road has tons of asphalt and that should not be mixed with agriculture because it contains lead, arsenic and carcinogenic pHs.

Mr. Rosen asked if he found trace metals in the soil. Dr. Shaw stated the samples did not indicate anything of major concern. Mr. Bullock asked if the native soil was improved by this added material. Dr. Shaw stated that he did not see any benefit to the added material that was used on the farm as it serves as a semi-impermeable top barrier with no organic matter, structure or aggregation to assist with water movement. Secretary Wengryn asked if it would be beneficial to mix the manure that is on the farm with the fill material and the existing soil. Dr. Shaw stated that it would take time for the organic matter and the soil to combine to form the surface horizon.

Dr. Shaw stated it is important to know how deep the material would be because the root system would be confined to the red shale material. Mr. Watkins stated that would not happen because his technique is to layer and grade the material and aerate with a fork to allow for the drainage and the minerals to go into the soil. The manure would go on top of the material, aerated again, and then the walking rows would be established. Lastly, topsoil would be added and the planting begins. Mr. Watkins stated short leafy green vegetables like clay soil and don't like wet, swampy, sandy soil, and clay does have a way of retaining water which is a water conservation effort.

Secretary Wengryn stated that in relation to regenerative farming, he is trying to understand the effects to the natural environment if the added material is incorporated into the native soil. Mr. Watkins stated that evaluating the project now is premature and he needs time to finish. He stated that requesting him to stop because his method is considered nonagricultural is unfair, and he would like to come back in 3 months and give a presentation to the SADC once he's had a chance to complete the entire project.

Ms. Payne asked Mr. Watkins if he said he would be removing the rocks from the field. Mr. Watkins stated that was correct and those rocks would be used for other purposes. Ms. Payne asked him why he plans to move the rocks from the field. Mr. Watkins stated because they're difficult to fork through. Ms. Payne asked why Mr. Watkins would put material on a field and then have to go back and remove it. Mr. Watkins stated that he could have spent \$20,000 and ordered topsoil or he could have found a nice healthy park to get material from, which is what he did.

Ms. Payne stated there is a provision in the DOE which states that one cannot deposit waste materials on a farm in a manner that is inconsistent with any best management practice promulgated by the committee. Ms. Payne stated staff asked Mr. Watkins if he had a farm conservation plan that would help address this issue and that a plan was not furnished. Instead, there was a document given to staff from the USDA that did not address the placement of this material on the farm or the eventual use of this material. Ms. Payne stated that there were documents from the USDA that identifies highly erodible fields, which is unrelated, and potential grants for greenhouses.

Ms. Payne stated staff asked Mr. Watkins repeatedly if he has any documentation from Rutgers, NRCS or any other source to help staff understand his project and the answer so far has been 'no'. When asked if he did agronomic soil testing of this material before it was put on the field, the answer was 'no'. Mr. Watkins stated that was not his answer. Ms. Payne stated that it was. Mr. Watkins suggested going to court then because that was not true. Ms. Payne stated that she is presenting the facts for the committee so they are aware of what staff has done to try and understand Mr. Watkins's project. Mr. Watkins stated that those were not facts, but rather her opinion. Ms. Payne stated that the information provided to staff by Mr. Watkins and the site visits do not add up to any evidence supporting his claims.

Ms. Payne asked Mr. Watkins if he received compensation for the material imported to the property. Mr. Watkins stated that he did not receive compensation and that it cost him thousands of dollars to receive it. Ms. Payne asked Mr. Watkins whether, if someone was trying to get rid of this material from North Jersey and bring it to him, they would have to pay transportation costs. He stated that there is a big program in NY to use what would be considered construction debris, but he calls it excavation earth. Based on the DEP license carrier's representation, Mr. Watkins believed this material was good to use to start the process of stabilizing the beds and continuing to conserve soil and water. He stated that staff continues to say that his claims about the USDA and the NRCS are irrelevant or inconsequential to this discussion; however, they are the basis of all conservation efforts. Mr. Watkins stated that his operation is in the conservation program to save water and save soil and he doesn't know what the problem is.

Mr. Rosen asked Mr. Watkins if he had bills of lading on the file that has been brought to his farm, showing that a transport company brought each load from a specific site. Mr. Watkins stated he has the EPA test and documentation from a DEP licensed

carrier. Mr. Rosen stated he is not asking if there is a DEP record for a park in Edison having acceptable material, rather he is asking if Mr. Watkins, as a receiver of fill, has any evidence that all the material comes from that site and exactly how much was brought in from that site. Mr. Watkins stated that he has given the evidence to staff, but that staff does not accept it.

Mr. Clapp asked Mr. Watkins if he has federal NRCS contracts on the Canka farm that have been signed and approved. Mr. Watkins stated that he has provided them to staff. Mr. Clapp stated that they were not received as far as he is aware. Mr. Watkins stated that the documents were labeled AD1026 which is a certification that starts with his lease that he must sign every year. Mr. Clapp stated that he received those but asked Mr. Watkins if he received an actual contract, such as EQUIP, AMA or CSP, from the NRCS that was signed and approved. Mr. Watkins stated that he has. Mr. Clapp stated that the staff has not received them.

Mr. Clapp stated that a farm conservation plan is typically written and developed as part of the contracting process for an EQUIP, AMA, CSP or just in general for a farm that requests them. Mr. Clapp stated that the plan is a list of management decisions that the NRCS vetted with the landowner and are typically signed by the soil conservation district, the landowner and the NRCS.

Mr. Clapp asked Mr. Watkins if he had a farm conservation plan signed by the NRCS for this farm. Mr. Watkins stated the applications have been submitted and the contracts are pending. Mr. Clapp again asked if Mr. Watkins has a signed conservation plan from NRCS. Mr. Watkins answered, "I guess so". Secretary Wengryn stated that a copy of the application would show that Mr. Watkins is moving forward with the process. Mr. Clapp stated that the staff does not have an application. Mr. Clapp suggested that the committee could request permission from Mr. Watkins to speak directly with the NRCS to verify Mr. Watkins's statements to the Committee. Mr. Clapp stated that approvals would have to be made in writing, and Mr. Watkins stated that he would provide such approvals.

Mr. Rosen asked that the gun range be addressed. Secretary Wengryn asked Mr. Watkins if he collects fees from hosting the gun range or is the training free of charge. Mr. Watkins stated that he doesn't collect fees, but there are instructors who collect fees. Mr. Watkins stated that he is an instructor, but he doesn't do the certifications.

Mr. Rosen stated that all activities on preserved land must have connectivity to agricultural activity. Mr. Rosen stated that the committee is trying to figure out if the gun range is a separate revenue stream that is disconnected from the agricultural operation. Mr. Watkins stated that the DOE that was written in 1985 provides that if recreational activities are taking place on the farm and doesn't interfere with agricultural production, then it is permissible, and getting into the weeds of what the educational content is and how much money is being made is a Treasury discussion.

Mr. Norz suggested approving the resolution as presented and including a provision that Mr. Watkins needs to produce the necessary documents to SADC staff.

It was moved by Mr. Norz and seconded by Mr. Ellis to approve Resolution FY2024R3(3) as presented and provide Mr. Watkins an opportunity to submit the necessary information to SADC staff. A roll call vote was taken. The motion was unanimously approved.

### **Public Comment**

Ms. Patricia Springwell suggested helping distressed farmers with subsidies and more guidance from regenerative experts. She commented that the PSJ's equine program is wonderful and it's great that PSJ remediated the farm, but the reason that PSJ is receiving so much scrutiny is due to excessive disturbance of the soil in the past.

Ms. Springwell commented on the Soil Protection Standards and stated that it's unacceptable to allow 12% of coverage to be allowed on preserved lands. She acknowledged that things are changing in the world such as economics, climate, and culture, but one thing that will not change is the amount of fertile soil on the earth. She pleaded with SADC not to destroy the earth for greed, but instead allow it to provide nutritional needs.

Ms. Uttal read a public comment to the board from Christina, Project Coordinator of Operation and Diversification, from 360EarthWorks, which states:

'Being an advocate of soil protection and land restoration I am grateful to learn about Ed's long history and dedication to agriculture in the garden state. This new era of leadership addressing farm viability offers hope for soil protection. The standards seem like a spark plug for farm stewardship and continuing education on how much we do not know about the difference between dirt and soil with regards to the crucial role that soil biology plays in viability. A partnership between NOFA NJ and the Highlands Council will fund farm trials on a 160-acre organic farm in Hunterdon County to investigate why soils designated as prime are no longer productive without costly amounts of inputs. We will be accelerating our outreach and education efforts to share what we learned from experience soil and pasture consultants on what it will take to restore soil to its original viability.

### **New Business**

Note: Secretary Wengryn and Ms. Procida left the meeting. Mr. Ellis is serving as acting Chairman for the duration of the meeting.

### **Stewardship**

- 1. Resolution: Agricultural Labor Housing**  
VGF Group, LLC, SADC ID#03-0121-EP



Block 302, Lots 6.01 and 31, Chesterfield Township, Burlington County, 79.729 acres.

Mr. Willmott stated the farm is located in Chesterfield Township, Burlington County and was preserved in 2001. It consists of approximately 80 acres in diversified vegetables. The farm currently has one approved agricultural labor unit, and in November 2023 the landowner submitted an application requesting two additional trailers to house more laborers needed for the agricultural operation. There will be a total of 11 laborers residing in the two trailers during the months of June through October. He reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Bullock and seconded by Mr. Norz to approve Resolution FY2024R3(4) granting final approval, as presented, subject to any condition of said resolution.

VGF Group, LLC, SADC ID#03-0121-EP, FY2024R3(4), Block 302, Lots 6.01 and 31, Chesterfield Township, Burlington County, 79.729 acres.

The motion was unanimously approved. A copy of Resolutions FY2024R3(4) is attached to and a part of these minutes.

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

Ms. Roberts referred the committee to two requests for final approval for the County PIG program. She reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Norz to approve Resolution FY2024R3(5) granting final approval, as presented, subject to any condition of said resolution.

1. James and Lisa Durr, SADC ID#03-0450-PG, FY2024R3(5), Block 400, Lots 12,14,42,43 and 44, North Hanover Township, Burlington County, 97.9 gross acres.

The motion was unanimously approved. A copy of Resolution FY2024R3(5) is attached to and a part of these minutes.

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve Resolution FY2024R3(6) granting final approval, as presented, subject to any condition of said resolution.

2. Russo's Fruit and Vegetable Farm, Inc., SADC ID#03-0449-PG, FY2024R3(6), Block 1201, Lot 15.01, Tabernacle Township, Burlington County, 156 gross acres.

The motion was unanimously approved. A copy of Resolution FY2024R3(6) is attached to and a part of these minutes.

### **Resolutions: Final Approval – Municipal PIG Program**

Ms. Mazella referred the committee to one request for final approval for the Municipal PIG program. She reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Norz to approve Resolution FY2024R3(7) granting final approval, as presented, subject to any condition of said resolution.

1. Richard & Mary Miller and Abner Glick, SADC ID#17-0256-PG, FY2024R3(7), Block 78, Lot 30, Pilesgrove Township, Salem County, 43 gross acres.

The motion was unanimously approved. A copy of Resolution FY2024R3(7) is attached to and a part of these minutes.

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

**SADC Regular Meeting:** 9 A.M., April 25, 2024

Location: 200 Riverview Plaza  
Trenton, NJ

### **CLOSED SESSION**

At 2:33 p.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss SADCs fee simple and direct easement application of the properties throughout the state, for advice from the Attorney General's Office regarding the appeal of SADC Resolution FY2015R12(2) and to discuss any matters under N.J.S.A. 10:4-12(b) that have arose during the public portion of the meeting. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Kumpel and seconded by Mr. Shilling to go into closed session. The motion was unanimously approved.

### **Action as a Result of Closed Session**

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve the certifications of values that were discussed during closed session. The motion was unanimously approved.

**ADJOURNMENT**

The meeting was adjourned at 3:34 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne".

Susan E. Payne, Executive Director  
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Agricultural Mediation Program Rules**

**Adopted Amendments: N.J.A.C. 2:76-18.2 and 18.10**

Proposed: December 18, 2023 at 55 N.J.R. 2449(a).

Adopted: March , 2024 by the State Agriculture Development Committee, Susan E. Payne, Executive Director

Filed: , 2024, as R.\_\_\_\_, d.\_\_\_\_ **without change.**

Authority: N.J.S.A. 4:1C-5f.

Effective Date:\_\_\_\_\_, 2024.

Expiration Date: \_\_\_\_\_, 2031.

**Summary** of Public Comment and Agency Response: In response to the notice of proposed amendments to N.J.A.C. 2:76-18.2 and 18.10, the State Agriculture Development Committee ("SADC") received comments from a Jean Public.

COMMENT: Jean Public opposes the amendments, contending that the mediation program is not fair and balanced because the mediators are all farmers. She stated that no additional types of cases should be heard by the program and no further training should be required.

RESPONSE: The SADC respectfully disagrees. None of the program mediators are engaged in farming, but rather come from diverse and relevant backgrounds which may help parties to voluntarily settle agricultural-related disputes. The amendments allowing additional types of cases to be mediated ultimately

contribute to the viability of New Jersey agriculture. The continuing annual training requirement established in the adopted amendments to N.J.A.C. 2:76-18.10 will improve a mediator's skills to help the parties amicably resolve disputes.

#### **Federal Standards Statement**

The SADC has determined that the adopted amendments do not contain any standards or requirements that exceed the standards and requirements imposed by federal law. The required annual federal certification of the program by the U.S. Department of Agriculture Farm Services Agency allows the SADC to obtain partial reimbursement of the expenses incurred by the state program provided the program remains in compliance with Federal financial management and reporting requirements. These amendments to program rules are authorized by the federal Agriculture Improvement Act of 2018, Pub. L. 115-334.

**Full text** of the adoption follows:

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Proposed Amendments: N.J.A.C. 2:76-18.2 and N.J.A.C. 2:76-18.10**

Authorized by: State Agriculture Development Committee,  
Susan E. Payne, Executive Director

Authority: N.J.S.A. 4:1C-5f.

Calendar Reference: See Summary below for explanation of  
exception to calendar requirement.

Proposal Number: PRN-\_\_\_\_\_

Submit written comments by \_\_\_\_\_, 2023 to:

Susan E. Payne, Executive Director  
State Agriculture Development Committee  
P.O. Box 330

Trenton, NJ 08625-0330

or through email: [SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)

The agency proposal follows:

**Summary**

The State Agriculture Development Committee (SADC) administers the New Jersey agriculture mediation program as set forth in N.J.A.C. 2:76-18.1, et seq. The state program provides a voluntary and cost-free opportunity for parties to mediate agriculture-related disputes before an SADC-certified mediator.

The U.S. Department of Agriculture, Farm Services Agency (USDA-FSA) has been annually certifying New Jersey's mediation program since the program's inception in 2000 in accordance with

federal agricultural mediation program rules at 7 C.F.R. 785. Federal certification of New Jersey's program allows the state to receive USDA-FSA grant funding to cover part of the state mediation program's annual administrative costs and expenses.

The SADC proposes to amend N.J.A.C. 2:76-18.2 to clarify and expand the types of disputes which may be mediated under the state program. The mediation of the additional disputes set forth in the proposed amendments was authorized by the federal Agriculture Improvement Act of 2018, Pub. L. 115-334 (commonly known as the 2018 Farm Bill). No changes are proposed to the existing list of issues subject to mediation: nuisance allegations; wetlands determinations; compliance with farm programs, including conservation; agricultural credit; rural loan programs; and pesticides.

The proposed amendments clarify that mediation is available for disputes regarding activities addressed in the Right to Farm Act, N.J.S.A. 4:1C-1, et seq., as well as other matters that could affect a farm's agricultural productivity or viability; conflicts between farmers and neighbors or other persons, and conflicts between farmers and local government entities; agricultural lease issues; family farm transition disputes; any issues authorized for mediation by federal agricultural laws or regulations; and such other issues determined by the New Jersey Secretary of Agriculture as appropriate in order to serve the agricultural community.

N.J.A.C. 2:76-18.10 governs the annual renewal of mediator certification for the state program. The rules currently require a minimum of 18 hours of core mediator knowledge skills and training in order for a mediator to qualify for SADC certification [N.J.A.C. 2:76-18.3(b)] but do not include a continuing training requirement. The proposed amendment requires that, in order for mediators to remain eligible to hear disputes under the state program, mediators must complete annually four (4) hours of continuing education relating to at least one of the following: mediation and negotiation concepts and skills; other professional matters related to mediation such as ethical issues, case management skills, conflict management and communication skills, and mediation in virtual or hybrid settings; knowledge of agricultural topics appropriate for the state program; and mediation topics covered in a continuing training satisfying R. 1:40-12(b). The annual training can be in-person or virtual.

As the SADC has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed rules will have a positive social impact. Under the proposed amendment to N.J.A.C. 2:76-18.2, the agriculture



community and affected parties will be able to voluntarily mediate additional issues. Voluntary mediation is a favored public policy, and the increased ability of New Jersey farmers to resolve disputes, without the delays, costs and risks of litigation, ultimately contributes to the viability of New Jersey agriculture. The continuing training requirement established in the proposed amendment to N.J.A.C. 2:76-18.10 will further increase a certified mediator's skills, knowledge and ability to help the parties amicably resolve their agriculture-related disputes.

#### **Economic Impact**

The proposed new rules will have a positive impact upon the State economy by expanding a program that encourages and assists parties to resolve agriculture-related events in a confidential and cost-efficient manner, instead of resorting to litigation or the formal complaint and public hearing process established in the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. It is anticipated that the proposed amendment allowing additional issues to be mediated, including those issues the Secretary of Agriculture considers appropriate for better serving the State agricultural community, will contribute to the general economic health and productivity in the State.

### **Federal Standards Statement**

The Committee has determined that the proposed new rules do not contain any standards or requirements that exceed the standards and requirements imposed by federal law. Annual federal certification allows the SADC to obtain partial reimbursement of the expenses incurred by the state program, provided it remains in compliance with Federal financial management and reporting requirements. The proposed amendments to the state agriculture mediation program rules are authorized by the federal Agriculture Improvement Act of 2018, Pub. L. 115-334.

### **Jobs Impact**

The proposed amendments are not expected to result in the generation or loss of jobs in the State.

### **Agriculture Industry Impact**

The proposed amendments will have a positive impact on the agriculture industry by expanding the list of cases that can be mediated, encouraging an alternate dispute resolution process that can save parties the time, expense and risk of litigation, and promoting trust in the mediation process by ensuring that mediators maintain their qualifications.

### **Regulatory Flexibility Statement**

The proposed amendment to N.J.A.C. 2:76-18.10 establishes a continuing education requirement for the currently nine (9) state program mediators, some of whom may be considered small businesses as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The additional recordkeeping, reporting and compliance requirements are minimal and should not impose an undue burden upon persons who have elected to become state program mediators. The four (4)-hour annual continuing education requirement in the proposed rule also aligns with that in R. 1:40-12(b)2 for certified mediators in the state's court system. Several of the current SADC-certified mediators are practicing New Jersey attorneys who are already subject to mandatory continuing legal education requirements, including credit offerings for completion of mediation training. Agriculture mediators must maintain their qualifications in order to be certified by the Committee and to effectively discharge their responsibilities under the state program; accordingly, no exceptions to the continuing education requirement can be made for small businesses.

### **Housing Affordability Impact Analysis**

SADC does not anticipate that the proposed amendments will have any impact on housing affordability. Because the proposed

amendments concern expanding mediation for agriculture-related issues and continuing education for the certified mediators.

#### **Smart Growth Development Impact Analysis**

The proposed amendments will potentially have a positive impact on Smart Growth by providing for the mediation of additional types of disputes which may help retain and increase the economic viability of farms located in PA-4 and PA-5. The proposed amendments will not have an impact on PA-1 and PA-2.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The SADC has evaluated the proposed amendments and determined that it will not have an impact on pretrial detention, sentencing, probation or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full** text of the proposed amendments follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 18. AGRICULTURAL MEDIATION PROGRAM

### 2:76-18.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

. . .

"Dispute" means a disagreement between two or more parties who perceive incompatible goals and/or interference from the other party in achieving their goals with respect to one or more of the following issues:

- 1.-5. (No change).
6. Pesticides; [or]
7. As concerns activities as addressed in [N.J.S.A. 4:1C-9] the Right to Farm Act, N.J.S.A. 4:1C-1, et seq., and disputes or other matters that could adversely affect a farm's agricultural productivity or viability;
8. Farmer-neighbor disputes - including issues between a farmer and neighbor; issues between a farmer and local government entity;
9. Lease disputes - including issues related to leasing land, equipment, livestock, storage facilities, farm buildings, solar energy generation facilities, and other farm related items;

10. Farm transition matters - including transfer and succession issues within a family; between a family, person, or entity and an unrelated person, family, or entity; or that occur prior to, during, or after a farm transition planning or implementation process;
11. Any issues authorized for mediation by federal agricultural laws or regulations; or
12. Such other issues as the Secretary of Agriculture considers appropriate for better serving the agricultural community and persons eligible for mediation.

