

**From:** [\[REDACTED\]](#)  
**To:** [SADCPublicComments, NJDA TAGI](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Monday, October 2, 2023 10:22:20 PM

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Dear Ms. Payne:

This letter expresses my opposition to the proposed state rule noted above.

While I support the effort of protecting soil resources on preserved farmland, the proposal violates the contract terms in existing deeds of easement by retroactively imposing new terms without the consent of the landowner.

This is a serious breach of faith for the 2,900 easement owners in the state farmland preservation program. It will likely undermine confidence in the program by the farming community if they suspect there will be similar past-contract date regulation imposed on the preserved land.

We are also concerned by the likely adverse economic consequences of the rule that have been inadequately examined. There may be a loss of asset value from the retroaction as well as an inability in the future to adopt new ag-related innovation on their preserved farms.

I encourage you to reconsider this proposal and find another alternative that does not breach forth with the existing deed of easement.

Thank you for your consideration.

Sincerely,

Jennifer LaMonaca

**From:** [SADCPublicComments, NJDA \[AG\]](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Thursday, September 28, 2023 10:00:28 PM

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Thank you for your consideration.

Sincerely,

Aimee Myers

**From:** [n. \[redacted\]](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Thursday, September 28, 2023 10:12:27 PM

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Thank you for your consideration.

Sincerely,

Doug Myers

**From:** [REDACTED] on behalf of [Mike@LandscapeArchitecture.com](mailto:Mike@LandscapeArchitecture.com)  
**To:** [SADCPublicComments.NJDA@AG](mailto:SADCPublicComments.NJDA@AG)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Friday, September 29, 2023 9:52:29 PM

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Thank you for your consideration.

Sincerely,

Michael Brooks

[REDACTED]  
[REDACTED]

**From:** [webb@theedge.com](mailto:webb@theedge.com) on behalf of [Jon.Knox@nj.gov](mailto:Jon.Knox@nj.gov)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Saturday, September 30, 2023 4:34:38 AM

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Thank you for your consideration.

Sincerely,

Jon Knox

~~35 Washington Drive,  
Camden, NJ 08202-3007~~

**From:** [REDACTED]  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Monday, October 2, 2023 11:44:30 AM

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Thank you for your consideration.

Sincerely,

Elise Haring

**From:** [malisoni@thetrustadviser.com](mailto:malisoni@thetrustadviser.com) on behalf of [malisoni@thetrustadviser.com](mailto:malisoni@thetrustadviser.com)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Thursday, September 28, 2023 8:04:28 PM

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Thank you for your consideration.

Sincerely,

Cathy Blumig



**From:** [REDACTED] on behalf of John Hart  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Thursday, September 28, 2023 9:52:18 PM

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Thank you for your consideration.

Sincerely,

John Hart



**From:** <mailto:congresswebbounce@thosafudge.com> on behalf of [REDACTED]  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Friday, September 29, 2023 10:42:18 AM

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Thank you for your consideration.

Sincerely,

Rodger Jany

**From:** [mailpoet@the-nj.gov](mailto:mailpoet@the-nj.gov) on behalf of [ann.dorsett@nj.gov](mailto:ann.dorsett@nj.gov)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Wednesday, October 4, 2023 7:32:21 PM

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Thank you for your consideration.

Sincerely,

ann Dorsett



**From:** [\[REDACTED\]](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Friday, September 29, 2023 1:16:20 PM

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Thank you for your consideration.

Sincerely,

Jerry Futrell

ve

**From:** [REDACTED]  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance - NJ Register rule proposal: PRN 2023-079  
**Date:** Friday, September 29, 2023 4:58:30 PM

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Thank you for your consideration.

Sincerely,

Scott Hofsaess



**Kurt W. Alstede  
and Family**  
Proprietors

# Alstede Farms, LLC

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FAX: 908-879-7815

Email: [info@alstedefarms.com](mailto:info@alstedefarms.com)

[www.alstedefarms.com](http://www.alstedefarms.com)

DATE: February 23, 2024

TO: New Jersey SADC

FROM: Farmer Kurt W. Alstede

RE: SADC Proposed Soil Protection Standards

Dear Friends,

I am writing to you as a full-time farmer and preserved land owner in New Jersey; not in my capacity as a State Board of Agriculture member nor as Vice Chair of the Highlands Council.

I think that our New Jersey farming community has never been faced with more challenging issues that influence the long-term financial viability of our agricultural businesses. What is most curious, however, is that most of these challenges are coming from within, being exacerbated by agencies and departments whose mission it is to support us. The proposed SADC Soil Protection Standards are certainly at the tip of the spear.

While we are all aware of the Supreme Court decision and mandate in the Garden State Growers case, I believe that the proposed response from the SADC is overreaching, far exceeds the decision requirements, and threatens the preserved farmland owner rights by allowing the SADC to unilaterally change the terms of the Deeds of Easement, which is a contract between parties. Our New Jersey Farm Bureau members, as well as the delegates to the State Agricultural Convention have long recognized that contract law, as reflected in the deeds of easements, must be protected and as such have promulgated and passed resolutions that oppose retroactive application of SADC rules to farms that are already preserved. While the current proposed Stewardship SPS rules afford a level of flexibility and site-specific review for farms; they do nothing to protect the integrity of the preservation deeds of easement. Ultimately any rule change superimposed on farms that are already preserved will be the personification of one party changing a contract after the fact, and that is not allowed in the law. Further, if we as industry allow this to happen now, what prevents it from happening in the future? Should we expect our farm businesses to be micromanaged from Trenton?

*"Family Fun all Year Round"  
"Growing Nature's Gifts with Love and Care."*

Look no further than the attached case, Lebensfreude, LLC vs. Morris CADC and NJ SADC to see what the court thinks about this. The judge could not be more clear as you read the case. What began as a case of Summary Judgement morphed into an attempt by the SADC to unilaterally change the deed of easement 15 years after it was signed. The judge said absolutely no. One party cannot unilaterally change a contract; all must agree. The proposed SADC rules, while perhaps better than originally proposed, still make a unilateral change to the deed of easement contract. This cannot be allowed.

The overwhelming majority of farmers in New Jersey support the law and both the New Jersey Farm Bureau and Ag Convention resolutions relative to protecting the integrity of the deeds of easement; however, their message is being drowned out by a continual drawl from state officials who want to make one believe that it is all right to break the law by allowing the unilateral change of contracts. These farmers need your support rather than opposition. They need both farmers, and farmer advocacy groups, to vocally support their efforts to protect the law and landowner rights. Please also keep in mind that there is a viable solution to the SPS dilemma. It is the site-specific stewardship approach coupled with a voluntary purchase of ag development rights on preserved farms. There is a white paper attached to this memo that details a rough proposal.

I believe that this is the moment in time when our industry must stand united to overcome this attempt by the agency to usurp landowner rights. I urge you all to vigorously support the resolution recently adopted by delegates at the State Agricultural Convention who seek a solution to the SPS that addressed the court recommendation, but that also honors the rule of law.

I stand ready to assist you in this endeavor. I simply need your mutual support.

**April 18, 2023**

**TO: NJ State Board of Agriculture Members**

**FROM: Kurt W. Alstede, Member Representing the Fruit Industry**

**RE: Soil Protection Standard Rule – Compensation for additional development rights surrendered.**

Please consider this narrative as it relates to the discussion surrounding the proposed Soil Protection Standards and the deliberative dialogue that we will be having at tomorrow's State Board meeting.

The dialogue since December has focused on the Stewardship Approach as a means of allowing farms to have additional and appropriate Ag development on preserved farms beyond the limits that will be established by the SADC. This is certainly a valid option and an appropriate tool to be considered. Yet, absent in the discussion is how do we address the issue of contract law as it relates to the Deeds of Easements that were signed by landowners and the SADC (in most cases) when the land was preserved.

When a farmland owner in New Jersey enters a farm parcel into an easement for farmland preservation through the New Jersey Farmland Preservation program, that landowner is compensated by the State of New Jersey for the value of loss of certain potential uses of the property. This sale of development rights is a contractual agreement between the State and the private landowner. The landowner is left with the full use of the property for agricultural purposes but is unable to develop the property for non-agricultural purposes.

The proposed Soil Protection Standard (SPS) rule further limits the agricultural use of a property beyond the easements that are currently in place. By the taking of additional use rights, the State will inflict financial harm to the landowner in two primary ways. First, the direct limitation on usage of the land imposed by the SPS represents an ongoing loss of income to businesses that are subject to limits by the SPS. Second, ALL landowners with preserved property will see a reduction in their property value due to the loss of potential agricultural uses.

It should be noted here that a key point is that the SPS applies ONLY to preserved farmland. Farm landowners whose land is not under easement will have the right to fully utilize agricultural production methods that will ironically be limited by the SPS on preserved farms. This distinction reduces the value of a preserved farm to potential buyers who would desire to implement practices that are considered 'disturbance' by the SPS.

The SPS establishes a precedent that is a 'slippery slope' for future potential decisions by the SADC. It opens the door for additional reinterpretations of the deed of easement by only one party, placing additional burden and reduction of value to the landowner. Agriculture in New Jersey is a dynamic and evolving industry. Many of the practices that are commonplace today were not even imagined 20-30 years ago, when many of our preserved farms entered the program. The flexibility to adapt and change is an essential part of long term Ag viability in the state and should not be restricted via unilateral changes to the Deed of Easement.

Two attorneys who specialize in agricultural and land law, Lewis Goldshore and Nicole Voigt (of whom I have used professionally), have provided written legal opinions (attached) that the retroactive application of the SPS represents a violation of the contract between the State and the private landowner. A recent court decision, Lebensfreude, LLC vs. Morris CADB and SADC (attached) also affirms that no single party in a contract (Deed of Easement) can unilaterally change its terms. All parties must agree. There is risk to the integrity of the farmland preservation program if this rule is implemented without addressing this violation of the original contract in a meaningful way.

It is a threat to the agricultural industry to establish precedence for rulemaking to change the terms of permanent easements without the opportunity for the landowner to agree to the changes to the terms of the contract without adequate compensation. This precedent will also impact the appeal of the program for future applications. Once it is known that the SADC can change its interpretation of the terms of the contract without remediation to the landowner, the appeal of farmland preservation will be greatly diminished.

**SOLUTION: Compensation for additional development rights surrendered.**



The cornerstone for all agricultural programs has always been voluntary participation in a private-public partnership. This is true of all USDA conservation programs, USDA FSA programs, our NJ Farmland Preservation Program, NY City's Watershed Preservation Program, and more. In each case farmers are provided incentives that attract voluntary participation and the results have consistently proven through high levels of participation that this approach works and works well. Given that the SPS represents a genuine loss of property value and potential loss of annual income for certain landowners, it is appropriate for owners of preserved property to be compensated for the implementation of this rule. This stands in contrast to landowners who enter farmland into a deed of easement under the Farmland Preservation program subsequent to the implementation of the SPS rule, as they will have their compensation realized at the time of signing of easement, via consideration of the SPS in future easement valuations.

However, the more than 2,700 farms that are currently preserved, and will remain preserved at the time of implementation of the SPS, will have a need for financial compensation for the taking of additional land value and income potential by the State. The SPS represents a change of the original contract entered into between the private landholder and the State. The private landholder must be provided with financial consideration for the modification of the terms of this contract by the State as well as the taking of ag development rights, otherwise, the State has violated the terms of the contract, making the contract null and void. These are certainly concerns that have been shared with us not only by expert farm attorneys, but also by the Farm Bureau delegates and the State Agricultural Convention delegates. There is unanimity in the industry about the importance of protecting the contract law embedded in the Deeds of Easement.

The simple solution, that is compatible with the Stewardship Proposal, is that owners of preserved properties that were preserved prior to the implementation of the SPS be granted the following options:

1. The Landowner may sign a waiver of additional financial compensation and agreement to the modification to the original contract signed when entering the Farmland Preservation program. This would represent a voluntary donation of the reduced agricultural use rights to the State.
2. The Landowner may be compensated the present value of the loss of agricultural use rights represented by the SPS. This will be based on appraisal, like the process for determining the value of preservation. The State will bear the cost of appraisal, as the party who has implemented the change in the contract. The landowner will agree to be subject to the full restrictions of the SPS upon receipt of payment for the loss of agricultural use rights.
3. The landowner may defer any action in the present. If the landowner's preserved property is approaching or violates the soil disturbance thresholds established by the SPS, the landowner may elect to participate in the proposed 'Stewardship Approach', any future SSAMP that has been developed to address the SPS or choose to elect option 1 or 2.

Fair and competitive compensation has always been the hallmark of our Farmland Preservation Program. With a consistent funding source available through the Corporate Business Tax to the SADC there will be sufficient and steady funding to insure the viability of the program. Further, the program will be attractive, drawing in a high level of participation that will ensure that the overall Ag development density in the state will be far below and limits that were suggested by the court.

Compensation, combined with a Stewardship approach, will properly protect the soil based agricultural resources on our farms as well as protect and maintain the integrity of the state's Farmland Preservation Program.

**LEWIS GOLDSHORE, ESQ.**

ATTORNEY AT LAW

70 CEDAR LANE

PRINCETON, NEW JERSEY 08540

LEWIS GOLDSHORE

TELEPHONE: (609) 497-0818  
E-MAIL: Goldshorelaw@gmail.com

June 20, 2022

Mr. Ryck Suydam, President  
The Farn House  
168 West State Street  
Trenton, New Jersey 08608

**RE: Soil Protection Standards  
Application to Pre-existing Easements**

Dear Ryck:

You have requested my opinion concerning the application of the State Agriculture Development Committee's (SADC) proposed Soil Protection Standards (SPS) to preservation deeds of easement executed prior to the adoption of the new rules. For the following reasons, it is my conclusion that such approach would be legally impermissible.

Initially, the SADC's failure to distinguish between preservation easements entered into prior to the SPS' adoption and those executed subsequent to adoption misconstrues the legal significance of these transactions. While an administrative agency may be free to change the terms of a regulation so long as it complies with the Administrative Procedure Act, N.J.S.A. 52:14B-1 *et seq.*, it cannot unilaterally abrogate a contract or change the terms of an easement after-the-fact.

The preservation easement is the result of a real estate transaction in which the grantor [the landowner] agrees to certain restrictions that benefit the grantee [the SADC or local government]. The parties negotiate the consideration to be paid by the government to the landowner for those restrictions. The easement is then recorded in the county recording office and is binding on the grantor, its heirs and assigns and is "construed as a restriction running with the land." N.J.A.C. 72:76-6.15(a)18.

The SADC has adopted a standard form of easement and the terms of the deed restrictions are set forth in N.J.A.C. 2:76-6.15 (for SADC acquisitions). These terms are mirrored in N.J.A.C.

2:76-17.15 (for county acquisitions) and N.J.A.C. 2:76-17a.-15 (for municipal acquisitions). Those rules are repeated verbatim in the preservation deeds of easement.

Paragraph 2 in the easements provides that: "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 Agricultural Development Committee, (hereinafter Committee)." That language clearly referred to the rules that were extant at the time the easements were executed. Had the draftsman intended otherwise the deed restrictions would have expressly included both the rules that had been promulgated and rules "to be promulgated in the future".

Had the SADC placed the landowners on notice that the terms of the easement were open-ended and could be changed in the future it is likely that some would not have opted to sell their development rights or demanded additional consideration. What the SADC is proposing now is fundamentally unfair and is contrary to the well-established principle that the "government has an overriding obligation to deal forthrightly and fairly with property owners." F.M.C. Stores Co. v. Borough of Morris Plains, 100 N.J. 418, 426 (1985). See also W.V. Pangborne & Co. New Jersey Dep't of Transp., 116 N.J. 543, 561 (1989), where the New Jersey Supreme Court "insisted that in the exercise of statutory responsibilities, government must "turn square corners" rather than exploit litigational or bargaining advantages that might otherwise be available to private citizens."

Any suggestion that the SPS is simply a minor clarification of the existing provision in the deeds of easement that relate to "drainage, flood control, water conservation, erosion control, soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises" defies the plain facts. See, e.g., N.J.A.C. 2:76-6.15(a).7 and paragraph 7 in the deeds of easement. If this were a minor clarification it is inconceivable that the SADC would have needed to issue a 102 page *Draft SPS Rules Packet* consisting of 40 pages of new rules, an 11 page appendix, 23 pages of slides and a 19 page explanatory report. What we have here is an effort by the SADC to improperly intrude on the operations on previously preserved farms and something that the owners of those farms never consented to or could have envisioned.

SADC's attempt to apply the SPS retroactively – that is, to easements acquired prior to their adoption – is legally impermissible. As explained by our Supreme Court in Gibbons v. Gibbons, 86 N.J. 515, 522 (1981):

It is a fundamental principle of jurisprudence that retroactive application of new laws involves a high risk of being unfair. There is general consensus among all people that notice or warning of the rules that are to be applied to determine their affairs should be given in advance of the actions whose effects are to be judged by them.

The SPS can be applied prospectively to easements acquired after their adoption but cannot lawfully be imposed on the unsuspecting landowners who entered into arrangements with the government to preserve their farms prior to the adoption of the new rules.

Lastly, there is nothing in the State v. Quaker Valley Farms, Inc., 235 N.J. 37 (2018) decision that suggests or supports retroactive application of the SPS. That issue was simply not before the

Supreme Court and our courts do not issue advisory opinions. Crescent Park Tenants Association v. Realty Equities, 58 N.J. 98, 107 (1971).

For all of the foregoing reasons, the SPS cannot be lawfully applied to easements that were executed prior to the adoption of the new rules.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lewis Goldshore".

LEWIS GOLDSHORE

cc: Peter Furey, NJFB

## **RETROACTIVE CHANGE TO THE SCOPE OF PRESERVATION DEED OF EASEMENT RESTRICTIONS IS INEQUITABLE**

Preservation deeds of easements are contracts between landowners and the easement holder for which economic expectations are created as of the date of preservation. The scope of those economic expectations should not be retroactively restricted.

In *Lebensfreude, LLC. v. Morris County Agricultural Development Board and New Jersey State Agriculture Development Committee*, Docket No. C-72-20, Judge Maritza Berdote Byrne, P.J.Ch. ordered that four agricultural preservation deeds of easement on land owned by plaintiff be reformed to identify all uses and improvements existing at the time of preservation. (*See*, October 14, 2021 Order Granting Plaintiff's Motion for Summary Judgment with attached Statement of Reasons (unpublished); Motion for Reconsideration Denied January 31, 2022). The uses and improvements reviewed by the Court were all disclosed in the farmland preservation application and continued in existence for fifteen years after preservation including during annual inspections by the CADB. The SADC's motion papers did not dispute the prior and continued existence of those uses and improvements. Instead, the SADC sought an opportunity to retroactively review the scope of those uses and improvements through substantive and procedural considerations that differed from those actually applied in 2006, at the time of preservation.

The court denied the SADC an opportunity for retroactive changes to the original intent of the preservation deeds of easement. In so ruling, the Court treated the preservation deeds of easement as a contract subject to modification only in accordance with settled equitable principals, such that contracts may be reformed "only where there is mutual mistake or where a mistake on the part of one party is accompanied by fraud or other unconscionable conduct of the other party." *Lebensfreude, LLC* (unpublished), quoting, *Heake v. Atl. Cas. Ins. Co.*, 15 N.J. 475, 481 (1954). The court compared reforming a preservation deed of easement to reforming a mortgage, citing the proposition that general contract principals are applied to cases involving reformation of mortgage documents. *Lebensfreude, LLC* (unpublished), quoting, *Scult v. Bergen Valley Builders, Inc.*, 76 N.J.Super. 124 (Ch. Div. 1962), aff'd 82 N.J.Super. 378 (App. Div. 1964). When determining whether to grant the equitable remedy of contract reformation, the court considered the intent of the parties at the time of preservation to be paramount. *Lebensfreude, LLC* (unpublished), quoting, *Dugan Const. Co., Inc. v. New Jersey Tpk. Auth.*, 398 N.J. Super. 229, 242 (App. Div. 2008).

The Court upheld these equitable principals and permitted the pre-existing activities and uses to continue as per the scope under which the parties had been operating since the time of preservation. The SADC moved to reconsider in part arguing that it should be afforded a retroactive opportunity to evaluate whether or not the uses and improvements are considered agricultural and then to define a scope of location and frequency by which such uses and improvements may occur. The motion for reconsideration was denied.

Applying these principals, a preservation deed of easement is a contract creating settled economic expectations as of the date of preservation and as per the four corners of the instrument. Such contract should only be retroactively changed when required as per equitable principals justifying contract reformation, and then only in a manner consistent with the original intent of the parties.



"Hideaway Farm 1," is reformed so that Schedule B attached to said Deed of Easement is corrected to include the following terms of pre-existing conditions:

- i. The farm market located on the farm realizes annual sales of which greater than 50% is realized from farm items produced on the farm. The market also sells a variety of related items including but not limited to local artist crafts, wine, ice, propane, meats, dairy products, ice cream, bakery items, plant accessories, and a variety of food items. The market includes a bakery and food preparation area.
- ii. The farm sponsors and hosts a variety of special events and parties each year. These events include birthday parties, corporate events, tours, bon fires, hayrides, corn mazes, hay mazes, hay bale pyramids, outdoor movies, antique equipment and car shows, summer camps, and special education seminars, craft seminars, craft shows and workshops.
- iii. The farm provides a catering menu, amusement rides, hay rides, children's games, horseback rides, and other farm related activities.
- iv. Horse boarding, riding, training, showing, trail, and wagon rides.
- v. Rental of barn for general store.
- vi. Harvesting, sorting, storage, and sale of field stone for masonry use.
- vii. Harvesting, sorting, storage, and preparation of timber for both lumber sales and firewood sales.
- viii. Tractor, equipment, truck, and automobile repairs and maintenance.
- ix. Heliport and attached barn for aircraft storage. Adjoining field used as airstrip.
- x. Group camping and nature outings.
- xi. Student tutoring in the farm house.
- xii. In disclosing the above uses and improvements, Grantor is not suggesting that they are not agricultural uses, and Grantor reserves all rights with respect to such uses and improvements whether or not they are deemed agricultural now or in the future.

4) The Deed of Easement, State of New Jersey Agriculture Retention and Development Program, dated December 28, 2006, between State of New Jersey Agriculture Retention and Development Program, dated December 28, 2006, by and between Hideaway Farm, LLC, and the Morris County Agriculture Development Board, recorded December 29, 2006, in the Morris County Clerk's Office in Book 20702, Page 333, pertaining to Block 15, Lots 28.03 and 28.04, Chester Township, Morris County, known as "Hideaway Farm 2", is reformed so that Schedule B attached to said Deed of Easement is corrected to include the following terms of pre-existing conditions:

- i. The farm sponsors and hosts a variety of special events and parties each year. These events include birthday parties, corporate events, tours, bon fires, hayrides, corn mazes, hay mazes, hay bale pyramids, outdoor movies, antique equipment and car shows, summer camps, and special educational seminars, craft seminars, craft shows and workshops.

- ii. In association with the special events the farm provides an extensive catering menu, amusement rides, hayrides, children's games, horseback rides, and other farm related activities.
  - iii. Horse boarding, riding, training, showing, trail and wagon rides.
  - iv. Harvesting, sorting, storage, and sale of field stone for masonry use.
  - v. Harvesting, sorting, storage, and preparation of timber for both lumber sales and firewood sales.
  - vi. Group camping and nature outings.
  - vii. In disclosing the above uses and improvements, Grantor is not suggesting that they are not agricultural uses, and Grantor reserves all rights with respect to such uses and improvements whether or not they are deemed agricultural now or in the future.
- 5) The Deed of Easement, State of New Jersey Agriculture Retention and Development Program, dated December 28, 2006, between Hideaway Farm, LLC, and the Morris County Agriculture Development Board, recorded December 29, 2006, in the Morris County Clerk's Office in Book 20702, Page 353, pertaining to Block 15, Lots 28.05 and 28.06, Chester Township, Morris County, known as "Hideaway Farm 3", is reformed so that Schedule B attached to said Deed of Easement is corrected to include the following terms of pre-existing conditions:
- i. The farm sponsors and hosts a wide variety of special events and parties each year. These events include birthday parties, corporate events, special tours, bon fires, evening hayrides, corn mazes, hay mazes, hay bale pyramids, outdoor movies, antique equipment and car shows, summer camps, and special educational seminars, craft seminars, craft shows and workshops.
  - ii. In association with the special events the farm provides an extensive catering menu, amusement rides, hayrides, children's games, horseback rides, and other farm related activities.
  - iii. Horse boarding, riding, training, showing, trail and wagon rides.
  - iv. Harvesting, sorting, storage, and sale of field stone for masonry use.
  - v. Harvesting, sorting, storage, and preparation of timber for both lumber sales and firewood sales.
  - vi. Hunting lodge with overnight accommodations, shooting range, and hunting and fishing activities.
  - vii. Group camping and nature outings.
  - viii. In disclosing the above uses and improvements, Grantor is not suggesting that they are not agricultural uses, and Grantor reserves all rights with to such uses and improvements whether or not they are deemed agricultural now or in the future.
- 6) The Deed of Easement, State of New Jersey Agriculture Retention and Development Program, dated December 28, 2006, between Hideaway Farm, LLC, and the Morris County Agriculture Development Board, recorded December 29, 2006, in the Morris County Clerk's Office in Book 20702, Page 373, pertaining to Block 15, Lots 28.07 and 28.08, Chester Township, Morris County, known as "Hideaway Farm 4", is reformed so



that Schedule B attached to said Deed of Easement is corrected to include the following terms of pre-existing conditions:

- i. The farm sponsors and hosts a wide variety of special events and parties each year. These events include birthday parties, corporate events, special tours, bon fires, evening hayrides, corn mazes, hay mazes, hay bale pyramids, outdoor movies, antique equipment and car shows, summer camps, and special educational seminars, craft seminars, craft shows and workshops.
- ii. In association with the special events the farm provides an extensive catering menu, amusement rides, hayrides, children's games, horseback rides, and other farm related activities.
- iii. Horse boarding, riding, training, showing, trail and wagon rides.
- iv. Harvesting, sorting, storage, and sale of field stone for masonry use.
- v. Harvesting, sorting, storage, and preparation of timber for both lumber sales and firewood sales.
- vi. Group camping and nature outings.
- vii. In disclosing the above uses and improvements, Grantor is not suggesting that they are not agricultural uses, and Grantor reserves all rights with respect to such uses and improvements whether or not they are deemed agricultural now or in the future.

*/s/ Maritza Berdote Byrne*

**MARITZA BERDOTE BYRNE, P.J. Ch.**

Opposed.

A Statement of Reasons accompanies this Order.

**Lebensfreude, LLC v. MADC and SADC,**  
**MRS-C-72-20**

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**STATEMENT OF REASONS**

This matter began on July 28, 2020, with the filing of a Verified Complaint by plaintiff, Lebensfreude, LLC, (“Lebensfreude” or “plaintiff”) against defendants Morris County Agricultural Development Board (“MCADB” or “defendant”) and New Jersey State Agriculture Development Committee (“NJSADC”) (collectively, “defendants”). Plaintiff alleges four agricultural preservation deeds of easement, pertaining to real property located at Block 15, Lots 28.01, 28.02 (“Hideaway Farm 1”), 28.03, 28.04 (“Hideaway Farm 2”), 28.05, 28.06 (“Hideaway Farm 3”), 28.07, and 28.08 (“Hideaway Farm 4”) (collectively, “the Hideaway Farms”), require reformation to accurately identify all the uses and improvements existing at the time of preservation. See Complaint. Plaintiff presently seeks summary judgment on all claims.

Plaintiff, Lebensfreude, LLC, is a New Jersey limited liability company, managed by Kurt Alstede (“Mr. Alstede”). Certification of Kurt Alstede ¶1. (“Alstede Cert.”). Lebensfreude acquired eight parcels of land by separate deeds from Hideaway Farm, LLC. Id. ¶1a. The first deed transferred the Hideaway Farm 1 parcel on December 24, 2014, and was recorded with the Morris County Clerk on April 13, 2014 in Deed Book 22692, page 205. Id. The second deed transferred Hideaway Farm parcels 2, 3 and 4 on December 24, 2014, and was recorded with the Morris County Clerk May 15, 2015 in Deed Book 22711, page 528. Id. ¶1b. Mr. Alstede certifies he is also the agent of Hideaway Farm LLC. Id. ¶22.

On May 26, 2005, prior to the transfers, and pursuant to N.J.S.A. 4:1C-11 et. seq., Hideaway Farm LLC applied to the farmland preservation program, seeking agricultural preservation of the Hideaway Farms, and seeking to sell a development easement to MCADB. Id.

¶¶26-27. Part of this application included an easement purchase cost share grant to the NJSADC for review, and required the applicant to inventory and disclose all existing non-agricultural uses on an attachment B, or “schedule B” to the application. Id. ¶29; see also Exhibit I. Pursuant to the application, any non-agricultural uses not included in the deed of easement were deemed non-existent at the time of purchase, and a violation of the deed restrictions. Ibid. Mr. Alstede certifies he prepared an addendum to schedule B of the application, outlining fourteen (14) then-existing non-agricultural uses on the Hideaway Farms that are the subject of the instant litigation. Id. ¶30; see also Exhibit I.

The application, including the addendum, was submitted to Frank Pinto, then director of the MCADB. Id. ¶36. Mr. Pinto toured the Hideaway Farms at least once between 2004 and 2006. ¶38. Although Mr. Pinto is not a party to this litigation, defendant MCADB admits they were and are in receipt of the addendum outlining the fourteen (14) items, though it was not included in the preservation deeds. Def.’s Brief in Opposition to Summary Judgment, 4. (“Def.’s Opp. Br.”). By resolution 2005-31, MCADB granted approval for the sale of a development easement. Exhibit J. On December 28, 2006, the MCADB purchased the development rights to Hideaway Farms. Id. ¶¶44-52. Each of the preservation deeds of easement were prepared by Morris County, and included and memorialized respective “schedule Bs” but did not include the respective addenda. Exhibits K, L, M, and N. Plaintiff seeks to reform the preservation deeds to include and memorialize the fourteen (14) non-agricultural uses submitted as addenda to respective schedule B itemized non-agricultural uses.

Defendants filed opposition but there are no material facts in dispute.

Pursuant to R. 4:46-2 of the New Jersey Court Rules, a movant is entitled to summary judgment when “the pleadings, depositions, answers to interrogatories and admissions on file,

together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to judgment or order as a matter of law.” R. 4:46-2(c). In determining whether a genuine issue of material fact exists, the court must draw all inferences in favor of the non-moving party. Brill v. Guardian Life Insurance, 142 N.J. 520, 523 (1995). A genuine issue of material fact exists when “a fair-minded jury” could return a verdict for the non-moving party on the evidence presented. Id. at 532 (quoting Improvement Co. v. Munson, 81 U.S. 442, 448 (1872)). Conversely, “when the evidence is so one-sided that one party must prevail as a matter of law, the trial court should not hesitate to grant summary judgment.” Id. at 540 (quoting Anderson v. Liberty Lobby, 477 U.S. 242, 250 (1986)).

A non-moving party “cannot defeat a motion for summary judgment merely by pointing to any fact in dispute.” Brill, 142 N.J. at 529; see also R. 4:46-5(a) (“When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the pleading[.]”). Therefore, if the opposing party only points to “disputed issues of fact that are ‘of an insubstantial nature’ the proper disposition is summary judgment.” Brill, 142 N.J. at 529.

Here, there is no dispute regarding the existence of preservation deeds between MCADB and Hidden Farm, LLC, and the subsequent deed transfers between Hidden Farm LLC and Lebensfreude, LLC. Compare Plaintiff’s Statement of Material Facts with MCADB’s Response to Material Facts. Here, defendants concede, after diligent inquiry, they were in receipt of plaintiff’s addendum. While defendants filed opposition, they do not assert any contravening facts to defeat summary judgment. With the exception of certain hearsay statements, they do not deny the substantive allegations set forth in plaintiff’s Statement of Material Facts. Because there are

no issues of fact in dispute, summary judgment is proper. R. 4:46-2. Accordingly, the motion for summary judgment is **GRANTED**.

Moreover, one of the “most ancient and useful powers of a court of equity is its power to correct and reform writings to conform to the true convictions and intentions for the contracting parties.” S. P. Dunham & Co. v. 26 E. State St. Realty Co., 134 N.J. Eq. 237, 244 (Ch. Div. 1943). Courts have applied general contract principles governing reformation to cases involving reformation of mortgage documents. See Scult v. Bergen Valley Builders, Inc., 76 N.J. Super. 124 (Ch. Div. 1962), *aff’d* 82 N.J. Super. 378 (App. Div. 1964). Contract reformation is an equitable remedy, wherein “relief will be granted only where there is mutual mistake or where a mistake on the part of one party is accompanied by fraud or other unconscionable conduct of the other party.” Heake v. Atl. Cas. Ins. Co., 15 N.J. 475, 481 (1954).

When determining whether to grant the equitable remedy of contract reformation, the court must consider the intent of the parties at the time the document sought to be reformed was created. Dugan Const. Co., Inc. v. New Jersey Tpk. Auth., 398 N.J. Super. 229, 242 (App. Div. 2008). Where mutual mistake is invoked, the court considers as a threshold determination whether the “mistake was mutual in that both parties were laboring under the *same* misapprehension as to [a] particular, essential fact.” Boncco Petrol, Inc. v. Epstein, 115 N.J. 599, 608 (1989) (citing Beachcomber Coins, Inc. v. Boskett, 166 N.J. Super. 442, 446 (App. Div. 1979)).

The intent of the parties at the time of contracting is evident from the undisputed facts before the court. The parties do not dispute Mr. Alstede submitted to MCADB an addendum to schedule B. Alstede Cert. ¶36. The parties do not dispute MCADB was in receipt of that addendum. Def.’s Opp. Br., 4. The parties do not dispute the MCADB purchased the development rights to the Hideaway Farms with knowledge of the addendum. Pl.’s Statement of Material Facts

¶¶18-26. Perhaps most importantly, the parties do not dispute MCADB has annually inspected the Hideaway Farms and found them to be in compliance with the preservation deeds of easement. Id. ¶30.

Here, the parties have conducted themselves under the same misapprehension of fact since 2006. Boncco, 115 N.J. at 608. The existing deeds fail to memorialize the non-agricultural uses in the preservation deeds, which both parties have been abiding by as if it were operative this whole time. Therefore, the parties' intent is and has remained clear before, during, and since the inception of the preservation deeds. Dugan, 398 N.J. Super. 242. Accordingly, plaintiff's prayer to reform the preservation deeds is **GRANTED**.