**2:76-18.10 Annual renewal of mediator certification**

(a) The Committee shall annually review and renew the certificates of certified mediators to insure satisfactory performance of mediation responsibilities **and completion of continued training** by June 30th of each year.

1. In order to have his or her certification renewed, a certified mediator, if assigned a case(s) during the fiscal year, must have satisfied the requirements of this subchapter, **and must have completed continued training pursuant to (c) below.**

2. If a certified agricultural mediator has not been assigned a case(s) during the fiscal year, his or her certification shall be renewed, **provided they have completed continued training pursuant to (c) below.**

(b) (No change).

(c) Continuing training. Commencing in the year following certification as an agricultural mediator, all mediators shall annually complete, in-person or in a virtual setting, four hours of continued training and shall file with the Committee, as appropriate, an annual certification of compliance. This requirement shall be deemed satisfied if the continued training reinforces and/or enhances at least one of the following:

1. Mediation and negotiation concepts and skills;
2. Other professional matters related to mediation, including ethical issues associated with mediation practice; case management skills; conflict management and communication skills; how to conduct mediation in a virtual or hybrid setting; or other matters;

3. Knowledge of agricultural topic areas appropriate to the Agricultural Mediation Program; and

4. Mediation topics covered in a continuing training that satisfies the requirements under N.J. Court Rule 1:40-12(b).



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Agricultural Management Practices: Generally Accepted Operations  
and Practices**

**Adopted Amendments: N.J.A.C. 2:76-2A.5, 2A.6, 2A.8 and 2A.9**

Proposed: December 18, 2023 at 55 N.J.R. 2447(a)

Adopted: March , 2024 by the State Agriculture Development  
Committee, Susan E. Payne, Executive Director

Filed: , 2024, as R.\_\_\_\_\_, d.\_\_\_\_\_, **without change.**

Authority: N.J.S.A. 4:1C-5f.

Effective Date:\_\_\_\_\_, 2024.

Expiration Date:\_\_\_\_\_, 2031.

**Summary** of Public Comment and Agency Response: In response to the notice of proposed amendments to N.J.A.C. 2:76-2A.5, 2A.6, 2A.8 and 2A.9, the State Agriculture Development Committee ("SADC") received two comments from a Jean Public.

COMMENT: Jean Public commented about the state's deer population and efforts by the New Jersey Fish and Game Council to control it.

RESPONSE: The adopted amendments update four Agricultural Management Practices ("AMPs"), including fencing installation for wildlife control (N.J.A.C. 2:76-2A.9). The AMPs establish recommended practices that, if complied with, provide eligible commercial farms protection from unduly restrictive municipal and public and private nuisance claims under the Right to Farm

Act, N.J.S.A. 4:1C-1, et seq. The adopted amendments, including the fencing installation AMP, are unrelated to any policy or activity of the New Jersey Fish and Game Council.

COMMENT: Jean Public commented that she opposes all of the AMP rule amendments because they improperly favor the New Jersey agricultural industry to the detriment of other state residents and the environment. She specifically opposes the on-farm composting operation AMP (N.J.A.C. 2:76-2A.8), allowing for the composting of slaughter waste, because she feels that the public's eating habits should be adjusted so that the slaughter of animals would be unnecessary. She also expressed opposition to the commercial tree fruit production AMP (N.J.A.C. 2:76-2A.6) because of concerns over the toxicity of chemicals used in agriculture.

RESPONSE: The SADC respectfully disagrees. The proposed amendments update existing AMPs recommended by the SADC by which commercial agricultural operations may be eligible for Right to Farm Act protection. The concerns raised by the commenter about the on-farm composting and tree fruit productions AMPs are beyond the scope of the proposed rules.

### **Federal Standards Statement**

The SADC has determined that the adopted amendments do not contain any standards or requirements that exceed the standards and requirements imposed by federal law.

**Full text** of the adoption follows:

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Agricultural Management Practices: Generally Accepted Operations  
and Practices**

**Proposed Amendments: N.J.A.C. 2:76-2A.5, 2A.6, 2A.8 and 2A.9**

Authorized by: State Agriculture Development Committee, Susan  
E. Payne, Executive Director

Authority: N.J.S.A. 4:1C-5f.

Calendar Reference: See Summary below for explanation of  
exception to calendar requirement.

Proposal Number: PRN-\_\_\_\_\_

Submit written comments by \_\_\_\_\_, 202\_\_ to:

Susan E. Payne, Executive Director

State Agriculture Development Committee

P.O. Box 330

Trenton, NJ 08625-0330

or through email: [SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)

The agency proposal follows:

**Summary**

The Right to Farm Act, N.J.S.A. 4:1C-1, et seq.(Act),  
affords protection to an eligible commercial farm from unduly  
restrictive municipal regulations, and with an irrebuttable  
presumption that the commercial agricultural operation, activity  
or structure is not a public or private nuisance, provided the

farm conforms to recommended agricultural management practices(AMPs)in regulations adopted by the State Agriculture Development Committee (SADC). See N.J.S.A. 4:1C-9 and 10, respectively. This proposal seeks to update and amend four (4) specific AMPs addressing commercial vegetable production (N.J.A.C. 2:76-2A.5); commercial tree fruit production (N.J.A.C. 2:76-2A.6); on-farm composting operations (N.J.A.C. 2:76-2A.8) and fencing installation for wildlife control (N.J.A.C. 2:76-2A.9).

The AMPs proposed to be amended incorporate by reference publications by Rutgers Cooperative Extension (Rutgers) and a Natural Resource, Agriculture and National Engineering Service (NRAES)field guide. NRAES is a nonprofit program sponsored by eight land grant universities in the eastern United States dedicated to increasing the public availability of research on various agricultural activities and farming methods.

The proposed amendments correct out-of-date information about these publications, such as the name of the current version, regulatory citations, factsheet numbers, and where the publications can now be obtained by the public. In addition, three (3) of the proposed amendments allow for the automatic incorporation of future versions of the publications by reference, as permitted by N.J.A.C. 1:30-2.2.

The proposed amendment to N.J.A.C. 2:76-2A.8 makes the composting of slaughter waste on commercial farms eligible for the Act's protections, provided the activity is consistent with the published Rutgers recommended practices. In addition, the composting activities must be managed to minimize objectionable odors.

As the Committee has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.S.A. 1:30-3.3(a)5.

#### **Social Impact**

The proposed updates and amendments to N.J.A.C. 2:76-2A.5, 2A.6, 2A.8 and 2A.9 will provide significant social benefits. The utilization by commercial farmers of updated agricultural management practices can minimize the potential for conflicts with neighbors and local government officials over the operation of the farm. The proposed amendments will also have a positive social impact by continuing to make commercial farms eligible for protection under the Act, thus helping maintain the viability of New Jersey's agricultural operations.

#### **Economic Impact**

The proposed amendments to the rules establishing commercial vegetable production, commercial tree fruit production and fencing installation for wildlife control AMPs

will have a positive impact on the State economy by promoting the continued implementation of these updated generally accepted agriculture practices, which will enhance the viability of agriculture throughout the State. The amendments may also help reduce the expense involved in resolving disputes in non-Right to Farm Act proceedings when parties are aggrieved by commercial farm operators' practices which conform to the AMPs to be updated by these amendments.

The proposed amendment to the AMP for on-farm composting operations, N.J.A.C. 2:76-2A.8, permitting the composting of livestock mortalities and slaughter waste on a farm, may have a positive economic impact upon both farmers and consumers. During recent years there has been a sharp decline in the number of butcher and slaughter plants in New Jersey. The loss and consolidation of such slaughtering facilities has impacted the ability of state livestock farmers to economically process meat. On-farm, small-scale slaughter facilities and mobile units will allow farmers to process their animals and bring meat products to market. Rather than paying fees to a rendering company to dispose of slaughter residuals processed on the farm, under the updated AMP this material can be composted on a farm more efficiently, responsibly and economically, resulting in benefits to both farmers and consumers.

### **Federal Standards Statement**

A Federal standards analysis is not required because the subject matter of the proposed amendments are governed by the Act and does not contain standards or requirements that exceed those imposed by Federal law.

### **Jobs Impact**

The proposed amendments are not expected to result in the generation or loss of jobs in the State.

### **Agriculture Industry Impact**

For the reasons set forth in the Summary and Social Impact statements above, the proposed amendments will have a positive impact on the agriculture industry. In addition, the proposed amendments will help commercial farmers engage in best farming practices that can lead to more efficient, cost-effective agricultural operations.

### **Regulatory Flexibility Statement**

The proposed amendments impose no reporting, recordkeeping, or other compliance requirements upon small business, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq.

### **Housing Affordability Impact Analysis**

SADC does not anticipate that the proposed amendments will have any impact on housing affordability.





Recommendations, **2022/2023" as amended and supplemented**, [as] to **be** the commercial vegetable production agricultural management practice, subject to the modifications as stated in (c) below.

(b) [The Rutgers Cooperative Extension will revise its publication annually to include new information. The adoption and incorporation by reference in (a) above does not include future supplements and amendments.] **The "Mid Atlantic Commercial Vegetable Production Recommendations, 2022/2023" is available on the Rutgers Cooperative Extension website at <http://njaes.rutgers.edu/pubs/>.**

(c) The recommendations concerning sewage sludge addressed by the "[2000] **Mid Atlantic Commercial Vegetable Production Recommendations, 2022/2023"** in the section entitled "Sewage Sludge"[,] or any other section, are excluded from the commercial vegetable production agricultural management practice. **The application of sewage sludge/biosolids to soils used for vegetable production is not a recommended agricultural management practice.**

[(d) Copies of the "2000 Commercial Vegetable Production Recommendations" may be purchased from Rutgers, The State

University of New Jersey, Publications Distribution Center, RCE,  
Cook College, 57 Dudley Road, New Brunswick, NJ 08901-8520.]

2:76-2A.6                      Commercial tree fruit production  
   agricultural management practice

(a) Pursuant to the authority of N.J.A.C. 1:30-2.2, the State Agriculture Development Committee hereby adopts and incorporates by reference the Rutgers Cooperative Extension "**2021/2022** New Jersey Commercial Tree Fruit Production Guide [2000]", **as amended and supplemented**, [as] **to be** the commercial tree fruit production agricultural management practice.

(b) Rutgers Cooperative Extension will update its publication as changes in **pesticide and chemical** labels and restrictions warrant. [The adoption and incorporation by reference in (a) above does not include future supplements and amendments.]

(c) [Copies of the "New Jersey Commercial Tree Fruit Production Guide 2000" may be purchased from Rutgers, The State University of New Jersey, Publications Distribution Center, RCE, Cook College, 57 Dudley Road, New Brunswick, NJ 08901-8520. In addition, the publication is available free of charge on the Rutgers Cooperative Extension site on the World Wide Web at <http://www.rce.rutgers.edu>.] **The "2021/2022 New Jersey Commercial Tree Fruit Production Guide" is available on the Rutgers Cooperative Extension website at <http://njaes.rutgers.edu/pubs/>.**

2:76-2A.8 Agricultural management practice for on-farm compost operations

(a) Pursuant to the authority of N.J.A.C. 1:30-2.2, the State Agriculture Development Committee hereby adopts and incorporates by reference the Natural Resource, Agriculture, and Engineering Service's "Field Guide to On-Farm Composting," NRAES-114, **as amended and supplemented, and the Rutgers Cooperative Extension Bulletin E347, "Livestock Mortality and Butcher Waste Composting: Rutgers Recommended Practices", as amended and supplemented,** as the agricultural management practice for on-farm compost operations operating on commercial farms, provided that:

1. Biosolids, including sludge derived materials, paper sludge, cotton sludge, [slaughter wastes,] and solid wastes subject to regulation under N.J.A.C. 7:26 are not part of the compost mixture;
2. [1]The finished compost product is not distributed or sold to off-farm users, except as set forth in N.J.A.C. 2:76-2B.3(b)3;
3. [2]The production or use of compost on a commercial farm is in accordance with the requirements of the Water

Pollution Control Act, N.J.S.A. 58:10-1 et seq., N.J.A.C. 7:26A, N.J.A.C. 7:14A and this section;

4. [3]Only finished compost meeting the product quality criteria at N.J.A.C. 7:26A-4.5(b) shall be land applied to commercial farms; [and]
5. The location of compost areas and the land application of compost to commercial farms shall be in conjunction with and conform to a farm conservation plan **and a comprehensive nutrient management plan** prepared by the United States Department of Agriculture-Natural Resources Conservation Service [(USDA NRCS) **or a technical service provider** and approved by the Soil Conservation District; and
6. When livestock mortality and butcher waste are used as part of the compost mixture:
  - i. The livestock mortality and butcher waste shall have been generated on the commercial farm; and
  - ii. The on-farm composting activities shall be managed to minimize objectionable odors.
    - (1) The activities shall be in conjunction with and conform to a farm conservation plan that

meets the planning criteria for odor resource concerns;

(2) As measured at the property lines of the commercial farm, odor related to the activities shall not be greater than "2--Light" as set forth in the odor intensity scale of the Air Pollution Investigation Guidelines published by the New Jersey Department of Environment Protection at 39 N.J.R. 3999(c).

7. [4]The recommendations concerning local ordinances in the "Livestock Mortality and Butcher Waste Composting: Rutgers Recommended Practices" in the section entitled "Best Management Practices: Burial of Normal Mortalities" are excluded from this agricultural management practice for on-farm compost operations on commercial farms.

(b) Within one year of the start-up of the composting operation, commercial farm operators shall attend a composting course sponsored by the Rutgers Extension County Agricultural or Resource Management Agents or other courses approved by the New Jersey Department of Environmental Protection.

(c) [Copies of ]The "Field Guide to On-Farm Composting" is available on the Cornell University Library eCommons website at

<https://ecommons.cornell.edu/handle/1813/67148>. [may be purchased from the Natural Resource, Agriculture and Engineering Service, Cooperative Extension, 152 Riley Robb Hall, Ithaca NY 14853 5701. Purchasing information is also available on the Natural Resource, Agriculture, and Engineering Service's site on the World Wide Web at <http://www.NRAES.ORG>.]

**(d) The "Livestock Mortality and Butcher Waste Composting: Rutgers Recommended Practices" is available on the Rutgers Cooperative Extension Website at <http://njaes.rutgers.edu/pubs/>.**

**2:76-2A.9            Fencing installation agricultural management practice for wildlife control**

(a) The installation of fencing on farmland for protection against wildlife damage shall be a generally accepted agricultural management practice recommended by the Committee.

1. The installation of fencing on farmland for protection against wildlife damage shall be performed in accordance with the following:

i. With respect to high-tensile woven wire fencing, the Rutgers Cooperative Extension publication entitled "High-Tensile Woven Wire Fences for Reducing Wildlife Damage," FS 8[XX]89, which the State Agriculture Development Committee hereby adopts and incorporates

by reference, as amended and supplemented, pursuant to N.J.A.C. 1:30-2.2[;]. **This publication is available on the Rutgers Cooperative Extension website at <http://njaes.rutgers.edu/pubs/>;**

ii. With respect to electric fencing, the Rutgers Cooperative Extension publication entitled "Vertical Seven-Wire Deer Control Fence," FS151, which the State Agriculture Development Committee hereby adopts and incorporates by reference, as amended and supplemented, pursuant to N.J.A.C. 1:30-2.2[;]. **This publication is available from the Rutgers Cooperative Extension, Department of Agricultural and Natural Resources, 88 Lipman Dr., New Brunswick, NJ 08901;**

iii. With respect to portable electric fencing, the Rutgers Cooperative Extension publication entitled "Portable Electric Fencing for Preventing Wildlife Damage", FS888, which the State Agriculture Development Committee hereby adopts and incorporates by reference, as amended and supplemented, pursuant to N.J.A.C. 1:30-2.2. This publication is available on the [Rutgers Cooperative Extension website at <http://njaes.rutgers.edu/pubs/>] **State Agriculture Development Committee website at <http://nj.gov/agriculture/sadc>; and**



[iii]iv. (No change to text.)

2. Pursuant to N.J.S.A. 4:1C-9, N.J.A.C. 2:76-2.3[, ] and **N.J.A.C. 2:76-2.4**, a commercial farm operator shall request a site specific agricultural management practice determination from the appropriate County Agriculture Development Board or the State Agriculture Development Committee, in counties where no County Agriculture Development Board exist, when installing, maintaining or utilizing a type of fence not specifically recommended in this agricultural management practice.

[3. Copies of "High-Tensile Woven Wire Fences for Reducing Wildlife Damage" and "Vertical Seven-Wire Deer Control Fence" may be obtained from Rutgers, The State University of New Jersey, Publications Distribution Center, RCE, Cook College, 16 Ag Extension Way, New Brunswick, NJ 08901. "High-Tensile Woven Wire Fences for Reducing Wildlife Damage" is also available electronically at <https://njaes.rutgers.edu/pubs/publication.asp?pid=FS889.>]

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R3(1)**

**Application for Division of Premises and to  
Exercise a Residual Dwelling Site Opportunity  
Jon W. Vaughan**

**March 28, 2024**

**Subject Property:**

**Jon W. Vaughan  
Block 14, Lots 16, 19, 20.01, 21, 22, 25, 26, 30, 31, 32, 38.02 and 39  
Block 15, Lots 8, 38, 42 and 43  
Block 22, Lot 19  
Lafayette Township, Sussex County  
SADC ID 19-0030-EP  
636.120 Acres**

WHEREAS, Jon W. Vaughan, hereinafter “Owner”, is the record owner of Block 14, Lots 16, 19, 20.01, 21, 22, 25, 26, 30, 31, 32, 38.02 and 39; Block 15, Lots 8, 38, 42 and 43; and Block 22, Lot 19, Lafayette Township, Sussex County, by deed dated December 14, 2000, and recorded in the Sussex County Clerk’s office on December 22, 2000, in Deed Book 2514, Page 077; and

WHEREAS, a development easement on the property was conveyed to the Sussex County Agriculture Development Board (Grantee) by Adele M. Vaughan Farm Associates Limited Partnership pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. (“ARDA”), by Deed of Easement dated December 12, 2000, and recorded in the Sussex County Clerk’s Office on December 19, 2000, in Deed Book 2512, Page 278, totaling 636.120 acres, hereinafter referred to as the “Premises” (as shown in Schedule “A”); and

WHEREAS, federal funds were used to purchase the development easement through the USDA-Natural Resources Conservation Service (NRCS); and

WHEREAS, the Deed of Easement identifies zero (0) existing single-family residences, zero (0) existing agricultural labor units, one (1) RDSO, and no exception areas; and

WHEREAS, on March 27, 2023, the State Agriculture Development Committee (SADC) received an application from the Grantee, on behalf of the Owner, for a division of the Premises and to exercise the RDSO; and

WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the approval in writing of the Grantee and Committee (SADC); and

WHEREAS, pursuant to N.J.A.C. 2:76-6.17(e)8 and paragraph 14iii. of the Deed of Easement, the RDSO may only be exercised if the board (Grantee) determines that the construction and use of the residential unit is for agricultural purposes and that the location of the residual dwelling site minimizes any adverse impact on the agricultural operation; and

WHEREAS, the Grantee approved the Owner's request to divide the Premises and exercise the RDSO at its January 17, 2023, meeting; and

WHEREAS, the Grantee failed to submit the completed RDSO application to the SADC for comment, pursuant to N.J.A.C. 2:76-6.17(e)4, prior to granting approval; and

WHEREAS, the Owner proposes to divide the Premises along existing lot lines, as shown on Schedule "A", creating an approximately 528-acre parcel (Parcel-A) and a 107-acre parcel (Parcel-B); and

WHEREAS, the Owner intends to retain ownership of Parcel-A and transfer Parcel-B to his daughter, Coral Krause and her husband Joe Krause, hereinafter the "Purchasers"; and

WHEREAS, the Owner is no longer farming the Premises himself and is in the process of transitioning the farm to the 5<sup>th</sup> generation of farmers in the Vaughan family; and

WHEREAS, the Owner's other daughter, Kayla Demarest and her husband, Axel Demarest, farm the Premises; and

WHEREAS, the Premises was historically a dairy farm and is currently in grain, hay, and beef and cattle production, with plans to develop and implement a woodland management plan, grow pumpkins, gourds, squash and sweet corn, raise turkeys, and convert a barn into a micro-dairy creamery; and

WHEREAS, the Premises has approximately 200 acres of tillable ground and approximately 436 acres of woodlands; and

WHEREAS, approximately 10 acres of previously tillable ground has become overgrown; and

WHEREAS, in order to grant approval for the division of Premises, the applicant must show that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

WHEREAS, the resulting Parcel-A is an approximately 528-acre property containing 32% (170 acres) tillable, 68% (358 acres) woodlands, 7% (36 acres) prime farmland soils, 37% (195 acres) soils of unique importance, and 56% (297 acres) classified as not prime farmland, as defined by the Natural Resources Conservation Service; and

WHEREAS, the resulting Parcel-A is improved with two barns and contains (0) zero residences and zero (0) RDSOs; and

WHEREAS, the resulting Parcel-B is an approximately 107-acre property that is 28% (30 acres) tillable, 72% (77 acres) woodlands, 2% (2 acres) prime farmland soils and 98% (105 acres) classified as not prime farmland soils, as defined by the Natural Resources Conservation Service; and

WHEREAS, the resulting Parcel-B has no structural improvements and will be allocated the one (1) RDSO; and

WHEREAS, Jon W. Vaughan plans to transfer Parcel-B to the Purchasers who would exercise the RDSO and construct a 2,000 sq./ft. single family residence for them and their family; and

WHEREAS, Coral Krause grew up farming the Premises and plans to return to the farm operation and raise dairy cattle, chickens, and grow sweet corn and blueberries on Parcel B and milk dairy cows and help with the farming activities on Parcel A; and

WHEREAS, Joe Krause has 18 years of experience working in woodland management and timber harvesting for his family's tree service company; and

WHEREAS, Mr. Krause would manage the implementation of all woodland stewardship activities outlined in the woodland management plan for both parcels, which includes the following:

1. Working with the forester on annual plan updates.
2. Managing the implementation of all woodland stewardship activities as outlined in the woodland management plan for both the West and East Farms.
3. Creating new logging/access roads.
4. Maintaining access roads and trails to facilitate harvesting the woodlands.
5. Addressing invasive species eradication.
6. Replanting harvested areas and restoring soil disturbances.
7. Processing and selling cut firewood and timber.
8. Milling and selling rough cut lumber.
9. Providing all records to the forester.
10. Managing any necessary contractors; and

WHEREAS, forest production and sales estimates provided by a forester show the woodlands on Parcel B contain 30 acres of harvestable hardwood capable of yielding 15 cords of firewood annually for an estimated \$4,500 in yearly firewood sales and 3,000 board feet annually producing an estimated \$22,500 in yearly non-firewood sales; and

WHEREAS, forest production and sales estimates provided by a forester show the woodlands on Parcel A contain 100 acres of harvestable hardwood capable of yielding 45 cords of firewood annually for an estimated \$13,500 in yearly firewood sales and 6,000 board feet annually producing an estimated \$45,000 in yearly non-firewood sales; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in agriculturally viable parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output:

Parcel-A, at 528-acres, contains significant acreage of tillable soils capable of agricultural production (7% prime soils, 37% unique, and 56% classified as not prime farmland and 170 acres (32%) of tillable ground, and 68% (358) acres of woodlands); and

Parcel-B, at 107-acres, with 30 tillable (28%), contains an inadequate amount of tillable, high quality soils capable of a variety of agricultural production (2% prime, 98% classified as not prime farmland, and 72% (77 acres) of woodlands); however, these soils are capable of producing agricultural products common to this region of the state and, when combined with the output of the existing mature forest as represented in the application and by Vaughan family members at the February 22, 2024 meeting,

results in a parcel that is viable for a variety of agricultural operations prevalent in Sussex county; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division meets the agricultural purpose test:

- 1) The transfer of Parcel B facilitates the transition of farm ownership to the next generation of the Vaughan family, enabling them to farm the Premises; and
- 2) The acquisition of Parcel-B by the Purchasers to start their own agricultural operation allows them to secure financing and make long term investments and improvements necessary to increase the efficiency, diversity, and production of this parcel.

NOW, THEREFORE, BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds that the division, as described herein, for the purpose of transferring Parcel-B to the Owner's daughter Coral Krause and her husband Joe Krause so they can own and secure financing to start their own agricultural operation on the family farm and make long term investments in the farmland, including construction of the RDSO and development and implementation of a woodland management plan is for an agricultural purpose.
3. The SADC finds that the division is for an agricultural purpose and results in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations prevalent to this part of the State that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output.
4. The SADC approves the division of the Premises as follows:

Parcel-A – Block 14, Lots 16, 19, 20.01, 21, 22, 25, 26, 30, 31, 32, 38.02, 39 and Block 22, Lot 19 (approximately 528 acres) as shown on Schedule “B”.

Parcel-B – Block 15, Lots 8, 38, 42, and 43 (approximately 107 acres) and one (1) RDSO, as shown on Schedule “C”.

5. This approval is not valid and shall not be effective until the Owner's submission to the grantee and SADC of draft transfer deed(s) reflecting the allocation of the one (1) RDSO to Parcel-B and zero (0) RDSO's to Parcel-A in accordance with the conditions and restrictions contained in this Resolution, and the SADC's advance review and written approval of those documents; and
6. This approval shall not be valid until the SADC's resolution of approval is recorded with the Sussex County Clerk's office.
7. This approval is conditioned on the recording of all conveyance deeds as approved by the SADC and as set forth above.
8. The SADC makes the following comments on the RDSO application:
  - a. The proposed location and size of the RDSO as shown on Schedule “D”

minimize adverse impacts on the agricultural operation; and

- b. In accordance with DOE paragraph 14.iii. and N.J.A.C. 2:76-17, the Grantor shall prepare or cause to be prepared a corrective DOE for Parcel-B. The Corrective DOE shall be recorded with the Sussex County Clerk's Office and shall include the reduction in the RDSO allotted from one (1) to zero (0) and shall include the following:

1. Notice to all current and future owners of the premises that use of the RDSO is subject to compliance with the DOE, N.J.A.C. 2:76-6.2, 2:76-6.17, and SADC Policy P-31.
2. Inclusion of the following language in the Corrective DOE:

"Use for agricultural purposes," as related to the exercise of a residual dwelling site opportunity and the continued use of the residential unit constructed thereto, means at least one person residing in the residential unit shall be regularly engaged in common farmsite activities on the premises including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage, water management and grazing.

"Regularly engaged in farmsite activities" means actively engaged in the day-to-day agricultural operation on the premises.

- a. A landowner cannot establish that he or she is actively engaged in the day-to-day agricultural operation merely by showing that:
  - i. He or she owns the premises;
  - ii. The land is actively farmed; or
  - iii. The land is assessed pursuant to the Farmland Assessment Act, N.J.S.A. 54:4-23.1

3. A copy of this signed resolution attached to the DOE.

9. Pursuant to N.J.A.C. 2:76-6.17(e)9, the exercising of the RDSO is conditioned upon the landowner or contract purchaser securing a building permit, to ensure that the construction of the residential unit in compliance with all municipal ordinances.
10. The Committee reserves the right to annually require the Owner to produce documentation supporting the production aspects of the operation to ensure that at least one person occupying the RDSO unit is regularly engaged in common farmsite activities to warrant continued use of the RDSO unit.
11. This approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state or federal approvals necessary to effectuate the approved SADC action.

12. This approval is conditioned on approval from the USDA-NRCS as a Grantee of the easement.
13. Eligible funding for state soil and water conservation cost share practices shall be reallocated to the respective parcels.
14. This approval is non-transferable.
16. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
17. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/28/2024

Date



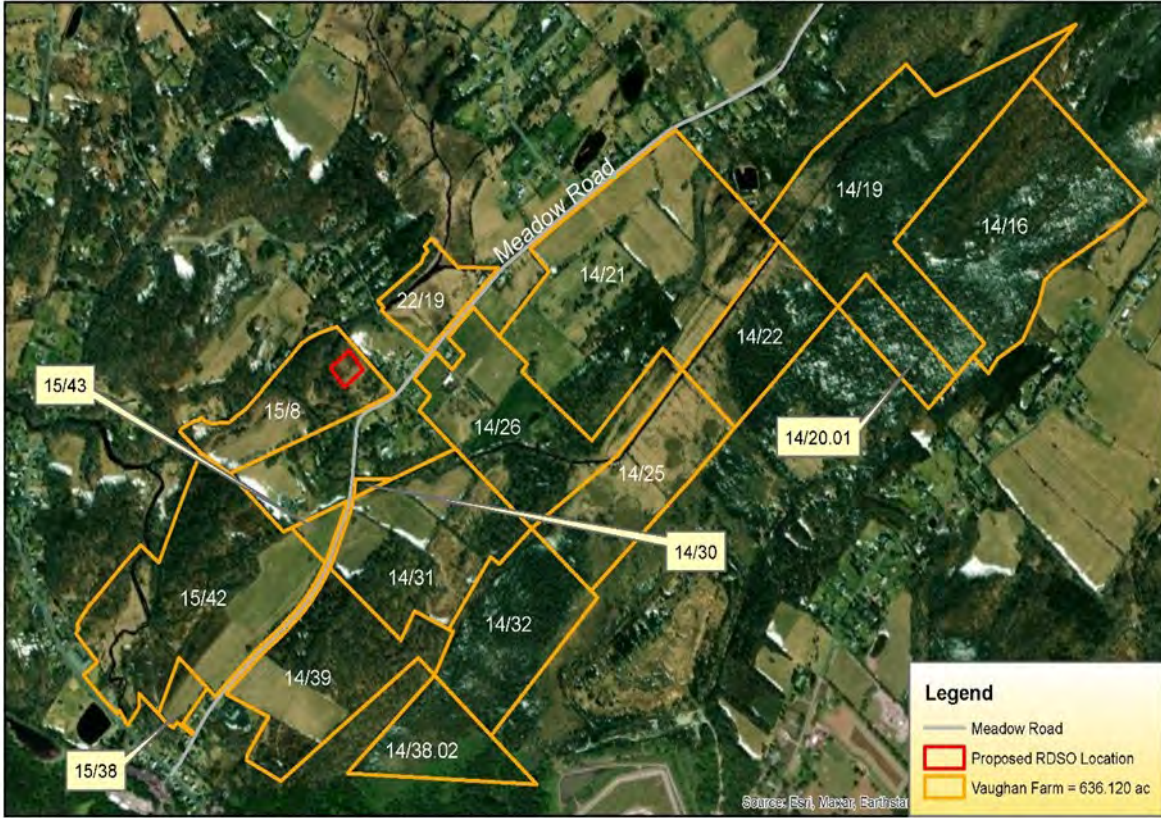
\_\_\_\_\_  
 Susan E. Payne, Executive Director  
 State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

# Schedule A (Premises)

## Vaughan Farm 19-0030-EP Lafayette Twp. - Sussex County New Jersey Farmland Preservation Program



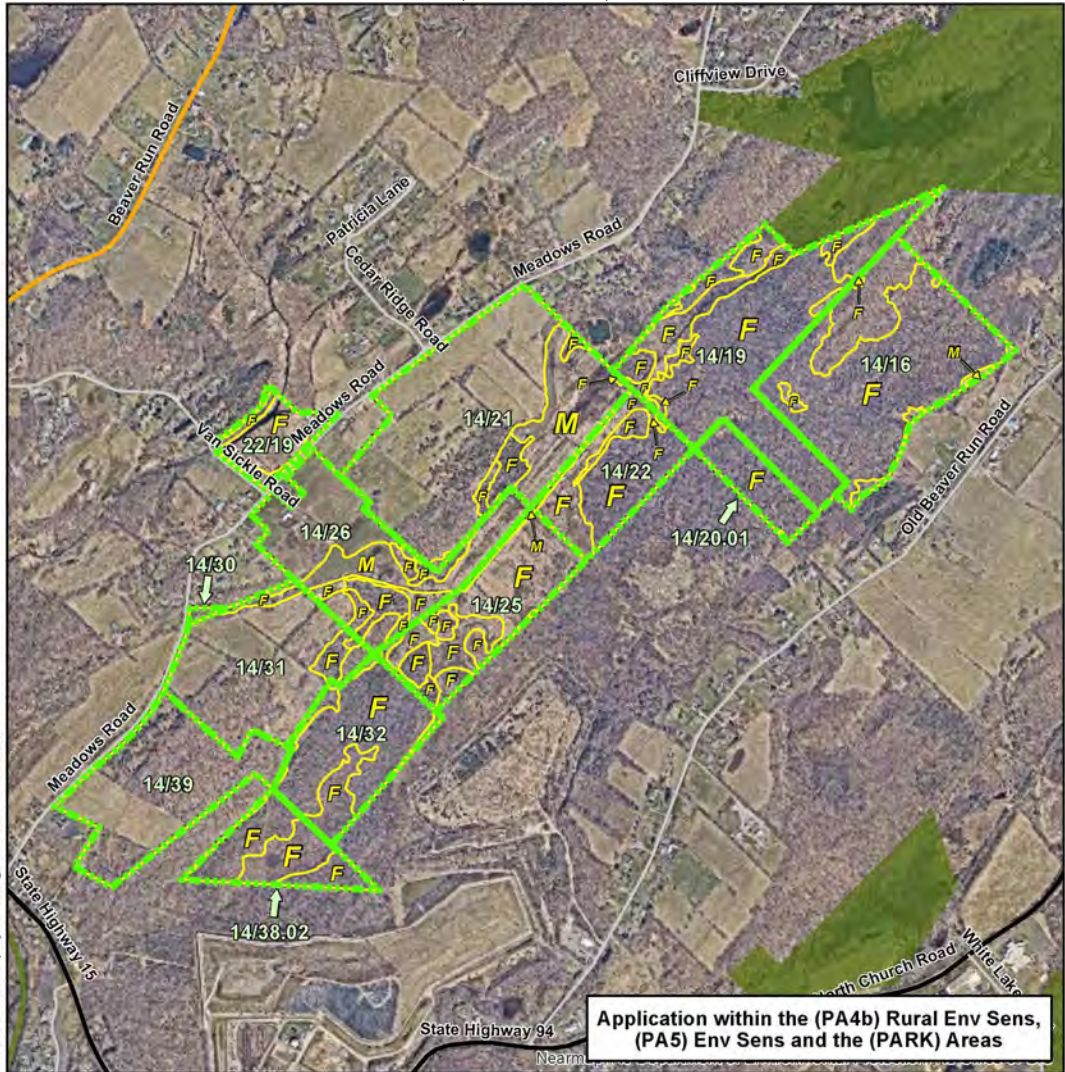
For Planning Purposes Only  
Date: 2/5/2024





# Schedule B

(Parcel A)



X:\counties\sussex\projects\Vaughn Farm East.fww.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Vaughn Farms East  
 Block 14 Lots 16 (72.1 ac); 19 (75.3 ac); 20.01 (12.4 ac); 21 (94.1 ac);  
 22 (28.1 ac); 25 (35.7 ac); 26 (49.7 ac); 30 (0.7 ac); 31 (46.8 ac);  
 32 (36.3 ac); 38.02 (21.0 ac) & 39 (43.9 ac) & Block 22 Lot 19 (12.7 ac)  
 Gross Total = 528.87 ac  
 Lafayette Twp., Sussex County



Sources:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDEP 2015 Landuse/Landcover Data  
 NJDEP Open Space  
 NJDOT Road Data  
 NJGIT/Near Map 2021 Digital Aerial Image

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

	Property In Question
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, State Owned O/S & Recreation Easements, & Pinelands PDCs and Preserved Lands



**Wetlands Legend:**  
 F - Freshwater Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 300' Buffer  
 W - Water

April 18, 2023

# Schedule C

(Parcel B)



Application within both the (PA4b) Rural Env Sens and the (PARK) Areas

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Vaughn Farm West  
Block 15 Lots 8 (27.7 ac); 38 (3.8 ac);  
42 (72.2 ac) & 43 (3.1 ac)  
Gross Total = 106.8 ac  
Lafayette Twp., Sussex County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP 2015 Landuse/Landcover Data  
NJDEP Open Space  
NJDOT Road Data  
NJOT/Near Map 2021 Digital Aerial Image

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

- Property in Question
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, State Owned OIS & Recreation Easements, & Pinelands PDCs and Preserved Lands



Wetlands Legend:  
F - Freshwater Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

April 18, 2023

# Schedule D

## Vaughan Farm 19-0030-EP

BI 14 Lots 16, 19, 20.01, 21, 22, 25, 26, 30, 31, 32, 38.02, 39

BI 15 Lots 8, 38, 42, 43

BI 22 Lot 19, Lafayette Twp. - Sussex County

New Jersey Farmland Preservation Program



For Planning Purposes Only  
Date: 2/10/2023

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R3(2)**

**Construction of Onsite Agricultural Labor Housing and  
Amendment to Resolution FY2008R5(27)  
Insieme L.L.C. / Blue Moon Acres**

**March 28, 2024**

Subject Property:   Block 46, Lot 4.01  
                          Hopewell Township, Mercer County  
                          63.23 Acres  
                          SADC ID# 11-0037-EP

WHEREAS, Insieme LLC, hereinafter (“Owner”) is the record owner of Block 46, Lot 4.01 in Hopewell Township, Mercer County, by deed dated December 11, 2007, and recorded on December 24, 2007, in the Mercer County Clerk’s Office in Deed Book 5780, Page 18, totaling 63.23 acres, hereinafter referred to as the “Premises”, as shown on Schedule A; and

WHEREAS, the development easement on the original Premises was conveyed from Marion Niederer to the Mercer County Improvement Authority, who by deed dated December 9, 1992, conveyed the development easement to the County of Mercer pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-11 et seq., recorded on December 15, 1992, in the Mercer County Clerk’s Office in Deed Book 2641, Page 86; and

WHEREAS, by Resolution #FY95R9(16), adopted on September 22, 1994, the Premises was created as a division of the original Marion Niederer farm which consisted of Block 46, Lots 4.01 and 5.01 and Block 37, Lots 25.01 and 25.03 totaling 143.31 acres; and

WHEREAS, the farmland preservation Deed of Easement for the original Niederer farm identifies zero existing single-family residence, two Residual Dwelling Site Opportunities, zero units used for agricultural labor purposes and no exception areas; and

WHEREAS, one of the two original Residual Dwelling Site Opportunities assigned to the original property was allocated to the Premises at the time of the division of the property; and

WHEREAS, Blue Moon Acres is the farm operator of the Premises; and

WHEREAS, the principals of Blue Moon Acres and Insieme, L.L.C. are James and Kathy Lyons; and

WHEREAS, Blue Moon Acres agricultural operation consists of organic specialty salad greens, vegetables, strawberries, beans, and dry land rice production; and

WHEREAS, in 2008 the Owner applied to the Mercer County Agriculture Development Board (MCADB), and the State Agriculture Development Committee (SADC) for approval to construct an 1,800 sq./ft. second floor agriculture labor unit, above a barn/packing shed, in the location shown on Schedule B, to house a full-time farm manager and his family; and

WHEREAS, paragraph 14 of the Deed of Easement for the Premises states that: *“Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:*

- i. To provide structures for the housing of agricultural labor employed on the Premises, but only with approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor’s spouse, Grantor’s parents, Grantor’s lineal descendants, adopted or natural, Grantor’s spouse’s parents, Grantor’s spouse’s lineal descendants, adopted or natural.”; and*

WHEREAS, by resolution adopted on May 5, 2008, the MCADB approved the Owners’ request for the agricultural labor unit, as described above; and

WHEREAS, by resolution FY2008R5(27), adopted on May 22, 2008, the State Agriculture Development Committee (SADC) approved the Owners’ request for the agricultural labor unit, as described above; and

WHEREAS, due to the amount of labor required on the farm, in December of 2023 the Owner submitted an application to the Mercer County Agriculture Development Board (MCADB) for approval of a new mobile trailer to be permitted on the Premises, consisting of a 2-bedroom, 1 bath, 400 sq./ft. unit, to house up to four full-time seasonal laborers from March through December; and

WHEREAS, in conjunction with the aforementioned application for the agricultural labor unit (trailer), the Mercer CADB was advised that the farm manager and his family no longer reside in the previously approved agricultural labor apartment; and

WHEREAS, the Owner is requesting to amend the 2008 MCADB and SADC approvals to use the existing agricultural labor apartment to house 5 full-time seasonal employees from March through December; and

WHEREAS, no expansion or physical changes to the existing unit are being requested; and

WHEREAS, the MCADB amended its prior resolution to reflect the Owners request at its February 5, 2024, meeting and approved the Owner’s request for an additional agricultural labor (trailer) unit, as proposed; and

WHEREAS, representations by the Owner relating to the need for agricultural labor housing are as follows:

- a. The Premises is in active production consisting of approximately 12 acres of diversified organic vegetables, beans and salad greens, 10 acres of rice and 0.1 acres of strawberries including 17 high tunnels for extended season production.
- b. The Owner has represented that onsite labor is necessary to properly produce and harvest the crops raised on the farm and to reduce costs incurred from housing and transporting employees to the farm from offsite.
- c. The Owner has represented that the primary duties of the employees residing in the agricultural labor housing unit will be soil preparation, seeding, watering, transplanting, weeding, harvesting, washing, tarping, composing, applying fertilizers, packing of produce.
- d. The farm workers will be employed on the farm for a minimum of 1,440 hours per year.
- e. The occupants of the proposed agricultural labor housing units are not the owner, or the owner's spouse, parents, lineal descendant (adopted or natural), spouse's parents, or lineal descendants (adopted or natural).