ANDREW J. BRUCK  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
R.J. Hughes Justice Complex  
25 Market Street  
P.O. Box 093  
Trenton, New Jersey 08625  
Attorney for Defendant,  
State Agriculture Development Committee

FILED

JAN 31 2022

Marliza Berdote Byrne, P.J.Ch.

By: Jason T. Stypinski  
Deputy Attorney General  
Attorney ID No. 025741997  
(609) 376-2687

LEBENSFREUDE, LLC,

Plaintiff,

v.

MORRIS COUNTY AGRICULTURE  
DEVELOPMENT BOARD and NEW JERSEY  
STATE AGRICULTURE DEVELOPMENT  
COMMITTEE,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MORRIS COUNTY

DOCKET NO. MRS-C-72-20

Civil Action

PROPOSED FORM OF ORDER

This matter, having been opened to the Court on the return date of November 19, 2021, by Jason T. Stypinski, Deputy Attorney General, appearing, attorney for Defendant, the New Jersey State Agriculture Development Committee ("SADC"), for an Order granting Defendant SADC's Motion for Reconsideration, and Nicole L. Voigt, Esq., Shanahan & Voigt, LLC, attorneys for Plaintiff, Lebensfreude, LLC, appearing, and Staci L. Santucci, Esq., First Assistant County Counsel, appearing, attorney for Defendant,

Morris County Agricultural Development Board, and, and the Court having considered the papers submitted by the parties, and having heard oral arguments on 1/31/2022, and for good cause shown;

IT IS on this 31<sup>st</sup> day of January 2022 ORDERED as follows:

1. ORDERED that SADC's motion for reconsideration is hereby GRANTED; and

2. ORDERED that Defendants Morris County Agriculture Development Board and State Agriculture Development Committee shall have the opportunity to evaluate and consider the scope, extent and frequency of non-agricultural use prior to reformation and recording of the Deeds of Easement for Hideaway Farms #1-4 after consultation with Plaintiff, which consultation shall take place within 30 days.

Defendant SADC shall serve a copy of this order on all counsel of record within (7) days of receipt.

Reasons for this order were orally placed on the record on

January 31, 2022

*Maritza Berdote Byrne*  
Hon. Maritza Berdote Byrne, P.J. Cl.

OPPOSED

UNOPPOSED



**From:** [Kurt Alstede](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [Kurt Alstede](#)  
**Subject:** [EXTERNAL] Soil Protection Standards Comment Submission  
**Date:** Friday, February 23, 2024 10:11:47 AM  
**Attachments:** [Attorney Review of Proposed SPS Rules 2.2024.pdf](#)

**\*\*\* CAUTION \*\*\***

This message came from an **EXTERNAL** address ([kurt@alstedefarms.com](mailto:kurt@alstedefarms.com)). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Good Morning,

Please accept these comments regarding the proposed SPS rules. These rules come from me personally as a NJ Farmer; not in my capacity as a state official on any board.

Please see attached this concise legal review of the proposed rule. The proposed rule violates and contradicts contract law in NJ. There should be NO retroactive application of these rules for previously preserved farms. Rather, a site specific stewardship approach that invites voluntary participation should be advance for previously preserved farms...such as championed by the recent resolution from the NJ State Agricultural Convention.

Please confirm your receipt.

Thanks,

Kurt

**Kurt W. Alstede**

**Founder and General Manager**

**Alstede Farms, LLC**

*Post Office Box 278*

*Chester, New Jersey 07930*

*United States of America*

**LEWIS GOLDSHORE, ESQ.**

ATTORNEY AT LAW

70 CEDAR LANE

PRINCETON, NEW JERSEY 08540

LEWIS GOLDSHORE

TELEPHONE: (609) 497-0818

E-MAIL: Goldshorelaw@gmail.com

January 29, 2024

Mr. Peter Furey  
New Jersey Farm Bureau  
The Farm House  
168 West State Street  
Trenton, New Jersey 08608

**RE: Legal Objections to the Soil Protection Standards**

Dear Pete:

This is in response to your request that I analyze the Soil Protection Standards (“SPS”) and provide you with a concise summary of the legal objections to the proposed rules. You also requested that I coordinate the response with Anthony J. Sposaro, Esq., David Frank, Esq., and Nicole L. Voigt, Esq., three attorneys who also have had extensive experience with real estate law, agriculture law, and administrative law. The following is the result of our analysis.

**1. The SPS unlawfully attempts to retroactively revise the terms of the Deeds of Easement (“DOEs”) for previously preserved farms.**

The NJ Supreme Court (“NJSC”) explained in a 1981 decision: “It is a fundamental principle of jurisprudence that retroactive application of new laws involves a high risk of being unfair. There is a general consensus among all people that notice or warning of the rules are applied to determine their affairs should be given in advance of the actions whose effects are to be judged by them.”

**2. The NJSC’s decision in the Quaker Valley Farms (“QVF”) case did not authorize retroactive application of the SPS to previously preserved farms.**

The SADC’s retroactive application of soil protection standards or guidance was not an issue before the NJSC in QVF and New Jersey courts do not issue advisory opinions. Nonetheless, the NJSC cautioned the SADC that the DOEs’ terms must be such that a reasonable person would have understood the term at the time that the parties agreed to the DOE.

**3. The NJSC's QVF decision could not consider the implications of ¶7 of the DOEs that requires the grantor to obtain a farm conservation plan approved by the local soil conservation district and conform with its provisions.**

The farm conservation plan requirement was not adopted until 1994. The DOE reviewed by the NJSC in the QVF matter was executed in 1993 and did not require a farm conservation plan. As a result, the QVF decision could not consider the SADC's current conservation agricultural management practices for soil and water conservation.

**4. The NJSC's QVF decision did not direct the SADC to adopt overblown "command and control" soil protection regulations.**

The QVF decision referred to the SADC's need to provide farmers with guidance, guidelines, and goalposts to avoid burdening them with costly enforcement actions. That language is consistent with the Department of Agriculture's tradition of working cooperatively with the agricultural community by issuing guidance documents and agricultural management practices rather than highly detailed, technical and inflexible "one size fits all," site-blind regulations.

**5. The SPS fails to consider the implications of ¶17 of the DOEs which provides: "This Deed of Easement imposes no obligation or restriction on the Grantor's use of the Premises except as specifically set forth in the Deed of Easement."**

The DOEs are legal documents with fixed terms, recorded in the County recording offices, and are binding on the owners of the previously preserved farms, their heirs, and successors, and on the acquiring entities. The SPS represents an impermissible attempt to impose additional obligations or restrictions on those grantors' use of their premises.

**6. The SPS imposes additional burdens on the owners of the previously preserved farms in violation of the fundamental principles of easement law and the government's obligation for fair dealing.**

The owners of the previously preserved farms agreed in good faith to the DOEs terms in exchange for stated monetary compensation. They had no reason to anticipate that the SADC would many years later unilaterally change the terms of the settled deals by imposing additional burdens on the landowners. The law of easements prohibits the easement owner from involuntarily increasing burdens on the landowner. SPS' retroactive application also is inconsistent with the well-established principle that the "government has an overriding obligation to deal forthrightly and fairly with property owners."

**7. The SPS impermissibly conflicts with the policies expressed in the Farmland Preservation Bond Act of 1981, subsequent bond acts, the Agricultural Retention and Development Act, and the Right to Farm Act.**

Those enactments recognized that agriculture was an economic pursuit; important to the present and future economy of the State; and that all State departments and agencies,

including the SADC, should encourage the maintenance of agricultural production and a positive agricultural business climate. Agriculture is a business, not just an attractive vista for motorists and non-agricultural neighbors to admire. Speaker after speaker at the September 27th hearing explained how the proposed rules would be detrimental to the viability of their agricultural businesses and how they were contrary to the purposes of the foundational enactments.

Very truly yours,

/s/ Anthony J. Sposaro, Esq.; /s/ David Frank, Esq.; /s/ Nicole L. Voigt, Esq.; /s/ Lewis Goldshore, Esq.  
New Jersey Farm Bureau,  
General Counsel

**From:** [Kurt Alstede](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [Kurt Alstede](#)  
**Subject:** [EXTERNAL] Additional SPS Rule Comment Submission  
**Date:** Friday, February 23, 2024 12:13:50 PM  
**Attachments:** [SADC Deed of Easement Reformation Legal Memo 2022.pdf](#)

**\*\*\* CAUTION \*\*\***

This message came from an **EXTERNAL** address ([kurt@alstedefarms.com](mailto:kurt@alstedefarms.com)). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Good Afternoon,

Please find an additional submission attached in support of my personal assertion as a farmer that any new rules associated with Soil Protection cannot be applied retroactively to farms that have been previously preserved as that would be a violation of contract law. Any new soil protection guidance for prior preserved farms must be incentive based and site specific. I endorse the proposal included in the Ag Convention resolution recently passed by the delegates.

This comment is not related to my service on any state commissions, rather it is from me personally as a Morris County farmer.

Please acknowledge receipt.

Thanks,

Kurt

**Kurt W. Alstede**

**Founder and General Manager**

**Alstede Farms, LLC**

*Post Office Box 278*

*Chester, New Jersey 07930*

*United States of America*

## **RETROACTIVE CHANGE TO THE SCOPE OF PRESERVATION DEED OF EASEMENT RESTRICTIONS IS INEQUITABLE**

Preservation deeds of easements are contracts between landowners and the easement holder for which economic expectations are created as of the date of preservation. The scope of those economic expectations should not be retroactively restricted.

In *Lebensfreude, LLC. v. Morris County Agricultural Development Board and New Jersey State Agriculture Development Committee*, Docket No. C-72-20, Judge Maritza Berdote Byrne, P.J.Ch. ordered that four agricultural preservation deeds of easement on land owned by plaintiff be reformed to identify all uses and improvements existing at the time of preservation. (*See*, October 14, 2021 Order Granting Plaintiff's Motion for Summary Judgment with attached Statement of Reasons (unpublished); Motion for Reconsideration Denied January 31, 2022). The uses and improvements reviewed by the Court were all disclosed in the farmland preservation application and continued in existence for fifteen years after preservation including during annual inspections by the CADB. The SADC's motion papers did not dispute the prior and continued existence of those uses and improvements. Instead, the SADC sought an opportunity to retroactively review the scope of those uses and improvements through substantive and procedural considerations that differed from those actually applied in 2006, at the time of preservation.

The court denied the SADC an opportunity for retroactive changes to the original intent of the preservation deeds of easement. In so ruling, the Court treated the preservation deeds of easement as a contract subject to modification only in accordance with settled equitable principals, such that contracts may be reformed "only where there is mutual mistake or where a mistake on the part of one party is accompanied by fraud or other unconscionable conduct of the other party." *Lebensfreude, LLC* (unpublished), quoting, *Heake v. Atl. Cas. Ins. Co.*, 15 N.J. 475, 481 (1954). The court compared reforming a preservation deed of easement to reforming a mortgage, citing the proposition that general contract principals are applied to cases involving reformation of mortgage documents. *Lebensfreude, LLC* (unpublished), quoting, *Scult v. Bergen Valley Builders, Inc.*, 76 N.J.Super. 124 (Ch. Div. 1962), aff'd 82 N.J.Super. 378 (App. Div. 1964). When determining whether to grant the equitable remedy of contract reformation, the court considered the intent of the parties at the time of preservation to be paramount. *Lebensfreude, LLC* (unpublished), quoting, *Dugan Const. Co., Inc. v. New Jersey Tpk. Auth.*, 398 N.J. Super. 229, 242 (App. Div. 2008).

The Court upheld these equitable principals and permitted the pre-existing activities and uses to continue as per the scope under which the parties had been operating since the time of preservation. The SADC moved to reconsider in part arguing that it should be afforded a retroactive opportunity to evaluate whether or not the uses and improvements are considered agricultural and then to define a scope of location and frequency by which such uses and improvements may occur. The motion for reconsideration was denied.

Applying these principals, a preservation deed of easement is a contract creating settled economic expectations as of the date of preservation and as per the four corners of the instrument. Such contract should only be retroactively changed when required as per equitable principals justifying contract reformation, and then only in a manner consistent with the original intent of the parties.

My name is Mary Alstede and I am a full time farmer and farm owner with my husband and four children in Chester, New Jersey in Morris County. We are a true family farm producing fruits and vegetables on nearly 800 acres of land of which 550 acres we own...all of which is preserved.

My personal roots in Morris County truly date back to the Mayflower when my ancestors sought both religious and economic freedom and opportunity in the new world. My paternal ancestors include Tempe Wick of Jockey Hollow fame. My maternal ancestors include Morris County native Dr. Daniel Elmer Salmon, born on a farm in Mt. Olive, who discovered the bacteria Salmonella, while working for USDA. My mother's parents, Scott and Mary Parks, farmed their entire lives in Mt. Olive and Chester in Morris County. They successfully transitioned their dairy farm to a thriving fruit and vegetable farm that began direct marketing their produce from a stand and through PYO on their farm in Chester decades before anyone even coined the term „Agritourism.“ It was on their farm that I first met my husband Kurt, working as a teenager for my grandparents and uncles. Little did I know at the time that this chance meeting over 40 years ago would lead me to continue this long farming family legacy that I have in Morris County with my husband, four children, and several other family members.

I observed my grandfather Scott Parks as an early pioneer in applying soil and water conservation practices on our family farm. As a long time member of the Morris County Board of Agriculture, he was recognized nationally for his conservation achievements and was flown to a conference in Arizona in the early 1970's to speak on the benefits of participating in soil and water conservation programs; specifically ones that were a private-public partnership that highlighted voluntary participation and monetary incentives.

Sadly I also watched the demise of our family farm as estate planning, age, and the absence of a farmland preservation program in the early 1980's necessitated the sale of the bulk of our family's farmland. Had the voluntary NJ farmland preservation program existed then, our legacy family farm in Morris County would still be producing local foods today.

Yet, my family legacy lives on in the work that my husband, children, and I do on our preserved farms in Morris County, and we are so proud of what we do. But, now I have great fear that the overreaching and heavy handed rule that you are proposing will greatly impact our children's ability to navigate our family farm into the next generation with the necessary flexibility and agility to remain an economically viable farm operation. While you might succeed in preserving land, you will fail miserably in preserving true family farmers who are making their living farming on this land.

I urge you to adopt standards that champion natural resource management of preserved farms through private-public partnerships that utilize financial incentives and grants to invite farmers to voluntarily participate; just as soil and water conservation programs have done successfully for nearly a century. Just as my grandparents did before there were rules in place to require it. I also urge you to compensate farmers for the sale of their ag development rights. Farmland Preservation contracts in past years only purchased the commercial and residential development rights, the ag development rights were never purchased. If the SADC concludes that Ag Development rights must be limited, then they should pay for it.

Our family wishes to farm in Morris County for many decades to come; to continue our long legacy of local food production. The rules as they are presently proposed will endanger our ability to do that.

2/23/2024

To Whom it Concerns,

My name is Rebekah Alstede Modery and I am a second generation farmer from Chester, NJ

I recently graduated from Delaware Valley University with degrees in Agricultural business and Sustainable agriculture.

As a second generation farmer, the longevity and sustainability of our family business is at the forefront of my mind. As my sister and I work with our dad to plan our migration into ownership, we are constantly planning for what our future looks like as a business, as a farm, and as a family. We are no exception to the many farm families in New Jersey that farm because of a passion for caring for God's creation and providing food for their local community.

As I look into my future as an owner of our family business, sustainability is a critical factor. Not only sustainability of our finances to get through year to year costs, but more importantly, the sustainability of our soil, water, and resources that will allow us to continue farming into the far future.

Farmers like myself have no intention of destroying our soil as it simply would not afford us the opportunity to continue farming and making a living. Managing soil and other resources is not a one-size fits all solution. Each farm in New Jersey is unique in its challenges and successes, but are similar in their desire to keep their farms producing for years to come. NRCS recognizes this with their conservation plans being specific to each individual farm. These proposed standards, do not.

A program that embraces private-public partnerships and voluntary participation with payment to farmers coming from grants available to the committee. When we preserved our farm, we sold the rights to development, but did not sell the rights to growing our business in ways that the climate demands. These regulations would force us to do that with no monetary gain - if anything it would be a large loss for agriculture in the state.

These proposed regulations for our soil are restrictive, aggressive, and in no way do they afford me the opportunity to grow my farm business into generations past my own. What these rules are trying to do is apply a single solution to thousands of unique farms without considering the consequences of the future generations that want to continue to grow on those farms.

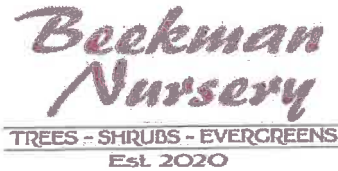
I urge the committee to rethink these rules and mirror the NRCS that creates conservation programs individually for farmers instead of applying one to them all.

I have invested my education, career, and future family into agriculture and i am asking that you do not pass rules that would directly impact my ability to grow my business as needed and potentially blocks my ability to maintain a sustainable business.



These rules will go directly against the efforts put forth toward ag viability in New Jersey forcing families to give up their business due to lack of ability to grow. Please do not let this rule be the downfall to thousands of farmers across the state.

Thank you



**Brian and Judy Jones**

**Hillsborough, NJ 08844**

October 30, 2023

New Jersey State Agricultural Development Committee  
Susan E. Payne, Executive Director  
State Agricultural Development Committee  
PO Box 330  
Trenton, NJ 08625-0330

Dear Ms. Payne,

We are Brian Jones, 2<sup>nd</sup> generation farmer and wife Judy Jones who own a preserved farm in Hillsborough, Somerset County where we grow and sell ornamental landscape plants. We, along with our son, farm the land and run the nursery business. Brian and I attended the meeting you held last week, October 26, 2023. We have reviewed the letters written to you from Mark W. Kirby and Walter C. Lane.

We are very concerned with the proposed rules for Soil Protection Standards as written. Rather than reiterate the details in both letters, we wish to make it known that we agree with the objections presented in both letters. In particular, we agree that since we did not surrender our right to develop our land for agricultural purposes, we believe the new rules should only apply to future landowners and any new rules should not be retroactive.

If the new rules are applied retroactively, we believe that current and future preserved farms' inspections by their respective CADB should be sufficient to determine whether proper soil conservation practices are being followed. Farms that are close to the proposed 12% +/- disturbance should be evaluated carefully to note if soil conservation practices are properly utilized. Depending on the nature of the farming taking place, exceptions should be considered on a case-by-case basis.

At your meeting some farmers proposed that farm owners should be given the opportunity to buy back an exception area to help lower the soil disturbance percentage on the preserved farm. We agree that this is a great idea. This is especially beneficial for owners who purchased previously preserved farms that had no exception area allowed in the deed of easement. Since subsequent owners had not been involved in the original drafting of the Preserved Farm's deed of easement, there should be a way new owners can either be given an exception area or the opportunity to buy back an exception area.

In addition to the comments above, we wish to take this opportunity to ask some questions about our Deed of Easement.

Deed of Easement Section 14 states the following:

**"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:**

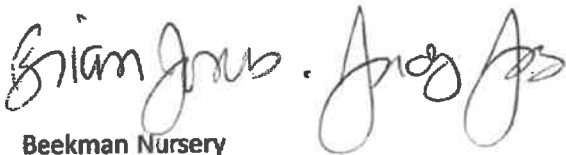
- 1. To provide structures for housing of agricultural labor employed on the Premises but with the approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's 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;... "**

Regarding Section 14:1, we strongly believe owners should be allowed a Residual Dwelling Site Opportunity so they can reside on the farm they are actively farming. The fact that the original deed of easement explicitly prohibits the owner and any of the owner's bloodline relatives to reside on the farm is difficult to understand and seems completely opposite to promoting generational farming. It is obvious that the main way farming continues in NJ is among families since very few people go into farming as a way of life and business unless they had grown up in a family that farms. Therefore,

- 1) Can you please explain the intention behind section 14:1 in the Deed of Easement including how this benefits farmers? In our opinion there are many more benefits to allowing a farmer and his bloodline employees to reside on his own farm than to exclude him from residing on the farm he spends most of his time farming.**
- 2) May we propose a new rule that would allow for Residential Dwelling Site Opportunities (RSDO) on Deeds of Easements whereby no exception was allowed originally?**
- 3) Upon approval for a new RSDO, may we propose a new rule that would allow the owner/farmer of the preserved farm along with any bloodline employee and his/her family the ability to reside in the RSDO?**

Thank you for your time and consideration. We are providing our email address below since that may be a more efficient way to respond.

Brian and Judy Jones



Beekman Nursery

Hillsborough, NJ

BeekmanNursery@gmail.com

Robin Bruins

SADC  
PO Box 330  
Trenton, NJ 08625

October 2, 2023

Dear SADC members;

Britannia defines the word contract as a promise enforced by law. If one of the parties fails to keep the promise, the other is entitled to legal redress.

The draft rule to define and limit soil disturbance fosters the breaking of a contract. This proposal is like changing the rules in the middle of a game.

NJ has a great program...ranked first in the nation in implementing polices and programs to stem the loss of farmland, according to a recent multi year study on farmland loss across the US by the American Farmland Trust. This study called the Farms under threat: the state of the states, noted that NJ had made a bigger commitment to preserving farmland than any other state, necessary because NJ ranks 3<sup>rd</sup> among states with the most threatened farmland.

The confidence of those enrolled in Preservation has been eroded and the willingness of new program participants, such as myself, has been challenged. I am considering the expansion of our family farm but question whether the purchase of a preserved farm is a wise choice.

Recently, I was in the Netherlands and saw the impact of government restrictions on best management practices. As I see warehouses creeping up on my farming community, it is imperative that we do whatever we can to keep agricultural land viable and productive, and less restrictive.

I strongly urge you to support farmers by postponing this draft until you have an opportunity to hear from the agricultural community and those who fight to keep it in the Garden State.

Sincerely,



Robin Bruins

October 5, 2023

Dear Esteemed Members of the State Agricultural Development Committee,

I am hoping to work together with you to help establish soil protection standards for preserved farms while also preserving the ability for horses to have the opportunity to live purposeful and fulfilling lives. I do not own any horses, though I am a strong advocate for these amazing animals because I can see how meaningful horse sports are to them. For example, the events I witness at Princeton Show Jumping are clearly providing horses with an evolved opportunity for them to demonstrate their intelligence, skill, and courage while even more remarkably doing so through their special ability, connection, and willingness to work with humans. Just as a life without purpose is extremely detrimental and frustrating to humans, so to it would be to our beloved animal companions; protecting this right for animals is a righteous endeavor and why I would love to work together with you to find amicable solutions that work for all interested parties.

I would like to provide a couple of potential solutions / concepts for your consideration, though of course will be grateful for the opportunity to work directly with the SADC and horse show facilities to help refine and implement them together. These include:

**1).** Methods of enhancing the grounds of horse show facilities to benefit other agricultural operations in New Jersey. For example, Princeton Show Jumping (PSJ) recently agreed to a honeybee conservation project I proposed. I recognized that the bees are strongly attracted to the clover in our non-chemically treated lawn at home, and they are not getting out of the way of my riding lawn mower. I am sure that this is causing considerable bee mortality, especially on large grounds like PSJ where there are thousands of clover on their untreated grass, many bees, and the commercial landscapers have much bigger and faster lawn tractors than I do. I know that you at SADC are all aware of how critical honeybees are to our crops and flowers production, and that their populations have been facing an ongoing mortality crisis for many years now.

I discussed potential solutions with my colleagues in Israel, who are also keenly aware of the global honeybee crisis and equally importantly must maximize their pollen/nectar production per square foot of land due to limited arable land-space. The proposed solution is to allocate small portions of land wherein a very high pollen/nectar-production per square foot (and highly attractive to honeybees) flora are planted at strategic areas throughout the property. Several flora species have been identified and are being implemented at PSJ, including in the drainage areas that are otherwise relatively useless for anything else; now they can serve as a refuge for the honeybees so they are not killed by the mowing tractors. Preserving these bees will benefit all of NJ agriculture, especially if this project is implemented throughout the State at horse show facilities (and many other locations that suffer from the same mortality issue or other mortality issues such as lands that are using pesticides / herbicides).

**2).** Methods of characterizing the auxiliary non-preserved horse-farm lands that exist thanks to horse show facilities such as PSJ on preserved farm lands. Without evolved horse sports such as show jumping, the economic drivers for non-preserved horse farms is diminished to basically zero. The State will lose far more non-preserved horse farm land acreage than preserved farm acreage saved by any change in soil protection standards, and thousands of horses who would otherwise have the opportunity to live an evolved life of purpose will be denied that opportunity. That said, any discussions in soil protection standards does not diminish the opportunity to utilize these discussions as an opportunity for such lands

to implement State / Community- wide benefit agricultural projects such as that proposed with the bee conservation project- perhaps through “alternative State/Community agricultural benefit credits” mandated to offset certain standard requirements.

I am a strong advocate for the right of all species to fulfill their purpose in life; you can count on me to be a passionate team member to help do so for horses and honeybees as discussed above. Let’s work together to leave a lasting legacy of doing the right thing for these species that give so much to humanity!

Respectfully submitted,

Jim Bushong

**Contact:** 1 \_\_\_\_\_ - - - -

**Address:** ! ...

October 1, 2023

New Jersey State Agricultural Development Committee

Re: Proposed Soil Protection Standards

Dear Ms. Payne,

Ms. Payne, Executive Director of the State Agricultural Development Committee, I request you distribute this letter to all the members of the committee.

I am writing this letter to strongly urge you and the Committee to take a pause and reconsider the effect the proposed soil protection rules will have on the farms whose easements have been signed from the 1980s to now as well as the farms entering farmland preservation program in the future. These rules will erode the trust and have a negative impact on the program. At least farms entering the program in the future will be given this policy to read before signing their deed of easement unlike those who entered the program earlier.

### **Retroactivity**

The agricultural community sees this policy as a violation of trust that will alter the terms of the deed of easement. During the early 20+ years of the program, the program was discussed at the farmer's kitchen table with the program staff providing the answers. The philosophy and the recommendations were very different then. The program was touted as a purchase of development rights, the farmer was to keep the agricultural rights in tack. Never were ag limitations discussed. Deals were made with a handshake, usually without ever seeing an attorney. "A contract is a contract", not to be changed without consent of both parties. The agricultural community sees this proposed policy action as a violation of TRUST.

### **My Preservation Story**

In 2000, my husband and I investigated farmland preservation with program staff who visited the farm. We asked the following questions and received the following answers that formed the basis of our decision to enter the program:

1. Are there impervious coverage limitations? Answer: the Federal program has a 3% impervious coverage limitation. The State programs have none. We selected the State municipal program.
2. Can we construct agricultural buildings and roads to care for and deliver hay, grain, and water to the animals in the pastures? Answer: Only restriction is on residential and non-farm commercial development. No restrictions on ag buildings or farm roadways.
3. When I received a copy of the Deed of Easement to review, I had an additional question about the phrase, "nothing detrimental to soil conservation". I stated that just about every agricultural practice can be considered detrimental to soil conservation,
  - Animals' hooves churning up the soil, creating erosion and non-vegetative areas around gates and on fence lines,

- Construction of roadways to tend to the ag production products/crops requires a stone base,
- Plowing disturbs all the soil,
- Installation of irrigation systems & ponds,
- Construction of a riding arena, etc.

We were told that common acceptable ag practices would not be considered detrimental.

Are program staff not responsible for the answers they give when farmers ask questions?

### **If the Soil Preservation Standards are Enacted**

This Policy will affect me and the questions we asked, at the signing of our deed of easement, will have different answers today. I will have further restrictions on my agricultural rights and therefore change my Deed of Easement in the following ways:

1. I will have impervious coverage limitations,
2. I/or the next owner will have a new farm manager partner, **the State**, making agricultural farm decisions with me....how, what/when I grow or produce. I will lose my ability to be flexible, to be able to transition my operation to take advantage of business opportunities, to be able to be “future looking” in planning and innovative in practices. It will affect my viability. Certain agricultural sectors will be greatly impacted, such as greenhouse, nursery, equine and livestock, and mushroom production. We will lose the diversity in the farming industry. This policy could steer the industry towards traditional farming only.
3. The viability issue between preserved farms and non-preserved farms will get wider, making preserved farms less desirable than before the policy is enacted. Viability is an issue throughout the industry now. When farming becomes unpredictable and unreliable, farmers give up and take 8 to 5 jobs with a paycheck every other week. We need our farmers or we will need to import more of our food, having less control over food safety, pesticide regulations and import of invasive species.

### **An Additional Effect of the Proposed Policy**

- Farmers are faced with over-regulation every day. The waiver provision is cumbersome, costly and time consuming. The last time new policy provisions were in limbo, Casey Jansen’s ag operation was held up for three years before being able to move forward. If that happened to me, I’d have been bankrupted before it was over. This seems to be going down that same path.
- In the last two weeks this policy has already had a negative impact on future preservation and current sales of preserved farms. I know farm applicants who have reversed their decision and decided not to submit applications to the program; one purchase offer of a 100+ acre preserved farm was withdrawn; another offer significantly reduced. Contract purchasers are concerned about these restrictions. The farmland preservation applications have been dropping significantly over the last decade.
- Many farms will not be able to expand or exist under these proposed impervious limits.



Nursery and vegetable farm operations are moving toward more growing under cover to extend the season and to be able to produce more and be viable.

### **Additional taking of Financial Value**

I look at this policy as an additional *taking* of agricultural financial value. This opinion is shared by real estate firms including Farm Credit East, as expressed by realtors and the company's manager.

1. The joining of smaller farms into one, to increase impervious opportunities through the waiver provision, reduces the after values. When we appraise farms for the program, we know smaller farms get more value per acre than larger ones.
2. Adding restrictions on the types of farming opportunities, will most likely reduce interest in the purchase of preserved farms, and reduce the offer prices from active farmers, especially, leaving the 20–50-acre farms attractive to **estate buyers** to “keep the land available for farming” instead of farming, or minimally rent farmland to meet the \$2500 RTF and/or \$1000 farmland assessment minimums. Inadvertently, accomplishing the opposite result of the goals of the farmland preservation program.

### **Policy Direction from the Agriculture Industry**

The agricultural industry gave direction to the Department of Agriculture and the State Agricultural Development Committee through the resolution process during the **2023 State Agriculture Convention** via Resolution, ***Soil Preservation Resolution***, which was ignored during this SADC policy creation.

“We strongly urge the SADC to abandon the approach of making the new soil-protection rules retroactive to farms that already are the subject of farmland-preservation deed of Easement, as those farmers did not believe that they would be subjected to regulations that limit their agricultural practices and opportunities when they signed the deed of Easement contract.”

I highly recommend that this policy proposal take a pause and work to a conclusion reached by consensus of both parties, the farming community and SADC. The industry should not need a class action lawsuit or new legislation to remedy this injustice. There are other ways to accomplish the court directive. Stop the impervious coverage limitations and concentrate on good soil protection practices. Develop a policy of best practices over regulation. This policy is divisive and is unhealthy for the industry and the farmland preservation program. Farmers have been good stewards of their land. Without the land they have no farm.

### **Awareness of the Owners of Preserved Farms**

Many farmers heard about SPS for the first time when they received their over-sized yellow envelop in their mailbox with their farm's soil map disturbance (most seem to be inaccurate). Some farmers only stay “connected” to the ag organizations off season and are focused on their production operations during the growing season, working 15-18 hours a day. Others were completely oblivious to the issue. They were shocked to find out this policy is about to be enacted. Currently, there is a flurry of anticipation, What is this? How did we get here? What

could be next? I've heard several farmers state, "I'd like out of the program, this is not sticking to the deal!" This has become a TRUST ISSUE between SADC and the ag industry.

**Further Questions:**

1. Will SADC compensate the preserved farms for *taking* of financial value through new Regulations?
2. Will farms be allowed to withdraw from the program since the farms see this as a violation of their agreement? Did all the early preserved farmers misunderstand?
3. Who is on the SADC SPS sub-committee?
4. Who selects the members?

**In Conclusion**

1. Please extend the public comment period at least 30 days to give more farmers the opportunity to respond.
2. *Please take a pause...it's best to work toward a policy of consensus of both parties, the agricultural industry and SADC.*
3. *Consider Agricultural Viability* in the solution.
4. *Abandon impervious coverage limits (they never existed before), embrace soil protection guidance practices...prevent bedrock disturbance without a review process.*  
(Let's not punish every farmer for the violation of one)
5. *Develop a policy of best practices over regulation.*
6. The best time to communicate with the preserved farm owners is during their annual farm inspection (preferable not during their busy season). Only presenting to farm organization boards does not reach the 2900 preserved farms' ownership.
7. Let's *build up* the farmland preservation program *through TRUST*, not tear it down.

Thank you for the opportunity to comment on this important policy.

Sincerely,

Pat Butch

Monmouth County

Pat Butch  
February 23, 2024  
Public Comment

To: Susan Payne,

Position on Proposed SPS Policy:

- I believe SADC should abandon the retroactive approach. I believe SADC should also withdrawal the full proposal from consideration because it is unworkable and expensive, and broaden the discussion to include a farm-viability stewardship/guidance approach.
- I believe the proposed policy violates the deed of easement as marketed to the farmers who signed their deeds of easement when they entered the NJ Farmland Preservation Program
  - The program was marketed as
    - Sale of residential development rights
    - No restriction on agriculture
    - Build any agricultural buildings
    - Build any roads needed to service fields, animals, etc
    - Farmers must conserve their resources, prevent erosion, conserve water, prevent pollution in streams, ponds
    - After 1993, prepare a farmland conservation plan within 1 year after signing the easement
    - Non-severable exceptions were encouraged more for farm market, veterinarian clinics and other future side ag-related business opportunities than around homes. Although homes could also be placed in a non-severable exception.
  - Until the SPS/Quaker Valley Farms case 2012 there was no talk of limitations even when questioned by the farmer about
    - Impaction of soil
    - Limits on disturbance and/or impervious coverage
    - Limits on agricultural buildings, roads, greenhouses, horse training areas
    - Generational farmers shared farm growth plans before purchase that included growth beyond the current limits in the proposed policy.
  - I know this because I was involved in the negotiations with county and state officials with numerous farmers in Millstone Township and Monmouth County who entered the program between 2000-2015.
- Given all this information, how do you answer the farmer who asks, How can you tell me this new policy is not a change in the intent of the program as explained to me (the farmer) by county and state staff over the years of the program (1987-)? It's not just the 'legalese' words on the deed of easement, it's also the answers to their questions and the words spoken around the kitchen table. Many of these deals were not done with attorneys engaged by the farmer. The farmer trusted SADC. All these farmers

cannot have misunderstood....yet this is how it's remember....one farmer after another. *This mistrust will ruin the program.* Most farmers you speak to today, are sorry they went into the program, would not do it today.