WHEREAS, the proposed agricultural labor housing units will utilize the existing driveway, parking area and septic system; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC has reviewed the Owner's request to amend resolution FY2008R5(27) to allow up to 5 seasonal full-time agricultural laborers from March through December to be housed in the previously constructed farm manager's apartment unit, and has reviewed the Owner's new application for approval to place a 2 bedroom/1 bathroom, 400 sq./ft, manufactured home on the Premises in the locations shown on Schedule "B" for the purpose of housing up to four seasonal laborers from March through December, and finds that utilizing the proposed agricultural labor units, as described by the Owner, is consistent with agricultural uses on the Premises; and:
  - a) That repurposing the existing farm manager's apartment unit minimizes adverse impacts on the agricultural land.
  - b) That the size and location of the proposed new unit minimizes adverse impacts on the agricultural land due to utilizing space adjacent to the farm's existing agricultural infrastructure area as shown on Schedule "B".

- c) Onsite labor housing is necessary due to the intensity of the work and the time-sensitive nature of the crops produced.
  - d) The production aspects of the operation, consisting of 23 acres of mixed vegetables, beans, strawberries and rice, utilizing primarily manual labor for cultivation and harvest, warrants an additional four full-time, seasonal laborers from March through December.
  - e) The Owners' proposal to construct agricultural labor housing on the Premises for purposes of housing on-site labor who are regularly engaged in the production aspects of this operation is consistent with the requirements of the Deed of Easement and enhances the economic viability of the owner's agricultural business.
3. Only agricultural laborers employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor unit. Agricultural labor housing shall not be used as housing for the Owner, Owner's spouse, Owner's parents, Owner's lineal descendants, adopted or natural, Owner's spouse's parents, or the Owner's spouse's lineal descendants, adopted or natural.
  4. The agricultural laborers shall be engaged in the day-to-day production activities on the Premises, which at this time includes soil preparation, seeding, watering, transplanting, weeding, harvesting, washing, tarping, composting, applying fertilizer, and packing of produce.
  5. As a condition of this approval, the Committee reserves the right to annually require the Owner to produce documentation supporting the production aspects of the operation to ensure that there is sufficient production activity occurring on the farm to continue to warrant use of the agricultural labor units.
  6. The Owner's use of any structures for housing agricultural laborers shall comply with all applicable Federal, State, County, and local regulations.
  7. This approval is non-transferable.
  8. This approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state, or federal approvals necessary to effectuate the approved SADC action; and
  9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

10. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



Date 3/28/2024

Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
Charles Rosen	RECUSED
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES



Schedule A

**Blue Moon Acres Farm 11-0037-EP**

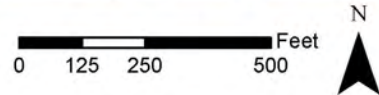
**BI 46 / Lot 4.01**

**Hopewell Twp. Mercer County**

**New Jersey Farmland Preservation Program**



For Planning Purposes Only  
Date: 2/27/2024



Schedule B

**Blue Moon Acres Farm 11-0037-EP**

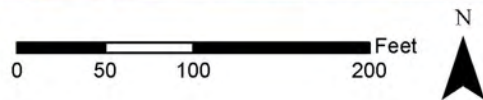
**BI 46 / Lot 4.01**

**Hopewell Twp. Mercer County**

**New Jersey Farmland Preservation Program**



For Planning Purposes Only  
Date: 2/27/2024



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R3(3)**

**Review of Activities Occurring on Preserved Farm  
Canka Farms and Stables, LLC**

**March 28, 2024**

**Subject Property:**

**Block 85, Lot 8**

**Plumsted Township, Ocean County**

**117.75 Easement Acres**

**SADC ID#15-0006-EP**

WHEREAS, Canka Farms and Stables, LLC, hereinafter "Owner", is the record owner of Block 85, Lot 8, in the Township of Plumsted, Ocean County, by deed dated April 14, 2020, and recorded on April 30, 2020, in the Ocean County Clerk's Office in Deed Book 17873, Page 1857, totaling 117.75 acres, hereinafter referred to as the "Premises" (as shown in **Schedule "A"**); and

WHEREAS, Albert and Boudin Canka are the principals of Canka Farms and Stables, LLC; and

WHEREAS, by Deed of Easement dated October 29, 1996, and recorded on November 8, 1996, in the Ocean County Clerk's Office in Deed Book 5418, Page 556, the previous owners, the Van Kirk Partnership, conveyed a development easement on the Premises to the County of Ocean and the Ocean County Agriculture Development Board (Ocean CADB ) pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq.; and

WHEREAS, the Deed of Easement identifies one (1) existing single family residence, one agricultural labor unit, no Residual Dwelling Site Opportunity (RDSO), and no exception areas; and

WHEREAS, the Owner leases a portion of the farm to a tenant farmer, Danilee Watkins, hereinafter "Tenant"; and

WHEREAS, Danilee Watkins is the president of GreenCell Farms, LLC which advertises itself as a "regenerative, organic, veggie, fruit, woody plant and hemp farm"; and

WHEREAS, according to the Tenant, in 2023 GreenCELL harvested hay on a portion of the farm and planted an approximately half-acre area in mixed vegetables and hemp; and

WHEREAS, in December 2023 the SADC began receiving calls about a high volume of trucks entering and depositing material on the farm; and

WHEREAS, on December 19, 2023, the Ocean CADB coordinated a joint site visit with SADC staff, county counsel and the Ocean County Soil Conservation District (OCSCD); and

WHEREAS, advance notice of the site visit was provided to the Owner in accordance with the Deed of Easement; and

WHEREAS, the December 19, 2023, site visit reflected the following:

1. Albert Canka and the Tenant were present at this site visit.
2. Staff observed a large volume of fill material had been deposited on the farm.
3. The fill material contained soil mixed with rock, concrete, brick, asphalt, wood, metal and other foreign debris (as shown in **Schedules "B1-B4"**).
4. Fill material had been spread on an approximately 1.75-acre portion of the front pasture field to a depth of approximately 6 inches. The material spread in the pasture field consists of a sandy loam to sandy clay loam soil material interspersed with 3 to 24 inch sized pieces of stone, concrete, brick and other foreign materials (as shown in **Schedule "B1"**); and
5. Piles of material had been deposited along the stream on the edge of the pasture field to create berms and piled next to barns in this area. These piles consisted of soil material similar to that spread in the pasture but with larger pieces of concrete mixed in (as shown in **Schedule B2**).
6. Fill material had been deposited on an existing farm lane to a depth of 1 to 4 feet over an approximately 800-foot section of the lane. This material consisted of soil material mixed with a high amount of very large pieces of concrete, asphalt, chimneys, brick and metal debris (as shown in **Schedule B3-B4**); and
7. The Tenant stated that all of the material had come from Papaiani Park, a splash park under construction in Edison, NJ.
8. The Tenant provided laboratory test results, dated November 17, 2023, purporting to be chemical analyses of the fill material from Papaiani Park that had been deposited on the Premises.
9. The laboratory results indicate that while the material tested is below NJ Department of Environment Protection standards for remediation, the results do not show the quantity of material tested or a correlation to the material deposited on the Premises therefore it is impossible to know what volume of material the tests account for.
10. The Tenant did not, and has not, provided any bills of lading or other paperwork connecting the test results to the fill material deposited on the farm.
11. Three camper trailers were identified on the Premises; Albert Canka stated that one trailer was his and was used when people come to help him harvest hay; the Tenant stated that a second trailer was used by his security person, Liam McGovern.

The Tenant explained that:

- a. He had brought the material in to use in the field to provide a clay base to which he would add manure, straw and wood chips, creating a mounded bed system for raising his vegetable and hemp crops;
- b. The berms created along the edges of the pasture were meant to keep water from the drainage ditches from entering the fields;
- c. The material in piles next to the barns was there to be used as fill because the land around the barns was sinking;
- d. The material on the farm lane was deposited to improve the condition the of the road;
- e. He had not consulted with the Natural Resources Conservation Service (NRCS) or any other conservation planning professional before depositing the material on the Premises.

WHEREAS, based on SADC observations during the site visit, the nature of the fill materials, and the lack of any plans indicating the project was undertaken in a manner consistent with NRCS conservation plan standards to ensure protection of the agricultural and environmental resources on the farm, staff determined the imported fill material was not suitable for an agronomic purpose; and

WHEREAS, at the conclusion of the December 19, 2023, site visit SADC staff advised Albert Canka and the Tenant that trailers used for farm workers were agricultural labor housing requiring advance approval of the CADB and SADC and that the imported fill did not appear to have an agricultural purpose and to not bring in any more material until the SADC and CADB could review the matter; and

WHEREAS, during the two days subsequent to the December 19, 2023, inspection, trucks continued making deliveries to the farm; and

WHEREAS, when asked about these deliveries, the Tenant acknowledged on December 21, 2023, that he was continuing to receive additional "natural rock mix" to continue road work; and

WHEREAS, on December 22, 2023, the SADC Executive Director authorized issuance of a Notice of Violation and Cease and Desist Order to the Owner for violations of multiple paragraphs of the DOE related to the importation of the fill material (as shown in **Schedule "C"**); and

WHEREAS, on January 25, 2024, the SADC arranged a follow up site visit attended by Dr. Richard Shaw, a consulting soil scientist hired by the SADC; the Ocean CADB; Ocean County Soil Conservation District; a representative from the NJ DEP Bureau of Solid Waste; and various SADC staff and two Committee members; and

WHEREAS, advance notice of the site visit was provided to the Owner in accordance with the Deed of Easement; and

WHEREAS, the January 25, 2024, site visit reflected the following:

1. Albert Canka and the Tenant were present at this site visit.
2. All of the previously existing fill material identified in the field and farm lane during the December 19, 2023, site visit remained.
3. Additional fill had been deposited at southern end of the farm lane.
4. Piles of fill material present on the farm lane had been graded into the lane.

The Tenant explained that:

- a. The material was spread on the pasture field to neutralize high nitrogen and other field conditions not conducive to his production methods;
- b. He had not conducted agronomic soils test on the native soil prior to adding the fill, nor had tests been performed on the imported material;
- c. The second trailer, previously described as being used by the security person, was his trailer and used by him.

WHEREAS, as a result of the January 25, 2024, site visit, Dr. Shaw issued a soils investigation report describing the material that had been spread in the field and deposited on the farm lane (as shown in **Schedule "D"**) that concluded the following:

1. The native soil fits the characteristics of the Hammonton soil series, a prime soil.
2. Fill material over the pasture is approximately 6 inches thick.
3. The fill material in the pasture area is a sandy to sandy clay loam with coarse fragments of brick and stone ranging from 3 to 24 inches in size which would be considered "very stony" in soil classification terms. The material is described as massive and structureless with a firm consistence making it slowly permeable to water resulting in considerable ponding.
4. The fill material in the pasture area is more of a detriment than a benefit.
5. The fill material on the farm lane is a sandy clay loam with abundant coarse fragments, including stone and boulder sized fragments of asphalt and concrete.
6. The fill material on the farm lane has stone and boulder sized fragments which are a limitation for road fill and the sandy clay loam texture is likely too fine to enable good drainage; and

WHEREAS, at the conclusion of the January 25, 2024, site visit the DEP Bureau of Solid Waste issued the Owner and Tenant two notices of violation, one for accepting solid waste and a second for operating a solid waste facility without a permit (as shown in **Schedule "E"**); and

WHEREAS, on February 1, 2024, the OCSCD issued the Owner a notice of violation for failure to submit a soil erosion and sediment control plan related to work done on the farm lane (as shown in **Schedule "F"**); and

WHEREAS, on February 15, 2024, the Township of Plumsted issued the Owner a notice of violation of its soil importation ordinance (as shown in **Schedule "G"**); and

WHEREAS, the Committee discussed this matter at its February 22, 2024, meeting and found that:

1. The fill deposited in the pasture field and on the farm lane does not serve any demonstrable agricultural purpose and should be removed.
2. The soil component of the fill in the pasture field is similar to the existing native soil, however due to compaction and the high stone/debris content the material is holding water and creating an impediment to root growth.
3. The fill material deposited in the lane consists of boulder sized construction debris which is a much larger aggregate size than is acceptable for road maintenance; and the existing driveway has been more than doubled in width, raised up to 4 feet in places and extended into an existing hayfield.
4. The importation and spreading of fill on the Premises constitutes a violation of paragraphs 1, 2, 3, 5, 6 and 7 of the Deed of Easement.
5. The Owner shall be required to prepare and submit a written corrective action plan to remove the material from the Premises and restore the area to its pre-existing condition within 30 days.
6. Restoration of the impacted areas shall be completed in a manner that ensures existing agricultural resources are not damaged in the process and shall otherwise be in compliance with the DOE, and OCSCD and DEP regulations.
7. Implementation of the restoration plan shall require advance written approval by the OCADB, SADC, OCSCD and, if necessary, the DEP.
8. Restoration work shall be completed within 90 days of written approval of the plan.
9. The Owner shall be required to immediately apply for approval of the agricultural labor unit trailers or remove the units from the Premises.

WHEREAS, during the public comment portion of the February 22, 2024, meeting, a member of the public stated that additional fill material had been deposited on the north side of the farm near the stables; and

WHEREAS, on February 26, 2024, SADC staff conducted a follow up site visit of the Premises with a representative from the DEP Bureau of Solid Waste; and

WHEREAS, advance notice of the site visit was provided to the Owner in accordance with the Deed of Easement; and

WHEREAS, the February 26, 2024, site visit reflected the following:

1. Liam McGovern, representing the farm, was present for this site visit.
2. The road leading into the pasture field had been graded and the piles of material that existed in the front field during the January 25, 2024, site visit had been spread in the field.
3. The previously identified material on the farm lane on the southern side of the farm had been graded.
4. The material previously stockpiled around the barns on the south side of the farm had been spread and graded.
5. A former manure storage area on the southwest property line, approximately 1.5 acres in size, has been converted into a firearms shooting range (as shown in **Schedule "H"**).
6. Approximately 15 loads of fill material, not previously identified, were in piles on the north side of the farm next to the stables.
7. A portion of a different existing dirt farm lane on the north side of the premises, not previously identified, was found to have fill material consisting of soil mixed with high concentrations of large construction debris spread over an approximately 80 ft long by 25 ft wide section (as shown in **Schedule "I"**).
8. Adjacent to this section of fill on the north side of the farm was a large quantity of industrial steel I-beams, pipe, commercial steel equipment and two crane trucks labeled "786 Steel Corp, Brooklyn, NY" (as shown in **Schedules "J1-J2"**).

WHEREAS, in a follow up request for information related to the February 26, 2024, site visit the Tenant responded that:

- a. The purpose of the material in piles on the north side of the farm near the stables is to maintain farm roads.
- b. The material deposited on the 80 x 25 ft section of farm lane on the north side of the farm is not construction debris, but a permissible material allowed on agricultural operations.



- c. The firearms area is unsuitable for agricultural use and is being used for state police educational certifications.
- d. The steel, steel equipment and crane trucks are owned by the Owner and are being stored onsite.
- e. There is no agricultural use or intent for the steel, steel equipment or crane trucks at this time.

WHEREAS, the additional areas of fill identified during the February 26, 2024, site visit on the north side of the farm would constitute the same violations as those found previously on the south side of the farm; and

WHEREAS, the storage of steel and non-agricultural equipment and vehicles and the use of the Premises for firearms training and certifications, as described by the Tenant, are non-agricultural uses of the premises in violation of paragraphs 1, 2 & 3 of the Deed of Easement;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds that, based on on-site observations, Dr. Shaw's report and DEP determinations, the fill material, in both the northern and southern areas of the farm, in the volume present and with the amount of solid waste contamination, is detrimental to drainage, flood control, water conservation, erosion control, soil conservation, and the continued agricultural use of the Premises and was not deposited on the property in accordance with a conservation or equivalent agricultural resource management plan. There is no evidence that the fill was brought in for agricultural purposes and, therefore, constitutes the prohibited dumping of waste material. These activities and conditions violate paragraphs 1, 2, 3, 5, 6 and 7 of the DOE.
3. The SADC finds that, based on on-site observations and Tenant's explanations, that the storage of steel, steel equipment and associated vehicles constitutes a commercial non-agricultural use that was not documented as a pre-existing non-agricultural use in the DOE; the areas utilized for the storage of these materials and trucks have been adapted for a non-agricultural use, have not been retained for agricultural use and production, and are detrimental to the continued agricultural use of the Premises in violation of paragraphs 1, 2 and 3 of the DOE.
4. The SADC finds that, based on on-site observations and the Tenant's explanation, the conversion and use of a field area to support firearms training and certifications constitutes a commercial non-agricultural use that was not documented as a pre-existing non-agricultural use in the DOE in violation of paragraphs 1, 2, and 3 of the DOE.
5. The SADC authorizes legal proceedings to be initiated through the Office of the Attorney General, as necessary, to enforce the Deed of Easement.

6. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

DATE 03/28/2024



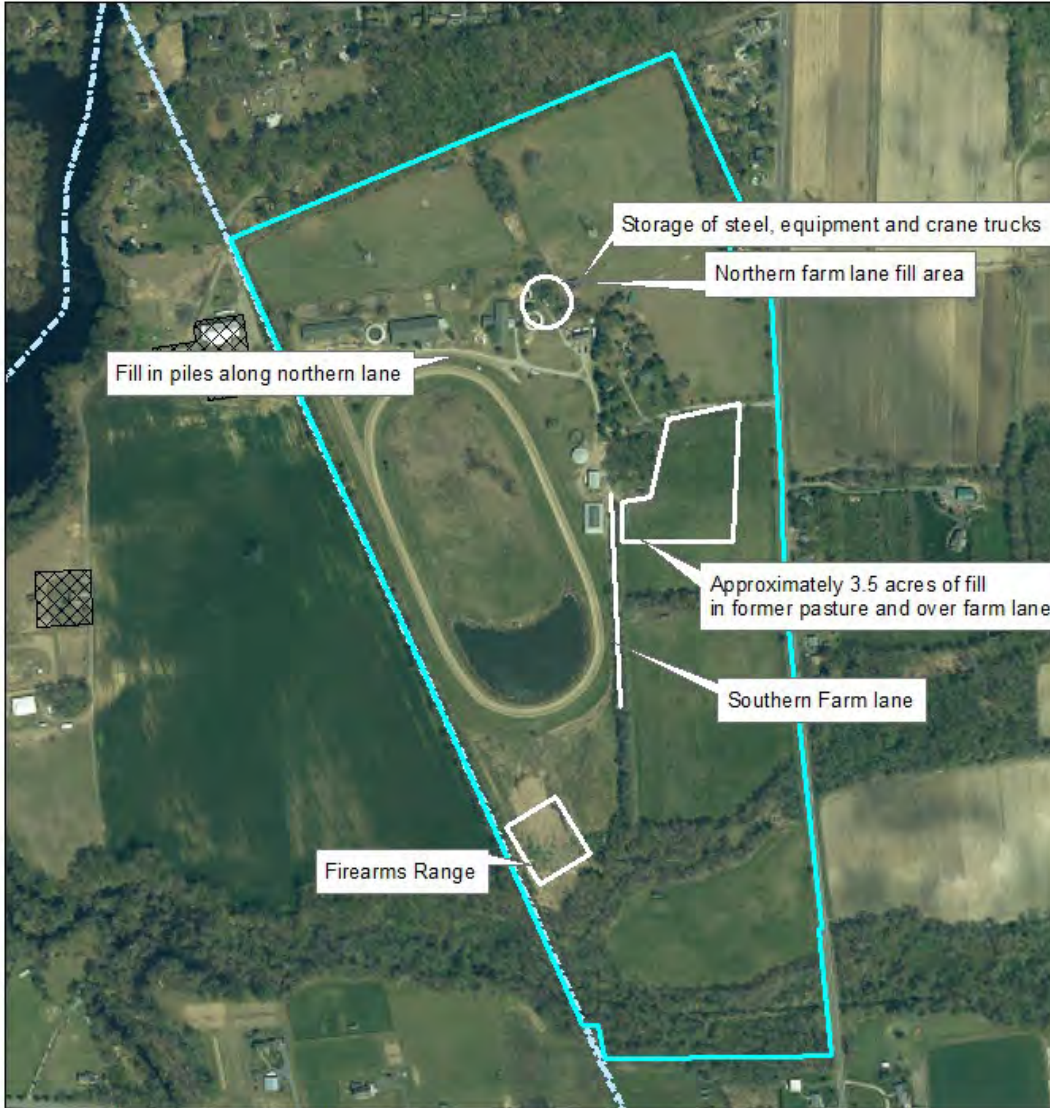
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

# SCHEDULE "A"

## Canka Farm and Stables LLC



NJ FARMLAND PRESERVATION PROGRAM  
State Agriculture Development Committee

Block 85, Lot 8  
Plumsted Township, Ocean County  
117 acres



125,000

3/12/2024



# SCHEDULE "B-1"

## Pasture Field



# SCHEDULE "B-2"

## Piles in Field and Around Barns



# SCHEDULE "B-3"

## Fill to Develop Farm Lane (South Side)



# SCHEDULE "B-4"

## Fill to Develop Farm Lane (South Side)



# Schedule "C"

## SADC NOV



### State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE

PHILIP D. MURPHY  
*Governor*

PO BOX 330  
TRENTON NJ 08623-0330

DOUGLAS H. FISHER  
*Chairman*

SHEILA Y. OLIVER  
*Lt. Governor*

SUSAN E. PAYNE  
*Executive Director*

December 23, 2024

**Via Email & U.S. Mail**

Canka Stables and Farm LLC  
C/O Mr. Albert Canka  
7 Apple Blossom Lane  
Manalapan, NJ 07726

**Re: Notice of Deed of Easement Violation and Cease and Desist**

Block 85, Lot 8  
Plumsted Township, Ocean County  
SADC ID # 15-0006-EP

Dear Mr. Canka:

On December 19, 2023, State Agriculture Development Committee (SADC) and Ocean County Agriculture Development Board (OCADB) staff conducted a site visit of your preserved farm referenced above to investigate a potential farmland preservation Deed of Easement (DOE or deed) violation related to the importation of large amounts of fill material being deposited on the farm. The Van Kirk Partnership entered into the DOE with Ocean County on October 29, 1996. SADC provided a cost share grant to preserve the farm and has authority to enforce the DOE terms pursuant to paragraph 16 of the DOE and N.J.S.A. 4:1c-33.

During the site visit, staff observed fill had been deposited in a pasture area, in various locations around the farmstead complex and on top of a field lane. The fill material contained rocks, boulders, concrete, asphalt chunks, embedded and independent building materials, bricks and mortar, metal rebar, asphalt millings, and unconsolidated soils from unknown sources. During the site visit, you and your farm operator, Mr. Dan Watkins, indicated that the fill material was brought onto the farm to improve the pasture field for crop production, to improve/create a road to the southeast hay field and that you intend to use some of the material to create berms around certain fields as water control structures.



Based on observations at the site visit, SADC staff have determined that the fill material deposited on the farm is unsuitable for an agronomic purpose, is contaminated brick, concrete, metal, wood and other foreign material and, as a result, is considered detrimental to the agricultural resources on the farm. At the site visit, I advised you to cease all importation activities associated with this project, until further investigation of the potential detrimental impacts to the farm could be conducted, as to not further exacerbate the issue. It has come to my attention that the farm continues to receive material with trucks entering and leaving the farm both yesterday and today.

Based on SADC staff observations made at the site visits, your importation of fill material described above is not consistent with paragraphs 1, 2, 5, 6 and 7 of the DOE, which provide as follows:

***1. Any development of the Premises for nonagricultural purposes is expressly prohibited.***

***2. The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.***

***5. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used and the use set forth in Schedule (B) attached hereto.***

***6. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly recommended by the Committee as an agricultural management practice.***

***7. No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises.***

This letter is intended to notify you of one or more potential violations of the DOE. Please be advised that you should cease and desist soil importation activities and to

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cease any other non-agricultural activities not expressly permitted in the DOE. OCADB and SADC staff will be in contact with you in the near future to conduct further investigations on the farm to assess the potential violation(s) and, if necessary, to enforce the restrictions of the farmland preservation DOE.

Please provide any documentation and/or paperwork for the fill material that has been deposited on the farm, within 5 business days of receipt of this letter, to Timothy Willmott, SADC's stewardship manager, by email to [Timothy.Willmott@ag.nj.gov](mailto:Timothy.Willmott@ag.nj.gov), or by regular mail to Mr. Willmott at the address at the top of this letter.

If you have any questions, please contact me at 609-913-6566 or Mr. Willmott at 609-913-6577.

Sincerely,



Charles Roohr  
Deputy Executive Director  
State Agriculture Development Committee

cc: Susan E. Payne, Executive Director, SADC  
Brian D. Smith, Esq., Chief of Legal Affairs, SADC  
Jason Stypinski, Esq., Deputy Attorney General  
Dave Clapp, Conservation Manager, SADC  
Timothy Willmott, Stewardship Manager, SADC  
Mathew Thompson, Esq., County Counsel  
Timothy Gleason, Ocean CADB  
Thomas Thorsen, Ocean CADB  
Dan Watkins, Green Cell Farm

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# Schedule “D”

## Soils Report

**Date:** February 12, 2024

**To:** Charles Roohr, Chief of Agricultural Resources, SADC, NJDA

**From:** Richard K Shaw, PhD, Soil Scientist, Bordentown, NJ

**Re:** Canka Farms Soil Investigation

### Methodology

A site visit was made January 25, 2024, to the Canka Farm, 149 Brindletown Rd, New Egypt, to investigate the nature of some recently applied human-transported material (HTM), or fill, and its potential effects on the agricultural productivity of the site. Participating personnel included soil scientists Rich Shaw and Ron Taylor, and Dave Clapp of the SADC.

The HTM was characterized at six locations, and bulk samples were collected for selected nutrient and elemental analyses, and verification of the coarse fragment content. Analyses included the Farm Fertility Test at the Rutgers Soil Testing Lab, and trace metal screening by portable X-ray Fluorescence (pXRF) Spectrometer by the Brooklyn College Environmental Sciences Analytical Center. In the latter, each sample was analyzed in triplicate and the average results reported. In three of the six locations, small shallow pits were excavated in order to examine and describe, in situ, the added material and its contact with the native soil below. Auger samples were collected from both the HTM and underlying native soil at these three locations. A small soil pit was excavated in the hay field just south of the area of interest, within the same soil survey delineation, to serve as a control site. Here the profile was described and a bulk sample was collected from the surface horizon for similar analyses. In addition, the HTM placed on



**Figure 1. Google Earth Image of location of HTM application and observation points.**

the farm lane running approximately north-south through the center of the property was also examined and described, and a bulk sample was collected for chemical analysis.

Soil description nomenclature, similar to that used in USDA-NRCS Soil Survey, followed guidelines in the *Field Guide for Describing and Sampling Soils* (Schoeneberger et al., 2012).

### Observations

The main area of interest is mapped as Hammonton sandy loam, 0 to 2 percent slopes, which is a Prime Farmland map unit. Hammonton soils are moderately well drained: the seasonal high water table ranges from 50 to 100 cm from the soil surface, with a representative value of 75 cm listed in Web Soil Survey (Soil Survey Staff, 2024b). Soils in this series are formed in loamy fluvio-marine deposits and are classified as *coarse-loamy, siliceous, semiactive, mesic Aquic Hapludults*. The field was most recently in hay; the slope is 1% and the aspect 140°. The HTM has been applied in a relatively thin layer over an approximately 1.75-acre portion of the field; interspersed throughout this area are piles of horse manure and piles of wood chip mulch, intended for layering over the applied soil material (Photo 1).



**Photo 1. Layer of human-transported material with piles of wood chips and manure.**

A steady rain throughout most of the day enabled the observation of the effects of the added material on infiltration and water movement through the area.

### Results: Properties of HTM and Native Soil

Individual site descriptions of the HTM are located near the end of the report. The material is reportedly from Edison, New Jersey, Middlesex County; most samples have the characteristic red color (hue ranging from 2.5Y to 2.5YR) of soil from the Newark Basin / Piedmont physiographic province.

The average thickness of HTM on the hay field is 15 cm (6 inches); the material has not been incorporated or mixed into the underlying native soil profile.

The fine earth texture of the material ranges from sandy loam to sandy clay loam.

The gravel content ranges from 7 to 20 percent (volume), with a weighted average of 15 percent. A small amount (3%) of gravel-sized artifacts were found in the HTM in only one of the 6 locations (Site 5).

Larger coarse fragments, cobble (3 to 10") and stone (10 to 24") sizes, were described on the surface at all six locations (Photo 2). Surface stone-sized rock fragments ranged from 1 to 3 percent (area); surface cobble-sized rock fragments ranged from 2 to 6 percent. Surface cobble-sized brick fragments ranged from 0 to 2 percent. The smaller coarse fragment sizes (gravel and cobble) provide some protection from erosion but can interfere with seed placement and emergence after germination. The larger stone-sized fragments interfere with tillage, tree harvesting, and other operations involving machinery. For this reason, Soil Survey uses surface stoniness classes based on the approximate amount of stones and boulders on the surface (Soil Survey Staff, 2017). The affected area here fits Class 2, *Very Stony*, with 0.1 to <3 percent surface coverage.



**Photo 2. Surface stones and cobbles, Site 2.**

Throughout the area, the layer of human-transported material exhibits no discernable structural units and is described as massive, or structureless. As a result, there is no well-defined pore space for rapid air and water movement. Its consistence is firm, further making it slowly permeable to water. The upper



**Photo 3. Boundary between HTM and native soil.**

portion of the HTM layer becomes saturated from the rainfall, but, as there is limited infiltration, the lower portion of the HTM and the buried profile beneath remain relatively dry (Photo 3). As a result of this slow infiltration and perching effect, there is considerable ponding on the field (Photo 4).



**Photo 4. Ponding near site 3.**

Bulk samples from the HTM at Sites 1, 3, and 5 were analyzed by the Rutgers Soil Testing Laboratory for pH and available nutrients (Samples 1, 3, and 5). The Soil Test Reports are included at the end of this document: pH values were 6.7, 8.16, and 7.56, respectively. As the Rutgers (Rutgers, NJAES, 2022/2023) Commercial Vegetable Production Recommendations state that most vegetable crops perform best when soils are in the 6.0 to 6.8 range, the latter values are rather high. The available nutrient levels as determined by Mehlich 3 are somewhat variable; there are levels slightly below optimum for P and K at two sites and levels slightly above optimum for Ca at two sites.

The trace metal screening of HTM samples from sites 2, 3, and 6 showed no levels of concern for As, Cu, Ni, Pb, and Zn with respect to production of food crops (Table 1).

The native soil, both in the small soil pit and the auger samples from beneath the HTM, was similar in texture and color to the range in characteristics for the Hammonton soil series (Soil Survey Staff, 2024a). Throughout the 4 locations, the topsoil layer ranged from 19 to 36 cm thick (average of 21 cm); the colors from very dark grayish brown (10YR 3/2) to dark yellowish brown (10YR 3/4); the coarse fragment content, all gravel-sized, from 0 to 4 percent. The depth to saturation ranged from 43 to 74 cm, reflecting the seasonal high water table. (This level will drop during the growing season due to plant uptake and evapotranspiration.) This saturation made sample extraction more difficult and quickly filled in the bottom of any soil pit. The surface textures included sandy loam and loam; the structure is granular, and the consistence is friable, both ideal. The soil pit profile had a noticeable increase in clay in the subsoil. Less ponding was observed in the hay field (Photo 6) than in the HTM covered area.



**Photo 5. Native soil from hay field without HTM application.**



**Photo 6. Hay field without HTM application.**

The Rutgers Commercial Vegetable Recommendations also state that soils having well-drained, deep mineral topsoil with a relatively high organic matter content (>2%) are the best soils for growing vegetables. And *“sandy loam textures are best suited for early market crops as they are easier to work with machinery and by farm employees during periods of high moisture.”* They also warm up in the spring faster than heavier textured soils.

Soil test for the sample of native topsoil (Sample 7) showed a pH of 6.2, slightly above optimum for P, K, and Mg, and slightly below optimum for Ca.

The trace metal screening showed slightly lower levels of As, Cu, Ni, Pb, and Zn than the HTM samples, also of no concern with respect to production of food crops (Table 1).

pXRF Trace Metal Screening Brooklyn College ESAC			Total concentration mg/kg				
Location	Depth	Sample	As	Cu	Ni	Pb	Zn
Site 2	0 to 14 cm	HTM	10	10	19	34	49
Site 3	0 to 10 cm	HTM	<LOD	14	11	49	66
Site 6	0 to 15 cm	HTM	<LOD	10	22	48	66
Site 7	0 to 9 cm	control	<LOD	<LOD	11	15	45
Site 8	25 to 50 cm	HTM	<LOD	19	<LOD	62	108
<LOD = less than limit of detection							
Avg Values, Surface Soils in NJ (Motto, Rutgers U)			7.2	15.6	20.9	28.6	71.3
Mean Values, Eastern US Soils (USGS, Shacklette and Boerngen, 1984)			7.4	22	18	17	52
NJ DEP Soil Remediation Standards Residential Direct Contact Health Based Criteria *The Soil Remediation Standard for Arsenic is based on natural background levels in soil.			19*	3100	1600	400	23000
NYS DEC, Soil Cleanup Objectives, Residential Use (These are used by Cornell University's Healthy Soils advisory group for gardening recommendations.) **SCOs for As, Ba, Cd, Mn are based on background levels in rural soils.			16**	270	140	400	2200
NYS DEC, Soil Cleanup Objectives, Protection of Ecological Resources **SCOs for As, Hg, Mn, Pb, Se and Zn are based on background levels in rural soils.			13**	50	30	63	109
<b>University of Connecticut soil lead recommendations:</b>							
< 100 ppm		No precautions necessary					
100 to 400 ppm		Follow BMPs: pH from 6 to 7; add O.M.; avoid leafy greens, herbs, root crops.					
>400 ppm		No food crops.					

**Table 1. pXRF trace metal screening results**

The HTM was also examined on a section of the farm land, indicated as Site 8 on Figure 1. The thickness of the fill here ranged from 16 cm on the east side to 61 cm on the west; this kept the new elevation somewhat level. The material here is sandy clay loam with abundant coarse fragments, including stone and boulder-sized fragments of asphalt and concrete which had been moved to the sides. This material was also screened for trace metals: although slightly higher in Cu, Pb, and Zn than other samples, the levels are also of no concern with respect to production of food crops (Table 1). Extensive areas of the HTM-covered farm lane were ponded and difficult to traverse on foot.





**Photo 7. HTM on western edge of farm lane; some ponding is visible.**



**Photo 8. Boulder-sized artifacts in HTM on western edge of farm lane.**

### **Discussion & Conclusions**

A thin layer of human-transported material has been applied to an area of Prime Farmland soil as part of an effort to improve the agricultural productivity of the site. The material has not been incorporated into the existing soil profile, is massive and firm in place, and has been shown to be slowly permeable to water, promoting ponding in some areas. While this “perched” condition may allow the soil to retain more water for plant uptake, the water and roots will likely be confined to a rather shallow area of the soil. Ponding of the soil surface is already evident.

This material contains a significant volume of coarse fragments, including a few percent surface stones, which, at present, can be a hindrance to any mechanical management of the area. The nutrient status, although somewhat variable, is generally acceptable, but the pH levels are high (7.56 and 8.16) in most of the samples tested. Such alkaline levels can limit P and micronutrient availability.

The HTM on the farm lane has stone and boulder-sized fragments which are a limitation for acceptable roadfill. In addition, the sandy clay loam texture is likely too fine, especially when compacted, to enable good drainage.

The trace metal content as detected by pXRF screening does not appear to be problematic in any of the HTM sampled. Although pXRF is a reliable and effective method to screen soil onsite for trace metals, a limited number of samples were scanned, for the most common inorganic soil pollutants only: arsenic, copper, nickel, lead, and zinc. Complete and thorough contaminant testing of the material, including organics, is beyond the scope of this investigation.

The properties of the native soil onsite fit the range in characteristics for the Hammonton series and the Prime Farmland rating, as it is mapped. Its pH and nutrient status are acceptable, and overall, it seems to be a better candidate for crop production without the added material. In its current state, the HTM onsite is more of a detriment than a benefit in this regard.

The HTM has not been mixed in to the native soil, and, as it is markedly different in appearance, it could be separated somewhat readily. There are several existing stockpiles on the western edge of the field (Figure 1) where it could be temporarily stored.

## Soil Descriptions

**Site 1:** Lat: 40° 3.140' N; Long: -74° 31.956' W.

1% stone-sized rock fragments on soil surface; 2% cobble-sized rock fragments on soil surface.

^C – 0 to 17 cm; reddish brown (5YR 4/3) gravelly sandy loam; massive; firm in place; 15 percent gravel- sized rock fragments; abrupt smooth boundary.

Ap1 – 17 to 26 cm; dark brown (10YR 3/3) sandy loam; moderate fine and medium granular structure; friable; common fine and common medium roots; 2 percent gravel-sized rock fragments.

Ap2 – 26 to 40 cm; dark brown (10YR 3/3) sandy loam; moderate medium subangular blocky structure; friable; few fine roots.

Bw – 40 to 53 cm; brown (10YR 4/3) sandy loam; moderate medium and coarse subangular blocky structure; friable; very few fine roots.

BC – 53 to 74 cm; olive brown (2.5Y 4/4) sandy loam; weak medium and coarse subangular blocky structure; friable.

C – 74 to 90 cm+; light yellowish brown (2.5Y 6/4) sandy loam; massive; friable; common (2 percent) medium distinct olive (5Y 5/6) iron concentrations.

C horizon saturated.

**Site 2:** Lat: 40° 3.149' N; Long: -74° 31.962' W.

2% stone-sized rock fragments on soil surface; 4% cobble-sized rock fragments on soil surface;

^C – 0 to 14 cm; reddish brown (5YR 4/3) gravelly sandy loam; massive; firm in place; 20 percent gravel- sized rock fragments.

**Site 3:** Lat: 40° 3.152' N; Long: -74° 31.938' W.

3% stone-sized rock fragments on soil surface; 6% cobble-sized rock fragments on soil surface;

2% cobble-sized brick fragments on soil surface;

^C – 0 to 10 cm; 90% reddish brown (2.5YR 5/4) and 10% dark reddish gray (2.5YR 3/1) sandy loam; 7 percent gravel-sized rock fragments; massive; firm in place.

Ap1 – 10 to 20 cm; very dark grayish brown (10YR 3/2) loam; moderate fine and medium granular structure; friable; many fine and many medium roots; 1 percent gravel-sized rock fragments.

Ap1 – 20 to 34 cm; very dark grayish brown (10YR 3/2) loam; moderate fine and medium subangular blocky structure; friable; common fine roots; 1 percent gravel-sized rock fragments.

Ap3 – 34 to 46 cm; very dark grayish brown (10YR 3/2) loam; moderate medium subangular blocky structure; friable; few fine roots.

Bw – 46 to 70 cm+; light olive brown (2.5Y 5/4) sandy loam; moderate medium subangular blocky structure; friable; 1 percent gravel-sized rock fragments.

**Site 4:** Lat: 40° 3.140' N; Long: -74° 31.956' W.

2% stone-sized rock fragments on soil surface; 3% cobble-sized rock fragments on soil surface; ^C—0 to 14 cm; reddish brown (2.5YR 4/3) gravelly sandy loam; massive; firm in place; 20 percent gravel-sized rock fragments.

**Site 5:** Lat: 40° 3.139' N; Long: -74° 31.937' W.

3% stone-sized rock fragments on soil surface; 5% cobble-sized rock fragments on soil surface; 2% cobble-sized brick fragments on soil surface; 7% landscaping gravel on soil surface.

^C1 – 0 to 9 cm; brown (7.5YR 4/3) gravelly sandy loam; massive; firm in place; 17 percent gravel-sized rock fragments; 3 percent gravel-sized asphalt fragments.

^C2 – 9 to 19 cm; brown (10YR 4/3) and light olive brown (2.5Y 5/6) silty clay loam; massive; firm in place; 7 percent gravel-sized rock fragments; abrupt smooth boundary.

Ap1 – 19 to 31 cm; very dark grayish brown (10YR 3/2) loam; moderate fine and medium granular structure; friable; many fine roots; 2 percent gravel-sized rock fragments.

Ap2– 31 to 44 cm; dark yellowish brown (10YR 3/4) sandy loam; moderate fine and medium subangular blocky structure; friable; common fine roots; 1 percent gravel-sized rock fragments.

BA – 44 to 53 cm; brown (10YR 4/3) sandy loam; moderate medium subangular blocky structure; friable; 1 percent gravel-sized rock fragments.

BC – 53 to 66 cm+; light olive brown (2.5Y 5/6) sandy loam; weak moderate medium subangular blocky structure; friable; 2 percent gravel-sized rock fragments.

**Site 6:** Lat: 40° 3.169' N; Long: -74° 31.923' W.

2% stone-sized rock fragments on soil surface; 4% cobble-sized rock fragments on soil surface; 2% cobble-sized brick fragments on soil surface;

^C – 0 to 15 cm; brown (10YR 4/3) sandy clay loam; massive; firm in place; 10 percent gravel-sized rock fragments; 1 percent gravel-sized plastic fragments;

**Site 7:** Lat: 40° 3.127' N; Long: -74° 31.953' W.

native soil in hayfield

Ap1 – 0 to 9 cm; very dark grayish brown (10YR 3/2) sandy loam; moderate fine and medium granular structure; friable; many fine and common medium roots; 1 percent gravel-sized rock fragments; abrupt smooth boundary.

Ap2 – 9 to 19 cm; (10YR 3/4) dark yellowish brown loamy sand; moderate medium subangular blocky structure; friable; common fine roots; abrupt smooth boundary.

Bt1 – 19 to 29 cm; light olive brown (2.5Y 5/4) sandy loam; moderate medium subangular blocky structure; friable; few fine roots; clear smooth boundary.

Bt2 – 29 to 70 cm; light olive brown (2.5Y 5/6) sandy loam; moderate medium subangular blocky structure; friable.

BC – 70 to 78 cm+; light olive brown (2.5Y 5/6) sandy loam; massive; firm; common (7 percent) coarse distinct strong brown (7.5YR 5/6) iron concentrations; 4 percent gravel-sized rock fragments.

**Site 8:** Lat: 40° 3.099' N; Long: -74° 32.021' W.

Midway along farm lane where HTM applied.

Thickness ranged from 16 cm on the east side, to 61 cm on the west.

Reddish brown (5YR 4/4) extremely cobbly sandy clay loam; 25 percent gravel-sized rock fragments, 12 percent cobble-sized rock fragments, 8 percent stone-sized rock fragments; 3 percent cobble-sized concrete fragments, 3 percent stone-sized concrete fragments, 3 percent boulder-sized concrete fragments; 2 percent cobble-sized asphalt fragments, 3 percent stone-sized asphalt fragments, 2 percent boulder sized asphalt fragments.

### **Key to Soil Descriptions**

Master Horizon Nomenclature

A = organically enriched mineral horizon

B = subsoil horizon of development of structure and/or color, or accumulation of iron or clay

C = substratum horizon with no evidence of soil forming

processes E = mineral horizon with some loss of clay, iron, or

organic matter Kinds of Master Horizons

b = buried pedogenic

horizon p = plow layer

t = illuvial accumulation of silicate clay

u = presence of human manufactured or processed materials

(artifacts) x = fragipan characteristics

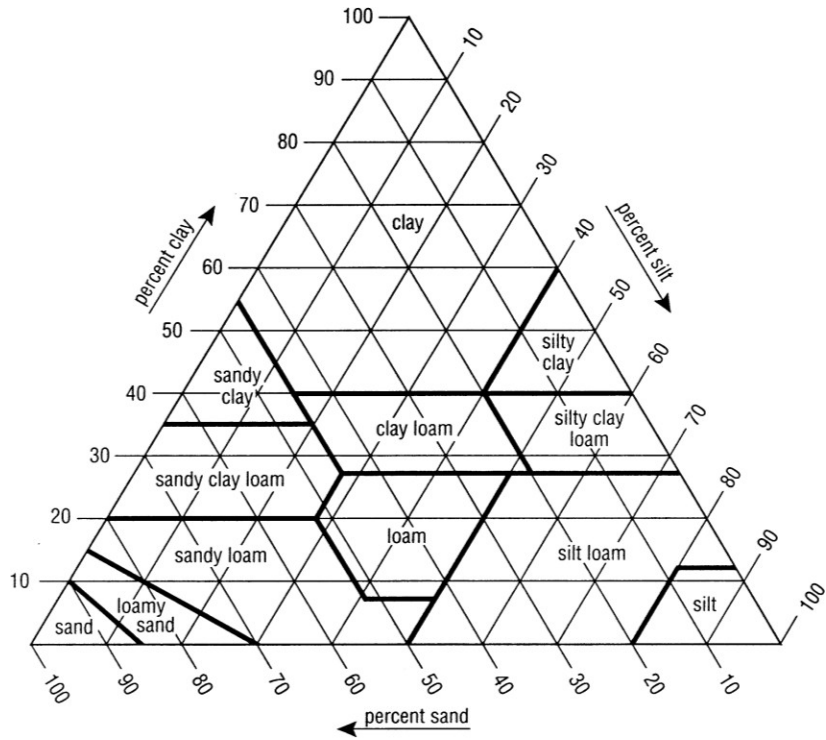
The caret (^) symbol is used as a prefix to master horizons to indicate human-transported materials. Vertical subdivisions are used to subdivide a master horizon to denote differences in texture, color, structure, etc., using Arabic numerals, e.g., Bt1, Bt2.

Transition horizons are horizons dominated by properties of one horizon, but having subordinate properties of another, e.g., AB or BA. The first letter denotes the dominant process.

### USDA Particle Size

Classes Fine earth

1. *sand* 2 to 0.05 mm
2. *silt* 0.05 to 0.002 mm
3. *clay* < 0.002 mm



**Soil Textural Classes**

Coarse fragments – spherical or cube like

- *gravel* 2 to 75 mm
- *cobbles* 76 to 250 mm
- *stones* 250 to 600 mm
- *boulders* >600 mm

Coarse fragments – flat


- channers* 2 to 150 mm
- flagstones* 150 to 380 mm
- stones* 380 to 600 mm
- boulders* >600 mm

All coarse fragment percentages are expressed on volume basis.



Soil Structure is the combination or arrangement of primary soil particles into secondary units or aggregates. Soil structure influences pore space and water movement in soils.

*Types of Soil Structure*

	<p><b>Granular</b> – roughly spherical, like grape nuts. Usually 1-10 mm in diameter. Most common in A horizons, where plant roots, microorganisms, and sticky products of organic matter decomposition bind soil grains into granular aggregates.</p>
	<p><b>Platy</b> – flat peds that lie horizontally in the soil. Platy structure can be found in A and B horizons. It commonly occurs in an A horizon as the result of compaction.</p>

	<p><b>Blocky</b> – roughly cube-shaped, with more or less flat surfaces. If edges and corners remain sharp, we call it <i>angular blocky</i>. If they are rounded, we call it <i>subangular blocky</i>. Sizes commonly range from 5-50 mm across. Blocky structures are typical of B horizons, especially those with a high clay content. They form by repeated expansion and contraction of clay minerals.</p>
---	---

*Structureless Soil Types*

	<p><b>Massive</b> – compact, coherent soil not separated into aggregates of any kind. Massive structures in clayey soils usually have very small pores, slow permeability, and poor aeration.</p>
	<p><b>Single grain</b> – in some very sandy soils, every grain acts independently, and there is no binding agent to hold the grains together into peds. Permeability is rapid, but fertility and water holding capacity are low.</p>

Soil Consistence is the ease with which a lump of soil can be crushed or ruptured when pressed between the index finger and thumb. It can also describe the difficulty of excavating the soil. Soil consistence, and its description, depends on soil moisture content. Terms commonly used to describe consistence in a moist soil are:

**Loose** - does not hold together in a mass; intact aggregate is not obtainable.

**Friable** – aggregate crushed easily under gentle pressure between thumb and forefinger and can be pressed together into a lump.

**Firm** – aggregate crushed under moderate pressure between thumb and forefinger, but resistance is distinctly noticeable.

**References**

Rutgers, New Jersey Agricultural Experiment Station, 2022/2023 Mid-Atlantic Commercial Vegetable Production Recommendations. 54 pp.

Schoeneberger, P.J., D.A. Wysocki, E.C. Benham, and Soil Survey Staff. 2012. Field Book for Describing and Sampling Soils. Version 3.0. Natural Resources Conservation Service, National Soil Survey Center, Lincoln, NE.

Soil Science Division Staff, 2017. Soil Survey Manual. USDA Handbook Number 18. U.S. Government Publishing Office. 603 pp.

Soil Survey Staff, 2024a, Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions. Available online at the following link: <https://soilseries.sc.egov.usda.gov/osdname.aspx> Accessed January 22, 2024.

Soil Survey Staff, 2014b, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <http://websoilsurvey.sc.egov.usda.gov/> Accessed January 22, 2024.

**Soil Test Report**  
Lab#: 2024- 14893

Richard K. Shaw

Date Received: 2024-02-02  
Date Reported: 2024-02-06

Referred To: Rutgers Cooperative Ext. of Burlington County  
(609)265-5050

Sample ID: 1

### **Results and Interpretations**

**pH:** 6.71 Very slightly acidic

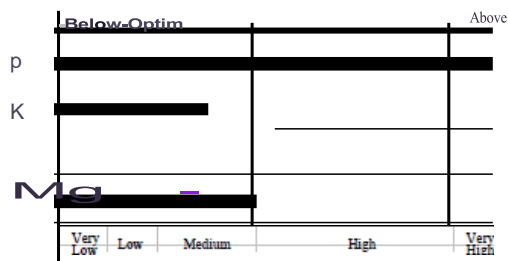
**Lime Requirement Index:** 7.77

The Lime Requirement Index (LR!) is a measure of the buffering capacity of the soil, its resistance to pH change, and is used to determine the appropriate amount of limestone, when necessary. LR! value near 8.0 indicates low buffering capacity of soil and a lower rate of limestone amendment compared to soil with high buffering capacity (LR! near 7.0).

### **Macronutrients (pounds per acre)**

by Mehlich3 extraction

**Phosphorus:** 170 (Above Optimum)  
**Potassium:** 114 (Below Optimum)  
**Magnesium:** 156 (Optimum)  
**Calcium:** 1399 (Below Optimum)



### **Micronutrients (parts per million)**

**Zinc(Zn)**      **Copper(Cu)**      **Manganese(Mn)**  
4.65 (Adequate)    2.11 (Adequate)    38.42 (High)

**Boron(B)**  
0.62 (Low)

**Iron(Fe)**  
177.40 (High)

**Sulfur(S)**  
13.27 (Medium)

**Estimated Cation Exchange Capacity and Basic Cation Saturation**

CEC	Base Saturation	calcium	Magnesium	Potassium
6.1 meq/100g		3.5 meq/100g	0.6 meq/100g	0.1 meq/100g
(100%)	70%	57%	11%	2%

Suggested Range of Cation Saturation:                      65-76%                      10-15%                      4-7%

**Special Tests Results**

No special test data available

Comments:

Find Rutgers Cooperative Extension Fact Sheets at [www.njaes.rutgers.edu/pubs](http://www.njaes.rutgers.edu/pubs)





# RUTGERS

New Jersey Agricultural Experiment Station

Soil Testing Laboratory Rutgers, The State University  
ASB II  
57 US Highway 1 South New Brunswick, NJ 08901-8554

Soil Test Report  
Lab#: 2024-14894

Richard K. Shaw

Date Received: 2024-02-02

Date Reported: 2024-02-06

Referred To: Rutgers Cooperative Ext. of Burlington County  
(609)265-5050

Sample ID: 3

## Results and Interpretations

pH: 8.16 Moderately alkaline

### Macronutrients (pounds per acre)

by Mehlich 3 extraction

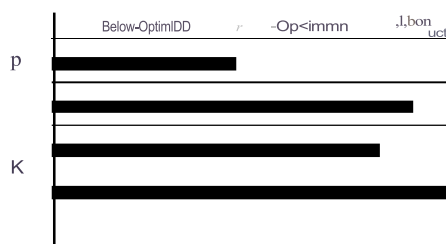
Phosphorus: 70

Potassium: 272

Magnesium: 260

Calcium: 2502

(Below Optimum) (Optimum) (Optimum) (Above Optimum)



### Micronutrients (parts per million)

Zinc(Zn)      Copper(Cu)      Manganese(Mn)

8.68 (Adequate)    2.46 (Adequate)    113.82 (High)

Boron(B)      Iron(Fe)

0.83 (Adequate)    238.98 (High)

Sulfur(S)

16.09 (Sufficient)

### Estimated Cation Exchange Capacity and Basic Cation Saturation

CEC cannot be calculated for samples with pH greater than 7

### Special Tests Results

No special test data available

Comments:



New Jersey Agricultural Experiment Station

Soil Testing Laboratory Rutgers, The State University  
ASB II  
57 US Highway 1 South New Brunswick, NJ 08901-8554

**Soil Test Report**  
Lab#: 2024-14895

Richard K. Shaw

Date Received: 2024-02-02  
Date Reported: 2024-02-06

Referred To: Rutgers Cooperative Ext. of  
Burlington County (609)265-5050

Sample ID: 5

**Results and Interpretations**

pH: 7.56 Moderately alkaline

**Macronutrients (pounds per acre)**

by Mehlich 3 extraction

Phosphorus: 64

Potassium: 144

Magnesium: 615

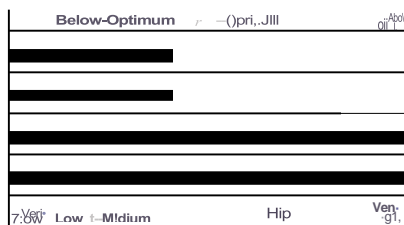
Calcium: 6440

(Below Optimum) P

(Below Optimum) K

(Above Optimum) Mg

(Above Optimum) Ca



**Micronutrients (parts per million)**

Zinc(Zn)	Copper(Cu)	Manganese(Mn)
16.67 (Adequate)	5.28 (Adequate)	80.49 (High)

Boron(B)	Iron(Fe)
0.92 (Adequate)	286.78 (High)

Sulfur(S)  
31.03 (Sufficient)

**Estimated Cation Exchange Capacity and Basic Cation Saturation**

CEC cannot be calculated for samples with pH greater than 7

**Special Tests Results**

No special test data available

Comments:

# RUTGERS

New Jersey Agricultural Experiment Station

Soil Testing Laboratory Rutgers, The State University  
ASB II  
57 US Highway 1 South New Brunswick, NJ 08901-8554

## Soil Test Report Lab#: 2024-14896

Richard K. Shaw

Date Received: 2024-02-02  
Date Reported: 2024-02-06

Referred To: Rutgers Cooperative Ext. of Burlington  
County (609)265-5050

Sample ID: 7

### Results and Interpretations

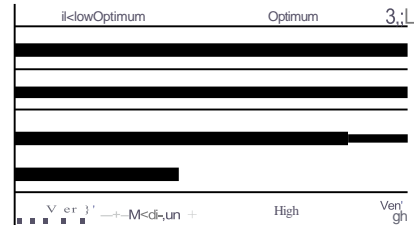
pH: 6.20 Slightly acidic

Lime Requirement Index: 7.79

The Lime Requirement Index (LRI) is a measure of the buffering capacity of the soil, its resistance to pH change, and is used to determine the appropriate amount of limestone, when necessary. LRI value near 8.0 indicates low buffering capacity of soil and a lower rate of limestone amendment compared to soil with high buffering capacity (LRI near 7.0).

### Macronutrients (pounds per acre)

	by Mehlich 3 extraction	
Phosphorus:	265 (Above Optimum)	P
Potassium:	369 (Above Optimum)	K
Magnesium:	310 (Above Optimum)	Mg
Calcium:	1331 (Below Optimum)	Ca



### Micronutrients (parts per million)

Zinc(Zn)	Copper(Cu)	Manganese(Mn)
6.06 (Adequate)	1.09 (Adequate)	13.07 (Adequate)

**Boron(B)** 1.22 (Adequate) **Iron(Fe)** 249.25 (High)

**Sulfur(S)** 14.55 (Medium)

### **Estimated Cation Exchange Capacity and Basic Cation Saturation**

CEC	Base Saturation	calcium	Magnesium	Potassium
6.8 meq/100g		3.3 meq/100g	1.3 meq/100g	0.5 meq/100g
(100%)	75%	49%	19%	7%

Suggested Range of cation Saturation:                      65-76%                      10-15%                      4-7%

### **Special Tests Results**

No special test data available

Comments:

Find Rutgers Cooperative Extension Fact Sheets at [www.njaes.rutgers.edu/pubs](http://www.njaes.rutgers.edu/pubs)



Participating  
Laboratory

Soil Test Report for Lab# 2024-14B96      Page 212      RULIMS-ST V7.0

# Schedule "E"

## NJ DEP NOV

**New Jersey Department of Environmental Protection  
Bureau of Solid Waste Compliance and Enforcement  
NOTICE OF VIOLATION**

File # _____
PI # <u>2205 214</u>

Program Interest: Cook Farms & Subdiv LLC Site Address: 149 Bridledown Road  
 Municipality: Plumsted Township County: Ocean County Zip: 08533  
 Person Interviewed: Albert Cook Property Owner Title: \_\_\_\_\_

On 01/25/2024 representative from the NJDEP Bureau of Solid Waste Compliance and Enforcement (BSWC&E) conducted a compliance evaluation of the above Program Interest. This NOTICE is issued based on facts observed by or known to the Department's representative issuing this NOTICE, to warn you that a violation(s) of the Statutes and Rules checked below has been found:

- Solid Waste Management Act N.J.S.A. 13:1E-1 et seq. and rules at N.J.A.C. 7:26 - 1 et seq. and/or N.J.A.C. 7:26A-1 et seq. and/or N.J.A.C. 7:26G-1 et seq.
- Spill Compensation and Control Act N.J.S.A. 58:10-23.11 et seq. and rules at N.J.A.C. 7:1E-1 et seq.

**EXPLANATION OF THIS NOTICE** - Violations with citation(s) to the specific Rules issued under the above checked Statutes:  
Pursuant to N.J.S.A.C. 7:26-2.8(c): Failure to apply and receive approval of a solid waste facility permit prior to engaging in the disposal of solid waste in this state. Additionally pursuant to N.J.S.A.C. 7:26-2.8(f): Failure to obtain a solid waste facility permit prior to constructing or operating a solid waste facility. Specifically, the dumping of construction & demolition debris including but not limited to painted concrete, asphalt and metal pipe hangers, as well as, corrugated plastic, metal pipes, carpet with padding, tile and sheetrock within 30 days of receiving this notice. Please call cited solid wastes and provide receipt of proper disposal.

- Violation above corrected at time of issuance       See additional    (#) pages of **EXPLANATION OF THIS NOTICE**

**PURPOSE OF THIS NOTICE** - This is intended to serve as a NOTICE to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and, voluntarily take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk \* above). This NOTICE does not constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this NOTICE may not be appealed or contested.

Neither the issuance of this NOTICE nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

**RESPONDING TO THIS NOTICE** - Voluntary corrective actions taken in response to this NOTICE can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk \* above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this NOTICE. For violations identified in this NOTICE that are not subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this NOTICE as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this NOTICE:

**CORRECTIVE ACTION PAGE(S)** - The Corrective Action Page(s) outlines the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this NOTICE, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be outlined on this form.

- Not Provided for this Notice  
 See additional    (#) attached pages

**COMPLIANCE RESPONSE FORM** - Submission of a Compliance Response Form if checked below is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this NOTICE.

- Not Applicable  
 If received within    days of receipt it will preserve your protection from penalty under Grace Period Law.  
 If received within    days of receipt, it will be considered in potential future Department action regarding the violations cited.

**FOR QUESTIONS REGARDING THIS NOTICE** please contact the Department representative issuing this NOTICE at the location indicated.