- This proposed policy could negatively impact my farm business
  - Restrict my agriculture business growth
  - Increase costs to prepare professional documents, attorneys, engineers, architects, specialists
  - Decrease the flexibility to respond to the market in a timely manner
  - Reduce the viability of my farm
  - Reduce the financial value of my farm
  - Make my farm less desirable to the professional farmer
  - Will encourage "estate farming"
- Questions?
  - How do you develop a conservation/stewardship policy while you increase the viability of the farm and reduce the red tape to accomplish this without added expense and time?
  - How do you develop a conservation/stewardship policy that will allow for agricultural business growth to sustain future family generations?
  - How do you develop a conservation/stewardship policy that keeps the professional costs down so the farmer can afford to grow?
  - How does the policy encourage flexibility to respond to the market in a timely manner without long processing delays?
  - Will you pay for the rights taken from the farm through this proposed policy?
  - How do you discourage "estate farming"?

New Jersey is extremely proud of the number of acres of preserved farmland, however, it is not enough to preserve the land, if the farms that use the land are not viable, the farmers will seek other occupations and the land will become unproductive. The deed of easement only requires the retention for agricultural use.

How do we move forward?

- Since 1993 the standard deed of easement contains the compliance mechanism originally intended to balance agricultural development with conservation/stewardship practices through the farmland conservation plan which; is required to be obtained within one year of the date of the Deed of Easement being signed and approved by the local soil conservation district. This document controls future change to the property since the deed of easement requires that "Grantor's long-term objectives that shall conform with the provisions of the farm conservation plan".  
The farm conservation plan is developed with the assistance of the Natural Resource Conservation Service local field office and must conform with the June 1, 2005 NRCS New Jersey Field Office Technical Guide (NJFOTG).
  - How has this worked? Admittedly many plans have not been developed or approved or amended, if necessary.

- Let's thoroughly examine this process. What can we do to make this work to accomplish what it was meant to do?
- How can we identify the breakdown in the process?
- How can we support the process, so it is successful? Resources: Money, staff, Federal Farm Bill aid, etc.
- Has the committee investigated this process thoroughly and determined what steps could be taken to make it work? Should the planning document need to be updated every ten years (as with municipal and county master plans) or as needed with farm development?
- Has the committee evaluated the potential effectiveness of a guidance document that provides illustrative examples of egregious soil disturbance that is of the magnitude that would trigger enforcement action by the SADC to supplement the NJFOTG.
- Innovative conservation strategies could be handled as another supplement. This will allow the ag industry to become more production efficient, energy efficient, and morph as needed in the future.
- I believe we should not be taking away agricultural rights afforded in the DOE but rather be balancing them with improved, existing conservation/stewardship practices through the Farmland Conservation Plan that lessens their impact.
- I believe this approach has several advantages:
  - Removes the issue of retroactivity
  - Improves the effectiveness of an existing deed of easement element, the 'Farmland Conservation Plan'
  - Maintains an even playing field for future preservation projects
  - Takes a complicated proposed policy and simplifies it and increases effectiveness while increasing viability, flexibility, growth affordability, and sustainability for future farm generations, while also putting farms on notice of the types of egregious acts that will trigger action from the SADC and offer, if desired, consultation with SADC to the farmer before an action is taken.
  - Restores trust in the program
- We are to this point because of one farm that pushed the limits too far. The current proposal punishes all, will cost a lot of money to enforce, and puts in place an unworkable expensive plan to the farmer. I believe the improved conservation/stewardship Farmland Preservation Plan could accomplish the goal the court has ordered, put the farms on notice of what is expected, put SADC in a good position for any future issues, in a gentler, kinder way the industry will respect.

Sincerely,

*Patricia M Butch*  
 Millstone Township  
 Monmouth County

**From:** [ccarnevale1917@gmail.com](mailto:ccarnevale1917@gmail.com)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] soil standards  
**Date:** Thursday, November 30, 2023 1:26:31 PM

**\*\*\* CAUTION \*\*\***

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SADC staff,

I feel the proposed soil standards are reasonable. However, I do not trust the SADC. If the SADC, had been reasonable, competent, and an ally, to farmers in the past, the proposed standards would not be such a hard sell.

Here is a compromise that I feel should work:

1. Get your maps right! Start with the ones that are over the new standards, and work down from there.
2. Offer any farm that does not have an exception area, to buy one back. (that should remove some of the farms that are over the new standards).
3. The SADC will pay for any changes that a farm needs to make, to meet the new standards. Funding will come from the exception areas that have been bought back.
4. Going forward, when a preserved farm goes for sale, the SADC must present to the potential buyer, a handbook of the rules, and regulations.

I realize it is not as simple, as I am proposing. I can't speak for other farmers. However, I am the Treasurer of the Somerset Count Board of AG, the Vice President of the NJ Ag society, a former member of the Somerset county CADB, I farm, I own a preserved farm, and I own a farm equipment dealership. I am bringing this up because I HEAR what the people affected by this think. The SADC has a horrible reputation. My farm is not affected by the new standards (however, my map is horribly inaccurate).

I feel like the SADC is trying to stop future preservation.

Too bad, I used to be a big supporter.

Christopher D Carnevale



February 23, 2024

Susan E. Payne, Executive Director  
State Agriculture Development Committee  
PO Box 330  
Trenton, New Jersey 08625-0330

**Re: Soil Disturbance on Preserved Farmland and Supplemental Soil Disturbance Standards Proposed New Rules: N.J.A.C. 2:76-25 and 25**

Dear Ms. Payne,

On behalf of the Project Coordinator and Farm Manager of Operation Diversification, we are writing to implore the immediate adoption of the proposed rules for soil disturbance standards.

We appreciate the State Agriculture Development Committee's (SADC) many years of hard work in developing appropriate standards to preserve and protect what soil resources on preserved farmland we have left for future farming in New Jersey.

Operation Diversification is an adaptive farm stewardship modeling trial in Tewksbury Township, Hunterdon County, in partnership with Northeast Organic Farming Association (NOFA) of New Jersey, thanks to a Sustainable AG grant from the Highlands Council. The Highlands Council recognizes the importance of preserving farmland soil.

Across 11 fields, NOFA will conduct demonstrations of rotational grazing, increasing pasture diversity, and agroforestry via on-farm presentations, farmer-to-farmer training, and networking events for further development of technical and educational resources. The project aims to teach *risk-averse* farmers how to restore their land profitably and ecologically sustainably.

This project came about after five long years of trials and tribulations of Martha Kimmerly of Provenance Farm and Christina Chrobokowa of 360 Earth Works, determined to get to the bottom of what happened to this soil in what is considered 'prime farmland.' Even when bringing in experienced second-generation farmers to trial cover crops with RC&D grant money, the history of the land disturbance (even with the best agricultural intentions) resulted in completely depleted soil with no biology or structure to sustain grazing. With the help of NRCS Conservation Planning and bringing Understanding AG and others, we are learning of the long-lasting impact of disturbance, the imperative economic gain when using animals to restore the soil, and the alternative process of compost applications for the long road to recovery.



We have learned from years of experience that even with countless individuals' well-intended efforts, there is still a considerable learning curve to define farm stewardship. Change is hard, and it usually only comes out of hardship when a person is willing to consider a different way to see things and be ready to ask for help on how to do it differently. Therefore, this Committee must do its service to provide rules, not guidelines. **It is essential to understand the interdependence of water, soil, plants, animals, and wildlife which is a continual challenge to the dedicated growers in this garden state.**

Science has verified that healthy soil is a living system filled with biodiversity, rich with nutrients, fungi, and microbes providing water absorption, filtration, and invertebrate life. Science has also begun to assess the economic value of the soil's ecosystem services with carbon capturing and sequestration to mitigate the impacts of climate change. **However, our cooperative experience has shown us that the soil is in a considerable deficit even on most preserved farms and forests (in decline). This is a direct result of well-intentioned but unknowing owners and farmers using conventional practices that have damaged the soil structure and biology and do nothing to restore soil quality essential to farm productivity and long-term viability.**

**However, we feel SADC's proposal should be more robust in protecting our rapidly declining viable agricultural soils. You, the SADC, could preserve New Jersey's heritage as the garden state by further integrating better management practices to improve soil health within the standards. Because there is currently no limit whatsoever on the amount of soil disturbance allowed within the Farmland Preservation deed of easement, these standards should be immediately adopted without further weakening.**

Sincerely,

Christina Chrobokowa  
Land Care Consultant-360 Earth Works LLC  
christina@360earthworks.com

Martha Kimmerly  
Farmer - Provenance Farm LLC





**Four Seasons Nursery**  
and  
**Landscape Company, L.L.C.**  
299 Woodward Rd. • Englishtown, N.J. 07726

Phone 732-792-9890  
Fax 732-792-9894

Roy K. Daum  
Henry G. Daum

February 7, 2023

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

Dear Susan Payne:

I'm writing to you and the SADC to oppose the proposal of new Soil Protection Standards (SPS) on Preserved Farmland and especially Farms that are already in the program. I currently own and operate a wholesale container nursery located at [redacted], in Englishtown, (Block 70, Lot 1.02, Farm Map ID #7730) with my brother and we are 2<sup>nd</sup> generation nurserymen and 4<sup>th</sup> generation farmers. My two partners and I entered a "Deed of Easement" agreement with the State of New Jersey on November 15, 2006. Prior to the signing of "The Easement", the site was already a fully functioning container nursery, farming approximately 35 of the 68 acres. There were roadways, paths between the greenhouses and loading areas all constructed of road pavement millings with a fabric base. In 2006, we entered into this agreement in "Good Faith" knowing that we could never develop the land for residential proposes, but the land could be used for agricultural proposes for perpetuity. We were excited to enter into the program because it allowed for a smoother generational transition of the farm by taking out the development rights of the land. Before the signing of "The Easement", we did our due diligence to ensure that there were no restrictions, in terms of impermeable surfaces, associated with the Deed that would prohibit us from maintaining and future expansion of our nursery. We were even reassured that there would not be restrictions when we previewed our Deed of Easement contract. ***Line #12 clearly states: "Nothing in this Deed of Easement shall be deemed to restrict the right of the Grantor (me), to maintain all roads and trails existing upon the premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary"***

In the container nursery industry, more than any other land using, agricultural business, the construction of roadways and roads between greenhouses are paramount in accessing our crops. At our nursery, during the growing season, we have to irrigate our crops 6 days a week to maintain plant health and vigor. I currently pump at a rate of 1,100 gallons per



**Four Seasons Nursery**  
and  
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299 Woodward Rd. • Englishtown, N.J. 07726

Phone 732-792-9890  
Fax 732-792-9894

Roy K. Daum  
Henry G. Daum

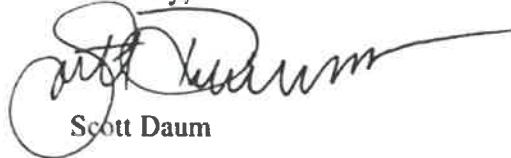
minute. Without the ability to construct roadways with an impermeable surface, such as road millings or gravel, the crops would not be accessible. The amount of water irrigated onto the areas would create a mud pit for any type of machinery. (Spray tractor, production wagons, etc.). The proposed restrictions that the SADC is presenting would restrict the next generation (my son and nephew) from any further expansion based on my current percentage of soil disturbance. My partners and I would not have entered into this agreement knowing of the proposed restrictions. No container nursery would be able to operate efficiently and effectively under the SADC's new SPS.

My suggestions on amendments to the proposed SPS:

1. Make this proposal for new farms entering the program, not retroactive to the already participating farms, some being in the program since the inception.
2. Make the proposal industry specific. A grain farmer is different from a nursery which is different from equine.
3. Increase the percentage of allowable disturbance. 12%, in a nursery setting, is not feasible.
4. Consider existing structures and roadways that were present before entering into the program as areas not counted against the Soil Disturbance Percentage.

In closing, as the new SPS are written, no true farmer will ever enter the program. The only people that your program will attract will be "Gentlemen" farmers. Those land owners that bought the land with no intentions of truly farming it, but to have the parcel as a feather in their cap and reap the benefits of Farm land tax benefits. We are losing an alarming number of farmers, not just in the state, but in the country. We need to encourage the younger generation to take the reins and your program, up until now, has been a great tool to do that. I implore you to truly reconsider these new, cumbersome rules that will not only diminish participation, but could be the end of a very successful program.

Sincerely,



Scott Daum

Owner

Four Seasons Nursery and Landscape Company

September 25, 2023

State Agricultural Development Committee  
Attn: Susan Payne, Executive Director

Dear Ms. Payne:

Thank you for the opportunity to present comments regarding the proposed “Soil Protection Standard” rule for the Farmland Preservation program in New Jersey. The following comments are my own, and on behalf of M.R. Dickinson & Son, a family farming business located in Stow Creek Township, Cumberland County, of which I am a partial owner.

M. R. Dickinson & Son owns three parcels of property under preservation easement through the New Jersey Farmland Preservation Program, totalling approximately 145 acres of land. Our farm currently grows row crops and vegetables, which does not require practices that would constitute ‘soil disturbance’ under the current definitions proposed by the SADC. We are firm believers in sound agronomic practices that promote the development of a healthy soil base for our crops and are long time users of standard soil conservation practices. Based on this background, I wish to offer the perspective of an owner of preserved ground whom will not be immediately directly impacted by the proposed SPS rule.

The primary concern that we have with the proposed rule is the retroactive nature of the application of this rule onto deeds of easements that pre-date the adoption of the rule. It is our viewpoint that this represents a violation of the contractual agreement that was entered into between our business and the State of New Jersey. Since we as the grantor of the easement do not have the ability to likewise change the terms of the contract or to agree to the changes in our contract with the State, we do not consider this to be a valid change to the agreement. It is simply unacceptable for the State to have the power to arbitrarily change the terms of the agreement without the ability of our business to agree to the revised terms of the agreement.

As previously mentioned, our farm does not currently have areas of soil disturbance on our farm under the current definitions proposed by the SADC. However, we cannot help but wonder what other changes to the terms of our deed of easement the SADC will propose in the future. Adoption of the SPS in the manner in which it has been proposed creates an atmosphere of distrust for the Farmland Preservation Program and the SADC.

We had been considering putting another approximately 100 acres of family owned land into the program within the next several years, but will not do so if this rule is adopted in the manner proposed, where the landowner has essentially no right to reject the changes to the terms of the agreement that are made by the State after the signing of the deed of easement. I know that we are not the only landowners with a similar sentiment. We believe that implementation of the rule retroactively will result in a severe reduction in applications for preservation. It will only be a desperate individual who willingly and knowingly enters into this program in the future, knowing full well that the State can change the terms of the agreement retroactively.

It is our contention that the retroactive application of this proposed rule to deeds of easement that exist prior to the date of adoption of said rule represents the taking of additional rights by the

State from the landowner. We propose that the State consider the following options to remedy this issue.

1. Do not apply the proposed rule retroactively to existing deeds of easement. Apply this rule to all new deeds of easement written after the date of adoption.
2. If the State is insistent on applying this rule to all existing deeds of easement, then the current owners of those parcels must be compensated financially for the additional rights that will be lost via the implementation of of the proposed rule.

We will note that of these two options, the first is the only option that would result in our farm considering future participation in the Farmland Preservation program. The second option, while making us 'whole' for the taking of additional rights, would leave us with a continued air of distrust towards the SADC and the Farmland Preservation program.

Sincerely,

Keith Dickinson

Vice-President, M.R. Dickinson & Son

**From:** [farmlife@comcast.net](mailto:farmlife@comcast.net)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] soil  
**Date:** Thursday, February 15, 2024 10:18:55 AM

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You know when you think about NJ you think Garden State so when so when the government decided to promote farm preservation we all agreed it was great for state and farmers so farmers got onboard my self included and entered the program We signed along with the state and local governments agreements to preserve our farms forever not aware that you guys would change the agreement when it suited you Oh and now by the way we are changing the contract how is that OK Let us all out of the program and we can sell to developers You should be more concerned with the fact you are changing NJ from the Garden State to the Warehouse State You are letting builders put up these gigantic buildings on farm land covering the soil and that's ok But us farmers who love the state and are hard workers without big law firms behind them are being persecuted because you decided to change the rules in the middle of the game If you want to change the agreement for new entries fine then those farmers can decide to enter program or sell to developers We have bigger problems in this state We are not stupid we know it is easier to go after the little guy My question is why don't you see this Gary

**From:** [Bill Green](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#); [Uttal, Jessica \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance on Preserved Farmland  
**Date:** Wednesday, October 25, 2023 2:59:29 PM

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New Jersey State Agriculture Development Committee

Susan E. Payne, Executive Director

State Agriculture Development Committee

PO Box 330

Trenton, NJ 08625-0330

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

Re: Soil Disturbance on Preserved Farmland and Supplemental Soil Disturbance Standards

Dear Ms. Payne,

I am writing to submit comments on the State Agriculture Development Committee proposed new rules regulating Soil Disturbance on Preserved Farmland and Supplemental Soil Disturbance Standards.

On March 5, 2021, I purchased the former Stafford Farm now known as Saddlehill Cellars, a 69.81-acre preserved farm located at [redacted] 1, Voorhees Township, Camden County.

As you know, Stafford Farm was preserved in 2003 and subsequently became a blighted property and a major eyesore at the crossroads of Cherry Hill & Voorhees. Growing up and raising my family in the area, I was quite disturbed at what had

become of the farm, especially after the millions of dollars paid to the Staffords for the preservation. Although I no longer live in the area, I was determined to take on this passion project as a way to give back to the community that I love while checking some boxes of mine as I head into my senior years. Those passions include my love of nature, horses, and of course wine. I am determined to be part of the wine industry's efforts of getting New Jersey's wine on the map in the United States in a much bigger way. Saddlehill is also an equestrian facility with a horse track, stable, and pastures. We also grow food crops, flowers, and of course, grapes.

Prior to acquiring the farm, I studied the preservation deed of easement alongside counsel. While I knew there would be challenges and major costs to bring the property to life, I was convinced it could be done and was willing to use my financial resources and effort to get the job done. I hope that my family for generations to come along with the community will benefit from my investment and my efforts. Since acquiring the farm, during the last 2-1/2 years, we've made major strides.

As per a January 6, 2022 Resolution of the Camden County Agriculture Development Board, Saddlehill Cellars has an approved site-specific agricultural management practice under the New Jersey Right-to-Farm Act. The SSAMP was approved pursuant to allowances for marketing facilities, activities, and events on commercial farms under the On-Farm Direct Marketing Agriculture Management Practice. The CADB determined that Saddlehill Cellars complies with the standards required to receive protections of the Right to Farm Act. The plan for Saddlehill Cellars was also extensively reviewed by Camden County, including for transportation and stormwater/ soil conservation considerations, requiring substantial investments to address rules of the New Jersey Department of Environmental Protection.

To date, my investment has exceeded \$14 million, and I am not done yet. Over \$1 million of that has been spent on county requirements involving stormwater and soil conservation. We also repaired wells for agriculture irrigation and accessed public water and sewer for our winery. I hired the best of the best experts in helping me achieve this goal. Even as a first time farmer, I clearly understood the need to address soil conservation and stormwater concerns.

I am nearly done with our planned restoration of the farm and completion of my master plan. At Saddlehill, we are creating what we believe will be a template for preserved farm use. At the same time, Saddlehill will be an ideal destination for agritourism in New Jersey to many citizens given our proximity to more populated areas. In addition to our equestrian and other livestock breeding plans, we've planted 27 acres of vineyard, built a state-of-the-art winery, and the tasting room is nearing completion.

Now, I am faced with spending time and money to defend our contract. I thought the preservation deed of easement was a contract between me, as the successor grantee, and the SADC. I received my soil disturbance map on September 18, 2023, and I have been advised that the SADC intends to visit my farm to update its determinations of disturbance based upon the work done since the 2020 aerial photography relied upon by the SADC. This is backwards. I am unable to write these comments with full knowledge of how the proposed rules will be interpreted on my farm. This alone is fundamentally problematic and unfair. The SADC will close its public comment period, push this rule forward, and then visit my farm to advise me for the first time what the actual full impact of the rule is, all while it breaches our contract.

While I may not be able to predict the full extent of how the SADC is taking agricultural rights away from me, the bias of the rules against equine farming and wineries is clear. Sand is critical for horses as well as other livestock and has always been permissible under the preservation deed of easement. We also have alpacas and have successfully bred our first last year. They eat and take shelter on a small lot of sand that I added. I've spent hundreds of thousands for a new horse barn, sand arena & training area, in compliance with applicable laws, and now the SADC is retroactively using this to limit the future agricultural development of my farm. The waiver concepts in the proposed rules are untenable, complicated, and would require an entire other level of investment in professionals to grasp, request, defend, and implement. And, will waivers even be granted or helpful? Professionals must be hired to even understand the waivers, the standards are subjective, conditions are unpredictable, and waivers can be revoked. Waivers do not appear at all intended to help equine, livestock, wineries, or agritourism.

Quite frankly, I expect we will be well under the proposed 12% disturbance limit, but that does not justify the SADC's overreaching and deal-breaking regulation. I write this letter to you first as a matter of principle. The concept of having a new set of standards threaten my investments now and into the future, and the rights of my heirs to this farm, is unacceptable. A deal is a deal. I have relied on that deal. I read the preservation easement. And I have a right to agricultural development subject to the many laws that I have paid millions to comply with.

I've had a relatively successful 45 year business career in a number of industries, and 3 of my 7 start-ups were eventually sold to public companies. Farming is a tougher business than any of them. New Jersey preserved farm owners are competing with non-preserved farms and with large farming corporations whose massive resources account for 75% of US agricultural sales. The proposed rules are restrictions that directly impact my farm's future and potential for agricultural production. The proposed rules violate our contract. This is the time to work with farmers, not handcuff them. I have followed the preservation deed of easement



while investing millions to keep Camden County's and New Jersey's agricultural businesses alive. Don't shackle all farmers because of one bad apple. Let's promote sustainable and equitable agriculture for small farmers that are trying to compete with major US corporations.

The proposed rules must not be adopted.

Sincerely

--

**Bill Green**



[Author Website/ All In: The Book/](#)

On Tue, Oct 3, 2023 at 1:08 PM Uttal, Jessica [AG] <[Jessica.Uttal@ag.nj.gov](mailto:Jessica.Uttal@ag.nj.gov)> wrote:

**Good Afternoon,**

**Please see below Notice of Extension:**

## **STATE AGRICULTURE DEVELOPMENT COMMITTEE**

### **Notice of Extension of Public Comment Period on SADC Rule Proposal Establishing Soil Protection Standards on Preserved Farmland**

Proposal of new rules, N.J.A.C. 2:76-25, Soil Disturbance on Preserved Farmland; N.J.A.C. 2:76-25A, Supplemental Soil Disturbance Standards

### **PUBLIC NOTICE**

**Take notice** that the New Jersey State Agriculture Development Committee (SADC) is extending the public comment period on the proposed new rules set forth above for an additional thirty (30) days.

The notice of proposal was published in the New Jersey Register on August 7, 2023, at 55 N.J.R. 8(1), with a sixty (60) day public comment period to October 6, 2023.

**From:** [Haring Family Farm LLC](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Public comment on proposed rules  
**Date:** Tuesday, February 20, 2024 3:43:11 PM

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2/20/2024

Dear State agriculture development committee,

I'm writing to you this morning to share our families' thoughts on your new proposal of new rules N.J.A.C.2:76-25, soil disturbance on preserved land; N.J.A.C. 2:76-25A, supplemental soil disturbance standards. Our grandfather Matthew Gordeuk Preserved 395.554 acres of farmland with his brother Joseph Gordeuk on September 23,1991. At this time Matthew was passionate about preserving this land that his migrant father purchased in 1922, and for the future generations like ourselves to still be able to farm. He was one of the first farmers in our area to make a very difficult decision to place our land in preservation for a lifetime. If you are unaware most farms are only preserved to stay farmed for 100 years, ours is preserved to be actively farmer for a lifetime. When Matthew and Joseph were making these decisions for not only themselves but the generations like my husband I they were signing on that line with pride in knowing the land would be preserved and not sold to a developer as most of this state has been, they were not aware of any chance in their families lifetime that the New Jersey S.A.D.C would go back on their words and change a document that was signed thirty three years ago. Matthew Gorduek was an advocate for persevering farmland, he helped several others in our state preserve their land as well. For the past 33 years we have obeyed the contract such as allowing inspections, soil disturbance and much more. We did our part to not break the contract signed by our family before us. This is tyranny to change a 33 year old contract, we are doing our best to keep this land farmed and bettering our land for our future generations. We understand that this isn't the case for everyone in our state, but one bad egg should not make changes for all the good eggs like ourselves. We ask you to reconsider your attempt at making these changes, we believe these changes will bring an end to the farmland preservation of our state. We are losing farmers all over N.J. we are facing enough as farmers we do not need an agency like yourselves to be another enemy to our daily lives. You are supposed to be for us, not against us. Please consider these words from our small part of the preservation of this state, and hundreds of others like ourselves.

Thank you for your time,

Elise and Lucas Haring ( grandson of Matthew Gorduek)

## Uttal, Jessica [AG]

---

**From:** Julia Herr Smith <julia.herr.smith@gmail.com>  
**Sent:** Friday, January 26, 2024 12:36 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Soil Protection Rules

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PhishReport@cyber.nj.gov.

Dear SADC,

I write to you representing almost 350 acres in Hunterdon County to vehemently object to the proposed soil protection standards, especially with respect to already preserved farms.

**First**, retroactive changes by the SADC detrimental to farmers' interests are illegal. Indeed, a contract cannot be unilaterally changed after its signature without the express agreement of both parties.

**Second**, these standards and their retroactive application already have and will have a chilling effect on the ability to preserve other farms.

**Third**, these standards unfairly and immorally take advantage of farmers when they are at their most vulnerable and take without permission or adequate compensation value from their land.

**Fourth**, these standards are antithetical and counterproductive to the stated desire to preserve farmers' ability to farm commercially viable farms.

My father, C. Ryman Herr, Jr., owns 210 acres in Hunterdon County. He was one of the first to preserve, and as a land use attorney paid very close attention to the language of the deed. He had no expectation that any of the terms and their then-current interpretation would be unilaterally changed by the SADC, effectively frustrating his ability to manage his farm as most appropriate.

I am the executrix for the Estate of Marilyn Rhyné Herr, one of the largest unpreserved farms in Hunterdon County. As a direct result of the state's soil protection standards landgrab, I have abandoned any thought of preserving this highly developable property.

It is shameful the SADC has embarked on this misguided effort. This breach of trust will have unintended ripple effects for generations. Once trust in the SADC has been lost, it will be ever so difficult to earn it back.

The SADC can begin to rehabilitate itself by scuttling these intrusive regulations, and at a minimum abandoning this immoral and illegal effort to make them retroactive on innocent farmers who trusted them in the past with their most valuable assets, their farms.

Thank you for your consideration.

Respectfully,

Julia E. Herr



Wholesale Grower  
939 Route 33, PO Box 7556, Monroe Township, NJ 08831  
Phone: (609) 448-9222 | Fax: (609) 448-5015  
hollandgreenhousesinc.com

February 9, 2024

State of New Jersey  
State Agriculture Development Committee  
PO Box 330  
Trenton, NJ 08625-0330

RE: Farm Map # 10680

To Whom it May Concern,

After reviewing the Baseline Soil Disturbance Map that the SADC created for Holland Green Farms, I see some discrepancies. I have labeled the areas on the map in question. (Please see attached)

Area 1 - Is a pile of organic material.

Area 2 - Is accumulated farm wood debris to be disposed of in the future.

Neither area of which should be included in the soil disturbance calculation.

The biggest objection I have to the proposed Soil Protection Standards, is that this property was purchased with the intent of constructing 15 acres of greenhouses. As you are aware we have built phase 1 of the original and approved plan. I do have a resolution dated March 26, 2015, from the SADC and January 14, 2016, from the Upper Freehold Township Planning Board approving all phases of the 15-acre greenhouse facility. At this moment we have plans of erecting the final 2 phases in the future. As mentioned at the open forum meeting at Mercer County Board of Agriculture meeting on Monday, January 8, 2024, we have an understanding that my farm is a special circumstance that needs further discussion. I was approved to build out all phases of the project prior to the standard being in place or implemented.

I also followed all the rules, spent the money to receive the approvals. I strongly feel that I should be granted 12% on top of what has already been approved. The proposed standards would allow anyone to build what took me years of red tape and astronomical fees incurred, to build.



Wholesale Grower  
939 Route 33, PO Box 7556, Monroe Township, NJ 08831  
Phone: (609) 448-9222 | Fax: (609) 448-5015  
hollandgreenhousesinc.com

As I stated in this meeting, the SADC looks at agriculture as a whole, instead of categorizing agriculture into different practices. Obviously, a greenhouse facility will have more soil disturbance than a grain farmer. Please take this into consideration when working through guidelines. I understand that it is imperative, and the focus of preserved farmland is the preservation of viable soil, but when it comes to the future of farming and not knowing what the future holds, you need to be able to allow agriculture to grow in all sectors.

What does the proposed standards do to the SADC's approved Resolution FY2015R3(1) Review of Activities on Preserved Farm Holland Greenhouses Inc and the Approval Resolution of the Township approving the subdivision of this parcel for our purchase which included all future plans and approvals of this property?

I hope to hear from you in regards of reevaluating the 2 "disturbance" areas I refer to as well as addressing the other points I have raised in this response to your proposed Soil Preservation Standards.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Casey Jansen".

Casey Jansen

# Baseline Soil Disturbance Map



FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee

**Farm Map ID #: 10680**

**Total Preserved Farm Acres: 78.45**

**Total Disturbed Acres: 8.54**

**Percent of Disturbance: 10.88%**

**Legend**

- Extent of Disturbance
- Preserved Farm
- Exception Areas



SADC ID: 13-0164-EP

DISCLAIMER: This product was created using the most current available mapping. The accuracy of the mapping data contained in this product shall not, nor is intended to, be relied upon in matters requiring representation of the location of true dimensions and physical features, as would be obtained from a survey performed by a licensed New Jersey land surveyor.

Sources:  
Farmland Preservation Program Data  
NJDOT Road Data  
NJOT/OGIS 2020 Digital Aerial

Date Exported: 7/21/2023  
4:38 PM



Wholesale Grower  
939 Route 33, PO Box 7556, Monroe Township, NJ 08831  
Phone: (609) 448-9222 | Fax: (609) 448-5015  
hollandgreenhousesinc.com

February 09, 2024

State of New Jersey  
State Agriculture Development Committee  
PO Box 330  
Trenton, NJ 08625-0330

RE: Farm Map # 11469

To Whom it May Concern,

After reviewing the Baseline Soil Disturbance Map that the SADC created for Holland Ridge Farms, LLC, there are some discrepancies that need to be addressed. I have labeled the attached map for reference.

1. Area 2 and Area 3 have been (which was a chicken coop and pen, it has been removed/cleaned up and both areas are now farmed or house small animals. This needs to be updated because the land has been remedied.
2. Area 4 to the far is a pond and is labeled road/farmlands/driveway and calculated into the percentage. This is a natural topography of the land.

I understand that the SADC have been working on the Soil Preservation Standards for some time. But as a landowner I do have questions on the process.

1. Why wasn't the Baseline Soil Disturbance Map sent certified mail to ensure all landowners received this very important piece of information?
2. How come existing impervious structures on the land is included in the calculation? The farmhouse for instance was built a century ago. How can I be held accountable/penalized for this structure along with the barns that were included in the initial preservation of this lot and block. I get penalized for something that was built and approved, but others are relieved of the wrongdoing with no approvals and is on the same playing field as us.

I look forward to hearing back from you and a re-analysis of my property.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Casey Jansen", is written over a light blue horizontal line.

Casey Jansen



# Baseline Soil Disturbance Map



DISCLAIMER: This product was created using the most current available mapping. The accuracy of the mapping data contained in this product shall not, nor is intended to, be relied upon in matters requiring representation of the location of true dimensions and physical features, as would be obtained from a survey performed by a licensed New Jersey land surveyor.

Sources:  
Farmland Preservation Program Data  
NJDOT Road Data  
NJOT/OGIS 2020 Digital Aerial

Date Exported: 7/21/2023  
4:38 PM

**From:** [Amanda Voorhees](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [Casey Jansen Jr](#)  
**Subject:** [EXTERNAL] Soil Protection Standard response  
**Date:** Tuesday, February 13, 2024 9:49:29 AM  
**Attachments:** [image001.png](#)  
[SPS Response.pdf](#)

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Good morning. Attached, please find Holland Greenhouses Inc, response to the proposed Soil Protection Standards. We look forward to your response.

Thank you,

Amanda

*Amanda Voorhees*



**Office:** (609) 448-9222 **Fax:** (609) 448-5015  
**Address:** 939 Route 33 W, PO Box 7556,  
Monroe Township, NJ 0883

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To the SADC Board Members:  
RE: Soil Protection Standards

Members of the board,

The current proposed farmland soil protection standards and regulations imposed on preserved farms throughout the state of NJ are not supported by the Hluchy Family Farm, also known as Tidbury Creek Farms, INC. At this moment, our family owns nearly 500 acres of preserved land in Middlesex, Cumberland, and Salem Counties with many generations in agriculture enterprise. Our father, Robert E. Hluchy, was involved in the preservation of one of the first farms in Cumberland County in the early 1990's and was a firm believer in the program as a dedicated farmer.

Overall, we feel these regulations do not have the best interest of our nursery/farm operations taken into consideration. Farmers are stewards of the land, and they should not be restricted by percentages if they follow accepted agriculture practices to keep their farm economically viable. This program was intended to curb development potential, not agricultural enterprises. An essential part of our operation is adding a thin layer of porous stone for proper drainage of water. Without the top layer, the water will cause pools of standing water which will prove detrimental to plant health. The construction of safe growing areas and roadways for plant transportation are important aspects of our farm/nursery operation.