Mail Code 09-01,  
 P.O. Box 420, Trenton, NJ 08625-0420  
 Tel: (609) 292-6305 Fax: (609) 292-4539

Issued by: Courts Petrowsky Date: 01/25/2024 Signature: [Signature]

Received by (print): Albert Cook Date: 01/25/2024 Signature (receipt only): [Signature]

DAVINATHAS

# Schedule “F”

## Soil Conservation District NOV



714 Lacey Road, Forked River, NJ 08731 Tel (609) 971-7002 Fax (609) 971-3391  
[www.SoilDistrict.org](http://www.SoilDistrict.org)

### VIOLATION NOTICE

February 1, 2024  
Canka Farms & Stables LLC C/O Albert Canka  
7 Apple Blossom Lane Manalapan, NJ 07726

Re: Soil Disturbance; Block: 85; Lot 8; 149 Brindletown Road; Plumsted Township

You are hereby advised of a violation of N. J. S. A. 4:24-39 et. seq., the Soil Erosion and Sediment Control Act (the Act), (Chapter 251, P. L. 1975 as amended). This violation is due to the failure to submit a Soil Erosion and Sediment Control plan and application to the Ocean County Soil Conservation District (OCSCD) for review and certification of the above referenced land disturbance activity.

Additionally, the following deficiencies found by an inspection on January 25<sup>th</sup>, 2024, are as follows:

1. It does not appear that the regrading of approximately 700 feet of farm lane is directly related to agriculture production and does not meet the definition of agriculture activity pursuant to NJAC 2:90-1.2 Definitions: “Agriculture and Horticulture” and therefore NJAC 2.90-1.8 Clearing or grading of land, and this activity is subject to the Act.
2. The soil that was imported onto the farm contains solid waste material as provided in the NJDEP Bureau of Solid Waste Compliance and Enforcement Notice of Violation.
3. The email dated 12/18/23, along with the enclosures that the District received from Dan Watkins are not sufficient proof or documentation that the land disturbance activities occurring are an agricultural activity. Please submit either
  1. or (b):
    - a. Proof or documentation that the farm access lane improvements generally conform to the Natural Resource Conservation Service Conservation Practice Standard for access lanes, see enclosure. The District shall determine if the submitted documentation demonstrates an agricultural or horticultural activity or the project is subject to the Act and the subchapter.
    - b. Complete the enclosed application, along with the appropriate fee and necessary sets of plans (Soil Erosion and Sediment Control plans) to this office.

NO FURTHER LAND DISTURBANCE can be carried out on this project until the District certifies a soil erosion and sediment control plan. Please be advised that if any

additional land disturbance occurs, or if you fail to submit the required information, a STOP CONSTRUCTION ORDER may be issued.

For your convenience, an application form, non-applicability form and fee schedule are enclosed. Complete the application and return it, along with the appropriate fee, and necessary sets of plans or documentation to this office. Once received the District will begin the review process. **Please contact me in writing within ten (10) days of receipt of this Notice.**

Your failure to take immediate corrective measures to resolve these violations may result in the filing of a complaint against you under the provisions of N.J.S.A. 2A:58-1 et. seq., the Penalty Enforcement Law wherein you may be subject to fines of up to \$3,000.00 each day said violation continues constituting an additional separate and distinct offense. **This notice requires your immediate attention.**

AUTHORIZED SIGNATURE: *Jessica Pinto*

Jessica Pinto

Senior Erosion Control Specialist

[jpinto@soildistrict.com](mailto:jpinto@soildistrict.com)

Enclosures (4)

cc: Municipal Construction Official

Plumsted Township Code Enforcement Officer

State Soil Conservation Committee, Frank Minch (via email)

Ocean County Soil Conservation District Director, Christine Raabe (via email) State Agriculture

Development Committee, Timothy Willmott (via email) Ocean County Planning, Farmland Preservation (via email)

Bureau of Coastal and Land Use Compliance and Enforcement, NJDEP (via email) Bureau of Solid Waste Compliance and Enforcement, NJDEP (via email)

Green Cell Farms, Dan Watkins (via email)

# Schedule "G"

## Plumsted Township NOV

Robert W. Bowen, Mayor  
Herbert F. Marinari, Deputy Mayor  
Thomas Calabrese, Committeeman  
Dominick Cuzzo, Committeeman  
Leonard A. Gilletto, Committeeman

Township of Plumsted



The States Center

121 Evergreen Road  
New Egypt, NJ 08533  
609-758-2241  
609-758-0123 (fax)  
[www.plumsted.org](http://www.plumsted.org)

### Notice of Violation

Canka Farms & Stables LLC  
C/O Albert Canka  
7 Apple Blossom Lane  
Manalapan, NJ 07726

Verbal – 12/7/23  NOTICE #1  
2/18/24  NOTICE #2  
 SUMMONS

Re: Soil Disturbance  
Block 85, Lot 8  
149 Brindletown Road, Plumsted Township

Date: 2/15/24

Please be advised that as the result of complaint(s) received by this office, an inspection of your property conducted on the above date revealed the following violation(s):

Ordinance Chapter 15-5.16a Soil Importation, Subsections: (a), (c) thru (j)

- a. 1. The purpose of this section is to manage the importation and deposition of soil/fill to protect the safety, public health, and general welfare of the community and the environment. The adoption and enforcement of this section does not exempt an applicant from other required local, state or federal approvals or local Soil Conservation District requirements and is meant to act in conjunction with all Soil Conservation District requirements and other applicable requirements with regards to acceptability and placement of soil/fill materials.
2. This section does not apply to soil/fill imported for the purposes of remediation pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS, N.J.A.C. 7:26C) and Technical Requirements for Site Remediation (N.J.A.C. 7:26E), operation and/or closure of sanitary landfills (N.J.A.C. 7:26) or dredge repository sites approved by state or federal agencies.
- c. Permit required.
- d. Exceptions and exemptions.
- e. Application for minor permit.
- f. Major soil importing application referral to Land Use Board.
- g. Factors to be considered in approving permits.
- h. Issuance of permit and operating requirements.
- i. Enforcement.
- j. Permit and inspection fees.

All Plumsted Township Ordinance Violations shall be addressed within (20) days from issuance of Notice. Failure to address the above Violation within the allotted timeframe will result in the issuance of a Summons and any associated fines and/or fees. An inspection will be conducted to ensure compliance. If any questions or concerns arise, please contact this office at 609-758-2241 X106.

Respectfully,  
Ralph Rosamilia  
Code Enforcement Officer



# Schedule "H" Firearms Range



# Schedule "I"

## Fill to Improve Farm Lane (Northern Side)



# Schedule "J-1"

## Steel, Steel Equipment and Related Vehicles



## Schedule "J-2"

### Steel, Steel Equipment and Related Vehicles



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R3(4)**

**Construction of Onsite Agricultural Labor Housing  
VGF Group, LLC**

**March 28, 2024**

Subject Property: Block 302, Lots 6.01 and 31  
Chesterfield Township, Burlington County  
79.729 Acres  
SADC ID# 03-0121-EP

WHEREAS, VGF Group, LLC, hereinafter (“Owner”) is the record owner of Block 302, Lots 6.01 and 31 in Chesterfield Township, Burlington County, by deed dated May 14, 2021, and recorded on July 30, 2021, in the Burlington County Clerk’s Office in Deed Book 13546, Page 4800, totaling 79.729 acres, hereinafter referred to as the “Premises”, as shown on Schedule A; and

WHEREAS, the development easement on the Premises was conveyed to the Burlington County Board of Chosen Freeholders, now known as the Board of County Commissioners, by H. Taylor Bunting and Jennie F. Bunting, pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-11 et seq., by Deed of Easement dated March 22, 2001 and recorded on March 23, 2001, in the Burlington County Clerk’s Office in Deed Book 5854, Page 30; and

WHEREAS, the SADC provided a cost share grant to the County, as evidenced by cost sharing grant agreement recorded in the Burlington County Clerk’s office on July 24, 2003, in Deed Book 6083, Page 691, thereby enrolling the Deed of Easement in the ARDA program; and

WHEREAS, the farmland preservation Deed of Easement identifies one existing single-family residence, no Residual Dwelling Site Opportunities, zero units used for agricultural labor purposes and no exception areas; and

WHEREAS, Vegefresh Farm, LLC is the farm operator of the Premises; and

WHEREAS, the managers of Vegefresh Farm, LLC and VGF Group, LLC are Yufei Wu and Wei Jun Wu; and

WHEREAS, since acquiring the Premises, the Owner has converted it from a corn/soy/wheat crop production to a diversified vegetable and poultry operation; and

WHEREAS, paragraph 14 of the Deed of Easement for the Premises states that: *“Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:*

- i. To provide structures for the housing of agricultural labor employed on the Premises, but only with approval of the Grantee and the Committee. If Grantee and the Committee grant*

*approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural."*; and

WHEREAS, in 2022 the Owner applied to the Burlington County Agriculture Development Board (BCADB), the Burlington County Board of Commissioners, and the State Agriculture Development Committee (SADC) for approval to use a 576 sq./ft. four-bedroom and one-half bathroom mobile trailer, in the location shown on Schedule B, to house up to eight (8) seasonal laborers on the Premises from March through November; and

WHEREAS, by resolution #2022-01, adopted on January 13, 2022, the BCADB approved the Owners' request for the agricultural labor unit, as described above; and

WHEREAS, by resolution #2022-00058, adopted on February 9, 2022, the Burlington County Board of Commissioners approved the Owners' request for the agricultural labor unit, as described above; and

WHEREAS, by resolution FY2022R4(4), adopted on April 28, 2022, the State Agriculture Development Committee (SADC) approved the Owners' request for the agricultural labor unit, as described above; and

WHEREAS, due to the amount of labor required on the farm, in November of 2023 the Owner submitted an application to the BCADB for approval of two additional mobile trailers to be permitted on the Premises, consisting of one 3-bedroom, 400 sq./ft. unit, and one 4-bedroom, 450 sq./ft. unit, to be modified to house up to eleven (11) laborers during their busy season from June through October; and

WHEREAS, by resolution #2024-01 adopted on January 11, 2024, the BCADB approved the Owner's request for two additional agricultural labor units, as proposed; and

WHEREAS, by resolution #2024-00100, adopted on February 28, 2024, the Burlington County Board of Commissioners approved the Owners' request for two additional agricultural labor housing units, as proposed; and

WHEREAS, in accordance with N.J.A.C. 2:76-6.15(a)14i., and the deed of easement, the Owners' application for additional agricultural labor units, as proposed, are subject to Committee approval; and

WHEREAS, representation by the Owners relating to the need for agricultural labor housing are as follows:

- a. The Premises is in active production consisting of approximately 65 acres of diversified vegetables, cucumbers, pumpkins, bok-choy, yu-choy, gailan (Chinese broccoli) and chickens.

- b. The Owner has represented that onsite labor is necessary to properly produce and harvest the crops raised on the farm and to reduce costs incurred from transporting employees to the farm on daily basis.
- c. The Owner has represented that the primary duties of the employees residing in the agricultural labor housing unit will be growing seedlings, watering, trimming vines, fertilizing, weeding, harvesting, packing, delivery of produce and daily care of the poultry.

WHEREAS, the existing driveway will be used to access the agricultural labor units;  
and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC has reviewed the Owner's application for approval to place two (2) mobile home trailers consisting of 400 sq./ft and 450 sq./ft., to be utilized for the purpose of housing up to eleven (11) seasonal laborers on the Premises in the locations shown on Schedule "B" from June through October, and finds that utilizing the proposed agricultural labor units, as described by the Owner, is consistent with agricultural uses on the Premises; and:
  - a) The size and location of the proposed units minimizes adverse impacts on the agricultural land due to utilizing space adjacent to the farm's existing agricultural infrastructure area as shown on Schedule "B".
  - b) Onsite labor housing is necessary due to the intensity of the work and the time-sensitive nature of the crops produced.
  - c) The production aspects of the operation, consisting of 65 acres of mixed vegetables, specialty crops, and poultry production, warrants an additional eleven (11), seasonal laborers from June through October.
  - d) The Owners' proposal to construct agricultural labor housing on the Premises for purposes of housing on-site labor who are regularly engaged in the production aspects of this operation is consistent with the requirements of the Deed of Easement and enhances the economic viability of the owner's agricultural business.
3. Only agricultural laborers employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor units. Agricultural labor housing shall not be used as housing for the Owner, Owner's spouse, Owner's parents, Owner's lineal descendants, adopted or natural, Owner's spouse's parents, or the Owner's spouse's lineal descendants, adopted or natural.
4. The agricultural laborers shall be engaged in the day-to-day production activities on the Premises, which at this time includes growing seedlings, watering,

trimming vines, fertilizing, weeding, harvesting, packing, delivery of produce and daily care of the poultry.

5. As a condition of this approval, the Committee reserves the right to annually require the Owner to produce documentation supporting the production aspects of the operation to ensure that there is sufficient production activity occurring on the farm to continue to warrant use of the agricultural labor units.
6. The Owner's construction and use of any structures for housing agricultural laborers shall comply with all applicable Federal, State, County, and local regulations.
7. This approval is non-transferable.
8. This approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state, or federal approvals necessary to effectuate the approved SADC action; and
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/28/2024

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES



Schedule A

**VegeFresh Farm 03-0121-EP**

**BI 302 / Lots 31 & 6.01**

**Chesterfield Twp. Burlington County**

**New Jersey Farmland Preservation Program**



For Planning Purposes Only  
Date: 3/5/2024



Schedule B

**VegeFresh Farm 03-0121-EP**

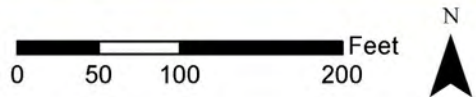
**BI 302 / Lots 31 & 6.01**

**Chesterfield Twp. Burlington County**

**New Jersey Farmland Preservation Program**



For Planning Purposes Only  
Date: 3/5/2024



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2024R3(5)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Durr, James and Lisa (“Owners”)  
SADC ID# 03-0450-PG  
North Hanover Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**MARCH 28, 2024**

WHEREAS, on October 10, 2023, the application for the sale of a development easement for the subject farm identified as Block 400, Lots 12, 14, 42, 43, 44, North Hanover Township, Burlington County, totaling approximately 97.9 gross acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

WHEREAS, the Owners received and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17.5(a)1 and is located in the County's North Project Area; and

WHEREAS, the Property includes no exception areas, resulting in approximately 97.9 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) One (1) existing single family residential unit
- 3) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 4) Zero (0) agricultural labor units
- 5) No pre-existing non-agricultural uses; and

WHEREAS, this final approval and the SADC grant is conditioned on all lots being consolidated simultaneously or immediately after the easement closing; and

WHEREAS, at the time of application, the Property was in vegetable, melon, and forest management production; and

WHEREAS, during preliminary review SADC staff noted that the Owners had cleared approximately an eight-acre area of the farm mapped by NJDEP as freshwater wetlands; and

WHEREAS, Burlington County submitted an Environmental Constraints Report (ECR), completed by DuBois & Associates on May 17, 2023, amended on August 30, 2023, to address SADC Policy P-27A "Delineation of Hydrologically Limited Areas."

WHEREAS, the ECR concluded, on pages 4 and 5, that "no portion of the study area exhibits the hydrophytic vegetation, hydric soils, and/or hydrology parameters, and is therefore not composed of freshwater wetlands"; and

WHEREAS, SADC staff reviewed the ECR, conducted a site visit on September 13, 2023, and concluded that the areas cleared by the Owners were not wetlands and the ECR meets the requirements of Policy P-27A and could be considered in the appraisal of the property; and

WHEREAS, during the SADC staff site visit, several areas of erosion were observed, and the landowners were made aware in the Green Light Approval letter that acknowledged the erosion would have to be remediated before preservation (Schedule A); and

WHEREAS, the Property has a quality score of 61.57 which exceeds 46, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, On November 13, 2023, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Acting Chairman Atkinson certified the Development Easement value of \$11,500 per acre based on zoning and environmental regulations in place as of the current valuation date July 11, 2023; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$10,300 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on January 11, 2024, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on February 1, 2024, the North Hanover Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on January 11, 2024, the Burlington County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on February 14, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$10,300 per acre to cover the local cost share; and

WHEREAS, if the County decides to purchase the development easement in advance of the SADC grant, the County will request a cost share grant reimbursement from the SADC; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 100.84 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11(d), the SADC's cost share will be based on the County's purchase price because it is less than the SADC certified value; and

WHEREAS, the estimated cost share breakdown is as follows (based on 100.84 acres):

	Total	Per/acre
SADC	\$623,191.20	(\$6,180/acre)
<u>County</u>	<u>\$415,460.80</u>	<u>(\$4,120/acre)</u>
Total Easement Purchase	\$1,038,652	(\$10,300/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$623,191.20 in base grant funding, which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11(d);

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 100.84 net easement acres, at a State cost share of \$6,180 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$623,191.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. WHEREAS, this final approval and closing on the easement purchase is conditioned on the landowner entering into a contract with NRCS or otherwise remediating the soil and water protection concerns and stabilizing the area to the SADC's satisfaction; and
4. Final approval is conditioned on all lots being consolidated, simultaneously or immediately after the easement closing.
5. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
6. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.

7. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
8. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
9. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



3/28/2024

Date

\_\_\_\_\_  
 Susan E. Payne, Executive Director  
 State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

## Preserved Farms and Active Applications Within Two Miles



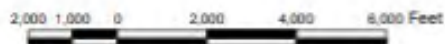
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Application within the (PA4) Rural Area

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Durr, James & Lisa  
Block 400 Lots 12 (71.2 ac); 14 (0.2 ac); 42 (1.4 ac);  
43 (0.9 ac) & 44 (24.2 ac)  
Gross Total = 97.9 ac  
North Hanover Twp., Burlington County

	Property in Question
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements



Source:  
NJ Farmland Preservation Program  
NJDOT Parcel Data  
NJDEP Conservation/Open Space Assessment Data  
NJGIT/News/Map 2021 Digital Aerial Image

**NOTE:**  
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors.

# Wetlands



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

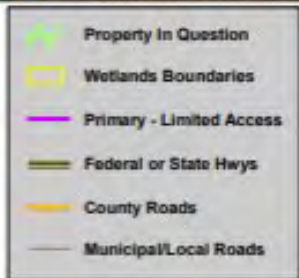
Durr, James & Lisa  
Block 400 Lots 12 (71.2 ac); 14 (0.2 ac); 42 (1.4 ac);  
43 (0.9 ac) & 44 (24.2 ac)  
Gross Total = 97.9 ac  
North Hanover Twp., Burlington County



Sources:  
NJ Farmland Preservation Program  
NJDOT Parcel Data  
NUEP 2010 Landuse/Landcover Data  
NJDOT Road Data  
NJOT/Near Map 2021 Digital Aerial Image

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for printing purposes. The geospatial accuracy and precision of the GIS data contained in this file and map shall not be nor are intended to be relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Application within the (PA4) Rural Area



**Wetlands Legend:**  
F - Freshwater Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water



## SADC County PIG Financial Status Schedule B Burlington County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds									
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Maximum Grant			Competitive Fund Balance									
										Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 20	Fiscal Year 21	Fiscal Year 22	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 18	Fiscal Year 20			
										Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY20 Balance		
													9,501,057.50										
03-0422-PG	Alloway Family LP - South	44.2390	43.7790	3,664.00	2,598.40	162,091.70	113,755.35							123,112.19	113,755.35	113,755.35				4,075,103.27			
03-0423-PG	Kirby, Harold C. & Gail W.	54.9550	54.9550	3,977.00	2,786.20	218,556.04	153,115.62	65,440.42						157,838.23	153,115.62	153,115.62				3,921,987.65			
03-0417-PG	Hatt, Linda E.	69.8240	56.8650	8,016.00	4,008.00	559,709.18	227,914.92	279,854.59						284,848.56	227,914.92	227,914.92				3,694,072.73			
03-0418-PG	Lanwin Development Corp.	135.0140	135.0140	4,900.00	3,220.00	661,568.60	434,745.08	279,854.59						441,043.40	434,745.08	434,745.08				3,259,327.65			
03-0416-PG	Thompson South, LLC	133.4950	133.4950	5,050.00	3,340.00	674,149.75	445,873.30							464,427.00	445,873.30	445,873.30				2,813,454.35			
03-0419-PG	M&N Farms Land Holdings, LLC	35.5730	34.6750	5,750.00	3,775.00	199,381.25	130,898.13							147,753.50	130,898.13	130,898.13				2,682,556.22			
03-0421-PG	Fenimore, Michael	74.8420	71.9310	3,145.00	2,287.00	235,378.09	164,506.20	64,214.45						173,720.52	164,506.20	164,506.20				2,518,050.02			
03-0425-PG	Alloway Family LP - North	119.5000	119.4470	4,118.00	2,870.80	491,882.75	342,908.45							351,873.96	342,908.45	342,908.45				2,175,141.57			
03-0420-PG	Patel, I.P. & Chetan, N.D., M & D.C.	33.9500	33.9500	5,550.00	3,675.00	188,422.50	124,766.25							128,698.50	124,766.25	124,766.25				2,050,375.32			
03-0429-PG	Jannen, Christian G. & Barbara L.	32.0080	32.0080	3,441.00	2,200.00	110,139.53	55,069.77	39,721.93	15,347.83					70,417.60	55,069.77	55,069.77				1,995,305.55			
03-0432-PG	RTE, III Farms, LLC (Eckert West)	94.4930	94.3020	3,815.00	2,689.00	359,762.13	253,578.08			258,144.00	253,578.08	253,578.08	5,746,421.92										
03-0433-PG	RTE, III Farms, LLC (Eckert East)	53.5880	53.4840	3,593.00	2,555.80	192,168.01	136,694.41			140,569.00	136,694.41	136,694.41	5,609,727.51										
03-0434-PG	Allen, Edward W. (Pointville)	28.5690	28.5690	3,443.00	2,410.10	98,363.07	68,854.15	29,508.92		71,613.26	68,854.15	68,854.15	5,540,873.36										
03-0430-PG	Giberson, Daniel & Pamela (North Farm)	52.6420	52.3420	4,194.00	2,916.40	220,780.55	152,650.21	66,234.16		152,650.21	152,650.21	152,650.21	5,388,223.15										
03-0431-PG	Giberson, Daniel & Pamela (Home Farm)	22.8960	22.8960	3,484.00	2,438.80	79,769.66	55,838.76	23,930.90		57,020.20	57,020.20	55,838.76	5,332,384.39										
03-0439-PG	Whalen Farms, LLC	15.8240	15.8150	2,485.00	1,839.50	39,322.64	29,091.69			30,351.75	29,091.69		5,303,292.70										
03-0438-PG	Emmons, Dara & Douglas Edwards (Emmons Home)	89.7340	89.7340	4,019.00	2,811.40	360,640.95	180,320.48	180,320.47	71,957.69	260,616.78	180,320.48	180,320.48	5,122,972.22										
03-0437-PG	Emmons, Dara & Douglas Edwards (Emmons West)	77.1870	77.1870	3,673.00	2,603.80	283,507.85	141,753.92	141,753.93	59,225.59	212,990.84	141,753.92	141,753.92	4,981,218.30										
03-0435-PG	Stevens, John W. & Denise M.	60.8540	60.8540	4,110.00	2,866.00	250,109.94	174,407.56			174,252.80	174,407.56	174,407.56	4,806,810.74										
03-0440-PG	Zimmermann, Michael E., et al	126.3110	126.2120	4,294.00	2,956.00	542,379.43	373,082.67			385,652.15	373,082.67	373,082.67	4,433,728.07										
03-0400-PG	Gatley, John T., III & Tina Renee	47.5510	47.4450	5,706.00	3,753.00	271,326.01	178,061.09			178,458.90	178,061.09	178,061.09	4,255,666.98										
03-0443-PG	Brace Lane Holdings, LLC	30.1940	30.1940	5,636.00	3,280.00	170,173.38	99,036.32			99,036.32	99,036.32	99,036.32	4,156,630.66										
03-0449-PG	Russo's Fruit & Vegetable Farm, Inc.	153.0000	157.5900	5,398.00	3,599.00	850,670.82	567,166.41			567,166.41			3,589,464.25										
03-0450-PG	Durr, Lames and Lisa	97.9000	100.8400	10,300.00	6,180.00	1,038,652.00	623,191.20			623,191.20			2,966,273.05										
<b>Closed</b>	<b>60</b>	<b>6,122.7830</b>	<b>6,069.7880</b>			<b>25,926,883.37</b>	<b>16,495,348.55</b>	<b>3,312,722.01</b>	<b>146,531.11</b>														
<b>Encumbered</b>	<b>3</b>	<b>266.7240</b>	<b>274.2450</b>			<b>1,928,645.46</b>	<b>1,219,449.30</b>																
										Encumber/Expended FY09	-	-	1,057.50	-									
										Encumber/Expended FY11	-	-	1,500,000.00	-			3,000,000.00	-					
										Encumber/Expended FY13	-	-	1,000,000.00	-			5,000,000.00	-					
										Encumber/Expended FY17	-	-	1,000,000.00	-			3,004,694.45	-		1,995,305.55			
										Encumber/Expended FY18	-	-	-	-			-	-			2,000,000.00		
										Encumber/Expended FY20	156,630.66	29,091.69	1,814,277.65	-			-	-				2,000,000.00	
										Encumber/Expended FY21	1,033,726.95	-	-	966,273.05			-	-					
										Encumber/Expended FY22	-	-	-	2,000,000.00			-	-					
										<b>Total</b>			<b>2,966,273.05</b>						<b>0.00</b>	<b>0.00</b>	<b>1,995,305.55</b>	<b>2,000,000.00</b>	<b>2,000,000.00</b>

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Durr, James & Lisa  
03-0450-PG  
County PIG Program  
98 Acres

Block 400	Lot 12	North Hanover Twp.	Burlington County
Block 400	Lot 14	North Hanover Twp.	Burlington County
Block 400	Lot 44	North Hanover Twp.	Burlington County
Block 400	Lot 43	North Hanover Twp.	Burlington County
Block 400	Lot 42	North Hanover Twp.	Burlington County
<b>SOILS:</b>			
		Other	13% * 0 - .00
		Prime	40% * .15 - 6.00
		Statewide	47% * .1 - 4.70
			<b>SOIL SCORE: 10.70</b>
<b>TILLABLE SOILS:</b>			
		Cropland Harvested	36% * .15 - 5.40
		Wetlands/Water	9% * 0 - .00
		Woodlands	55% * 0 - .00
			<b>TILLABLE SOILS SCORE: 5.40</b>
<b>FARM USE:</b>			
	Vegetable & Melons	23 acres	Watermelon
	Timber Tracts	5 acres	Cords of wood

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family - Leased/rented on lot 44
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2024R3(6)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Russo's Fruit and Vegetable Farm Inc. ("Owner")  
SADC ID# 03-0449-PG  
Tabernacle Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**MARCH 28, 2024**

WHEREAS, on June 13, 2023, the application for the sale of a development easement for the subject farm identified as Block 1201, Lot 15.01, Tabernacle Township, Burlington County, totaling approximately 156 gross acres hereinafter referred to as "the Property" (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant ("PIG") criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

WHEREAS, the Owner received the SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17.5(a)1 and is located in the County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes 2 exception areas, one (1), approximately 2 acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses and one (1), approximately 1 acre severable exception area to include an access and utility easement for a septic and drain field benefiting adjacent Lot 15.08 resulting in approximately 153 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 2 acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises

- 3) Shall be limited to 1 single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 1 acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises
- 3) Shall be limited to zero single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) Zero (0) housing opportunities
- 3) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 4) One (1) dormitory agricultural labor unit
- 5) No pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in vegetable production; and

WHEREAS, the Property has a quality score of 54.38 which exceeds 46, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2227 allocated 7 Pinelands Development Credits (PDCs) to Block 1201, Lot 15.01; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 7 PDCs will be retired; and

WHEREAS, On November 13, 2023, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Acting Chairman Atkinson certified the Development Easement value of \$6,536 and a fee simple value of \$11,699 per acre based on zoning and environmental regulations in place as of the current valuation date July 7, 2023; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on August 24, 2023, the SADC issued a Pinelands Formula Valuation Certification of \$3,683 per acre without the impervious cover option and \$4,143 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.14 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$9,359.2 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,398 per acre for the development easement for the Property; and

WHEREAS, on January 25, 2024 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.13(d); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on January 22, 2024, the Tabernacle Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on January 11, 2024, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on February 14, 2024, the County Board of Commissioners passed a resolution granting final approval and a commitment of funding for \$5,398 per acre for the pre-acquisition of the development easement; and

WHEREAS, if the County decides to purchase the development easement in advance of the SADC grant, the County will request a cost share grant reimbursement from the SADC; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11(d), the SADC's cost share will be based on the County's purchase price because it is less than the SADC certified value; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 157.59 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 157.59 net acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$ 567,166.41	(\$3,599/acre)
<u>Burlington County</u>	<u>\$ 283,504.41</u>	<u>(\$1,799/acre)</u>
Total Easement Purchase	\$ 850,670.82	(\$5,398/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$567,166.41 in base grant funding, which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11(d);

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 157.59 net easement acres, at a State cost share of \$3,599 per acre, (66.67% of Formula value and purchase price), for a total grant of approximately \$567,166.41 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/28/2024

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

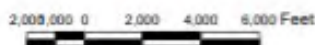
## Preserved Farms and Active Applications Within Two Miles



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### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Russo's Fruit and Vegetable Farm, Inc.  
Block 1201 Lots P/O 15.01 (152.8 ac);  
P/O 15.01-ES (severable exception - 1.0 ac) &  
P/O 15.01-EN (non-severable exception - 2.0 ac)  
Gross Total = 155.8 ac  
Tabernacle Twp., Burlington County



**NOTE:**  
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors.



- Property in Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned US & Recreation Easements

Source:  
NJ Farmland Preservation Program  
NJOT Parcel data  
NJDEP Conservation/Open Space Easement Data  
Pinelands Commission Open & Preserved Lands  
NJOT Base Map 2022 Digital Aerial Image



# Wetlands



X:\outlines\bound\pr\qeds\Russo's Fruit & Vegetable Farm, Inc (Lot 15\_01)\nw 2.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Russo's Fruit and Vegetable Farm, Inc.  
Block 1201 Lots P/O 15.01 (152.8 ac);  
P/O 15.01-ES (severable exception - 1.0 ac) &  
P/O 15.01-EN (non-severable exception - 2.0 ac)  
Gross Total = 155.8 ac  
Tabernacle Twp., Burlington County



**Sources:**  
NJ Farmland Preservation Program  
NJOIT Parcel data  
Geop.Arcsvr Conservation Easement Data  
NJDEP 2015 Landcover and/or Use Data  
NJDEP Open Space  
NJDOT Road Data  
NJ Pinelands Commission Data  
NJOIT/Neer Map 2022 Digital Aerial Image

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in the data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground. Horizontal and/or vertical controls will only be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



**Wetlands Legend:**  
F - Freshwater Wetlands  
M - Wetlands Modified for Agriculture  
T - Total Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

July 26, 2023



Schedule C

State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase

Russo's Fruit and Vegetable Farm, Inc.  
 03-0449-PG  
 County PIG Program  
 153 Acres

Block 1201	Lot 15.01	Tabernacle Twp.	Burlington County	
<b>SOILS:</b>		Other	64% * 0	= .00
		Statewide	34% * .1	= 3.40
		Unique zero	2% * 0	= .00
			<b>SOIL SCORE:</b>	<b>3.40</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	73% + .15	= 10.95
		Wetlands/Water	7% + 0	= .00
		Woodlands	20% + 0	= .00
			<b>TILLABLE SOILS SCORE:</b>	<b>10.95</b>
<b>FARM USE:</b>		Corn-Cash Grain	81 acres	
		Vegetable & Melons	80 acres	pumpkins

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions:
    - 1st two (2) acres for Single Family Residence (rented) & other bldgs for flexibility & contract business  
 Exception is not to be severed from Premises  
 Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd one (1) acres for To include utility easement  
 Exception is severable  
 Right to Farm language is to be included in Deed of Future Lot  
 Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
 Dormitory - seasonal when in use, occupants and months used varies
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2024R3(7)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
PILESGROVE TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Miller, Richard & Mary and Glick, Abner (“Owners”)  
SADC ID#17-0256-PG  
Pilesgrove Township, Salem County  
N.J.A.C. 2:76-17A.1, et seq.**

**March 28, 2024**

WHEREAS, on May 5, 2023, the application for the sale of a development easement for the subject farm identified as Block 78, Lot 30, Pilesgrove Township, Salem County, totaling approximately 43 gross acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, the Township has met the Municipal Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17A.6 and 7; and

WHEREAS, the Owners received the SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, The Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the Township's Northern Project Area; and

WHEREAS, the Property includes one (1), approximately 3 acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 40 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 3-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to one (1) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) Zero (0) existing single family residential units
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in corn production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on July 28, 2023, and in accordance with Resolution #FY2020R4(14), Executive Director Payne and Acting Chairman Atchison certified the Development Easement value of \$5,200 per acre based on zoning and environmental regulations in place as of the current valuation date July 17, 2023; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$5,200 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 23, 2023, the Pilesgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$850 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on January 24, 2024, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on February 7, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$850 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 41.2 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 41.2 acres):

	Total	Per/acre
SADC	\$144,200	(\$3,500/acre)
Pilesgrove Township	\$ 35,020	(\$ 850/acre)
<u>Salem County</u>	<u>\$ 35,020</u>	<u>(\$ 850/acre)</u>
Total Easement Purchase	\$214,240	(\$5,200/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the Township is requesting \$144,200 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15(b), the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.16 and N.J.A.C. 2:76-6.11(d)3, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 41.2 net easement acres, at a State cost share of \$3,500 per acre, (67.31% of certified easement value and purchase price), for a total grant of approximately \$144,200 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.

9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/28/2024

Date



\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

# Wetlands



X:\counties\salem\projects\Miller, Richard, Mary & Glick, Abner fww.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Miller, Richard, Mary & Glick, Abner  
Block 79 Lots P/O 30 (40.0 ac) &  
P/O 30-EN (non-severable exception - 3.0 ac)  
Gross Total 43.0 ac  
Pilesgrove Twp., Salem County



Sources:  
NJ Farmland Preservation Program  
NJOTIT Parcels edited to adjacent survey data  
Green Acres Conservation Easement Data  
NJDEP 2015 Landuse/Landcover Data  
NJDEP Open Space  
NJDOT Road Data  
NJOTIT/Near Map 2021 Digital Aerial Image

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



Wetlands Legend:  
F - Freshwater Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water



# Preserved Farms and Active Applications Within Two Miles



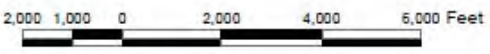
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Application within the (PA4) Rural Area

Neamap, NJ Department of Environmental Protection, NJ Office of GIS

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Miller, Richard, Mary & Glick, Abner  
Block 79 Lots P/O 30 (40.0 ac) &  
P/O 30-EN (non-severable exception - 3.0 ac)  
Gross Total 43.0 ac  
Pilesgrove Twp., Salem County



- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements



Sources:  
NJ Farmland Preservation Program  
NJGIT Parcel; edited to survey  
NJDEP Conservation/Open Space Easement Data  
NJGIT Near Map 2021 Digital Aerial Image

**NOTE:**  
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

SADC Municipal Pig Financial Status  
Pilesgrove Township, Salem County

Schedule B

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant													
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09		Fiscal Year 11		Fiscal Year 13		Fiscal Year 17		Fiscal Year 19		Fiscal Year 21		Fiscal Year 22	
										Encumbered	PV	Expended	Balance										
														<b>5,250,000.00</b>									
17-0094-PG	Williams Lot 1	29.7190	29.7190	9,800.00	5,880.00	291,246.20	174,747.72	145,139.28	28,640.80	146,106.92	146,106.92	146,106.92	5,103,893.08										
17-0092-PG	Lippincott	152.8340	152.8340	8,200.00	5,000.00	1,253,238.80	764,170.00	643,538.12	154,469.32	609,700.68	609,700.68	609,700.68	4,494,192.40										
17-0126-PG	Robbins	72.6190	72.1060	9,050.00	5,430.00	652,559.30	391,535.58	331,687.59	70,663.88	320,871.70	320,871.70	320,871.70	4,173,320.70										
	Lippincott ancillary											13,607.00	4,159,713.70										
	Williams ancillary											9,127.50	4,150,586.20										
17-0054-PG	Fitton	50.0610	50.0610	9,700.00	5,820.00	485,591.70	291,355.02			291,355.02	291,355.02	291,355.02	3,859,231.18										
17-0143-PG	Peters	37.0200	37.0200	9,300.00	5,580.00	344,286.00	206,571.60			206,571.60	206,571.60	206,571.60	3,652,659.58										
	Fitton and Peters ancillary											13,972.00	3,638,687.58										
17-0144-PG	Ostrum, Gordon J. Jr.	31.6400	31.4840	8,000.00	3,938.68	253,120.00	124,005.55	128,475.64	18,459.55	124,977.97	124,005.55	124,005.55	3,514,682.03										
	Robbins ancillary											8,433.50	3,506,248.53										
17-0153-PG	Wentzell, Wayne & Marlene	33.8070	33.8070	6,930.00	2,310.00	234,282.51	78,094.17	156,188.34	78,094.17	75,741.43	78,094.17	78,094.17	3,428,154.36										
17-0154-PG	Stoms, William K. (Revocable Trust)	16.0180	16.0180	7,500.00	2,500.00	120,135.00	40,045.00	80,090.00	34,438.70	38,042.75	40,045.00	40,045.00	3,388,109.36										
17-0155-PG	Atanasio, Philip R.	39.0840	39.0840	7,040.00	2,399.40	275,151.36	93,777.96	181,373.40	66,466.44	94,305.63	93,777.96	93,777.96	3,294,331.40										
17-0175-PG	Byrnes, Edward & Barbara (Lot 2)	46.8320	46.8320	7,000.00	3,502.24	327,824.00	164,016.90	163,807.10	30,335.90	163,912.00	164,016.90	164,016.90	3,130,314.50										
17-0214-PG	Maccarone, Venerando M.	41.5940	41.5940	8,000.00	3,636.04	332,752.00	151,237.50	128,941.40	52,573.10	151,237.50	151,237.50	151,237.50	2,979,077.00										
17-0183-PG	Leone, Joseph & Nancy	58.6950	58.6950	8,500.00	4,690.64	498,907.50	283,907.50	233,371.75	18,371.75	264,740.00	283,907.50	283,907.50	2,695,169.50										
17-0232-PG	Williams, Christen M. & Melissa A.	12.9000	13.2870	6,200.00	4,000.00	82,379.40	53,148.00			53,148.00			2,642,021.50										
17-0255-PG	Reilly, Aileen Melissa & Chandler, Jeremy (L12)	19.1000	19.6700	6,800.00	3,800.00	133,756.00	74,746.00			74,746.00			2,567,275.50										
17-0254-PG	Reilly, Aileen Melissa & Chandler, Jeremy (L3)	20.5000	21.1200	5,700.00	3,750.00	120,384.00	79,200.00			79,200.00			2,488,075.50										
17-0256-PG	Miller, Richard, Mary & Glick, Abner	40.0000	41.2000	5,200.00	3,500.00	214,240.00	144,200.00			144,200.00			2,343,875.50										
<b>Closed</b>	<b>12</b>	<b>609.9230</b>	<b>609.2540</b>			<b>5,069,094.37</b>	<b>2,763,464.50</b>	<b>2,192,612.62</b>	<b>552,513.61</b>														
<b>Encumbered</b>	<b>4</b>	<b>92.5000</b>	<b>95.2770</b>			<b>550,759.40</b>	<b>351,294.00</b>																
										<b>Encumber/Expended FY09</b>	-	-	<b>750,000.00</b>	-									
										<b>Encumber/Expended FY11</b>	-	-	<b>500,000.00</b>	-									
										<b>Encumber/Expended FY13</b>	-	-	<b>500,000.00</b>	-									
										<b>Encumber/Expended FY17</b>	-	-	<b>500,000.00</b>	-									
										<b>Encumber/Expended FY19</b>	<b>351,294.00</b>	-	<b>304,830.50</b>	<b>343,875.50</b>									
										<b>Encumber/Expended FY20</b>													
										<b>Encumber/Expended FY21</b>	-	-	-	<b>1,000,000.00</b>									
										<b>Encumber/Expended FY22</b>	-	-	-	<b>1,000,000.00</b>									
										<b>Total</b>				<b>2,343,875.50</b>									

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Miller, Richard, Mary & Glick, Abner  
17-0256-PG  
PIG EP - Municipal 2007 Rule  
40 Acres

Block 79	Lot 30	Pilesgrove Twp.	Salem County
<b>SOILS:</b>		Other	24% * 0 = .00
		Prime	76% * .15 = 11.40
			<b>SOIL SCORE: 11.40</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	64% * .15 = 9.60
		Permanent Pasture	14% * .02 = .28
		Wetlands/Water	2% * 0 = .00
		Woodlands	20% * 0 = .00
			<b>TILLABLE SOILS SCORE: 9.88</b>
<b>FARM USE:</b>	Corn-Cash Grain	10 acres	
	Horse & Other Equine	14 acres Permanent pasture - 4 horses and 2 beef cattle	

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions:
    - 1st three (3) acres for Existing Single family residence with attached apartment
    - Exception is not to be severed from Premises
    - Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.