Historically, we have followed rules and regulations suggested by NRCS and land best management practices regarding soil and water conservation. As a family business, we had plans to acquire and preserve more farmland. However, under these new restrictions we will be forced to consider other options. Please consider our concerns in your regulatory measures and do not allow the negligence of other farm operations to hinder the future success of nursery/farms in the state of New Jersey.

Sincerely,

Shaun Hluchy  
Hluchy Family Farms  
Tidbury Creek Farms, INC.  
Buckelew Associates, LLC  
Countryview Farm Nursery, LLC

## New Jersey Farmland Preservation Program / SADC

The proposed regulations will negatively impact the growth and economy of all New Jersey Preserved Farmland and their owners. We at Johnson Farms signed up for this program based on the decision to curb future development of our farmland, unaware that the program would adopt new rules and regulations that would restrict the rights of preserved farm land owners. I ask you how can the SADC adopt new rules and regulations to an agreed contract after 30 years?

As you are aware we are a Container Nursey Farm who utilize cold frame houses for our growing stock. Nursery is an accepted farm practice which is one of the highest-ranking commodities in New Jersey. This new ruling will not only negatively impact us but existing and future nursery farms alike. It will prevent growth to exiting Nurseries who's farms are preserved and make other non-deed restricted land more desirable by others.

The production of canned nursery stock is unique as it takes certain steps to produce, harvest and sell each plant. It takes a roadwork of a thought-out design to lay out areas needed to grow the plants. Roadways are needed to access these areas, for their intended "Agricultural use". I wanted to refer you to the Agriculture Retention and Development Act, where it defines what the term "Agricultural use" signifies. Whereas these rulings were adopted by the Farm Land Preservation Board.

Please read the following:

This is a courtesy copy of the Agriculture Retention and Development Act. For an official copy of this or any other New Jersey statute, visit the New Jersey Legislature's website at [www.njleg.state.nj.us](http://www.njleg.state.nj.us), select the link for "Statutes" and use the site's lookup options.

N.J.S.A. 4:1C-11 4:1C-11. Short title

This act shall be known and may be cited as the "Agriculture Retention and Development Act."

4:1C-12. Legislative findings and declarations

The Legislature finds and declares that:

- a. The strengthening of the agricultural industry and the preservation of farmland are important to the present and future economy of the State and the welfare of the citizens of the State, and that the Legislature and the people have demonstrated recognition of this fact through their approval of the "Farmland Preservation Bond Act of 1981," P.L. 1981, c. 276;
- b. All State departments and agencies thereof should encourage the maintenance of agricultural production and a positive agricultural business climate;
- c. It is necessary to authorize the establishment of State and county organizations to coordinate the development of farmland preservation programs within identified areas where agriculture will be presumed the first priority use of the land and where certain financial, administrative and regulatory benefits will be made available to those landowners who choose to participate, all as hereinafter provided.

4:1C-13. Definitions As used in this act:

a. "Agricultural development areas" means areas identified by a county agricultural development board pursuant to the provisions of section 11 of this act<sup>1</sup> and certified by the State Agriculture Development Committee;

b. "Agricultural use" means the use of land 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;

With this "Agricultural Use" definition one can see that the processes Container Nursery farms use to grow their crops follow each aspect of this written statute. The disturbed soil with in reason as it pertains to roadways, gravel, stone and cold frame houses that are built entirely on the purpose of growing Nursery for its intended purpose of retail/wholesale markets. Furthermore are practices were agreed and accepted at the time of our approval into the New Jersey Farmland Preservation Program.

I propose some ideas to help us who are impacted by this ruling:

- a. Allow us to opt out of the program by giving back the money we received at the time of acceptance.
- b. Farm land preservation could award us a settlement for the negative impact it has put on our preserved ground, in regards to the new rules it is imposing. This ruling that adds more restriction to the land will further devalue the land and lower are collateral on future loans.
- c. Allow those who have been enrolled in the program to be adopted by its original design and regulations
  1. Make only new farms who enter the program to adopt and follow the new rules and regulations set upon this new ruling.
- d. Allow all land that is preserved by the owner(s) to be under one soil disturbance map in regards to its calculation and not just by how the land is deeded.
- e. With this new legislation if passed, confirm/state in the statute that the farms who are impacted be grandfathered in from their prior soil disturbance. In Which the land impacted be granted and passed on to future generations and or new buyers of the land.

With this new ruling I believe the Farm land Preservation Program will be impacted significantly. Simply many people will choose not to join. As it will lower the costs of their land once entering and with these newly imposed rules it will give them a sense of how their land and rights can be stripped with one ruling at a time. Contractual agreements should not be changed with one stroke of a pen. Please here my testimony and others before you take vote on this ruling.

Thank you,

Ross Johnson

Johnson Farms Inc

**From:** [Lisa Kaslow](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [princetonshowjumping@gmail.com](mailto:princetonshowjumping@gmail.com)  
**Subject:** [EXTERNAL] Proposed Soil Protection Standards for Horse Sports in NJ  
**Date:** Friday, October 6, 2023 12:22:20 PM

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Dear Governor Murphy and the Department of Agriculture,

The proposed soil protection standards that classify riding rings, tent pad, parking areas and horse paths as "soil disturbance" which is proposed to be limited to a maximum of 15% of preserved farm's acreage is misadvised.

To attack the last vestige of agricultural/equine activities in New Jersey is both an economic, cultural, and agricultural mistake. As New Jersey continues to plow its last open spaces and forested lots into high density housing which overcrowds roads, puts extreme stress on schools and first responder safety and create more climate related flooding, heat and run off contamination, you should be reviewing the incredibly misguided approvals for more of this type of development.

The state should ban all terrain vehicles from eroding parklands, creating incredible noise pollution and hazards to the roads. Mountain bike, ATVs and off road vehicles contribute considerably more damage across the State as they create ruts, wash boarding, pooling of rainfall and mosquito ponds. These ATVs are responsible for fires and pollution across the state.

Equine activities are being pressured out of existence, and the equine industry in the state generates millions of dollars in revenue, jobs, and recreational activities. Equine activities are well monitored and very low impact on the soil. In fact, riding rings are well drained, well engineered which costs millions of dollars in infrastructure and do NOT cause run off. The safety of horse and rider are dependent upon good "footing". All horse venues also manage the manure waste by transporting it to be made into top soil which creates better top soil than existed prior. Additionally, the temporary tent pad, parking areas and horse paths do not create soil disturbance as they are already on field of grass with excellent ground cover and are excellent pervious surfaces unlike macadam, parking lots, playgrounds pickleball courts, baseball fields turf dog parks and other so called open space amenities for high density housing development.

The horse is New Jersey's State Animal. This proposed protection of soil will make Horses a relic of the previous centuries. No more charming vistas with farms that enhance the enjoyment and mental health as well as environmental sustainability. Horses will be reduced to a stuffed animal in a concrete museum.

I am deeply concerned about the bad judgment of our state policy makers who are unduly influenced by Developers and the Building Lobbyists.

Lisa Kaslow

Lisa Kaslow

67

Rockaway, NJ 07866





**From:** [\[REDACTED\]](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [princetonshowjumping@gmail.com](#)  
**Subject:** [EXTERNAL] Proposed Soil Regulations and Horse Sport in NJ  
**Date:** Friday, October 6, 2023 12:28:02 PM  
**Importance:** High

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Dear Governor Murphy and Agricultural Board,

The new soil protection standards will effectively erase horse sports in New Jersey. Penalizing venues for horse sports will in the long run create more soil degradation, as equestrian venues will no longer be able to afford operations and will be sold, quite likely to developers. These developers will destroy all soil quality by digging retention areas and building on every square inch of land with multifamily high-density housing, the latest housing trend in New Jersey. The economy of horse sports in New Jersey revolves around the ability to compete with horses and if you take that away, you doom the small amount of open space that currently remains to become the next housing development.

At the same time you propose these soil regulations, the multi-year roadwork project on Route 202 has disturbed immense quantities of soil and created erosion and significant impacts to groundwater through runoff and the increase in impervious surfaces. By contrast, most horse show venues have very few paved areas and are only used seasonally in the summer, a much lower impact. It seems the comprehensive plan for the Garden State, the state with a horse on the flag, is to push all equine activity out of the state and ultimately force farms to generate an economic return for developers, the least environmentally beneficial outcome possible. The paradox is clear and your new soil regulations will ultimately make for a more crowded and hotter environment with far less carbon-absorption capabilities than large tracts of land that are still primarily greenspace, such as Princeton Show Jumping in Skillman, NJ. DO NOT turn New Jersey into the new Florida, where agricultural land is vanishing at unprecedented rates because the policy floodgates to development have been permanently inscribed into law!

Sincerely,

Mira Korber

**From:** [Payne, Susan \[AG\]](#)  
**To:** [Uttal, Jessica \[AG\]](#); [Roohr, Charles \[AG\]](#); [Clapp, David \[AG\]](#)  
**Subject:** FW: Lucas Greenhouses  
**Date:** Friday, November 3, 2023 10:17:07 AM

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FYI

**From:** George Lucas <glucas@lucasgreenhouses.com>  
**Sent:** Thursday, November 2, 2023 5:23 PM  
**To:** Payne, Susan [AG] <Susan.Payne@ag.nj.gov>  
**Cc:** SADCPublicComments, NJDA [AG] <SADC@ag.state.nj.us>; Nate Lucas <n Lucas@lucasgreenhouses.com>  
**Subject:** [EXTERNAL] Lucas Greenhouses

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Susan, I first want to thank you for being at the meeting and going thru the process of listening to comments and issues that have some farmers worried about the new rule changes. It was very helpful to me as a greenhouse operator in South Jersey to have the opportunity to express my concerns.

I will start of by asking about the issue of the program being 40 yrs. old. As was discussed in the meeting my first comment would be about making sure that new Ag. Practices like indoor farming, Nursery production and greenhouse production are considered especially since we are the #1 grossing commodity in the state. I mentioned in the meeting that soil has nothing to do with either Nursery or greenhouse production. I can produce many times the volume of produce per acre in a greenhouse vs. traditional farming. As farm ground diminishes and the need for food increases, we need to consider altering the wording about soil conservation so that these new practices can be used .

Another question that relates to this wording of soil or farm preservation is the perception of what preserving means to those supporting he program, the public. To some it is open space no matter what. No building of any kind. To those who own the ground, are still paying farm taxes on it and are maintaining it would say as long as I am using BPM for my type Ag then I am ok. Now we have to describe BPM's? Not so easy I understand But if we can't come up with a way to do this then I feel like our leading Ag. commodity in the state is being unfairly singled out making it very difficult to expand our businesses.

I also think that one of the main sticking points to the info that is circulating is the word Retroactive. This was and I believe is the major point of contention at the meeting. I am asking that the commencement date of this new law start when the law is made active or passed into law.

Last thing I have was the topic of water retention basins. Part of the purpose of SADC is water quality and water source preservation I believe. In greenhouse, and nursery production there is sometimes a good amount of runoff. I am recommending that water retention basins and proper

waterways ( grassed ) are not counted toward the disturbance %.

I hope some of these recommendations and comments will help in a positive way toward a process that SADC and owners of preserved farms can agree on and can reach common goals. Preserve farms and help farmers be more profitable so they are willing to look at farm preservation as a good thing and not a hinderance to their future and the future of their family farms.

George Lucas

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Submit written comments by November 6, 2023, to: Susan E. Payne, Executive Director State Agriculture Development Committee PO Box 330 Trenton, New Jersey 08625-0330 or through email: SADC@ag.state.nj.us

## Comments on the Proposed Soil Protection Standards Regulations

To: The SADC

From Rene Mathez, Co-chair Knowlton Township Agricultural Advisory Committee

October 25, 2023

The proposed rules would allow 12% of preserved farmland to be permanently disturbed. At the present the SADC has preserved 240,000 acres of farmland. This means that at full build-out in terms of permanently disturbed soil the proposed SADC regulations could result in almost 29,000 acres of farmland in which crops will never be grown. This is an ironic outcome for a program that is called Farmland Preservation. I believe allowing 12% of preserved land to be permanently disturbed is much too high.

Most of the land permanently disturbed under the proposed regulations would be impervious surface. When this land is added to other sources of impervious surface on preserved farmland such as high tunnels and other temporary impervious structures the result is the creation of an enormous amount of impervious surface.

Full build-out of permanently disturbed soil on preserved farmland could occur quickly. For example, if a high value, greenhouse-grown crop such as cannabis becomes approved for right-to-farm protection on preserved farms, as it eventually will, many farmers might build greenhouses until the 12% limit is reached. If farming trends change, as they often do, and the high-value crop loses its appeal or can be produced more efficiently in other ways, preserved farms will be left with buildings whose maintenance and lack of utility will be a permanent burden to their owners.

The movement toward full build-out of disturbed soil could progress quickly. Preserved farmland is relatively inexpensive and, under the proposed regulations, comes with the supposition (if not the certainty) that the right-to-farm law will

allow local impervious surface regulations to be overturned. When entrepreneurs, funded perhaps by venture capital, look for places to construct buildings for the newest, speculative food production ventures they will be attracted to preserved farms whose costs are one and, sometimes two, orders of magnitude less than land in urban and suburban areas. Large warehouse-like buildings will be built quickly. When the inevitable restructuring and contraction of this incipient industry occurs and less efficient owners are weeded out, we will be left with vast expanses of derelict buildings and permanently destroyed soil. The vertical food industry currently seems to be going through just such a contraction.

No one can predict what future farming trends will be. To allow the permanent destruction of farmland runs the risk of limiting choices for future farmers, not increasing them.

One of the main missions of the SADC is to promote farming. But there are many ways to help farmers and promote farming without destroying farmland. The legislative and judicial mandates are not to promote farming or preserve farmland. The SADC is required to both promote farming and preserve farmland. The SADC shouldn't and doesn't have to destroy farmland in order to help farming and farmers.

The SADC claims that it has consulted with "stakeholders" of the Farmland Preservation program in creating the proposed rules. However, one of the most important set of stakeholders, the residents of New Jersey, who are the people who pay for the program, have not, as far as I can tell, been consulted. Surely it would be possible for a public relations firm to determine the attitude of the public toward the destruction of preserved farmland.

The public has a reasonable expectation that the large amount of money they have spent through State, County and local taxes on a program whose name is Farmland Preservation will preserve farmland.

This expectation arises from the SADC's practice of controlling where permanent agricultural buildings and solar installations can be sited on the property and an easement which forbids activities "detrimental to ..... soil conservation". In its promotional material and on its website the SADC shows pictures of preserved land with green fields, not acres and acres of greenhouses. This oversight is a subtle for false advertising.

By allowing the destruction of such an enormous amount of farmland the SADC risks alienating the public without whose support the program will cease to exist. We all remember the orchestrated campaign against the 2014 statewide referendum on financing the program. County PIGS and municipal PIGS cannot exist without referendums. There will be other referendums, especially on the local level. Local governing bodies may propose to defund the program when they realize that the Farmland Preservation program is complicit in the destruction of farmland

How easy it would be to discredit the program with pictures of preserved farmland covered with acres of greenhouses. The charge that, in allowing such a large amount of soil to be destroyed on preserved farmland, the SADC can't be trusted because it has misrepresented the program and broken its compact with the public is a serious one. It is a charge that would stick.

The public has, through State, County and local expenditures paid a great deal of money to landowners to preserve farmland. The value of the benefit the public has received for these expenditures would be significantly reduced through this proposed regulation. This is wrong.

Please reconsider this proposed rule and decrease significantly the amount of permanent soil disturbance allowed on preserved farmland.

Thank you,

Rene Mathez

**From:** ██████████  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] SADC Soil Protection Standard  
**Date:** Friday, February 23, 2024 4:02:30 PM

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Susan E. Payne, Executive  
Director February 23, 2024

State Agriculture Development Committee

P.O. Box 330

Trenton, New Jersey 08625-0330

Re: SADC Soil Protection Standards

Dear Ms. Payne,

We write this letter to share our concerns over the proposed SADC Soil Protection Standard and the effect it can have on existing preserved farms in New Jersey. We are a small farm in Ocean County that is interested in preserving our farm through the Farmland Preservation program. While our farm is not preserved today, we are concerned about the influence that the implementation of this act would have on future restrictions or requirements that could be imposed on preserved farms.

In making the challenging decision to move forward with our application for the Farmland Preservation program, we need to evaluate to the best of our ability, each and every governance that may apply to our farm and whether it is beneficial to preserve the farm or sell it. While we expect that the new standard will apply to our farm when we enter into the Farmland Preservation program, we will at least have had the chance to make the choice to be bound by this standard by accepting or not accepting the agreement. Existing preserved farms will not have the same chance to make this decision.

When someone enters into an agreement, especially one that is in perpetuity, you would expect that the terms of the agreement are fair and defined in clear and precise terms so that the expectations of the agreement are planned with no surprises to both parties of the agreement. To encumber an existing agreement with future restrictions

without waivers, relief, compensation or even termination of the agreement is not a good or fair practice.

If the new standard is applied to existing preserved farms our concerns are what other restrictions or requirements could be imposed in the future that we would not have agreed to if we had known prior to our application. An example could be as follows.

In other countries there are "Freedom to Roam" laws, where the public is allowed access to both public and private properties. It is not a far reach that as land disappears in New Jersey, that the public could assert that since public funds were used to preserve the farms, that they should have the right to access them. If this condition was added after an agreement for farmland preservation was made, we would be bound to a law that we would not have agreed to prior to entering the preservation program.

Additionally, if more stringent rules, permits, and requirements are implemented in the future that impacts the profitability and sustainability of our farm we would not have burdened ourselves and our heirs by remaining a farm and instead pursued other ventures for our property.

We hope that you can understand our concerns with applying new regulations, such as the SADC Soil Protection Standards, to existing preserved farms and the impact it could have on future applications for farmland preservation. While the new standard may have merit, we believe that encouraging voluntary compliance of the existing preserved farms with the new standards would be a fairer approach and mitigate our concerns.

Thank you for your consideration of our thoughts and comments. Should you have any questions or comments, please feel free to contact us at the numbers/email listed below.

Sincerely,

Gregory Matthews

1000 Elm St.

Littleton, CO 80120

Home Phone: 303-741-1111

Cell Phone: 303-741-1111

Email: gmatthews@att.net



## QUESTIONS FOR SADC – SOIL PROTECTION STANDARDS

- 1) "GRANDFATHERING" OF THOSE FARMS OVER THE LIMIT – MAKE IT SPECIFICALLY NOTED. DOES PAGE 10 PARAGRAPH 2 EXPRESSLY SAY THIS?
- 2) GRASSED WATERWAYS ARE THEY CONSIDERED SOIL DISTURBANCE?
- 3) CLUSTERING VS OPEN UP NEW AREA ON FARM FOR DISTURBANCE? FOR FARMS NEAR OR OVER THE THRESHOLD DOESN'T IT MAKE SENSE TO ALLOW FOR MORE DISTURBANCE ON AN AREA ALREADY DISTURBED INSTEAD OF MOVING TO A SEPARATE AREA...PRESERVED OR NON PRESERVED ON THE FARM INSTEAD OF MOVING WITH NEW DISTURBANCE ON ANOTHER DEED. IT IS IN THE RULE BUT DOES THE DEEDS NEED TO BE CONSOLIDATE TO 1 OR CAN THEY BE KEPT SEPERATE BUT DISTURBANCE ONLY ON ONE.
- 4) BUY BACK OF RIGHTS – AVAILABILITY TO BUY BACK RIGHTS ON A DEED ALREADY NEAR OR OVER THE LIMIT IF A FINANCIALLY ACCEPTABLE ARRANGEMENT CAN NOT BE WORKED OUT WITH SADC AND LANDOWNER. FARM SPECIFIC DUE TO AN UNDO BURDEN TO REMEDIATE PROPERTY.
- 5) SPECIFICALLY WRITTEN IN DEED THAT SOD AND BB HARVESTING WILL BE ALLOWED AND THAT THE PROGRAM WILL CONTINUE TO PROMOTE FARMLAND PRESERVATION FOR SOD AND NURSERY OPERATIONS.

THANK YOU IN ADVANCE FOR ADDRESSING THESE QUESTIONS AND THOUGHTS ON THE NEW REGULATIONS ON SOIL PROTECTION STANDARDS.

KEITH MACINDOE

ELMER NJ

Dave Lipp  
2/7/24

2/1/24

To the SADC,

I am writing in response to the Soil Protection Standards. Any change from the day it is voted on forward is fine. But to go back on an existing contract is about as Unamerican as it gets. To change a rule or even reinterpret one without compensation is totally wrong.

Even the N.J. D.E.P. realized that when they came up with the N.J. Inland Flood Protection Rule. (Adopted, Effective July 17, 2023)

It did not go back and affect buildings that already were in place. The rule is for New and Reconstruction development only. And this was the right way to go about a change.

If the State changes the speed on a road from 55 to 40 MPH they don't go back and ticket everyone that did 55 for the last 20 years.

I can't imagine any new farms going into the Farmland Preservation Program knowing 10 years or even 1 year down the road things could change. And for that landowner not the better.

Sincerely,  
L. Gregory Manner

**From:** [McCormack Farms](#)  
**To:** [SADCPublicComments\\_NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] SADC Soil Protection Standards Draft Rule Proposal  
**Date:** Friday, October 6, 2023 12:59:55 AM

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06 October 2023

Ms. Susan Payne  
Executive Director, SADC  
P.O. Box 330  
Trenton, NJ 08625

Ms. Payne:

We are the owners of two deed restricted farms under the Easement Purchase Program. A contract is a contract, with the terms of said contract being set in a completed legal document. It is unconscionable that a State entity, the State Agricultural Development Committee (SADC), would propose a retroactive, unilateral change to a signed contract.

We have no problem with the State adding restrictive language to future contracts because the landowner would have knowingly agreed to the language and regulations upon signing the contract. However, we do not believe that the State can retroactively change an existing legal document without the consent of all parties.

No one knows or can accurately predict the future of agriculture. The owners of deed restricted farms may find it necessary to use their farms in ways that cannot be envisioned at this time. Based upon the comments expressed at the recent public hearing zoom meeting, other farmers share our viewpoint.

Our connection to the land is strong; one of our deed restricted farms has been continuously owned and operated by our family since 1880. If we did not care about our soils and were not good stewards of the land, we would not be in business today.

When we signed our deed of easement contract, we did not agree to future regulations that limit our agricultural practices and opportunities. If the Soil Protection Standards Draft Rule is adopted, what future restrictions and regulations might be instituted? This is a very slippery slope; it is a breach of the existing contract; it results in a loss of trust with the State of NJ, the SADC, and the entire farmland preservation program; it is a taking without just compensation; and we doubt farmers will want to enter the program in future if the contract can be retroactively changed without their consent.

We must insist that the SADC honor the existing deeds of easement as written and signed. Unfortunately, this issue has consumed a tremendous amount of time and energy of all involved parties. The employees of the State receive paychecks; the farmers are spending their time, energy, and resources without compensation. If the SADC moves forward to adopt the Soil Protection Standards Draft Rule, we suspect a class-action lawsuit by the farming community to halt this legally-questionable maneuver will occur. The farmland preservation program will be irreparably harmed and funds which could have preserved more New Jersey farmland will have been squandered on legal costs. We ask the SADC to listen to the farming community; do not make the Soil Protection Standards Rule retroactive.

Thank you.

Sincerely,

William H. McCormack  
Leah McCormack

McCormack Farms

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

FROM: William McCormack  
Leah McCormack  
McCormack Farms

Based upon the verbal testimony, the numerous meetings (Zoom and in-person), and the position of the NJ Farm Bureau, it should be clear to the SADC that the overwhelming consensus of the farming community is that farmers are opposed to the proposed soil disturbance protection standards, specifically to the retroactive component for already preserved farms. A contract is a contract and cannot be changed retroactively and unilaterally by one party. We totally reject, and do not accept, the authority of the SADC to develop retroactive regulations, including those detailed in the letters we received regarding Farm ID #6052 and #3787.

Many farms in NJ are multigenerational and have long adhered to best management practices, soil conservation, and respect for the soil. We see ourselves as stewards of the land that our great-grandfather purchased in 1880 and which has been lovingly cared for since that time.

It is unfortunate that the egregious treatment of his land by one farmer has resulted in the over one hundred pages of rules/regulations proposed by the SADC. Guidelines, not regulatory fiat, should be suggested, as was an option in the NJ Supreme Court decision in State of NJ v Quaker Valley Farms.

It is also unfortunate that that the SADC, in its attempt to rightly balance agricultural use and soil protection, is attempting to unilaterally and retroactively change the deeds of easement of already preserved farms. In our deed of easement, #2 states: "The Premises shall be retained for agricultural use and production in compliance with NJSA 4: 1C-11 et seq, PL 1983, c32, and all other rules promulgated by the State Agriculture

Development Committee...” This language does not grant the SADC the right to make future rules without the consent of the Grantor(s).

Promulgated is the past tense of the verb, to promulgate. A plain reading and understanding of this sentence is that it refers to the rules in existence at the time of signing of the deed of easement. If the SADC meant future rules, that should have been plainly stated, but was not. Common sense would dictate that it is not likely anyone would sign a contract where one party can unilaterally make up rules as they go along.

Contrary to some public perceptions, it bears repeating that we only sold the development rights to our farm; we did not sell our farm itself. Nor did we relinquish any of our rights to the agricultural use of our farms. Our deed of easement in #17 states: “This Deed of Easement imposes no obligation or restriction on the Grantor’s use of the Premises except as specifically set forth in this Deed of Easement.”

It is unclear what cost was incurred to create these proposed soil protection standards, including the aerial photos, individual farm plans, professional services, and the time and energy of the individuals involved. The SADC is free to create deeds of easement for yet-to-be preserved farms which incorporate their vision of soil protections, but they should not and cannot do so retroactively. We would caution the SADC on developing overly restrictive rules for future preserved farms. No one can predict the innovations that will occur in the agricultural industry in the future and farmers should not be handicapped in their pursuit of agriculturally innovative practices. We think it would be better to simply have the guideline that soil disturbance is the removal or treatment of soil such that it no longer may be used for agricultural production. Due to the intransigent position of the SADC of not listening to the voices of those who actually farm and are good stewards of the land, this matter will probably end up in litigation. This will only serve to further alienate farmers from the SADC and to give pause to anyone contemplating joining the farmland preservation program in the future.

**From:** [Nyna McKi](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Disturbance Rule  
**Date:** Monday, October 9, 2023 5:37:06 PM

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Ms. Susan Payne

Executive Director, SADC

P.O.Box 330

Trenton, NJ 08625

Re: Proposed Soil Protection Standards Rule

Dear Ms. Payne:

Please accept this letter in opposition to the SADC proposed rule on soil.

A fully executed contract is binding. The Soil Protection Standards Rule jeopardizes the reliability and trust between the parties in the Farmland Preservation Program. If the state can intervene at any given moment and change without consent of both parties an existing agreed upon deed, it completely undermines the future of the program. Restrictions and limitations on farms that may want to come into the program in the future undermine the entire program's original intentions. That is, to have land available to be used for agriculture.

As farmers we are stewards of the land and want to keep it productive and used in best practices. Nobody knows the land like we do. We walk on it every day. We rely on it to feed our families. We love it for its availability to have changed uses as deemed necessary. Farmland is not a static entity; it has to keep up with the times and advances. Limitations will not enhance the program but reduce it further for actual farmers who use their land.

Lastly, additional restrictions on a preserved farm will cause a reduction in its value and should have a monetary value attached to it, otherwise it is a taking without compensation.

Sincerely,

Nyna McKittrick

February 22, 2024

To: SADC

From: Bob McNinch, Co-chair Knowlton Township Agricultural Advisory Committee

Subject: **Comments on the SADC AUGUST 7 2023 Proposed Soil Protection Standard Regulations**

The following comments look at these proposed rules from the perspective of three groups of stakeholders. First, the State, County and Municipal taxpayers who fund the program, second, the Owners of preserved farms and third, the Owners of farms eligible for future farmland preservation.

### **1: Stakeholder One, the Taxpayers**

Municipal funding in most cases was approved by referendum containing a simple statement noting the purpose of the funds is to purchase property easements or development rights for the preservation of farmland. The offer to purchase development rights of the farmland is always based on tillable soil. It follows that the representation to the taxpayers is that tillable soil is being preserved which is then reinforced by the Deed of Easement's statements that no activity that is detrimental to soil conservation is permitted.

The proposed rules, if followed in all or some cases, would result in the preserved farms post preservation, having substantially less tillable land than required for preservation in the first place.

These proposed rules, if formalized would allow 100 % of tillable land on a small 4 acre farm, 20 % to 30 % of tillable land on a 20 acre farm or 12 % to 15 % of tillable land on a farm greater than 28 acres to be covered with concrete and therefore become impervious.

By comparison, the Federal " Farm and Ranch Lands Protection Program" limits impervious surfaces to not exceed 2 percent of the FRPP easement area. There is a waiver available that prior to FRPP purchase of easement the eligible entity can apply on a parcel basis for a waiver for up to 10 percent impervious area. Municipal ordinances typically in rural parts of New Jersey restrict size of farm buildings to 1 % of the total square footage of the lot and maximum soil disturbance to 35,000 square ft. The New Jersey Highlands N.J.A.C. 2-92 also contains restrictions for impervious area coverage. These regulations seem to require a Soil Conservation District (SCD) approval of a Farm Conservation Plan for coverage greater than 3 % and SCD approval of a Resource System Management System Plan for impervious coverage greater than 9 %.

Very few taxpayers or municipal officials are aware of these proposed SADC rules that would allow preserved tillable farmland to be converted to impervious to the extent proposed. If



enacted, and when the public finds out the facts, public and municipal government support will vanish.

## **2: Stakeholder 2, Owners of Preserved FARms.**

Two voices have been heard from Owners of preserved farms. The New Jersey Farm Bureau representing New Jersey's farmers has taken a clear position in opposition to these rules. During the Sept 23, 2023 public hearing it appeared that approx 98 % of the statements, mostly from Owners of preserved farms, clearly objected to these new rules. Interestingly, many were represented by their attorney's suggesting they would spend money to fight these proposed rules if enacted.

Almost all Owners of preserved farms object to the State changing the bargain as outlined in their Deed of Easements. They also object to rules that go on for approx 100 pages.

Perhaps there are few large influential commercial greenhouses that would benefit from these new rules as they would allow them to permanently concrete over large amounts of tillable soil that the taxpayers have paid to preserve. However the New Jersey Supreme Court has ruled that the widespread destruction of productive soil on farm property violated the farmland preservation deed of easement. Now the SADC wants to change the rules to allow exactly that destruction of productive soil ?

## **3: Stakeholder 3: Owners of Farms Eligible for Future Preservation.**

As an Owner of a 130 acre farm in Warren County that is eligible for preservation , I say that these new rules heavily tilt me against the probable future preservation of my farm

Most farmers who preserve their farms love the land and do not want to see the tillable soil lost to buildings. In my case, these proposed rules would legalize impervious soil coverage of up to 10 to 15 % of the tillable soil versus 1 % currently allowed by Township ordinances. Simple rules contained in the standard NJ Deed of Easement would be replaced with an approx 100 page document.

If the State can change their bargain with the thousands of land Owners who have preserved their farms, how can the State be trusted not to do it again ?

## **CONCLUSION**

It appears that the only ones who will benefit from these new rules will be the lawyers who will easily litigate it , an enlarged SADC staff and consultants to administer the expanded rules and a few large influential commercial greenhouses that would like to expand their concrete footprint on tillable land the taxpayers have paid to preserve.

As a stakeholder and strong supporter of the States current Farmland preservation program, I would respectfully ask you to reconsider your proposed regulations. New regulations should have buy-in from the Owners of preserved farms, Owners of farms eligible for future preservation and the taxpayers who have and will fund these preservations. These new rules are very, very problematic for all these stakeholders and will only damage the States successful farmland preservation program.

Thank you

A handwritten signature in cursive script that reads "Bob McNinch".

Bob McNinch



578 Bowentown Road, Bridgeton, New Jersey 08302-6203  
Voice: (856) 451-3179 / Fax: (856) 453-8343

**Member of the following:**

AmericanHort, NJ Nursery and Landscape Assoc, International Plant Propagator's Society  
NJ Farm Bureau, NJ Business & Industry Assoc, Bridgeton Area Chamber of Commerce

February 23, 2024

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

Thank you for the opportunity to provide comment on the proposed Soil Protection Standards.

While much is said in the NJ Farmland Preservation program about the rightful balance between the statutory goals of strengthening the agricultural industry and the preservation of farmland, it is important to place that balance in the context of the evolving nature of agriculture – recognizing the accelerating move away from traditional soil-based farming practices.

Understandably, the Agriculture Retention and Development Act recognized the foundational role that soil played in the agricultural practices that were essentially ubiquitous at the time of its writing.

Yet, over the course of time, increasing land costs, advances in technology, growing worldwide competition, and other factors have led to the utilization of more intensive agricultural practices in NJ. Much as greenhouse culture has enabled a small country like the Netherlands to become the 2<sup>nd</sup> largest agricultural exporting country in the world, the U.S. is likewise witnessing dramatic growth in Controlled Environment Agriculture for an increasing amount of farm commodities. If updates to state regulations overlook these evolving circumstances, NJ Agriculture runs the risk of being left behind. It is in this context that the dynamic between preserving agriculture and preserving soil needs to be assessed.

The SADC has the unenviable task of defining this balance in an agricultural era that is far different than when the Agriculture Retention and Development Act was enacted. Yet, in reading the proposed Soil Protection Standards, I question if that balance leans more to what agriculture was, versus what agriculture is becoming.

As a multi-generation nursery in Cumberland County, we are on the leading edge of some of the above-mentioned change in farm practices. As such, the future expansion of our family business is likely to be severely limited by some of the restrictions incorporated in these Soil Protection Standards. This is especially true considering that our farm is surrounded by preserved ground with no access to unrestricted land that is close enough to be operationally viable.

This brings me to the ultimate point of my comments. The concept of a waiver process, as introduced in these proposed standards, is critical to the future needs of not only my family, but also the many other NJ farm families similarly engaged in intensive agriculture. For all of us, it is of paramount importance that this exception process be responsive, reasonable, and practical.

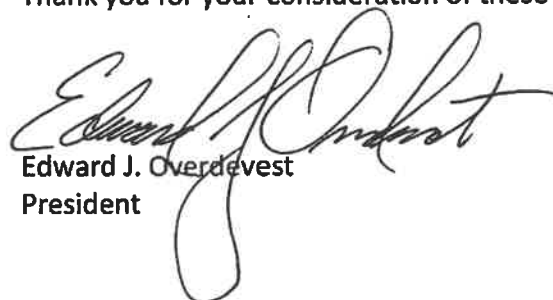
Accordingly, questions arise with some of the proposed requirements of the waiver process. For example, in 2:76-25.6 (j), the time limits for waiver decisions at various levels can be set-aside for "good cause". This undefined standard of "good cause" essentially opens the door to prolonged delays which could conveniently defeat well-intended waiver requests. This is particularly likely considering that the notification process invites neighboring property owner input that could demand a much greater say in the course of farm practice than is otherwise throttled by Right to Farm statutes. It is a short step from valid issues to those that are more subjective in nature, e.g. aesthetics.

Some of the technical requirements of the waiver process can likewise short circuit the ability to advance agricultural development through the waiver process. This is particularly evident when looking at what a farmer applicant must anticipate with future rehabilitation requirements. For example, in section (d) 3 of Appendix A, the Soil Rehabilitation standards require that gravel removal equipment "remain on the gravel or ground protection mats during rehabilitation and egress from the site by backing out to avoid driving on undisturbed soil". Considering that such compaction would be temporary and no more harmful than that caused by a variety of long-sanctioned NRCS conservation practices (e.g. waterway installation), requirement standards such as this are likely to reduce future remediation plans to a financial impossibility – ultimately defeating the purpose of the waiver process.

Perhaps it doesn't have to be so complicated or unachievable. In many ways, our business offers living proof of a practical way forward. After converting 25 acres of container nursery production back to grain production as part of a farm relocation, we have shown through realistic rehabilitation protocols that soil disturbance does not necessarily equate to soil destruction.

With reasonable standards in place, a practical waiver process could offer a means of accommodating the future needs of agriculture while preserving "farmland" in its most relevant form. At that balance point, the SADC will have successfully achieved the dual goals of the Agriculture Retention and Development Act.

Thank you for your consideration of these comments.



Edward J. Overdevest  
President

To: Ms. Susan Payne, SADC Executive Director

From: Frank Pinto

RE: Proposed Soil Disturbance Rules

Date: October 10, 2023

Thank you for the opportunity to comment on the SADC proposed soil disturbance rules. My company, Pinto Consulting, LLC provides consulting services for numerous owners of preserved farmland and our team has over 75 years of combined experience working with the Agriculture Retention and Development Act and the Right to Farm Act. During my tenure at Morris County, I helped to have 100 farms enrolled in permanent preservation. My team members have similar experience and expertise with New Jersey's Farmland Preservation Program. Here are our comments:

Abandon the proposed rules in their entirety.

To address the concerns raised by the Supreme Court in the Quaker Valley Farm decision, the language in every deed of easement allows for proper enforcement to protect the soil:

Paragraph 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 agriculture use of the Premises."

In this same paragraph a preserved farm owner is required to obtain a soil conservation plan and conform their long-term objectives with the plan. This provision needs an appropriate enforcement mechanism. The current system of relying on the USDA's Natural Resource Conservation Service to prepare soil conservation plans is well known to be ineffective. Why are the CADB's being imposed with this hardship? It's unnecessary and inappropriate and very likely unconstitutional.

The SADC now has monies available for stewardship purposes. Here lies the opportunity for the SADC to provide funding to each CADB to fund either its local Soil Conservation District or hire NRCS trained Technical Service Providers, or another SADC approved conservation planner for the preparation of soil conservation plans for every farm enrolled in the SADC's program in the County. Then on an annual basis landowners can be asked if any changes to agricultural practices have been undertaken or are planned and if those plans have been reviewed by the local Soil Conservation District.

Wouldn't this be a better and simpler approach? The rules as proposed exceed the authority given to the SADC by the Legislature. Certainly they are contrary to the Legislature's findings and declarations stated in 4:1C-12 encouraging a "positive agricultural business climate."

In addition, the proposed rules show the bias of the SADC against the equine industry. Outdoor sand arenas are considered "disturbance." The equine industry uses sand arenas for agricultural production purposes; that being, the raising and training of horses. By classifying sand arenas as "disturbance" the SADC is imposing a rule that is "detrimental to the continued agricultural use" of a preserved horse farm! By imposing the soil disturbance rules on sand arenas that are used for agricultural production purposes, the SADC is effectively violating its own deed of easement for an equestrian operator. This makes no sense whatsoever.

Lastly, I watched the entirety of the [video presentation](#) "New Jersey Soil Protection Standards Rule and Map Overview for Grantees". As stated in the video's title and the references made by SADC throughout the presentation the reference was typically to "the rule" as opposed to "the rule proposal". I was left with the impression that under no uncertain terms, the SADC plans to move forward with the rule as proposed even before accepting public comment.

**Uttal, Jessica [AG]**

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**From:** Phil Rochelle <[phil@rochellebuilding.com](mailto:phil@rochellebuilding.com)>  
**Sent:** Wednesday, January 24, 2024 3:56 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** Phil Rochelle; Susan Rochelle  
**Subject:** [EXTERNAL] Alexandria Township, Hunterdon County, NJ

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To Whom it May Concern:

We are writing to express our disagreement with proposed changes to the rules regarding preserved farms. While we don't disagree with new rules being written into new contracts, it goes against reason to allow the modification of a contract between two (or more) parties unilaterally. Had we known that such practices loomed, we very well may have decided against the preservation of our farm. Please reconsider traveling down this path and make new rules applicable only for new participants in the Farmland Preservation Programs.

Sincerely,

Phil and Susan Rochelle

**From:** [Smith, Brian \[AG\]](#)  
**To:** [Uttal, Jessica \[AG\]](#)  
**Subject:** FW: [EXTERNAL] IMPORTANT - Scibilia - Re soil disturbance rule  
**Date:** Friday, October 20, 2023 11:03:21 AM

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BDS

-----Original Message-----

From: Payne, Susan [AG] <[Susan.Payne@ag.nj.gov](mailto:Susan.Payne@ag.nj.gov)>  
Sent: Friday, October 20, 2023 10:36 AM  
To: Dena Scibilia <[denascibilia@ag.nj.gov](mailto:denascibilia@ag.nj.gov)>  
Cc: Smith, Brian [AG] <[Brian.Smith@ag.nj.gov](mailto:Brian.Smith@ag.nj.gov)>; Roohr, Charles [AG] <[Charles.Roohr@ag.nj.gov](mailto:Charles.Roohr@ag.nj.gov)>  
Subject: RE: [EXTERNAL] IMPORTANT - Scibilia - Re soil disturbance rule

Good Morning,

The paragraph you're asking about is typically paragraph #2 of the deed of easement, provided below. The language is contained in SADC's regulations, as well as in the deeds of easement.

§ 2:76-6.15 Deed restrictions

(a) The following statement shall be attached to and recorded with the deed of the land and shall run with the land:  
"Grantor promises that the Premises shall be owned, used and conveyed subject to:  
"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.

Thank you for your inquiry.

Susan

Susan E. Payne, PP, AICP  
Executive Director, SADC  
[Susan.payne@ag.nj.gov](mailto:Susan.payne@ag.nj.gov)  
<https://www.nj.gov/agriculture/sadc/>  
609.913.6567

-----Original Message-----

From: Dena Scibilia <[denascibilia@ag.nj.gov](mailto:denascibilia@ag.nj.gov)>  
Sent: Friday, October 20, 2023 10:19 AM  
To: Payne, Susan [AG] <[Susan.Payne@ag.nj.gov](mailto:Susan.Payne@ag.nj.gov)>  
Cc: Dena Scibilia <[denascibilia@ag.nj.gov](mailto:denascibilia@ag.nj.gov)>  
Subject: [EXTERNAL] IMPORTANT - Scibilia - Re soil disturbance rule

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Dear Ms Payne,

My husband and I attended the Hunterdon Board of Ag meeting regarding the soil disturbance rule. During the question and answer period you referred to a paragraph in the deed, which you said gives the committee the authority to create rules. Please provide me with that provision's paragraph number so we can review it ourselves.

Kindly provide us with the above request ASAP since we are looking to respond to the SADC's proposed rule change.

Thank you for your kind attention to this matter.

Greg & Dena K Scibilia

Sent from my iPhone  
Dena K. Scibilia

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**From:** [GREGORY SCIBILIA](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [GREGORY SCIBILIA](#)  
**Subject:** [EXTERNAL] Soil Protection Standard Comments  
**Date:** Sunday, October 22, 2023 8:56:33 PM

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We would like to go on record as opposing the retroactive application of this rule to previously executed Deeds of Easement. We understand that by imposing this rule on previously executed deeds sets a dangerous precedent that would encourage other future modifications to these documents.

We understand that the committee believes it has authority to apply this rule retroactively from paragraph 2 in the deeds which states: ..."and all other rules promulgated by the State Agriculture Development Committee." We however disagree with that interpretation and instead believe that this sentence refers to rules promulgated by SADC at the time of the deeds execution. There is no way anyone would sign on to rules not yet developed. WE therefore will join whatever opposition develops that will challenge this authority.

[P. Gregory Scibilia, P.E.](#)

#98  
DC  
10/4/23

September 27, 2023

State of NJ Agriculture Committee

P.O. 330

Trenton, NJ 08625-0330

Susan E. Payne, PP,AICP

This letter is to address the correspondence that we received regarding Farm Map ID #10931 and Farm Map ID # 10429 in August. The letter outlined newly proposed regulations in soil practices on our preserved farms. This is a change to the original contracts that we signed and agreed upon when we preserved our farmland.

Appreciating that the SADC is continually assessing their policies and looking to have proper stewardship of the preserved farms in our state, it would be understandable and even suggested to add new regulations to farmland being preserved going forward. However, these regulations were not what we agreed to. New regulations should not be imposed on existing contracts of farmland preservation, such as ours, without a new signed agreement and additional compensation. Otherwise, the State is in violation of Breach of Contract with the owners.

We would appreciate your response to this letter and how we should move forward on this matter. Thank you for your time and consideration.

Sincerely,

Michael and Brenda Seery

A handwritten signature in cursive script, appearing to read "Brenda Seery", written over a horizontal line.

January 30, 2024

High Top Hill Farm LLC

SADC

[sadc@ag.state.nj.us](mailto:sadc@ag.state.nj.us)

Dear SADC,

As the grantors of a Preserved Farm, we are responding to the proposal which the SADC has presented in regards to existing Preserved Farms. As grantors, we are in complete disagreement with any proposed amendments or changes to any existing Deed of Easement. In legal terms, existing Deeds of Easements consist of legal agreements that have already been established by two parties in exchange for covenants and rights already established. Any such proposed change would legally breach such legally binding agreements. Certain agreements and negotiations in terms of land use and monetary compensation have already been established by both such parties. To suggest that one party may have the legal authority to breach an existing Deed of Easement without the consent or agreed to financial compensation with the other party would result in a serious breach of such laws established for the trust and fiduciary protection of such existing Easements. The very purpose of a Deed of Easement is to specifically clarify the parameters of the agreement and to protect against any type of additional binding structure, apparatus or forced imposition upon the farms which have existing Deeds of Easement.

It is understandable that new Deeds of Easements may have particular agreements on ground coverage percentage ratios, but any such new proposal cannot be applied to an existing Deed of Easement and should not be legally binding. The exception would be if both parties specifically and mutually agreed to the proposed new percentage ratios with mutually agreed upon compensation for such a new added amendment on an individual Deed by Deed basis.

Thus, we oppose this draft proposal as a breach of the deed of easement for existing preserved farms.

Sincerely,

Ralph & Laura Scarola

# Suydam Farms

*"A Part of New Jersey Agriculture since 1713"*  
1803 Route 27 Somerset, NJ 08873

NJ State Agriculture Development Committee  
P.O. Box 330  
Trenton, NJ 08625-0330

October 11, 2023

**Re: New Farmland Preservation Program Regulations**

Dear Sirs,

**The proposed new regulations should not be imposed on farms already in the program. Retroactively changing the contract without agreement and compensation is plain wrong. It is not just, fair or in keeping in good faith. It is un-American.**

**If these rules are forced upon the program participants, it will create mistrust that will kill the program. There are farms around the state that have stopped considering preservation for this reason and in fear of what else may be forced upon them in the future.**

**Agriculture will change in the future. Techniques that we have not thought of yet will be needed to feed a hungry planet. By retroactively restricting the ability to produce that food, fiber and fuel, you endanger agriculture in New Jersey.**

**How do we encourage the next generation of farmers to produce near population centers when the State of New Jersey limits their ability to do it efficiently and effectively?**

**Rethink this plan.**

Sincerely,



**Ryck Suydam**

2/7/24  
D Clapp

# Suydam Farms

*"A Part of New Jersey Agriculture since 1713"*

1803 Route 27 Somerset, NJ 08873

NJ State Agriculture Development Committee  
P.O. Box 330  
Trenton, NJ 08625-0330

February 2, 2024

**Re: New Farmland Preservation Program Regulations**

Dear Sirs,

**I and many in the farming community, and even those outside of agriculture, maintain our objection to the proposed retroactive regulation in the "Soil Protection Standards".**

**The only viable solution for an additional restriction, not contemplated nor incorporated in the original deed of easement, is to financially compensate the property owner.  
(you want more, pay more).**

**Or.... publish guidelines, not regulation.**

**If a landowner were to plan to exceed a certain percentage of impervious cover, or soil disturbance, then input and consideration with the local Soil Conservation Office to review any permanent impact to the farm. Their expertise in the planning and implementing a change to the farm would be forward thinking for both the environment and the viability of agriculture in New Jersey.**

**This can be done. Failure to work with existing preserved farm owners will lead to mistrust of the SADC and will damage the program, if not kill it.**

**Please, rethink this plan.**

Sincerely,



Ryck Suydam

**Uttal, Jessica [AG]**

---

**From:** James Totten <[ourjerseyfarm@aol.com](mailto:ourjerseyfarm@aol.com)>  
**Sent:** Thursday, January 25, 2024 3:02 PM  
**To:** n; SADCPublicComments, NJDA [AG]; Katherine Coyle  
**Subject:** [EXTERNAL] Re: Preserved farm new Regulations and restrictions.

**\*\*\* CAUTION \*\*\***

This message came from an **EXTERNAL** address ([ourjerseyfarm@aol.com](mailto:ourjerseyfarm@aol.com)). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).**

On Thursday, January 25, 2024 at 12:15:18 PM EST, James Totten <[ourjerseyfarm@aol.com](mailto:ourjerseyfarm@aol.com)> wrote:

To: SADC / Morris County Development Board:

RE: Soil disturbances and other restrictions of preserved farm deed of easements.

Dr. James Totten  
Totten Family Farm, LLC

To Whom it may concern,

I purchased our 80-acre preserved farm from Washington Township on 8/23/2002, over twenty years ago. I paid the price based on allowing the land to remain in agriculture for perpetuity and made by my bid price based on the expressed written agreement in my preserved farm deed of easement. I immediately converted this once pesticide ridden and erosive land to the organic farm it is today. I have three beautiful pond conservation easements which are well preserved and maintained and improved the land from sterile soil to the organic soil we have today. This is one of my proudest accomplishments. I have a RSDO exclusion area on 2.2 acres which was important in my decision-making process when we bought the property at auction. I've yet to be execute this right, the RSDO is an important aspect for farmers to have. They need a place to live on the land for themselves and family. I have two agricultural houses. on the property and I believe any farm needs agricultural labor housing to retain farm workers needed to run any farming operation. I was new to agriculture twenty years ago. and had many operations over the years including, organic vegetable production, chickens and processing, pork production, ducks, sheep,, composting operation. etc. All the former enterprises were all challenging to say the least.

Currently, we raise a herd of 45 Belted Galloway cows in Long Valley and have my hemp license for the past four years producing two varieties of hemp. The key to any farm to have a fighting chance in our State is to sell their products direct to the customers. We try to keep the farm stand running all

year to sell our products directly to the customers and this helps. . The township erroneously taxes the land under this 20 foot x 20 foot farm stand at commercial land value rates. This is egregious. The land value under the farm stand should be based on the land values of a preserved farm. NOT Taxed at a normal commercial rate. The two are not the same. The Township also taxes the land under our agricultural labor house at residential rates, This is also egregious! This should be reviewed by the SDAC. Our simple farm stand building is taxed at commercial rates as it puts more financial burden on the farmers The land under the farm stand should be taxed at preserved farmland values, not commercial or residential land rates. . The land under the building is strictly used for agricultural products produced and local farms products to sell.. But, the local tax accessor in the past thinks differently. I say this because local municipalizes are squeezing local farms out of business. And now the SADC are limiting further the rights of basic agricultural practices, these injustices should be fought by the SADC, not limiting more rights of the farmer. if this preserved farm experiment is going to work for future generations, things need to change. . Local erroneous excess taxes and these new soil agricultural disturbance restrictions , all erode the trust of the SADC and the Local Development Boards. There is nothing in my agricultural preserved farm deed of easement that specify or state the amount of soil disturbance allowed. There was no limitation as long it is an accepted agricultural practice and standard. The State paid for taking the development rights away, they did not restrict the agricultural rights, . They have not paid the farmers to restrict or limited these agricultural rights. of the farmer. This is purely wrong!

We have already restricted the use of this farm land by not allowing nonagricultural enterprises on the property. Now you are changing the rules on the farmers restricting the accepted agricultural rights with soil disturbances. Farmers have not been compensated by the State of New Jersey for this loss of these freedoms in our deed.. You are eroding the spirit of all preserved farms in the State of New Jersey. New farm owners will be reluctant to participate or buy new preserved farm land as the SADC can changed the rules at any time. I think it unjust and violates the deed of easement of preserved farms in the State. Most farmers need to work off the farm as they can not earn a living wage. These further restrictions will make the viability of farming in New Jersey almost impossible and farm land will just be open space laying idle. The cost of farming to make a living is not practical, with all these restrictions. . . The viability of farming is critical if this program is to survive.

The deed of easement specifically takes the development rights away for future non agriculture purposes. This is what I based my bid at the auction with a clear understanding of what can be done on preserved farms. My deed of easement is specific of what can be done on the farm, all based on what is normal agriculture standards are in the State. This deed is restricted for future development and not common agricultural practices. You should not limit the Agricultural uses on this land. I think our farm was the 57th preserved farm in Morris County participating in the farm preservation program. I contacted the state and handed in my Information on amount on impervious coverage. They did this from satellite imaging info. This info is not accurate based on gravel roads assessments, buildings which didn't exist. shadows of the trees etc. I called and told them these measurement are not accurate. If I am farming with acceptable agricultural practices, the SADC should not have the authority to limit normal agricultural practices. Most farmers would not pay the high prices for land and the trust with the State and SADC will be eroded at the detriment of the preserved farm program. It's a violation of the spirit of our already limited with non agricultural restrictions. With the added burden of uncertainly and limiting acceptable agricultural practices, it is unsettling You might as well preserve open space, not preserve farm land. The deed of easement is carried over to the new owners if farmers decide to sell. The deed of easement goes with the land not the land owner. and is transferred to the new owner. So if you want new restrictions of agriculture, it should be in the deed of easement of new farmland that the State has acquired. Since I bought the property over twenty years ago, I could not anticipated such restrictions placed on agricultural operations. The land holders bought their property that NON agricultural development rights were not



allowed, and were restricted, Not restricting the rights of standard normal accepted agricultural practices. This is clearly wrong!

For the preserved farms to survive farmers need to have some predictability that their agricultural rights will not be stripped away, Their values of the preserved land values will be reduced with this uncertainty. All reduced without just compensation to the landowner. Neither Federal government, SADC of New Jersey or the MCDB have purchased these rights from the Farmer!

It is my opinion the SADC does not have the authority to restrict general accepted agricultural practices and standards. Their job is to make sure farms are using the land in agriculture NOT to restrict normally accepted agricultural standards. Farmers in the preserved farm programs did not give them that right.

My deed of easement does not give the authority to restrict normally accepted agricultural standards and further erode a farmer's agricultural rights. The SADC removed the development rights of the preserved farm Deed of easement purposes to surrender the rights to develop the land for any non agricultural purposes. We as farm preserved landowners did not surrender our rights to develop the property for agricultural purposes. This would also deter younger future farmer wanting to go into the farm preserved program and success of the preserved program would be at risk. Our deed stated that we can build any farm road and agricultural building for agricultural purposes. These rules will deter young farmers to enter into the program, and increase the area development of the land rather than preservation. Thus would deter new farms to enter the program since the land values would continue to erode in value because of this uncertainty. The trust of the SADC and the farmers would erode.

These new standards / laws do not supersede my deed of easement contract with the State of New Jersey.

The spirit and intent of the deed of easement is to restrict any non agricultural uses on the farm. What I paid for the farm was based on the contract from the State. Now you are changing the rules and restricting agricultural uses on the farm. This should not happen. There is no where expressed in my deed of easement that my agricultural practice puts onerous restrictions that you are setting forth for preserved farmers in the State.

As an aside, I have objected in the past to paying "residential taxes on the land under ag labor housing and paying normal commercial taxes on land under the farm stand." In Washington Township they squeeze taxes out of the farmers. They taxed my farm under the ag labor house at residential land rates and the farm stand at land commercial rates. This is absurd as the value of the land should be taxed at farm Preserved land values, not normal residential or commercial land values.. This is not done. It would be helpful if the SADC could investigate this or give an opinion on this common practice of local New Jersey Townships. Townships. I hope these comments can help preserve farm land in the State of New Jersey. This needs to be investigated and interpreted by the SADC as this affects all preserved farm owners.

Anyway, I just wanted to express my concerns and opinions. Any of your thoughts and opinions would be appreciated.

Thank you!

If you have any comments about taxes under the farm stand and ag labor house. I would be most grateful.

Thank you!

Dr. James Totten

**From:** [Judith Tucker](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Friday, January 19, 2024 3:25:59 PM

\*\*\* CAUTION \*\*\*

This message came from an **EXTERNAL** address ([judith5@gmail.com](mailto:judith5@gmail.com)). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

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We are preserved farm owners in Alexandria Township, Hunterdon County. We were in the first round of preservation in our township. We understand the need for the new rules, but we are firmly against **retroactively** changing our deed of easement. Make the new rules apply going forward only. It would be a slippery slope to allow for changes, any changes, to be retroactively applied. In fact, it would do untold damage to the program that has been so successful over the years.

Judith and Peter Tucker

#101  
10/6/23  
DC

Susan E. Payne Exec. Dir.

September 27, 2023

New Jersey S.A.D.C.

P.O. Box 330

Trenton, N. J. 08625-0330

Dear Sirs, et al

I am the owner of preserved farmland located in Marlboro Township N.J. recorded as SADC Number 13-0471-PG

In reviewing my copy of my "Farm Map ID # 11058" which was supplied to me by the S.A.D.C. I find errors in calculations which affect my baseline figures.

Although I have no information regarding who did the mapping I can only assume that it was done by drawing lines roughly following hard surfaces via satellite images that are several years old. In doing so several assumptions were made. The images are grainy at best which would be difficult to ascertain the true limits of the surfaces in question as well as the validity of the conclusions brought forth.

In my case the State lists 9 areas of disturbance. When I go to the map on the State's Web Page and blow it up to get even a reasonable view of the areas involved there are no references shown or given to be able to clarify each. While areas are listed, there is no scale to match them to. Several of the areas used to arrive at your density are invalid.

Perhaps I was extremely ignorant at the time I applied for Preservation or in part misled on a County level in thinking that Soils Disturbance issues would only come into play in future change in topography or grade when changing a potential use of such lands under direct control of S.A.D.C.

To expect that calculations using historic driveways was beyond a logical expectation. Before I signed the agreements, I specifically asked and was subsequently assured that any resurfacing or paving operations would not be an issue as they would be all preexisting areas.

Your current proposal contains 77 pages of statutes and dialog which in itself reference subchapters of statutes. It would take days to backtrack to print its entirety. Farm Land Preservation has slowed down considerably in recent years partially because of the restrictions promulgated by SDAC. The assessment criteria used by the State is extremely dated and unrealistic particularly in Monmouth County. The State is offering roughly 20 percent of current land values. I was told that there is no baseline formula to determine a land value before starting the preservation process. There are nearly no current comparable farmland sales to determine a realistic value within my area. You have to really really love your land to turn it over for restrictions such that we are experiencing. I am the first generation in my family to not be a full time farmer in Monmouth County in the past 340 years. It disgusts me to see what is going on around me particularly when the changes are being made by those persons who have no connection to farming.

Under your reference Page 39 Paragraph (d) of Your "SOIL PROTECTION RULE PROPOSAL (2:76-25 and 2:76-25A" I hereby request a mapping reconsideration of the calculated extent and or assigned classification of soil disturbance reflected in the copy of mapping baseline as mailed to me un-postmarked and uncertified dated as August 2023. As promulgated in your proposed rule proposal, I will expect a final updated soil disturbance map for the premises to me the Grantor and the Grantee within 120 days as stipulated therein.

I particularly DISAGREE with the rule changes as it pertains to past Farmland Preservation Contracts. A deal is still a deal and you cannot change the language within a contract that has been filed with the County Clerk. The cost to the State to litigate future claims would be astronomical. The Grantors will not tolerate restrictions that will impact potential values of their properties in perpetuity.

Good luck with finding any future candidates for preserved lands. The Garden State is soon to be the land of warehouses and strip malls exclusively.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Pierre Duclos Van Mater III". The signature is written in a cursive, flowing style.

Pierre Duclos Van Mater III

Feb. 14, 2024

Pierre D. Van Mater III

N.J.S.A.D.C

P.O. Box 330

Trenton, N.J. 08625-0330

Dear Sirs,

I feel it necessary to again address the issue of your proposed Soil Protection Standards of Oct 2023.

While I can agree with your position that you must define the issues and extent of soil disturbance as mandated by the State Supreme Court ruling, I believe you overstep the bounds of their intent.

By setting the limits as outlined in your proposal you for all intents and purposes are changing the letter of the contracts we signed as legal documents. This therefore constitutes a taking of the value of our properties as stakeholders of Preserved lands. If the proposed rules were to go into effect as stated it will possibly limit the value and flexibility of future operations of many farm facilities.

Things are rapidly changing in the farming community. Twenty years ago the "agri-tourism" business was hardly anything at all. Today it represents a large income producing element of many many farm operations. As you restrict land coverage and density it will curtail and limit many potential oportunities for survival of family farms. I don't believe it fair to include historic driveways in the calculation.

The anticipated changes to the assessment process are particularly needed as the current formula is unworkable. It is bad enough that a potential Grantor can expect to receive only about 30 percent of the value that is offered by development prospects; but add on top of that assessors who are based in urban areas are contracted to do the work and whose basis is restricted by the need to use comparable sale values which in many areas simply do not exist. The result is a reluctance of families to preserve their properties. New Jersey cannot afford to lose any more farmland to development or warehousing.

The restricting elements of the proposal need to be a little more flexible. While much of the state's farmland is fairly flat (much of past housing has taken a majority of those lands out of production) the remaining percentage tends to undulate somewhat and the plan's scope limits where potential structures may be sited. I would ask for consideration be granted on a case by case basis.

The fact that the mapping has been done via satellite image that is at the very least three years old tells me this operation was developed in great haste and needs to be redrawn and confirmed. You have developed your statistical analysis based on flawed data to begin with. The maps indicate areas which are in reality things such as wagons, trailers, portable storage and even in some cases bee hive units.

I applaud your effort to bring these issues to a palatable conclusion. I believe your committee needs to have a heavier farmer influence.

My best regards,

P.D. Van Mater

P.S. Van Maters have farmed in Monmouth County for 350 years.

**From:** [George VETTER](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil  
**Date:** Friday, September 29, 2023 6:43:31 PM

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Good evening. As the owner of preserved farm land . My self my wife, mom, and dad are against the soil rules. Maybe a case by case for newly preserved farms. Certainly not for past preserved farms . We own 50 acres of woods and 327 acre farm.  
Thank you George vetter.

Sent from my iPhone

To whomever it may concern,

I feel that the current Soil Protection Standard will do irreparable harm to the Farmland Preservation Program. My first issue with it is the retroactivity. By adding these restrictive policies to existing deeds land owners will no longer trust that the deed they signed at closing is the deed they have to follow. They will always be wondering what other restrictions might be added in the future. The sample deed clearly states the following: 14. Grantor may construct any new buildings for agricultural purposes and "12. Nothing in this Deed of Easement shall be deemed to restrict the right of Grantor, to maintain all roads and trails existing upon the Premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary." The currently proposed rules contradict these parts of the deed. By calling a new building or a permeant roadway disturbance you are effectively limiting the amount you can have on the farm yet the deed says it will not restrict these activities.

I feel strongly that if these rules are applied retroactivity the number of new applications will drop significantly. At the current time with land values so high and in most cases way higher than the preservation offers, owners will most likely choose to sell part of their farm or all of it rather than deal with what they view as a potentially "ever-changing deed" with increased regulation. Farmers currently in the preservation program signed away the commercial & residential building rights with the understanding that they would be able to farm how they wished, as long as it fell under BMPs. Many farmers never would have signed up for preservation with these proposed rules and it is unfair to force them to comply with them after the fact.

Secondly these rules are too intrusive and don't account for all the different segments of agriculture and the future changes that may come with it. I believe along with the majority of farmers that the soil needs to be protected and that it is our most valuable resource, however we also need to be able to run a business and make a living. On some farms and types of operations the current standards are too restrictive and don't allow for expansion or changes in the industry. Some operations have their extensive home base on one farm and grow on other land, in which case they may be over the 12% on a single property but well under it across all the farm they own/farm. Also the land which structures such as pole barns and greenhouses are built on can easily be returned to productive farmland, if they are constructed in a conscientious manner. Similarly roadways can be removed and returned to ag lands with a little effort.

Farmland is one of our most important resources and it needs to be protected, however if we don't have the farmers and farm businesses to farm the land we're still out of luck. We need to protect the soil through best management practices and prompt responses to building inquiries not through overbearing regulation.

Sincerely,

Tim Von Thun  
Bob Von Thun



Matthew & Renee Wood

January 29, 2024

RE: Proposed SADC regulations

This letter is submitted in objection to the new SADC proposed regulations that would negatively affect our property at 08802.

As the owners of the above-mentioned parcel of land, before purchasing this property in 2017, we thoroughly reviewed the deed of restriction that was in place since 1998 at the time of purchase. We proceeded with the purchase because this property fit all of our current needs and all of our potential future needs that we, or are children may ever need to grow our business. Our deed clearly states what we can and cannot use the land for, and it should be honored.

To now place restrictive regulations on all parcels of land in the farmland preservation program because of the actions of one land owner is to put it simply, wrong and unjust. These regulations may not only put many farmers and their business' in jeopardy, they devalue all of our properties and they completely undermine the integrity of the program. If the state can come in anytime and adjust the deed whenever they feel it is warranted, how many future farms do you think will be willing to join the program?

The letter we received regarding this issue states, "as a result of a 2018 NJ Supreme Court Case involving soil destruction on a preserved farm, the SADC is now required to adopt regulations that ensure preserved farmland is managed in a matter that protects soil and water resources on the farm, as well as the agricultural use of the farm." We agree 100% and all of this is covered in our deed of restriction. However, it does not state that the SADC is tasked with limiting the amount of land a preserved farm can use for agricultural purposes. This is something they have adopted on their own and it is an overstep which should not be allowed.

Respectfully submitted,



Matthew Wood



Renee Wood

**From:** [SADCPublicComments, NJDA \[AG\]](#)  
**To:** [Barbara Halpern; SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** Barbara Halpern- Please adopt the proposed soil protection standards without weakening them!  
**Date:** Sunday, September 24, 2023 8:25:08 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)

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Hello Barbara, and thank you for your comments. I will forward them to Susan and the staff coordinating the Soil Protection Standards.

Take Care  
Heidi

## Heidi Winzinger

Communication & Resource Manager

State Agriculture Development Committee (SADC)

[New Jersey Farmland Preservation Program | Overview](#)

Physical Address: 200 Riverview Plaza 3<sup>rd</sup> floor, Trenton, NJ 08611

Mailing Address: PO Box 330, Trenton, NJ 08625

SADC Main Number (609)984-2504

[NJ Farmland Preservation on YouTube!](#)

**From:** Barbara Halpern <[barbarahalpern@comcast.net](mailto:barbarahalpern@comcast.net)>  
**Sent:** Friday, September 22, 2023 11:50 AM  
**To:** SADCPublicComments, NJDA [AG] <[SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)>  
**Subject:** [EXTERNAL] Please adopt the proposed soil protection standards without weakening them!

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).**

Dear State Agriculture Development Committee (SADC),

Dear Ms. Payne,

I am writing to urge the State Agriculture Development Committee (SADC) to adopt the Soil

Protection Standards immediately. As a member of the taxpaying public, I expect the Farmland Protection Program to include safeguards for New Jersey's critical soil resources. While the SADC standards should be stronger, I support their adoption because we need a limit on soil destruction!

New Jersey's productive soil must be protected for a variety of agriculture, most importantly for food production. The NJ Supreme Court stated in 2018, "The preservation of high quality soil and open space for future generations is one of the chief aims of the Farmland Preservation Program", and then directed the SADC to adopt clear soil protection standards for preserved farms.

We cannot take soil for granted. It must be carefully stewarded to grow food and support plant life, absorb and store water, and sequester carbon to help mitigate climate change impacts. Once destroyed, the time horizon for restoring soil health can be hundreds of years, which severely limits flexibility for agriculture in the future.

Please adopt the proposed soil protection standards without weakening them and without delay.

Thank you for your consideration of my comments on this important topic.

We need to promote organic and regenerative practices to make sure we have safe productive farms for the future generations.

Sincerely,  
Barbara Halpern

?

**From:** [SADCPublicComments, NJDA \[AG\]](#)  
**To:** [Uttal, Jessica \[AG\]](#); [Clapp, David \[AG\]](#); [Roohr, Charles \[AG\]](#); [Payne, Susan \[AG\]](#)  
**Subject:** SPS comments Erica Colace - Please adopt the proposed soil protection standards without weakening them!  
**Date:** Friday, September 22, 2023 10:56:43 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)

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**From:** SADCPublicComments, NJDA [AG] <[SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)>  
**Sent:** Friday, September 22, 2023 10:56 AM  
**To:** Erica Colace <[ecolace@njconservation.org](mailto:ecolace@njconservation.org)>; SADCPublicComments, NJDA [AG] <[SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)>  
**Subject:** RE: [EXTERNAL] Please adopt the proposed soil protection standards without weakening them!

Hello Erica, and thank you for your comments. I will forward them to Susan and the staff coordinating the Soil Protection Standards.

Take Care  
Heidi

## Heidi Winzinger

Communication & Resource Manager  
State Agriculture Development Committee (SADC)  
[New Jersey Farmland Preservation Program | Overview](#)  
Physical Address: 200 Riverview Plaza 3<sup>rd</sup> floor, Trenton, NJ 08611  
Mailing Address: PO Box 330, Trenton, NJ 08625  
SADC Main Number (609)984-2504  
[NJ Farmland Preservation on YouTube!](#)

**From:** Erica Colace <[ecolace@njconservation.org](mailto:ecolace@njconservation.org)>  
**Sent:** Friday, September 22, 2023 8:14 AM  
**To:** SADCPublicComments, NJDA [AG] <[SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us)>  
**Subject:** [EXTERNAL] Please adopt the proposed soil protection standards without weakening them!

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Dear State Agriculture Development Committee (SADC),

Dear Ms. Payne,

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New Jersey's productive soil must be protected for a variety of agriculture, most importantly for food production. The NJ Supreme Court stated in 2018, "The preservation of high quality soil and open space for future generations is one of the chief aims of the Farmland Preservation Program", and then directed the SADC to adopt clear soil protection standards for preserved farms.

We cannot take soil for granted. It must be carefully stewarded to grow food and support plant life, absorb and store water, and sequester carbon to help mitigate climate change impacts. Once destroyed, the time horizon for restoring soil health can be hundreds of years, which severely limits flexibility for agriculture in the future.

Please adopt the proposed soil protection standards without weakening them and without delay.

Thank you for your consideration of my comments on this important topic.

Sincerely,  
Erica Colace

**From:** [SA Adams](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protect Soil Protection Standards!  
**Date:** Sunday, November 5, 2023 3:15:58 PM

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Preserved Farmland is critical to New Jersey's character, wildlife and agricultural history. Purchasers of preserved farmland know the expectations and should be expected to abide by the guidelines and act as stewards of the land. Please enact these standards to protect the intent and nature of the program and to save our farmlands and their positive impact on communities.

Thank you!

Susan Adams

**From:** [kokoab1](#)  
**To:** [SADCPublicComments.NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Farm soil  
**Date:** Friday, November 17, 2023 7:43:15 AM

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Please protect protect preserved land.  
Thank you  
Amy

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Jack Anderson](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for Soil Protection Standards  
**Date:** Saturday, November 4, 2023 1:48:08 PM

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As a taxpayer and voter in Mercer County, NJ, I write to express my support for the proposed Soil Protection Standards that protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils.

Sincerely,  
John Anderson

515 231 1004

1000 1000



**From:** [Nanci J Angle](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protect the proposal to protect NJs soils and protect against flooding  
**Date:** Wednesday, November 1, 2023 7:06:58 PM

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Please adopt the proposal to protect our soils, and flooding issues.  
Undermining this proposal will be the beginning to an end that goes in the wrong direction.

Nanci Angle

**From:** [Paul Austin](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Proposed Soil Protection Standards  
**Date:** Sunday, November 5, 2023 7:43:02 PM

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I want to register my 100% support for the proposed Soil Protection Standards.

Landowners are paid generously to extinguish their rights to develop the land for residential and commercial purposes but they are allowed to continue living on and using the land for agricultural purposes, as long as they refrain from activities that “would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation” or “any other activity... which would be detrimental to the continued agricultural use of the Premises.”

We need to uphold these expectations. Not just for our generation, but for the generations that follow.

Paul Austin

**From:** [Pierson Backes](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil protection standards  
**Date:** Friday, November 3, 2023 12:47:20 PM

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Dear Sir/Madam,

I am writing to register my support for the proposed soil protection standards. Thank you for your important work.

Very truly yours,

Pierson W. Backes  
BACKES & BACKES LLC  
12 West Delaware Avenue • Pennington, New Jersey 08534  
tel: (609) 730-3838 • fax: (609) 730-4224

**From:** [Annika Baldwin](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Sunday, November 5, 2023 3:25:41 PM

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Good afternoon,

I'm writing to encourage you to enact the proposed Soil Protection Standards. Farmland is of huge importance to me and so many other NJ residents, and it pains me to see so much of it developed these days. As I'm sure you know, that's why preserved farmland is so important, and I would like to see that preserved farmland truly protected through the proposed standards.

Thank you!  
Annika Baldwin  
Pennington, NJ

**From:** [Banos, Peter \[JANUS\]](#)  
**To:** [senbsmith@njleg.org](mailto:senbsmith@njleg.org); [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Mendham Residents Support Soil Protection  
**Date:** Sunday, November 12, 2023 7:14:11 PM  
**Attachments:** [Backer 2023 Backer Exhibit E-9 Stormwater Management Plan for Backer Farm \(2023-03-13\) \(002\) \(003\) \(005\).pdf](#)  
[backer-farm-review-french-and-parrello-10-12-2023 \(004\).pdf](#)  
[Van Note Harvey JCR Mndhm Twp Cmmt Bckr Frm.10-23-2023 \(002\).pdf](#)  
[Backer Overflow Parking \(008\).jpg](#)  
[backer farm letter from raritan headwaters 10-16-2023.pdf](#)

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Dear Senator Smith and SADC Leadership,

I support the SADC's proposed rules to limit impervious cover and other forms of soil disturbance on preserved farms. I am in favor of more stringent soil protection legislation. We are currently dealing with this issue now in my town. I live in Mendham and the Backer Farm is a preserved farm on Ironia Rd. They applied to the CADB to construct a brewery. As a concerned engineer who has been involved with environmental issues my whole career, I reviewed the Backer Farm stormwater report prepared by Michael J. Roth P.E. In the report Mr. Roth stated the project was not a stormwater major development. Eleven Mendham residents and I hired an environmental consultant, John Ryder from Van Note Harvey and Mr. Ryder determined the project was a major stormwater development. Soon thereafter Mendham Township engineer Brian Keenan from French and Parrello stated in his October 12<sup>th</sup> report the project was not a stormwater major development by 1/100 of an acre or 434 sq. ft. or two parking spaces. Mr. Ryder reminded Mr. Keenan that he did not consider the brewery was displacing 47 parking spaces that were used for event parking that will now be used for brewery parking. Mr. Ryder asked Mendham Township to request the Backers consultant to detail where the 47 displaced event parking was going to be located? This displaced event parking could amount to 9,000 sq. ft. and push the project to a stormwater major development.

There is a Category 1 stream on the Backer property that makes this issue extremely important. When Mr. Ryder requested the Mendham Township mayor and Mr. Keenan to have the Backers consultant detail the new location for event parking his request was ignored. I am attaching Mr. Roth's report, Mr. Keenan's report, and Mr. Ryder's report. I will also attach a concert event picture that occurred on the Backer property on 9/11/21 that was determined to be not in compliance with right to farm as per the CADB. It does show the extent of overflow parking with 105 cars parked on soil. I will also attach a Raritan Headwaters letter to Mendham Township imploring them to consider the project a stormwater major development and to protect soils from compaction and other detrimental effects noted in Mr. Kibler's letter.

I want to thank you for considering rules to limit impervious cover on protected farms, preserving soil integrity and supporting stormwater management. I am available to answer questions about this project or testify if you need me to.

Kind regards,  
Peter Banos

**From:** Annika Baldwin  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Sunday, November 5, 2023 3:25:41 PM

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Good afternoon,

I'm writing to encourage you to enact the proposed Soil Protection Standards. Farmland is of huge importance to me and so many other NJ residents, and it pains me to see so much of it developed these days. As I'm sure you know, that's why preserved farmland is so important, and I would like to see that preserved farmland truly protected through the proposed standards.

Thank you!  
Annika Baldwin  
Pennington, NJ

**From:** [Jeremy Beer](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] I support soil protection standards  
**Date:** Saturday, November 4, 2023 3:02:07 PM

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To whom it may concern:

This citizen supports the Soil Protection Standards that have been proposed to protect New Jersey's fertile soils and prevent flooding. I want your agency to adopt and strengthen these standards please.

Thank you for your consideration.

Jeremy Beer PhD  
Princeton Junction, NJ



**From:** [Beth Behrend](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 5:20:54 PM

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To Whom it May Concern,

I support the proposed Soil Protection Standards for NJ preserved farmland. Significant tax dollars have been invested in this important program - please move forward with the standards that provide reasonable guidelines for soil preservation and ensure the intent of this expenditure is honored into the future.

Thank you

Beth Behrend

4

**From:** [Delores Benabou](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Please adopt Soil Protection Standards  
**Date:** Monday, November 6, 2023 10:00:29 AM

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I am writing to express support for the adoption of soil protection standards. Only healthy soil will allow us to remain food secure. Soil sustains all of our lives by growing our food, filtering our water and capturing carbon. We develop, pave and allow flooding to degrade our soil and our farm land at our peril.

Delores Benabou  
Princeton, NJ

**From:** [Jeanette Bergeron](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] New proposed rule  
**Date:** Friday, November 3, 2023 1:56:19 PM

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Please adopt the new proposed rule to continue to reduce flooding and prevent erosion of NJ's fertile farmland. Science has shown that preserving natural habitats provides clean air water and food for all of us.

Sent from my iPhone

**Uttal, Jessica [AG]**

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**From:** Susan Bernardo < >  
**Sent:** Sunday, November 12, 2023 11:20 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org  
**Subject:** [EXTERNAL] Comments on impervious cover

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[PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Dear SADC,

My name is Susan Bernardo, NJ Bethlehem Township resident which lies within the Highlands Preservation region. I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms. I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse. The whole point of farm preservation is to protect the land, not degrade it.

Respectfully submitted,

Your name,

Susan Bernardo

**Uttal, Jessica [AG]**

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**From:** Kirsi P <k  
**Sent:** Wednesday, November 8, 2023 5:06 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] I support the proposed Soil Protection Standards

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[PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

To whom it may concern,

I fully support the proposed Soil Protection Standards. We must protect our soil and land which in turn helps protect against extreme weather events that can lead to flooding and irreversible damage to the properties and people involved. I urge you to do your part and make sure that the proposed soil protection standards are enacted.

Sincerely,  
Kirsi Bhasin

**Uttal, Jessica [AG]**

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**From:** Merrill Biancosino <  
**Sent:** Thursday, November 9, 2023 11:35 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] support soil preservation standards

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PhishReport@cyber.nj.gov.**

**Merrill Biancosino**

**From:** [Judith Blinick](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Please adopt Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 5:33:01 PM

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Dear State Agriculture Development Committee,

I'm emailing to register my support of the proposed Soil Protection Standards designed to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils. Please protect New Jersey's soils and protect against flooding by adopting this important rule.

Thank you for your attention to this matter.

Sincerely,

Judith Blinick

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**From:** [Laurie](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Thursday, November 2, 2023 3:09:51 PM

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Dear SADC,

Please adopt the Soil Protection Standards to safeguard NJ's precious, fertile soil, among the most fertile-rich soil in the world. I reside in Skillman, NJ, part of Montgomery Township in Somerset County, and greatly appreciate the invaluable preserved farmlands that support our local agriculture as well as safeguard from potentially terrible flooding. When Hurricane Ida dropped many inches of rain within a few hours and brought extensive flooding to our community and surrounding communities, these severe flood waters could have been even more damaging had preserved farmlands and open space not been in tact. We know that with global warming, severe storms are occurring more frequently and it is only a matter of time before the next excessive rainfall will occur. Likewise, with increasingly higher temperatures, especially in the summer months, attributed to global warming and increases in drought or drought-like conditions, it is imperative that we maintain green spaces that support a cooler environment vs. pavement-rich communities that trap dangerously hot temperatures and make it difficult for people and nature to endure.

Thank you for considering adoption of this important legislation.

Sincerely,  
Laurie DeAnglis



**From:** [Susan Bristol](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for Proposed Soil Protection Standards  
**Date:** Tuesday, November 14, 2023 9:49:09 AM

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I am writing to support The state of New Jersey's proposed important new rule to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils. I SUPPORT THE PROPOSED SOIL PROTECTION STANDARDS!

As a 10<sup>th</sup> generation NJ resident with a deep farming heritage in the Garden State, the State of NJ must preserve the integrity of our preserved farmland in honor of our past and to protect the future generations. Thank you.

Susan P. Bristol, NJ P.P., NJ R.A., LEED AP  
Municipal Policy Specialist

**The Watershed Institute**

31 Titus Mill Road, Pennington, New Jersey 08534  
[www.thewatershed.org](http://www.thewatershed.org) | 609.737.3735 x52

**From:** [Dawn Bromley](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] proposed Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 10:59:51 PM

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I am in full support of the proposed Soil Protection Standards. These standards are critical to preserve the farmland in the manner in which it was intended.

**From:** [SADCPublicComments, NJDA \[AG\]](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support of tje proposal to limit amount of soil usage  
**Date:** Saturday, November 4, 2023 12:49:20 PM

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**I come from a past farming family in the Pennington borough of NJ. It is detrimental to protect the depth of the land. We must continue to protect our land and not frivolously consume the soil depth by our un-needed money hungry wants. From Sharon Boone**

**From:** [Franta Broulik](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Proposed soil use standards  
**Date:** Wednesday, November 1, 2023 9:14:30 PM

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I support your proposed standards. We need to protect our preserved farmlands from further degradation; it's critically important for water quality and for every living creature, from micro- and macro-invertebrates to humans.

Climate change and invasive species are already taking enough of a toll on quality of life. You have a proposed a conservative but reasonable limit on disrupted soil on preserved farmlands.

Franta Broulik

1

Sent from my iPhone

**From:** [Jim Burd](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support of Soil Protection Standards  
**Date:** Saturday, November 4, 2023 10:05:29 AM

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I strongly support the Soil Protection Standards in New Jersey. My family was in dairy farming in Mercer County, NJ and realize the importance of these Soil Protection Standards. If I can be of any assistance please let me know.  
James C. Burd

**Uttal, Jessica [AG]**

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**From:** Diane Burgess >  
**Sent:** Friday, November 10, 2023 11:22 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Protect Farmland

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[PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

I support the proposed standards for preserved farmland in NJ and urge the SADC to protect NJ's fertile soils by adopting the proposed compromise solution before it is too late.

Diane Burgess  
Franklin Township, Hunterdon County

**From:** [Payne, Susan \[AG\]](#)  
**To:** [Uttal, Jessica \[AG\]](#); [Roohr, Charles \[AG\]](#); [Clapp, David \[AG\]](#); [Smith, Brian \[AG\]](#)  
**Subject:** FW: [EXTERNAL] Please adopt the soil protection standards now  
**Date:** Thursday, October 19, 2023 2:21:47 PM

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FYI

**From:** Mark Canright <  
**Sent:** Thursday, October 19, 2023 12:17 PM  
**To:** SADCPublicComments, NJDA [AG] <SADC@ag.state.nj.us>  
**Cc:** Payne, Susan [AG] <Susan.Payne@ag.nj.gov>; Joseph.Atchison@ag.nj.gov  
**Subject:** [EXTERNAL] Please adopt the soil protection standards now

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Dear Acting Secretary of Agriculture Atchison and SADC Executive Director Payne,

I have been an organic farmer for 40 years, when I began my career on my dad's farm (Farmer John's in Warren, Somerset County, NJ) and then moved to my current location, Comeback Farm, in Asbury, NJ where I and my fellow farmers grow organic fruits and vegetables.

I am writing to support the State Agriculture Development Committee in setting strong soil protection standards as soon as possible, on all preserved farms. I preserved my farm in 2006 with funding from the SADC, as well as the federal Farm and Ranch Lands Protection Program, which came with a small impervious cover limit. I greatly appreciate the SADC's preservation efforts, which helped me put the preservation money right back into the farm operation.

I was glad to accept the impervious cover limit, as it helps protect one of the most important ingredients of a healthy food supply – healthy soil. Soil covered by buildings is soil lost to production. Not only can healthy soil provide healthy food, it can also help absorb stormwater and prevent flooding, as well as recharge our aquifers. In major rain storms, impervious cover concentrates water into a destructive force on the soil, causing erosion and loss of soil that we can ill afford. Soil that is eroded, excavated, compacted or otherwise disturbed cannot easily be recreated – it is a precious resource that takes from 100 to 500 years to create one inch of topsoil!

Soil protection should be one of the basic foundations of the Farmland Preservation Program. The Program ranks farms depending on the quality of the soils present. Unfortunately, we have seen that basic limits need to be applied to the Program so that soils can be protected for a wide variety of agriculture in the future.

My orchard depends on healthy soil and water. Clean water is as important as healthy soil to human existence, and covering over soil has detrimental impacts on clean water supplies.

I also know that New Jersey taxpayers paid and continue to pay to preserve farmland for the many benefits it provides – healthy food, beautiful historic viewsheds, natural resource protections and more. Is farmland covered by buildings what they thought they were paying for?

While some food can and will be grown inside, the staple crops, which include fruits and vegetables, that the whole world relies on cannot be. We will always need healthy soil to be able to feed people.

Please put the soil protection standards in place now, so we can continue to farm and produce food for New Jersey and beyond.

Sincerely,

Mark Canright  
Comeback Farm

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**From:** [Rebecca Canright](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Friendly suggestion  
**Date:** Saturday, October 21, 2023 8:58:09 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Greetings! I am a young person who cares a lot about protecting the ecosystems of our beautiful region. I ask you to please limit the amount of impervious surfaces on preserved farms, because it's so important to safeguard our beautiful natural lands, and a big part of this is allowing natural ground/soil to absorb water. Together, I know we can work to ensure that farmers can thrive, and ecosystems can too, through our wise stewardship and protection of the soil from impervious use. Thank you for your time and consideration! Rebecca

--

Frigate birds fly for months over the ocean and can engage in both regular sleep and use half their brain at a time to sleep during soaring or gliding flight.



Compassion for all creatures great and small.

**From:** [Rebecca Canright](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Friendly suggestion for soil health  
**Date:** Saturday, October 28, 2023 9:01:57 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Greetings! I am a young person, who cares about safeguarding our beautiful environment. I thank you for all that you do, and I ask you to please keep up the work and improve your commitment to soil health. It is so important that we work together to minimize soil disturbance, while sequestering carbon and nurturing the soil microbiology of agricultural land. Therefore, I ask you to please reduce impervious cover on preserved farms. I think we should instead support farmers in increasing cover crop and healthy microbial diversity in soil, so as to sequester carbon and support the health of the environment on the farm. We can all work together to improve soil health. I thank you for your time! Take good care.

Rebecca

**From:** [Christine Caputo](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Preserved soil  
**Date:** Sunday, November 5, 2023 7:24:45 AM

---

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To Whom it May Concern,

Please support the proposed soil protection standards. As someone who has lived in central Jersey all their life, I have grown up amongst the preserved farmland that beautifies and enriches our lives. My hometowns of East Windsor and Hightstown have recently become overdeveloped with monstrous warehouses and it breaks my heart to see. Let's live up to our Garden State heritage and continue to protect the land that New Jerseyans fought to preserve.

Sincerely,

- Christine Caputo  
Lawrenceville, NJ

**From:** [Glen Carleton](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] I totally support limiting soil disturbance to 12% on taxpayer preserved farmland  
**Date:** Wednesday, December 6, 2023 6:04:03 PM

---

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Thanks for taking up this difficult but important effort. Someone building a giant fish (shrimp?) growing facility, giant greenhouses, etc. are not in the spirit of preserved farmland. Don't even get me started on wealthy folks buying preserved farmland to be their personal giant estates with 10,000 ft<sup>2</sup> homes, etc. Thanks again, -Glen

**From:**  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for land preservation  
**Date:** Wednesday, November 1, 2023 8:35:21 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Good evening,

please support the proposal in NJ of an important new rule to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils.

Best  
Lisa Caroselli  
Hopewell NJ

Sent from my iPhone

**From:** [Theodore Chase](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] limitation on disturbing soils of preserved farms  
**Date:** Thursday, November 2, 2023 10:00:34 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

To the SADC:

I support the SADC's proposed limitation of soil disturbance on preserved farms to 12% of the preserved area. (Existing farm buildings etc. were generally excluded from the preserved area when the farm was preserved.)

I am a member of my township's Open Space committee, and former liaison (when I was a councilman) to the township's Agriculture committee. Thus I am familiar with the preservation process, which is supported by SADC and county funds as well as municipal open space funds. All support preservation to keep farming going in New Jersey, to keep farmland open for the visual appreciation of other township residents, to limit development, and to protect against flooding by keeping land available to absorb rainfall and thus limit flooding. Twelve percent of the preserved land is a reasonable compromise to allow for expansion of buildings associated with farming and for occasional on-farm events open to the public. To allow more farmland to be disturbed (and in many cases rendered impervious) would deny the benefits the SADC, the municipality and the county, and ultimately the taxpayers, paid for. This would be an immoral bait-and-switch procedure, and would weaken public support for farmland preservation.

Sincerely yours,

Theodore Chase Jr

former councilman, Franklin Township, Somerset County

**From:** [Caitlyn Chione](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for proposed Soil Protection Standards  
**Date:** Friday, November 3, 2023 9:00:14 AM

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This message came from an **EXTERNAL** address (~~[caitlyn.chione@gmail.com](mailto:caitlyn.chione@gmail.com)~~). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Good morning,

I'm sending my support via this email for the proposed Soil Protection Standards. If we're going to preserve farmlands, and pay the landowners to protect that preservation, then the soil on them also needs to stay protected.

Thank you,  
Caitlyn Chione

--

'Intentions are nothing without action'

'A mind that is stretched by a new experience can never go back to its old dimensions.' Oliver Wendell Holmes

**Uttal, Jessica [AG]**

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**From:** barbara cochrane < >  
**Sent:** Sunday, November 12, 2023 11:06 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org  
**Subject:** [EXTERNAL] from Barbara Cochrane in support of

**\*\*\* CAUTION \*\*\***

This message came from an **EXTERNAL** address (~~bscochrane@hampton.nj~~). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To**  
PhishReport@cyber.nj.gov.

Dear SADC,

My name is Barbara Cochrane, NJ Hampton resident which lies within the Highlands Preservation region. I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms. I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse.

Respectfully submitted,  
Barbara Cochrane



**From:** [Ken Cohen](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil protection standards  
**Date:** Thursday, November 2, 2023 6:52:41 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Hi. I am in support of limiting the soil disturbance allowed on taxpayer funded preserved farms. I live in East Windsor and I feel fortunate that I can drive by properties that have been through New Jersey's farmland preservation program. I encourage you to support the proposed Soil Protections Standards. Thank you.

Ken Cohen

**From:** [Barbara cole](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Farmland proposal  
**Date:** Wednesday, November 1, 2023 9:57:40 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

I support the SADC's proposed Soil Protection Standards that would limit activities known to damage soils to 12 percent of a farm's area.

Sincerely,

Barbara G Cole

2  
11

**From:** [Joanna Coleman](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 4:54:09 PM

\*\*\* CAUTION \*\*\*

This message came from an **EXTERNAL** address ([joanna.1209@aol.com](mailto:joanna.1209@aol.com)). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Sir or Madam:

I support the proposed Soil Protection Standards. Please protect NJ's fertile soils and protect against flooding by adopting the proposed rule.

Thank you.

**Joanna Coleman**

Pennington, New Jersey

**From:** [Barbara Conklin](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Adopt limits on development on preserved farms  
**Date:** Monday, November 6, 2023 10:02:50 AM

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NJ taxpayers have purchased the development rights on property the state has LEGALLY declared contain soil uniquely productive for crops. Agricultural soil CANNOT be “created” by simply adding compost or manure to ordinary soil. (See SADC v Den Hollander). Once that soil is compressed by a building, all the attributes that made that soil worth purchasing and protecting are destroyed.

It is PAST TIME for SADC to promulgate regulations that (a) define the percentage of preserved farmland that can be destroyed by “agriculturally related” buildings and (b) CLEARLY define the type of structures that are “agriculturally related.” If the regulations are vaguely phrased, they are UNENFORCEABLE and taxpayers will continue to be robbed of their investment in NJ agriculture.

**From:** [Brenda Considine](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [dgregory@thewatershed.org](mailto:dgregory@thewatershed.org)  
**Subject:** [EXTERNAL] Support for Soil Protection  
**Date:** Friday, November 3, 2023 10:28:31 AM

\*\*\* CAUTION \*\*\*

This message came from an **EXTERNAL** address (~~brenda@considinecommunication.com~~).  
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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

For more than forty years, the NJ Farmland Preservation Program has been an invaluable tool to sustain the agricultural economy of the state while preserving vast amounts of farmland in the face of constant development pressure.

Unlike most open space preservation programs under which a government or nonprofit entity becomes the permanent caretaker after land is preserved, most of our preserved farmland is owned by private landowners who retain title to the land after its preservation.

I am writing to express strong support for State Agriculture Development Committee's (SADC) proposed Soil Protection Standards. These standards would limit activities known to damage soils to 12 percent of a farm's area—a reasonable compromise struck over a decade-plus investigation by a special subcommittee that I served on with several farmers and a well-respected municipal land use attorney. A waiver process would allow some farmers to exceed that standard in special circumstances.

New Jersey's farmland preservation program is the envy of the nation. Lets keep the 'Garden State' a growing garden, not a parking lot.

Thanks  
Brenda

--  
Brenda Considine

Considine Communication Strategies  
y

**From:** [Kristina Corvin](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Voicing Support for NJ Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 7:50:07 PM

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This message came from an **EXTERNAL** address (~~kristina.corvin@gmail.com~~). **DO NOT** click on links or attachments unless you know the sender and the content is safe.

**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

ello,

We would like to voice our support for the proposed soil protection standards. IT is important that landowners using the farmland preservation program protect their land as they agreed to when the land was preserved.

Thank you,  
Kristina

**From:** [Kathleen Cosgrove](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [senbsmith@nileg.org](mailto:senbsmith@nileg.org)  
**Subject:** [EXTERNAL] Adopt SADC's new rules which limit soil disturbance on preserved farms  
**Date:** Sunday, November 12, 2023 3:47:25 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Dear SADC,

My name is Kathleen Cosgrove. I'm a resident of Hampton, NJ which lies within the Highlands Preservation region. I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on taxpayer funded preserved farms. The new rules that will protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings and other uses that damage soils.

Respectfully submitted,

Kathleen Cosgrove

**From:** bonita grant  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support for NJ soil protection standards  
**Date:** Thursday, November 2, 2023 3:05:52 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Preserved farmland is a significant benefit of living in the Garden State. I hope you will endorse limiting soil disturbance to 12% of a farm's area.

Climate change, development & habitat loss are increasing threats. Do what you can to mitigate further damage.

Bonita Craft Grant  
Hopewell Township, Mercer County



**From:** [Christina Chrobokowa](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] PROTECT SOIL  
**Date:** Monday, November 13, 2023 7:23:24 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Science has verified, healthy soil is a living system filled with biodiversity, rich with nutrients, fungi and microbes providing water absorption, filtration, and invertebrate life. Science has also begun to assess the ECONOMIC value of the soil's ecosystem services with carbon capturing and sequestration to mitigate the impacts of climate change.

Working as a land care consultant since 2005 in the Somerset and Hunterdon county region, our cooperative experience working with landowners, farmers, foresters, and conservationists has shown us that even on preserved farms and forests (which are in decline), the soil is at a considerable deficit due to repeated disturbance. This is a direct result of well intentioned but unknowing owners and farmers using conventional practices that have damaged the soil structure and biology and do nothing to restore soil quality. We are working with consultants outside the state that have proven there are economic gains to farming differently without disturbing the soil. It will take both a grass roots movement from the roots up to show how farmers can change their practices and it is ESSENTIAL the SADC put in place to develop farming for the future of the garden state set limits to motivate a change from the top down.

Christina Chrobokowa  
/crow-bow-cove-ah/

[www.360earthworks.com](http://www.360earthworks.com)



**From:** [Curtis Aubry](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [curtisaubry@comcast.net](mailto:curtisaubry@comcast.net)  
**Subject:** [EXTERNAL] Support Standards for maintaining the Soil of NJ  
**Date:** Wednesday, November 1, 2023 10:14:04 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

**From:** [Laurie](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Thursday, November 2, 2023 3:09:51 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Dear SADC,

Please adopt the Soil Protection Standards to safeguard NJ's precious, fertile soil, among the most fertile-rich soil in the world. I reside in Skillman, NJ, part of Montgomery Township in Somerset County, and greatly appreciate the invaluable preserved farmlands that support our local agriculture as well as safeguard from potentially terrible flooding. When Hurricane Ida dropped many inches of rain within a few hours and brought extensive flooding to our community and surrounding communities, these severe flood waters could have been even more damaging had preserved farmlands and open space not been in tact. We know that with global warming, severe storms are occurring more frequently and it is only a matter of time before the next excessive rainfall will occur. Likewise, with increasingly higher temperatures, especially in the summer months, attributed to global warming and increases in drought or drought-like conditions, it is imperative that we maintain green spaces that support a cooler environment vs. pavement-rich communities that trap dangerously hot temperatures and make it difficult for people and nature to endure.

Thank you for considering adoption of this important legislation.

Sincerely,  
Laurie DeAnglis

**From:** [Kendra DiPaola](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Proposed Soil Protection Standards  
**Date:** Thursday, November 2, 2023 10:11:35 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Hello! I'm writing to support the proposed Soil Protection Standards. Protected lands should stay protected in my opinion. The loss of green space to development is not easily or perhaps ever reversible. It is critical in addressing climate change and providing us with a quality environment.

Thank you for your efforts,

Kendra DiPaola

2023-11-02 10:11:35 AM

**From:** [terrell.doyle](mailto:terrell.doyle)  
**To:** [senbsmith@njleg.org](mailto:senbsmith@njleg.org); [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Revised -- Comments on Soil Protection  
**Date:** Monday, November 13, 2023 10:33:50 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Dear Senator Smith,

I have revised the letter to delete an extra paragraph that was inadvertently added after my signature at the end. I wanted to get this out quickly and apologize for the oversight.

Dear Senator Smith,

I support the SADC's proposed rules on Soil Protection Standards for Preserved Farmland because the rules are designed to protect agriculture by preserving the most important component of agriculture: the soil. The limits are required by a recent N.J. Supreme Court ruling, and the limits are rationally based on the best science and research now available.

I am writing this to you because I understand that you will be meeting with the Farm Bureau soon. I am a retired lawyer who has extensive experience dealing with preserved farm issues in my town.

I spent my Sunday afternoon listening to hours of testimony by farmers and lawyers testifying before the SADC at the September 27 hearing about the proposed change in soil conservation rules. After listening to the objectors at the hearing, I note that, importantly, there were **no objections based on science or the necessity to protect soil**. Instead, all the objectors rely on a technical legal argument based on a narrow interpretation of language in their deeds of easements.

The objectors only argument is that the proposed rules change their deed of easement, and thus change the terms of a binding contract. Therefore, the argument is that the "contract" should not be changed since the farmer should be able to rely on it in perpetuity.

There are three huge problems with this argument.

The first problem is that their deed of easement already clearly provides that the soil must be conserved for agriculture. That limitation already exists in the deed of easement

“contract.” The proposed rules simply explain – as required by a recent New Jersey Supreme Court decision – what those limits are. This situation is not any different than whenever a court, legislator, or regulator interprets an existing provision in a more restrictive way than a member of the public might like.

The second problem with their argument that the deed of easement cannot be changed, is precedent. The fundamental terms of the deed of easement were completely altered just last year. Since preserved farms were first created in the 1980's, limits in deed of easements had always prohibited non-agricultural events. But those limits were recently removed by waving a legislative magic wand that gave preserved “farms” the ability to hold concerts, parties, beer tastings, and other non-agricultural events. None of the objectors raised concerns about changing the legal limits in the deed of easement “contract” that specifically prohibits those kinds of events. The objectors' concerns about fairness or contract rights disappeared when it benefited their pocketbook

Finally, and in fairness, what about the rights of homeowners who bought land next to preserved farms in reliance on language in their deeds of easement that disclosed that their land was adjacent to land that would be used only for agricultural purposes? The deed restrictions in neighbors' deeds are now completely worthless, since their farmer neighbors can now hold concerts and weddings. How can farmers in good conscience argue that it is unfair to adopt a rule that interprets interpreting existing restrictions in their deeds of easement when they blatantly ignore the clear restrictions in their neighbor's deeds? Farmers are now legally empowered to ignore restrictions on their neighbor's deeds, but the farmers cry foul when restrictions in their own deeds are strictly enforced.

Beware of a backlash by taxpayers. Taxpayers footed the bill for preserved farms on the expectation that soil would be preserved for crops and are becoming concerned with farmers pushing the limits of what is actual farming. The soil conservation rules would help ensure that farmers are preserving what the farm preservation law was designed to protect: the soil.

Sincerely

Terrill Doyle  
Mendham NJ

**From:** [Cheri Dzubak](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Friday, November 3, 2023 8:12:36 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

It is high time that this proposed bill be enacted. New Jersey has preserved farmland which is precious in this overcrowded state where wealthy developers want to grab up every little spot to be developed. Sadly, a small number of landowners and advocacy groups have attacked these proposed standards arguing that there should not be any limits on the use of these preserved lands even though taxpayers like myself funded the farmland preservation program. Fortunately, relatively few of the state's preserved farms have approached the proposed limits on soil disturbance making this the perfect time to enact the proposed Soil Protection Standards. This bill must be enacted to preserve these precious lands. If we are truly called the Garden State, then we must protect that title. Thank you.  
Sincerely concerned NJ resident,  
Cheryl Dzubak

**From:** [Anne Louise Ennis](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Please adopt the proposed soil protection standards  
**Date:** Wednesday, November 1, 2023 5:36:57 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

To Whom It May Concern:

I am writing as a New Jersey teacher, resident, and parent: please adopt the proposed soil protection standards to ensure that New Jersey continues to be a leader in the increasingly pressing important work of protecting our lands and agricultural livelihoods.

The research and outlook for our ability to continue to grow enough food to feed the world's population is grim. We are running out of topsoil and the earth's population is ever-growing. I worry for my children and future generations, just as much for myself.

Please continue to be at the forefront of land protection as we navigate this ever changing world.

Thank you,  
Anne Louise Ennis  
Princeton, New Jersey



**Uttal, Jessica [AG]**

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**From:** Josie Faass <[jfaass@nj.gov](mailto:jfaass@nj.gov)>  
**Sent:** Thursday, November 9, 2023 8:41 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] I support the SADC's proposed Soil Protection Standards

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To**  
[PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

To whom it may concern,

I am a New Jersey resident (of Pennington) and taxpayer, and am writing to express my strong support for the SADC's proposed Soil Protection Standard.

The intent of the State's farmland preservation program is to ensure that we maintain undeveloped open spaces in perpetuity, and it is with that understanding that taxpayers have agreed to compensate participating property owners for their willingness to forgo development opportunities on their lands. Since the existing language clarifying exactly what that means is clearly insufficient and some program participants are breaking the public's trust for their own financial gain, it is urgent that new, stronger and clearer language be articulated to ensure the success of the program.

Sincerely,  
Josie Faass

**Uttal, Jessica [AG]**

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**From:** Gerry Feldman <gerry.feldman@comcast.net>  
**Sent:** Saturday, November 11, 2023 12:12 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Soil protection bill

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).**

Dear SADC,

I'm in favor of the soil protection bill to limit the percentage of soil on preserved farms which may be disturbed.

Thank you,  
Gerry Feldman  
East Brunswick, NJ

**From:** [Tony Ferrer](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Immediate Action Needed to Protect Farmland  
**Date:** Sunday, November 5, 2023 4:46:49 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Hello,

Our New Jersey's farmland preservation program is something we New Jerseyans are proud of. But despite their preservation status, these lands are under constant pressure for development that undermines the very reason that the public paid to protect them. Pressure continues to build for parking lots, gravel roads, riding arenas, greenhouses, and even large luxury homes on the Garden State's preserved farms.

As we know, most of our preserved farmland is owned by private landowners who retain title to the land after its preservation. These landowners are paid generously to extinguish their rights to develop the land for residential and commercial purposes but they are allowed to continue living on and using the land for agricultural purposes, as long as they refrain from that which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation or "any other activity... which would be detrimental to the continued agricultural use of the Premises."

Our NJ Supreme Court has directed the State Agriculture Development Committee (SADC) to create rules that specify how much soil disturbance on preserved farms is too much. The SADC's proposed Soil Protection Standards would limit activities known to damage soils to 12 percent of a farm's area—a reasonable compromise struck over a decade-plus investigation. However, I understand that a small number of landowners and advocacy groups have attacked the proposed standards, arguing that there shouldn't be any limits on the use of these preserved lands—even though New Jersey's taxpayers funded the land's preservation.

**This is the perfect time to enact the proposed Soil Protection Standards. Let's adopt this compromise solution before the problem gets too far out of control.**

**As a caring resident of this state for more than 60 years with a concern for the future of the Garden State and the appropriate use**

**of taxpayer funds, I register my support for the proposed Soil Protection Standards and urge the SADC to protect NJ's fertile soil and protect against flooding by adopting the proposed rule.**

Respectfully,

Antonio E. Ferrer  
Monmouth Junction, NJ

**From:** [Hil Feusi](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Farmland Preservation  
**Date:** Wednesday, November 1, 2023 5:49:51 PM

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Hello,

I am very saddened to hear that preserved farmland is being used for other purposes. Please pass the Soil Protection Standard.

Sincerely,  
Hilda Feusi  
Robbinsville, NJ

**From:** [Susan Finlay](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil protection Standards  
**Date:** Thursday, November 2, 2023 10:48:19 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

Please enact the Soil Protection Standards to help keep NJ lands safe from developers.

**From:** [Brenda Frazier](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protect our collective investment in NJ farmland  
**Date:** Wednesday, November 1, 2023 4:49:54 PM

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Dear members of the Committee,

I am writing in support of the SADC's proposed Soil Protection Standards. As you are well aware, New Jerseyans have been funding the Farmland Preservation Program to protect thousands of acres of land from development. This investment is so important to preserving the environmental and cultural integrity of the Garden State for the future.

Please adopt the Soil Protection Standards for the good of us all.

Sincerely,  
Brenda Frazier  
Princeton, NJ

**From:** [Russell Furnari](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Friday, November 10, 2023 11:22:17 AM

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SADC

I am writing to share my support for the proposed Soil Protection Standards. The goals of the farmland protection efforts over the years are to preserve both the continued function as farms, and the broader status of the agricultural soils themselves. As a taxpayer who has supported farmland protection, along with other open space acquisitions, my expectation is that those receiving the financial support provided will manage their properties in a manner consistent with the intent of the preservation actions.

Seeking to skirt the intent to gain subsequent additional financial profit is not consistent. The state, through the SADC and its partners, has acted to invest in farms. We, taxpayers or the state who funded this action, would see our investment eroded if the soil is not protected.

The proposed rules/standards will establish more clearly defined actions and add further protection to the investments made by the SADC and the citizens of New Jersey.

Thank you for the opportunity to comment.

Russ

Russell Furnari



**Uttal, Jessica [AG]**

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**From:** Kathy Gaffney <[kathy.gaffney@nj.gov](mailto:kathy.gaffney@nj.gov)>  
**Sent:** Saturday, November 11, 2023 5:34 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support new rulings/standards

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I would like to support the new limits on preserved farmland Kathy Gaffney Pennington NJ

Sent from my iPhone

**From:** [james gambino jr](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Enact the proposed Soil Protection Standards  
**Date:** Monday, November 6, 2023 11:24:27 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

Please enact the proposed soil protection standards for preserved farm properties.

Thank you  
Jim Gambino  
Hopewell Twp, Mercer County

**From:** [Linda Gochfeld](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Farmland preservation  
**Date:** Wednesday, November 1, 2023 6:10:22 PM

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I have learned of the threat to p=reservation of farmland that has already been designated and paid for by taxpayers. Please continue to prevent any use of this land other than agriculture. We need New Jersey' food production for the whole country's welfare--- we must remain the Garden State!

Thank you  
Linda Gochfeld, MD  
Princeton NJ

**Uttal, Jessica [AG]**

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**From:** Philip Grofsik <[REDACTED]>  
**Sent:** Sunday, November 12, 2023 8:17 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL]

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PhishReport@cyber.nj.gov.

name is philip grofsik ....., NJ Bethlehem Twnp. resident which lies within the Highlands Preservation region. I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms. I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse.

Respectfully submitted,  
Your Philip Grofsik

[Sent from Yahoo Mail on Android](#)

**From:** [Kenny Grosso](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protection of Preserved Farmland  
**Date:** Wednesday, November 1, 2023 11:33:24 PM

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"But despite their preservation status, these lands are under constant pressure for development that undermines the very reason that the public paid to protect them. Pressure continues to build for parking lots, gravel roads, riding arenas, greenhouses, and even large luxury homes on the Garden State's preserved farms."

Residents of The Garden State have paid over a billion-and-a-half dollars for this protected farmland to remain set aside as tillable farmland! Laws must be passed to affirm and validate the original intent of the preservation program; to protect these spaces from encroachment of illegal, diversionary development. These spaces are either farmland or they are not.

Thank you.

Kenneth C. Grosso, Montclair, N.J.

**From:** [Brian Hanson-Harding](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for proposed soil protection standards  
**Date:** Wednesday, November 1, 2023 10:14:10 PM

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To whom it may concern:

I support the proposed soil protections standards on preserved farmland in New Jersey. I am very proud of New Jersey's program and, as an avid cyclist, am witness to the results of this program every time I go out riding.

Sincerely,

Brian Hanson-Harding  
Rutherford, NJ

**From:** [Kim H](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] SADC Rules Soil Disturbance on Preserved Farmland and Supplemental Soil Disturbance Standards  
**Date:** Friday, November 3, 2023 8:38:24 AM

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Dear Committee members,

First, thank you for the hard work and attention to the importance of the condition of the soil on preserved land.

I am emailing you to express my support for the proposed standards to protect fertile soil, with the important benefit of also protecting against flooding.

I am not a farmer, but I am a purchaser of produce from organic farms, and preservation of farmland is important to me for a variety of reasons - good food, preservation of a livelihood and good food sources, helping with climate mitigation, etc. And of course, our tax dollars should be expended for the purposes intended, which I think your standard address really well.

Thank you,

Kimberly Haren  
(Pennington NJ)

**From:** [Sonya Harris](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support!  
**Date:** Monday, November 13, 2023 7:38:05 PM

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I'd like to support preserving NJ's precious soil & farmland!

Sonya Harris

Founder The Bullock Garden Project



**From:** [Abby H.](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Preservation farmland  
**Date:** Friday, November 3, 2023 8:08:59 AM

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Please preserve the existing preservation farmland as as a matter of critical importance to our state, our animals and soil, the quality of life here in New Jersey. We are already overrun with warehouses and roads--nowhere for our beautiful wildlife to rest and recreate. Limit the use of preserved lands and provide the open space we all want and deserve to raise our families, co-create life as a beautiful Garden State.

Thank you,  
Abby Hoffman  
South Brunswick, New Jersey

**Uttal, Jessica [AG]**

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**From:** DARYL HOFFMANN <dr...>  
**Sent:** Sunday, November 12, 2023 12:42 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org  
**Subject:** [EXTERNAL] NJ-preserved farms/farmland -- limiting soil disturbance & preserving its integrity as intended

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Although I often believe we are not heard -- and I wonder who is really protecting the Highlands, including NJ preserved farms/farmland, etc. -- please hear us!

Dear SADC,

I'm a Bethlehem Township, NJ, almost 50-year resident -- the Township lies within the Highlands Preservation region and I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms/farmland, etc.. I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse.

I no longer call us, beautiful, bucolic Bethlehem Township, sadly, it continues to be chipped away -- this is not progress.

On another note, just this past week, the bridge on Iron Bridge Road (going from Bethlehem Township to Asbury) -- a road which had formerly even had 'thank-you ma-ams' was deemed unusable and out-of-commission indefinitely due to a truck careening down the road and making the bridge unusable, in spite of numerous (and I mean numerous) signs of NO TRUCK route -- inconveniencing the locals, damaging the land, jeopardizing (obviously) the driver and thank goodness no on-coming vehicles or walkers -- sad state of affairs!

thank you; please hear us!  
Daryl Hoffmann

**Uttal, Jessica [AG]**

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**From:** Gayle Howard <[REDACTED]>  
**Sent:** Saturday, November 11, 2023 6:43 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org  
**Subject:** [EXTERNAL] Soil protection rules for preserved farms

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PhishReport@cyber.nj.gov.

Dear Senator Smith and Members of SADC ~

More land is not being grown. What we have on this earth is what we have and we literally depend on it for our existence. Frankenfood can not healthfully sustain us. And we do not want -- for our selves or our children or our grandchildren or great-great.....to be unable to healthfully sustain our lives.

Critically, the soils of our fertile farmlands truly sustain you ~ and us all. Which is why you and we must protect that special, fragile, priceless topsoil that took eeons to create ~ and can not be duplicated or created by mankind in lab test tubes. What we have is what we have.

**Please** enact the proposed Soil Protection Standards.

Thank you very much!

Gayle F. Howard

**From:** [Thomas Imbriotta](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for proposed Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 8:35:07 PM

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State Agricultural Development Committee,

I am in support of and urge you all to vote for and pass into law the proposed Soil Protection Standards to preserve NJ's Farmland Preservation Program.

Thank you,

Tom Imbriotta  
USGS retired

**From:** [Anne Jacobs](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Preserve Farmland  
**Date:** Thursday, November 2, 2023 9:28:22 AM

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Dear SADC,

Please honor your commitment to NJ taxpayers by voting for and protecting the proposed Soil Standards that limits development to only 12% or less of a farmer's preserved land. This is a generous compromise, given that taxpayers agreed to buy the land in order to preserve it--unpaved--for wildlife, storm drainage and beauty. I personally consider any further compromise on this--after the state has bought the land to preserve it--to be acting in bad faith.

Thank you for your respect for taxpayers' intentions.

With respect,  
Anne Jacobs

--

**From:** [Stephanie Jones](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [senbsmith@njleg.org](mailto:senbsmith@njleg.org)  
**Subject:** [EXTERNAL] preserved farmland limits to soil disturbance  
**Date:** Monday, November 27, 2023 11:34:19 AM

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I am a co-owner of Brook Hollow Farms in Delaware Township. I am writing to extend my strong support for the SADCs proposed limits on impervious cover and soil disturbance on preserved farms. I studied geology in college. It has been known for decades that impervious cover damages watersheds. The State counts on the permeability of farmland soils to be an important component in watersheds protection. Ten percent impervious cover is the point at which a watershed is designated as beginning to degrade. How on earth- literally- can the Farm Bureau fail to endorse good watershed management. This is an important component of why the state provides economic support for preserving farms with easements on private lands. Please do not degrade watersheds with increased impervious cover on farm land.

Dr. Stephanie Jones  
Brook Hollow Farms, Delaware Township

**Uttal, Jessica [AG]**

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**From:**  
**Sent:** Saturday, November 11, 2023 4:57 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Proposed Soil Protection Standards

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I am writing to express my support for the proposed soil protection standards which will help protect the environmental integrity of preserved farm land. Soil is a critical component of the agricultural and natural ecosystem and must be protected.

Thank you

Martin Judd

e

[Sent from the all new AOL app for iOS](#)

**From:** [Caroline Katmann](#)  
**To:** [SADCPublicComments.NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Thursday, November 2, 2023 7:08:10 AM

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Please protect NJ's fertile soils and help prevent flooding by supporting the proposed Soil Protection Standards.

Thank you,  
Caroline Katmann  
Hillsborough, New Jersey

Sent from my iPhone



**From:** [Wade Kirby](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Thursday, November 2, 2023 12:00:47 PM

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Please adhere to the above subject which will protect NJ's fertile soils as well as protection against flooding. *Vitally important.*

Thank you.

Wade Kirby  
Director of Development  
Great Swamp Watershed Association  
*A Passaic River WATERKEEPER\* ALLIANCE Affiliate*  
Office: 973-538-3500, ext.17

Greatswamp.org

The [Great Swamp Watershed Association](#) protects and improves the health of the Passaic River through science, education, land preservation, stewardship, and advocacy. **WATCH OUR VIDEO!**

Did you know you can contribute qualified distributions through your IRA? We also accept gifts of appreciated stock. Please contact me for more information.

**From:** [Julia Kizar](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protect NJ Farmlands  
**Date:** Thursday, November 2, 2023 11:47:51 AM

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Good morning,

I am writing in support of the proposed Soil Protection Standards for New Jersey farmlands. It is essential to protect and show respect to the land, so please adopt the proposed rule.

Thank you,  
Julia Kizar  
The Watershed Institute

**From:** [Sarah KLEINMAN](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [Verizon FIOS Email](#)  
**Subject:** [EXTERNAL] Support for limiting the covering of soils on NJ Preserved Farmland  
**Date:** Wednesday, November 1, 2023 6:55:17 PM

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This is to register my support for strong standards to prevent owners of NJ Preserved Farmland from paving over and covering over soils beyond standard individual farming as envisioned in this public investment program. We, the taxpayer, have put a lot of money into keeping land undeveloped and expect the State to protect our investment from clever diversion of use.

Sarah Kleinman  
Hopewell Township, NJ

**Uttal, Jessica [AG]**

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**From:** Bernadette Koenig  
**Sent:** Sunday, November 12, 2023 7:11 AM  
**To:** SADC Public Comments, NJDA [AG]; senbsmith@njleg.org  
**Cc:** bkibler@raritanheadwaters.org; jwaltman@thewatershed.org; jay; Amy Hansen; julia@njhighlandscoalition.org  
**Subject:** [EXTERNAL] Support Soil Protection Proposed Standards  
**Attachments:** Bait and Switch.docx; backer\_farm\_letter\_from\_raritan\_headwaters\_10-16-2023.pdf

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I support the SADC's proposed rules to limit impervious cover and other forms of soil disturbance on preserved farms. Like others, I would prefer more soil protection but support this reasonable compromise.

Sadly, I understand that the **Farm Bureau** is opposing the rules and argues that there shouldn't be limits on soil disturbing activities. I heard several farmers at the 9/27/23 hearing<sup>1</sup> object to alleged alterations to their Deed of Easement and fear jeopardizing the Farmland Preservation Program.

I wish they also objected to S-757 which allowed events specifically prohibited by their Deeds of Easement. The overflow parking allowed can destroy the soil. As a neighbor of a farm proposing a brewery and a 78 seat "tasting room," I feel the NJ Agricultural Development Boards and farmers have repeatedly employed **Bait and Switch** tactics (see attached). You can **retain taxpayers' faith in Farmland Preservation** by approving strong soil protection rules.

I support the **Raritan Headwaters Association** (attached) and the **NJ Conservation Foundation**<sup>2</sup> and others in their concern for protecting our soil. I hope protection of the soil which makes our food and our life possible prevails as taxpayers who support Farmland Preservation see this protection is specifically included in Preserved Farms Deeds of Easement.

Hopefully,

Bernadette Koenig

(Mendham Township Environmental Commissioner but speaking only for myself)

1 <https://www.nj.gov/agriculture/sadc/farmpreserve/soilprotection/index.html>

2 <https://www.njconservation.org/dont-treat-soils-on-preserved-farms-like-dirt/>

Cc via mail

Senator Bob Smith

Bill Kibler, Director of Policy, Raritan Headwaters Association

Jim Waltman, Executive Director, The Watershed Institute

Jay Watson, Co-Executive Director, NJ Conservation Foundation

Amy Hansen, Policy Manager, NJ Conservation Foundation

Julia Somers Executive Director, New Jersey Highlands Coalition

**Uttal, Jessica [AG]**

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**From:** George Koenig  
**Sent:** Sunday, November 12, 2023 5:59 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org  
**Subject:** [EXTERNAL] Soil conservation Proposal

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SADC and Senator,

This is long overdue. As a taxpayer and BIG supporter of Farmland Preservation the ongoing and seemingly unending added uses of preserved farmland has actually resulted in less real farms and the creation of commercial businesses that otherwise would not be permitted in many municipalities. These newer agritourism and agritainment uses are in direct conflict with the farmland preservation program itself and in fact is cancerous to the programs long term viability as more municipalities and citizens become aware of the negative impacts on soils that they thought they were paying a farmer to preserve. It seems these newer uses are more about commercializing farms than it is about farmland preservation. I think it will continue to hurt all farmers and more so kill the pipeline of small farmers who are keen or creating boutique farms that address local residents needs with crops and animal uses.

It also directly forces some farmers to do less or no real farming and focus on these newer uses and also attracts investors that were never real farmers but leverage the rules to have uses not ideal for the environment nor for neighbors who supported farmland preservation. Farmers received a lot of money to preserve the land and not develop it and in many case so less homes would be built. So, using impervious coverage of the local municipality could apply and maybe that is the answer. In a drive to pick a state wide formula the 12% seems very high to me and and about 2 times what residential build outs would be.

This is exactly why many people are losing faith in farmland preservation. Taxpayers are pro farm but do not consider these newer uses to be real farming like the growing of crops or grazing of animals. Animal grazing should preferably be using best practices for grazing that protect soils, waterways, wetlands and woodlands. How can the SADC push farmland preservation to taxpayers when it allows soils to be destroyed with parking and events on farms? How is that preservation of land, soil and water?

The generous 12% ratio suggested should not be the formula:

**It should be 6% as written.** But if you stick with 12% coverage the formula should be sensitive to farms with wetlands, woodlands and their buffer zones. As such, I suggest a more soil friendly approach that protects sensitive woodlands and wetlands. I will also say since all these newer commercial uses are being applied to preserved farms who may have deeds not allowing such uses or were preserved without any intention of such uses by supportive taxpayers and municipalities; then it is also completely fair to apply the new soil rules to those same farms!

**If you do not implement a 6% coverage overall, then the formula you should consider implementing is: Total acreage Minus wetlands, woodlands and their buffer zones the net of which would be multiplied by 12%.**

**The 6% suggested formula** is much better to address farms with and without wetlands and woodlands.

the first farm of 40 acres with no wetlands, woodlands and buffer area would be  $40 \times 6\%$  or 2.4 acres - close to residential build out coverage/levels

\*\*\* second farm of 40 acres with 10 acres of , wetlands, woodland and buffer areas would be 30 acres net  $\times 6\%$  or 1.8 acres - close to residential build out coverage.

**Now if you can't implement a 6% formula then at minimum make sure you subtract woodlands, wetlands and their buffers- when using the proposed 12% formula.**

the first farm of 40 acres with no wetlands, woodlands or buffer areas would be  $40 \times 12\%$  or 4.8 acres of coverage

the second farm of 40 acres with 10 acres of wetlands, woodlands and buffer area would be a net of 30 acres  $\times 12\%$  or 3.6 acres of coverage

Kind regards - lets bring some common sense back to our farmland use and preservation of soils - pass this proposal!

George Koenig





**From:** [David Landry](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] 12% is more than enough  
**Date:** Wednesday, November 1, 2023 7:50:02 PM

**\*\*\* CAUTION \*\*\***

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12% is more than enough. I urge you to protect NJ's fertile soils and protect against flooding by adopting the proposed rule.

Sincerely,

--

David Landry

**From:** [Selene Lee](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for the proposed soil protection standards  
**Date:** Thursday, November 2, 2023 1:06:12 AM

**\*\*\* CAUTION \*\*\***

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Dear Members of the State Agriculture Development Committee,

I am Selene Lee, a resident of Robbinsville, NJ. I am writing to express my wholehearted support for the proposed Soil Protection Standards.

New Jersey's preserved lands, which have been funded by taxpayers, are invaluable assets to our community, serving as the bedrock of our agricultural heritage and environmental conservation. It is our collective responsibility to safeguard and preserve these lands for current and future generations.

It is disheartening to see that a small number of landowners and advocacy groups are opposing these standards. While everyone is entitled to their opinions, it is crucial to remember that the preservation of these lands involved the financial commitment of New Jersey's taxpayers.

By implementing these regulations now, we can act proactively to prevent soil damage from escalating to a level where it becomes unmanageable and irreversible. Therefore, I strongly urge you to adopt the proposed Soil Protection Standards. Thank you.

Sincerely,  
Selene Lee

**Uttal, Jessica [AG]**

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**From:** Kim Lorenc <[REDACTED]>  
**Sent:** Sunday, November 12, 2023 2:43 PM  
**To:** SADCPublicComments, NJDA [AG]; senbsmith@njleg.org  
**Subject:** [EXTERNAL]

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Dear SADC and Senator Smith:

My name is Kim Lorenc, I am a NJ Asbury resident. Asbury lies within the Highlands Preservation region. I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms.

The idea of preserving farmland is to protect it from any development. There should not be any need for farmland to have impervious cover. If driveways are needed say, for a house on the farm, there are alternatives out there which are NOT impervious, and are just as strong which can be used. We do it at church.

I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse.

Respectfully submitted,

Your name

Kim Lorenc

Thank you

**From:** [Wendy Mager](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [Roy Freiman](#)  
**Subject:** [EXTERNAL] Soil protection standards  
**Date:** Thursday, October 19, 2023 6:11:36 AM

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Attention: Susan Payne, Executive Director

Dear Ms. Payne,

I am writing to urge the State Agriculture Development Committee (SADC) to adopt the Soil Protection Standards immediately. As someone who has been involved in conservation for many years, including the protection of farmland in Princeton and across the State, I expect the Farmland Protection Program to include safeguards for New Jersey's critical soil resources. While the SADC standards should be stronger, I support their adoption because we need a limit on soil destruction!

The NJ Supreme Court stated in 2018, "The preservation of high quality soil and open space for future generations is one of the chief aims of the Farmland Preservation Program", and then directed the SADC to adopt clear soil protection standards for preserved farms.

Most of New Jersey's preserved farms do not even come close to having the amount of soil destruction that these standards would allow.

We cannot take soil for granted. It must be carefully stewarded to grow food and support plant life, absorb and store water, and sequester carbon to help mitigate climate change impacts. Once soil quality is destroyed, the time horizon for restoring it to health can be hundreds of years, which severely limits flexibility for agriculture in the future.

If the standards are not put in place, Garden State Growers and others will be free to destroy soil on farms that have been paid for by taxpayer dollars. We can't let this happen. Not to mention that more impervious cover harms water quality and increases stormwater and flooding issues. These problems should not be exacerbated by a taxpayer funded program.

I urge you to adopt the proposed soil protection standards immediately.

Thank you for your consideration of my comments on this important topic.

**From:** [Karen Mason](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Comment: Soil Protection Standards - Proposed New Rule  
**Date:** Thursday, November 2, 2023 6:22:14 AM

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I support and urge that the State Standards and Development Committee enact the new proposed soil protection standards rule - in order to protect and preserve out state's farmlands and water resources.

Karen Mason  
Hopewell Township, NJ

**From:** [Julia Matthews](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil protection standards  
**Date:** Wednesday, November 1, 2023 4:51:25 PM

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Hello,

I am writing to express my support for soil protection standards.

Thank you!  
Julia Matthews  
Pennington, NJ

**From:** [Shannon McArdle](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards please approve  
**Date:** Wednesday, November 1, 2023 4:25:32 PM

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As a resident of Gloucester county this is an issue very important to me. Please approve these standards to keep our state the best place to live in the nation.

Shannon McArdle  
Harrison Township

**From:** [Melanie McDermott](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support Soil Protection Standards rules  
**Date:** Thursday, November 9, 2023 8:55:52 PM

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To: SADC

I urge SADC to adopt the new Soil Protection Standards rules to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils. Taxpayer funds should not have been used to purchase rights to lands that are subsequently allowed to be degraded.

Sincerely,

\_\_\_\_\_  
Melanie H. McDermott, Ph.D.,  
Sustainable Jersey at the  
Sustainability Institute  
The College of New Jersey, Ewing, NJ

-----  
Visiting Assistant Research Professor  
Dept. of Human Ecology, SEBS  
Rutgers University  
New Brunswick, NJ  
USA



**From:** [Sam Measner](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] In support of the Soil Protection Standards  
**Date:** Sunday, November 5, 2023 10:32:09 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Good morning,

I am writing here in support of the proposed Soil Protection Standards, which would limit activities known to damage soils to 12 percent of a farm's area. This is a necessary and urgent step which must be taken for the health of the state of New Jersey- both the physical environment and the people who reside here.

I was born and raised in New Jersey, and though I've traveled from Florida to California, from Texas to Montana, seen coral reefs, mountains, desserts, caves and coasts, I still maintain that New Jersey's landscape holds it's own quiet short of charm from it's Appalachian rolling hills to it's homey swaths of farmland. It is vital that these things are protected. It's been heartbreaking remembering unpaved, open fields thriving with biodiversity, even meek as the most unassuming switchgrass and blue stem, dwindle over time so much so that some areas are completely gone, lost to childhood memories. Farmland included. While it may not hold the exact same form of environmental conservation as more wild areas, it is still just as important to preserve for the health of the environment.

Please, take this step to help allow New Jersey to continue to live up to it's name as the Garden State.

Thank you,

Sam Measner

**From:** [Sharon Measner](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Monday, November 6, 2023 10:00:17 AM

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Good Morning.

I am 59 years old, born and raised in NJ. Right by where I live there are multiple farmlands that are under attack for the building of warehouses! Huge concrete jungles that most certainly add tremendously to flooding among other extremely negative impacts! I 100 percent support the SADC proposed standards to protect NJ's fertile soils and protection against flooding! Furthermore I wish there could harsh repercussions for those who break the rules!

Respectfully

Sharon Measner  
Sent from my iPod

**From:** [WoodMeier Farm](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Proposed SPS  
**Date:** Tuesday, February 13, 2024 1:06:16 PM

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Hello,

I write in support of the proposed soil protection standards. History shows us these new regulations are necessary. We cannot reasonably expect that the best interests of preserved properties will, in all cases, be front of mind of those who are in charge.

If legal advisors find the application of the new standards to be legal retroactively, I'm all for it.

Linda Meier

**From:** [Susan Michniewski](#)  
**To:** [SADCPublicComments.NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Proposed new rule for preserved farmland  
**Date:** Thursday, November 2, 2023 7:24:49 AM

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Dear State Agriculture Development Committee staff:

I am writing to let you know that I am in favor of the proposed new rule to protect preserved farmland by limiting how much of their soils can be covered by pavement/buildings etc. A 12% cap is a reasonable compromise. Protecting the farmlands' soils is key to protecting the larger ecosystem. Thank you for registering my support.

Susan Michniewski

**Uttal, Jessica [AG]**

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**From:** Sophia Milone <sf...>  
**Sent:** Sunday, November 12, 2023 3:35 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org  
**Subject:** [EXTERNAL] Support of the Soil Protection Standards

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

To whom it may concern at the SADC,

I am writing to you in support of proposed Soil Protection Standards.

I am a student at Stockton studying Sustainability, and I'm very passionate about regenerative agriculture, conservation, and food justice. As someone who knows how important healthy soils and protected farmland are to achieving agricultural sustainability in our state and beyond, I support limits on the development of preserved lands.

Coming from Salem County, I have witnessed the drive to develop open lands with the construction of warehouses, Wawa stores, Dollar General stores, and other consumer-based facilities. I believe limiting the amount of soil damage on preserved lands would ensure that some of the fertile, arable soil in NJ will remain that way for future generations of farmers, growers, and ranchers.

It appears that the percentage limit on development/damage (12%) was seen as a compromise by some. I encourage you to maintain that value, if not decreasing it to protect a greater percentage of the land. There are surely plenty of spaces in which developers and landowners can afford to develop that are not preserved farmland, which should be protected as much as possible.

Thank you for your time!

--  
Sophia Milone (they/them)  
Stockton University '24  
[spmilone@gmail.com](mailto:spmilone@gmail.com)

**From:** [Zuzka Mulkerin](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] My support for Soil protection standards  
**Date:** Thursday, November 2, 2023 7:53:16 AM

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New Jersey's farmland preservation program is the envy of the nation. More than \$1.8 billion in public funds have been spent to preserve more than a quarter of a million acres of land on 2,800 farms. But despite their preservation status, these lands are under constant pressure for development that undermines the very reason that the public paid to protect them. Pressure continues to build for parking lots, gravel roads, riding arenas, greenhouses, and even large luxury homes on the Garden State's preserved farms.

The state of New Jersey has proposed an important new rule to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils.

For more than forty years, the NJ Farmland Preservation Program has been an invaluable tool to sustain the agricultural economy of the state while preserving vast amounts of farmland in the face of constant development pressure.

Unlike most open space preservation programs under which a government or nonprofit entity becomes the permanent caretaker after land is preserved, most of our preserved farmland is owned by private landowners who retain title to the land after its preservation.

**These landowners are paid generously to extinguish their rights to develop the land for residential and commercial purposes but they are allowed to continue living on and using the land for agricultural purposes, as long as they refrain from activities that "would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation" or "any other activity... which would be detrimental to the continued**

**agricultural use of the Premises.”**

Unfortunately, a few owners of preserved farmland have broken this careful, bipartisan compromise by pursuing activities that clearly undermine the program’s conservation goals.

In 2018, the NJ Supreme Court ruled unanimously that a farmer violated the rules by disturbing too much of his preserved farm’s soil and directed the State Agriculture Development Committee (SADC) to create rules that specify how much soil disturbance on preserved farms is too much. The SADC’s proposed Soil Protection Standards would limit activities known to damage soils to 12 percent of a farm’s area—a reasonable compromise struck over a decade-plus investigation by a special subcommittee that I served on with several farmers and a well-respected municipal land use attorney. A waiver process would allow some farmers to exceed that standard in special circumstances.

Sadly, a small number of landowners and advocacy groups have attacked the proposed standards, arguing that there shouldn’t be any limits on the use of these preserved lands—even though New Jersey’s taxpayers funded the land’s preservation.

Fortunately, relatively few of the state’s preserved farms have approached the proposed limits on soil disturbance, which is why this is the perfect time to enact the proposed Soil Protection Standards. Let’s adopt this compromise solution before the problem gets too far out of control.

~  
Zuzana Mulkerin

~~-----~~  
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**From:** [Rebecca N](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Date:** Wednesday, November 1, 2023 7:39:06 PM

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Dear Ag Dept,

Please ensure soil standards are implemented to preserve lands set aside for conversation.

New Jersey's taxpayers funded the land's preservation. We deserve that land be maintained at reasonable levels -- the soil standards will help. Please keep the garden in the Garden State.

Sincerely,

Rebecca Nadolny





**Uttal, Jessica [AG]**

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**From:** Peggy Navitski <[REDACTED]>  
**Sent:** Saturday, November 11, 2023 3:23 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org  
**Subject:** [EXTERNAL] Soil Protection Rules for preserved farms

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To**  
PhishReport@cyber.nj.gov.

Dear SADC,

My name is Margaret Navitski, a resident of Bethlehem, Twp, NJ which lies within the Highlands Preservation region. I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms. I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse.

Thank you,  
Margaret Navitski

**From:** [Kathryn Nguyen](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] We must protect farmland as farmland.  
**Date:** Wednesday, November 1, 2023 5:43:57 PM

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It is vitally important that farmland remain possible to continue to be farmland for the future.

In 2018, the NJ Supreme Court ruled unanimously that a farmer violated the rules by disturbing too much of his preserved farm's soil and directed the State Agriculture Development Committee (SADC) to create rules that specify how much soil disturbance on preserved farms is too much. The SADC's proposed Soil Protection Standards would limit activities known to damage soils to 12 percent of a farm's area—a reasonable compromise struck over a decade-plus investigation by a special subcommittee that a very well-respected environmentalist served on with several farmers and a well-respected municipal land use attorney. A waiver process would allow some farmers to exceed that standard in special circumstances.

Sadly, a small number of landowners and advocacy groups have attacked the proposed standards, arguing that there shouldn't be any limits on the use of these preserved lands—even though New Jersey's taxpayers funded the land's preservation.

Fortunately, relatively few of the state's preserved farms have approached the proposed limits on soil disturbance, which is why this is the perfect time to enact the proposed Soil Protection Standards. Let's adopt this compromise solution before the problem gets too far out of control.

Sincerely,

Mrs. Kathryn Nguyen  
East Brunswick, NJ

**Uttal, Jessica [AG]**

---

**From:** Julie Noonan <j >  
**Sent:** Saturday, November 11, 2023 7:36 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support proposed standards

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I fully support the proposed standards for preserved farmlands.

The standards should also be retroactive and apply fully to garden state growers and others who have violated the use of preserved land. What they have done is not what taxpayers were seeking in the preserved land.

Julie Noonan

Sent from my iPhone

**From:**  
**To:** [SADCPublicComments, NJDA \(AG\)](#)  
**Subject:** [EXTERNAL] Enact the proposed Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 4:59:15 PM

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I am in support of protecting NJ's preserved farmlands.

Karen O'Connell  
Princeton NJ

**From:** [Andrea Odezynska](#)  
**To:** [SADCPublicComments.NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protect NJ's Open Space  
**Date:** Friday, November 3, 2023 3:08:39 PM

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To whom it may concern:

I am a homeowner and pay taxes in Princeton, NJ. Sadly, more and more of New Jersey's farmland is being developed. My taxes are supposed to protect farm lands. But despite their preservation status, these lands are under constant pressure for development that undermines the very reason that the public paid to protect them. Pressure continues to build for parking lots, gravel roads, riding arenas, greenhouses, and even large luxury homes on the Garden State's preserved farms. New Jersey is becoming ugly and environmentally polluted.

All along Dey Road in Plainsboro, NJ, protected farmland has given way to ugly cheaply built developments. These developments go up quickly, with no plan. There is no tree cover from the road. Have these developers ever seen Singapore? A country like that would never allow so much land to be used up for tacky single family homes. It's embarrassing.

Please do the right thing and honor your agreement with taxpayers. Thank you.

Best,

Andrea Odezynska

**From:**  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for new Soil Protection Standards  
**Date:** Monday, November 6, 2023 3:07:13 PM

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I wish to register my support for the proposed Soil Protection Standards to protect preserved farmland from being covered with pavement, buildings and other activities which could damage soils.

Carolyn Olsen  
Pennington, NJ

**From:** [Michael Newman & Laura Oltman](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 8:26:09 PM

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Dear Committee Members,

I encourage you to adopt the proposed Soil Protection Standards as soon as possible.

Your truly,  
Laura Oltman

[Sent from the all new AOL app for iOS](#)

**Uttal, Jessica [AG]**

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**From:** Lou and Amy Ondreyka ·  
**Sent:** Thursday, November 9, 2023 10:13 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] NJ Soil Protection

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I am an longtime NJ resident and taxpayer and I support the proposed NJ soil protection standards that will help protect preserved farmland in New Jersey.

Amy Ondreyka  
Pennington NJ  
Sent from my iPhone



**From:** [Eva Ondreyka](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Farmland Preservation  
**Date:** Wednesday, November 1, 2023 7:25:23 PM

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Dear State of New Jersey,

I am writing to express my **strong support for the proposed Soil Preservation Standards**. I am 21 years old and have been a resident of Mercer County, NJ for 19 years. The continued development of residential and commercial properties on New Jersey farmland is extremely concerning for the future of the state's environmental and agricultural economy. Now, studying environmental science in college, I understand that soil disturbance has the potential to disrupt the ability of New Jersey to feed its growing population and combat the impacts of climate change. I implore you to support the proposed Soil Preservation Standards in order to protect New Jersey and its people.

Sincerely,  
Eva

**Uttal, Jessica [AG]**

---

**From:** Barry O'Neill  
**Sent:** Wednesday, November 8, 2023 6:22 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support for Soil Protection Standards

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

To the members of the SADC,

I write to voice my support for the proposed Soil Protection Standards at 55 NJR 8(1).

The vast protected farmlands is one of the main reasons I live in New Jersey. Any landowner which has accepted taxpayer funds to have their land preserved must adhere to the principles of the preservation, both legally, and in intention. The proposals to enshrine in law further protections for preserved land are a great idea, and should be adopted.

Thank you.

regards,  
Barry O'Neill

**From:** [Susan Orsini](#)  
**To:** [SADCPublicComments\\_NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Sunday, November 5, 2023 8:37:04 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

To: State Agricultural Development Committee:

I am sending this message of support in order to protect land acquired under the Farmland Preservation program to limit the disturbance of soils on these preserved open spaces as outlined in the proposed Soil Protection Standards legislation. These preserved open spaces are a treasure for future generations and at some point due to global warming we may have to rely on these properties to feed the citizens of NJ. I along with others concerned urge the SADC to protect NJ's fertile soils and adopt the proposed rule.

I also would urge the committee to come up with a plan to incentivize the development of some of the preserved farmland as Community Supported Agriculture (CSA's) . I would like to see more educational programs to show the benefits to members of our communities to buy their vegetables and fruits locally rather than purchase produce that is coming in on trucks from outside NJ more than a 1000 miles away. CSA's bring people onto farms and they can more readily appreciate the soil that helped in producing the beautiful vegetables that they are bringing home to feed their families. My husband and I joined a CSA in our community and the benefits to our family were tremendous especially during COVID-19. We looked forward to our farm visit each week, it lifted our spirits. We were happy to be supporting a local farm family as well as the environment. There are many young people who want to go into farming but have difficulty affording land in NJ. If some of the property acquired by the Preservation Trust Fund could be leased to these young farmers based on a percentage of profits model then expensive farmland could become accessible to a new generation.

Kind Regards,  
Susan Orsini

**From:**  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [senbsmith@nileg.org](mailto:senbsmith@nileg.org)  
**Subject:** [EXTERNAL] RE: Soil Protection Rules for Preserved Farms  
**Date:** Tuesday, November 14, 2023 9:09:32 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Dear SADC,

My name is Alexa Parliyan, NJ Hampton resident which lies within the Highlands Preservation region.

I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms. I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse.

Respectfully submitted,

Alexa Parliyan

**From:** [Ali Parrington](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] I support the proposed SADC Soil Protection Standards  
**Date:** Saturday, November 4, 2023 5:20:43 PM

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To whom it may concern,

It is reasonable to limit activities known to damage soils to 12 percent of a land's area when the land has been added to the NJ Farmland Preservation Program. Landowners are paid to include their land in the program and still allowed to continue living on and using the land in a sustainable way. The idea that there should not be any limit on the use of preserved lands--lands that NJ taxpayers have helped fund--is ridiculous. Frankly, 12 percent seems generous and a fair compromise for all parties. I urge the SADC to adopt the proposed Soil Protection Standards without delay.

Best,  
Ali Parrington

**From:** [Donald Pitches](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection  
**Date:** Friday, November 10, 2023 11:11:38 AM

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SADC,  
I would appreciate your support and passage of the new Soil Protection Standards proposal.  
Sincerely,  
Donald Pitches

**Uttal, Jessica [AG]**

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**From:** jean public <jeanpublic1@gmail.com>  
**Sent:** Saturday, November 11, 2023 7:36 PM  
**To:** SADCPublicComments, NJDA [AG]; tom.kean@mail.house.gov; senzwicker@njleg.org; Roy Freiman; aswjaffer@njleg.oeg  
**Subject:** [EXTERNAL] Fwd: Notice of extension for public comment on SPS rules

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all preserved farmland that the taxpayers of nj have paid to preserve and protect shall be of ghe highest quality without pollution from toxic chemicals. it should be organic and natural with no atrazine, glyphosate, pfos, pfas or other toxic chemicals being used on it. the owners must submit proof of such non polluted lands every ten years to the preserved farmland program or upon selling, which ever comes first. this comment is for the soil study that has been noticed above.

----- Forwarded message -----

**From:** Uttal, Jessica [AG] <[Jessica.Uttal@ag.nj.gov](mailto:Jessica.Uttal@ag.nj.gov)>  
**Date:** Tue, Oct 31, 2023 at 1:41 PM  
**Subject:** Notice of extension for public comment on SPS rules  
**To:**

**Good Afternoon,**

**Please see below Notice of Extension:**

**Good Afternoon,**

**Please see below Notice of Extension:**

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Notice of Extension of Public Comment Period on SADC Rule Proposal Establishing Soil Protection Standards on Preserved Farmland**



**From:** [jean\\_public](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Re: The State We're In - Don't treat soils on preserved farms like dirt!  
**Date:** Thursday, October 19, 2023 12:37:36 PM

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this 12% makes sense and the extra 1% nly for those farms preserved before this proposal also makes sense to me. does the general public get a real chance to comment more on this proposal on how their tax dollars are spent. i dont think 99% of nj knows about this proposal. jean publiee [jeanpublic1@gmail.com](mailto:jeanpublic1@gmail.com)

On Thu, Oct 19, 2023 at 12:26 PM Jay Watson <[info@njconservation.org](mailto:info@njconservation.org)> wrote:

**63 years. 140,000 acres. 1 New Jersey.**

**New Jersey Conservation Foundation** preserves land for you. But we can't do it alone. Become a member today!



## Don't treat soils on preserved farms like dirt!

Think of a farm, and you may picture rolling fields with rows of vegetables, orchards of fruit and nut trees, and bucolic pastures with cows and sheep.

But farms in the Garden State often include a whole lot more: roadside stands, greenhouses, corn mazes, hay wagon rides, markets selling everything from baked goods to gourmet cheeses, farm animal petting displays, tasting rooms for farm-made beer, cider and wine, and parking for all these activities.

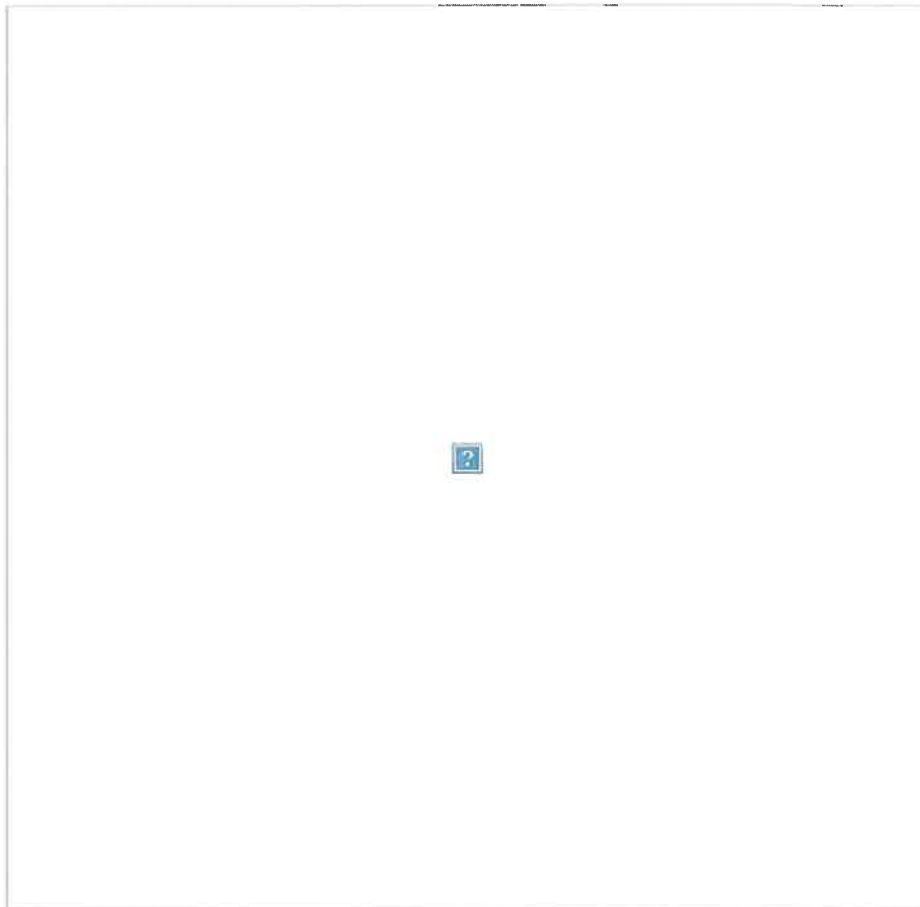
It's widely recognized that such amenities – often called “agritourism” – give farms an economic shot in the arm. But how much is too much on land that is **permanently preserved for agriculture using taxpayer dollars?**

That's a question New Jersey's farmland preservation program has grappled with for many years. The answer has to do with safeguarding the fertile soils that made the farms worth preserving in the first place – and a New Jersey Supreme Court mandate to set a limit on soil disturbance.

Approximately 2,800 farms have been permanently preserved in New Jersey since the state's farmland preservation program began 40 years ago, using over \$1.8 billion in public funds. One big reason these farms were preserved is because **their soils are the best quality for growing local foods.**

The Supreme Court order to protect soils on preserved farms came in 2018 after a lengthy legal battle over severe soil destruction on preserved farmland in Hunterdon County. In its ruling, the Supreme Court said, "The preservation of high-quality soil and open space for future generations is one of the chief aims of the Farmland Preservation Program."

The court directed the State Agriculture Development Committee (SADC), which runs the farmland preservation program, to adopt clear soil protection standards for preserved farms.



This summer, the **state released a set of proposed standards** that would allow 12 percent of a preserved farm's soils to be disturbed. This, in effect, puts a limit on building

coverage, and on the excavation, leveling and stockpiling of soil. The proposed rules would allow farm owners to apply for waivers to exceed the disturbance limit to a maximum of 15 percent, depending on circumstances. The rules also set out procedures for rehabilitating disturbed soils so they no longer count toward the limit.

Soil protection advocates – including New Jersey Conservation Foundation – had wanted even stronger protections, but are urging the state to adopt the current proposal. It is critical that some measure of soil protection be put in place without delay, as degraded soils are extremely difficult to restore and can limit the ability of the land to grow food in the future.

**“It’s clear that we need limits on disturbance to protect fertile soils,”** said Jim Waltman, executive director of the nonprofit Watershed Institute in Pennington, and a former member of the SADC who worked on soil protection issues for more than a decade. **“It’s almost impossible to bring soils back once they’re destroyed.”**

It should be noted that the federal government’s farmland preservation program, run by the U.S. Department of Agriculture, has already put stronger standards in place to protect soils.

The proposed New Jersey rules are a step forward in keeping the “garden” in the Garden State. Top quality soils for growing food are increasingly rare, which is why they need to be valued and protected. And because farms with the highest quality soils get priority for state preservation funding, it makes sense to protect the taxpayers’ investment.

Speak out for protecting soils on preserved farms! **All New Jerseyans are affected by these soil standards**, since we all have to eat. Let’s safeguard the fertile, preserved soils that can feed our state, now and in the future.

To learn more about the proposed rules, go to the SADC website at <https://www.nj.gov/agriculture/sadc/farmpreserve/soilprotection/index.html>. To comment on the proposed rules, send an email to [SADC@ag.state.nj.us](mailto:SADC@ag.state.nj.us). The deadline for public comments is Nov. 6.

For more information about preserving New Jersey’s land and natural resources – including farmland with quality soils – visit the New Jersey Conservation Foundation website at [www.njconservation.org](http://www.njconservation.org) or contact me at [info@njconservation.org](mailto:info@njconservation.org).



**New Jersey Conservation Foundation**

170 Longview Road | Far Hills, New Jersey 07931-2623

**Uttal, Jessica [AG]**

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**From:** Toni Robbi  
**Sent:** Thursday, November 9, 2023 9:24 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Soil Protection Standards

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I wholeheartedly support the updated standards. As flood events become more frequent as the climate warms, we must strengthen rules to keep up.

Anthony Robbi, former member E. Amwell Environmental Commission, Hunterdon County

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please reply to

**Uttal, Jessica [AG]**

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**From:** Glorianne Robbi  
**Sent:** Thursday, November 9, 2023 12:43 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support New Rule to Protect Preserved Farmland

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Attention of the SADC:

I write to urge the SADC to adopt the proposed rule to protect New Jersey's preserved farmland, its fertile soils and protections against flooding.

Respectfully,

Glorianne Robbi, former mayor and chairperson of East Amwell Township's Farmland & Open Space Committee (Hunterdon County).

**From:** [Sarah Roberts](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 11:27:37 PM

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As a resident of New Jersey for 37 years, I have been paying taxes to my town, county and the state to preserve farmland. I have seen and heard of examples of preserved farmland that is used for horse racing, covered by greenhouses, and otherwise abused. This is not what I want my farmland preservation taxes to buy. Please vote for the proposed soil protection standards, with as low a percent of our preserved farm soils allowed to be covered as you can get the votes to pass, before it is too late, and before any more of our preserved farmland is covered.

Thank you,  
Sarah Roberts

**Uttal, Jessica [AG]**

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**From:** Elisabeth <e >  
**Sent:** Sunday, November 12, 2023 8:23 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] The SADC's proposed Soil Protection Standards

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I urge the SADC to protect NJ's fertile soils and protect against flooding by adopting the proposed rule.

Thank you.

Cheers,



Elisabeth S. Rodgers

-----  
"We possess art lest we die of the truth." -- Friedrich Nietzsche

"We must have the stubbornness to accept our gladness in the ruthless furnace of this world." -- Jack Gilbert

"A man's reach should exceed his grasp, Or what's a heaven for?" -- Robert Browning





**Uttal, Jessica [AG]**

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**From:** Carol Rogaski <>  
**Sent:** Thursday, November 9, 2023 10:30 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support for Soil Protection Standards

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PhishReport@cyber.nj.gov.**

Dear Committee Members,

I am writing to urge you to support the Soil Protection Standards.

Having lived in areas in NJ that had previously gone from farmlands to corporate parks, and having seen the resulting flooding, I think it is very important to make sure that the Watershed is protected, that natural areas can be maintained and that sustainable farming practices continue.

I think it is especially important, as too often it seems that after preservation, there are individuals/groups that have felt that they should have the final say in terms of building, and usage, trying eminent domain tactics for pipelines, etc. with land that has been preserved by our taxes and land preservation donations.

Thank you,  
Carol Rogaski  
Hopewell Twp. NJ

**From:** [Elizabeth Romanau](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for Soil Protection standards  
**Date:** Wednesday, November 1, 2023 5:46:48 PM

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Dear Dir or Madam,

As large areas of the country become less suitable for farming due to climate change, we need to do everything we can to preserve New Jersey's farms and soil. I am in favor of the soil protection act now under consideration.

Sincerely, yours, Elizabeth, Romanau, 2023

**From:** [Jane Rothfuss](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protect NJ's soils - adopt SADC's proposed Soil Protection Standards  
**Date:** Sunday, November 19, 2023 8:03:08 PM

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Dear Committee Members,

I am writing in support of the proposed Soil Protection Standards that will limit to 12% the amount of soil disturbance that can occur on a preserved farm in New Jersey.

As a resident of NJ, I have seen the benefits of farmland protection in my town of Roosevelt, Monmouth County, in the nearby towns such as East Windsor, Mercer County, and all over the state. We all gain much in terms of flood protection, water quality protection, wildlife habitat, aesthetic values, and locally-grown food and flowers.

As a tax-payer, my funds have gone to this program which has been quite successful, with private landowners being well-compensated for the development rights of their properties. They are allowed to continue living on and using the land for agricultural purposes as long as they refrain from activities that are detrimental to soil conservation and to flood control.

The NJ Supreme Court has directed you (SADC) to create rules that specify how much soil disturbance on preserved farms is allowed. The proposed standard, reached through a decade of study and compromise, would limit soil-damaging activities to 12% of a farm's area. Some landowners and others have argued that there should be no limit on what they can do on a preserved farm, which is outrageous and would completely violate the letter and the spirit of the farmland preservation program, funded with taxpayer money.

I strongly urge you to adopt the proposed Soil Protection Standards, for the benefit of all of the citizens of New Jersey, present and in the future.

Sincerely,  
Jane Rothfuss

Roosevelt, NJ 08555

**From:** [KIRK ROTHFUSS](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] SADC's proposed Soil Protection Standards  
**Date:** Saturday, November 25, 2023 5:23:02 PM

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Dear Committee Members,

I am writing in support of the proposed Soil Protection Standards that will limit to 12% the amount of soil disturbance that can occur on a preserved farm in New Jersey.

As a board member of the Fund for Roosevelt Inc. nonprofit land preservation organization in the Borough of Roosevelt, Monmouth County New Jersey I have seen the benefits here and all over the state.

Citizen taxes have been used to fairly compensate private landowners for the development rights of their properties. These landowners are allowed to continue living on and using the land for agricultural purposes as long as they refrain from activities that are detrimental to soil conservation and to flood control.

The NJ Supreme Court has directed you (SADC) to create rules that specify how much soil disturbance on preserved farms is allowed. The proposed standard, reached through a decade of study and compromise, would limit soil-damaging activities to 12% of a farm's area. Some landowners and others have argued that there should be no limit on what they can do on a preserved farm, which is outrageous and would completely violate the letter and the spirit of the farmland preservation program, funded with taxpayer money.

I strongly urge you to adopt the proposed Soil Protection Standards, for the benefit of all of the citizens of New Jersey, present and in the future.

Sincerely,

Kirk Rothfuss  
Board Member

Fund for Roosevelt Inc.

Roosevelt, NJ 08555

**Uttal, Jessica [AG]**

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**From:** Cynthia Sage <>  
**Sent:** Thursday, November 9, 2023 10:44 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] farmland protection

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

To whom it may concern:

I support the new Soil Protection Standards created by the SADC to regulate the amount of soil disturbance that is permitted on Preserved Farm Lands. It is important to protect the fertile soils of farmland so it can continue to be used for farming and to protect the land against increased flooding and degradation. We own a 10 acre property in Millstone Township that is being used for farming. We are in the process of having this property preserved as farmland.

Thank you for seriously considering this proposal.

Cynthia and Jacob Sage

**From:** [Virginia Santana-Ferrer](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Immediate Action Needed to Protect Farmland  
**Date:** Monday, November 6, 2023 11:18:54 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Hello,

Our New Jersey's farmland preservation program is something we New Jerseyans are proud of. But despite their preservation status, these lands are under constant pressure for development that undermines the very reason that the public paid to protect them. Pressure continues to build for parking lots, gravel roads, riding arenas, greenhouses, and even large luxury homes on the Garden State's preserved farms.

As we know, most of our preserved farmland is owned by private landowners who retain title to the land after its preservation. These landowners are paid generously to extinguish their rights to develop the land for residential and commercial purposes but they are allowed to continue living on and using the land for agricultural purposes, as long as they refrain from that which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation or "any other activity... which would be detrimental to the continued agricultural use of the Premises."

Our NJ Supreme Court has directed the State Agriculture Development Committee (SADC) to create rules that specify how much soil disturbance on preserved farms is too much. The SADC's proposed Soil Protection Standards would limit activities known to damage soils to 12 percent of a farm's area—a reasonable compromise struck over a decade-plus investigation. However, I understand that a small number of landowners and advocacy groups have attacked the proposed standards, arguing that there shouldn't be any limits on the use of these preserved lands—even though New Jersey's taxpayers funded the land's preservation.

**This is the perfect time to enact the proposed Soil Protection Standards. Let's adopt this compromise solution before the problem gets too far out of control.**

**As a caring resident of this state for more than 60 years with a concern for the future of the Garden State and the appropriate use of taxpayer funds, I register my support for the proposed Soil Protection Standards and urge the SADC to protect NJ's fertile soil and protect against flooding by adopting the proposed rule.**

Respectfully,

Virginia Santana-Ferrer

**Uttal, Jessica [AG]**

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**From:** Virginia Santana-Ferrer " " >  
**Sent:** Wednesday, January 31, 2024 8:06 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Proposed Soil Protection Standards

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

Proposed Soil Protection Standards..... SADC should protect NJ's fertile soils and protect against flooding by adopting the proposed rule.

The court has directed the State Agriculture Development Committee (SADC) to create rules that specify how much soil disturbance on preserved farms is too much. The SADC's proposed Soil Protection Standards would limit activities known to damage soils to 12 percent of a farm's area.

The state of New Jersey has proposed this important new rule to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils. The future of the Garden State, and the appropriate use of taxpayer funds should support the proposed Soil Protection Standards.

Thank You

Virginia Santana-Ferrer



**From:** [leslie.sauer](mailto:leslie.sauer)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [senbsmith@njleg.org](mailto:senbsmith@njleg.org)  
**Subject:** [EXTERNAL] Preserved farmland limits to disturbance  
**Date:** Saturday, November 25, 2023 8:16:31 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

My name is Leslie Sauer and my sister, Stephanie Jones, and I own a preserved family farm in Delaware Township. I am writing to convey our strong support for the proposed 12% limits on soil disturbance and impervious cover. Our family has supported farmland preservation since its inception and we recognize its value to the State. We have watched the various collisions about disturbance since Garden State Farms and support these needed limits. This program is intended as much to support the preservation of good agricultural soils as it is to support farming. As landowners we can continue to farm but not engage in destruction of the very resource we were compensated for to preserve. The SADC must hold firm in its important role for soil preservation. The activities being rejected by SADC do not depend on good soils and should not be located on those areas with easements meant to preserve this soil. Thank you for taking this problem seriously and proposing fair rules.

Leslie Sauer, Brook Hollow Farms  
Sergeantsville NJ

**From:** [Cathy Schaefer Batterman](#)  
**To:** [SADCPublicComments.NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Support for Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 5:09:13 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

State Agriculture Development Committee,

As a lifelong NJ resident, voter and mother of three children, I am writing to voice my support for the soil protection standards currently under evaluation. Please do not let farmland preservation and all its benefits be undermined by the actions of a few landowners. The prudent management of our few remaining open spaces and farm tracts is more important than ever as we are under increasing development pressure.

For the sake of my children and all children and residents of NJ, please enact these soil protection standards.

Thank you,  
Catherine Schaefer  
Princeton, NJ

**From:** [Anali Schafer](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] I support the Proposed Soil Protection Standards  
**Date:** Wednesday, November 1, 2023 8:13:20 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

I support the New Jersey proposed new rule to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils.

Anali Schafer

**From:** [Randi Scher](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protecting Soils  
**Date:** Thursday, October 19, 2023 2:06:58 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Hello-

I'm writing in support of the proposed rules for protecting NJ's farm soils from disturbance. As much as I sympathize with the desire of some farmers to increase their revenue stream through special function build-outs, the preservation of fertile soils is of the utmost importance. We have to be able to grow food, for now and in an uncertain future. I urge you to work of behalf of the conservation of one of our most important assets.

Thank you for your consideration.

Randi Scher

**Uttal, Jessica [AG]**

---

**From:** ki  
**Sent:** Wednesday, November 8, 2023 4:39 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] SPS

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

We strongly urge the SADC to protect NJ's fertile soils by adopting the proposed rule, the Soil Protection Standards.

Cornelia and W. Marshall Schmidt

**Uttal, Jessica [AG]**

---

**From:** Mary Schmidt <[mschmidt@nj.gov](mailto:mschmidt@nj.gov)>  
**Sent:** Thursday, November 9, 2023 3:28 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] I support NJ Soil Protection Standards

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Dear State Agriculture Development Committee:

I support NJ's Soil Protection Standards. According to soil scientist Hayden Ferguson of Montana, New Jersey has some of the best soil in America. He could never figure out why we let so much of it be paved and/or built upon. I agree with him. We need to preserve what we have left.

Thank you.

Regards,  
Mary Schmidt  
Hopewell, NJ

Sent from my iPad

**From:** [Patricia Shanley](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] \* Pass Soil Protection Standards \*  
**Date:** Thursday, November 2, 2023 8:53:23 PM

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To whom it concerns,

I fully support the proposed Soil Protection Standards. Our public farmlands have been saved with taxpayer funds for conservation. I urge you to protect NJ soils from flooding, erosion and fragmentation, and pass these critical Standards.

I grew up on the banks of the Passaic River and have seen how erosion and changing weather patterns have impacted our rivers, soils and farmlands. I am writing from the Brazilian Amazon where I am speaking at the National Botanical Congress, and where drought, floods, and loss of soil are causing risks to food security, threats to vulnerable species, and human health.

Ecosystem services provided by farmland and forest should not be undermined. For the sake of present and future citizens these Soil Protection Standards need to be established.

With thanks for your work to protect New Jersey's soils and our future,

Patricia

--

Patricia Shanley, Ph.D.  
Woods & Wayside International  
[www.woods-wayside.org](http://www.woods-wayside.org)  
People & Plants International  
[www.peopleandplants.org](http://www.peopleandplants.org)  
Ridgeview Conservancy  
[www.ridgeviewconservancy.org](http://www.ridgeviewconservancy.org)

**From:** [SETH SIDITSKY](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil protection standards  
**Date:** Thursday, November 2, 2023 9:05:07 AM

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Please adopt the soil protection standards that are proposed. They are important for the future of our green space in the Garden State

Seth Siditsky

Sent from my iPhone



**From:** [Morgan Silk](#)  
**To:** [SADCPublicComments, NJDA TAGI](#)  
**Subject:** [EXTERNAL] Preserved farmland rule  
**Date:** Wednesday, November 1, 2023 9:06:53 PM

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For more than forty years, the NJ Farmland Preservation Program has been an invaluable tool to sustain the agricultural economy of the state while preserving vast amounts of farmland in the face of constant development pressure.

Please adopt the proposed rule to save NJ preserved farmland and protect our state from flooding!

Signed,  
Morgan L. Silk

**From:** [Catherine Silva](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Thursday, November 9, 2023 9:51:44 AM

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We support and feel it is the perfect time to enact the proposed Soil Protection Standards.

Please note my families support as a community member of Mercer County NJ.

Catherine  
-----

**Uttal, Jessica [AG]**

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**From:** Lisa Simms <lsimms@nj.gov>  
**Sent:** Sunday, November 12, 2023 4:56 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Soil Protection Standards

\*\*\* CAUTION \*\*\* This message came from an EXTERNAL address (lsimms@nj.gov). DO NOT click on links or attachments unless you know the sender and the content is safe. New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.

Good Morning,

Please enact the proposed soil protection standards now.

We have all contributed to the preservation of farmland, to the great benefit of our communities and the state of New Jersey. Twelve percent should be the top limit to how much soil disturbance is allowed on preserved farmland. Let's make that happen and continue preserving farmland for the benefit of future generations.

Thank you!

--

Lisa Simms  
Jackson, NJ

**From:** [Luke Slott](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Public Comment In support of proposed limits on soil disturbance re: preserved farmland  
**Date:** Wednesday, November 1, 2023 3:34:03 PM

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To SADC:

Please implement the proposed standards allowing 12% of a preserved farm's soils to be disturbed. This is deeply important to me as a lifelong New Jerseyan - as well as future generations of our citizenry.

This is a common-sense approach that allows for reasonable commercial / agritourism development, while protecting soil integrity and health.

Thank you,  
Lucas Slott

Highland Lakes (Vernon) NJ 07422

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

October 2, 2023

The Farmland Preservation Program is the only and last Great Protector of our precious fertile farmland soils. The present soil standards proposal needs a number of changes to do right by the soil and farmers. In the early 1980's, The Right to Farm and the Farmland Preservation Program were enacted. It was voted on by taxpayers to preserve farmland soils and provide financing of the program by public taxes.

To date, 250,000 acres of New Jersey farmland has been preserved. The proposed soil standards call for allowing 12% of the 250,000 acres to be covered with impervious permanent coverage, which would be 30,000 acres. As an original voter for the program, a taxpayer and a farmer this is not what we envisioned with our votes and tax payments. 12% of 100 acres is 12 acres of potential potatoes growing. That is a lot of potatoes! To eliminate 30,000 acres of fertile soil is outrageous and reckless. 8% would be better with committee approval where it might be warranted.

Another concern is the error in calculation. The 12% is of the total property. This is a grave mistake. If you have 100 acres of land, half of which has prime fertile soil and the other half has waterways, ponds, steep slopes, mountainous terrain, stone formations and buildings, the calculation must be 12% of the prime fertile soils- not the total property. It cannot include the nonfarmable soil areas. Easements were paid on the value of the prime soils, that is what we want to protect. Instead, encourage permanent coverage be done on unfertile soil. Those who are not growing crops or grazing directly on the fertile soils do not need preserved farmland.

Addressing the idea of retroactive coverage is to assure the same terms and guidance for all preserved farmland. If it wasn't retroactive, prior farmers in the program (especially the one who caused this to become a court case) could continue destructive soil practices without restraint.

The "original" land owner of the preserved farm was paid for the whole property; and it was at the fair market value. The farmer received the money and yet kept the farm as a legacy. It is

an eat your cake and keep it too. The so-called issue is that the next buyer or inheritor of the land wants the farmland to become a similar asset increasing in value. This was not the intent of the program. The intent is for first land owner to get the money for the farm soils and future "real" farmers to get the fertile soil at an affordable price. Preserved Farmland cannot be perceived by wealthy investors as an investment, who want a private estate that taxpayers subsidize with farmland assessment reduced taxes. Preserved Farm land provides a way of life for real farmers. We the taxpayers benefit by local food source, healthy environment benefits, rural rustic scenic beauty, less development, less school taxes etc.

The preserved farmland cannot be seen as an investment where there will be a future increase in the value of the land, for example, putting large McMansions on preserved farmland. Preserved farmland must maintain a value that allows for future farmers to have it available in their financial reach, not out of reach because of expensive private estate building on it. Where is the house disturbance limitation? Where is the building in the footprint of prior residence area?

Yes, balance of protecting soils and agriculture endeavors, but lets not put the lawyer's or greedy pseudo farmer's thumb on the scale of justice. Do the right thing. We need fertile soil to grow nutritious food, plants, real food.

NO SOIL, NO FOOD, NO NEED FOR FARMERS

Respectfully submitted,  
*Patricia Springwell*  
Patricia Springwell

Calculation percentage %  
must be on Fertile soils.



Protect Fertile Soils

**From:** [Hannah B. Suthers](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Cc:** [Hannah B. Suthers](#)  
**Subject:** [EXTERNAL] Proposed Soil Protection Standards Act  
**Date:** Wednesday, November 1, 2023 9:37:58 PM

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I am writing to voice my support of the proposed Soil Protection Standards Act. It is unfortunate that such an act is necessary. But my tax money pays farmers to preserve their land, not to put additional buildings arenas, parking lots etc. on land that they are paid to preserve.

My boots are on the ground: I am an original member of a volunteer biological survey team that has surveyed year-around six such properties in Mercer County for preservation purposes, some for multiple years.

Please pass and enforce this law.

Sincerely,

Hannah Suthers

Hannah Bonsey Suthers  
Biologist, Bird Bander, Trainer  
Author: Not by Force but by Good Will, runner up USA Book News  
Tales from Makawao Maui, Hawaii, Issue 7: Hell in Paradise



**From:** [Linda Sweeney](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Thursday, November 2, 2023 10:00:04 AM

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Please vote to pass these. Taxpayers paid to save farmland. Individual farmers need to do the right thing. Please vote to strengthen these protections. We are the Garden State after all.

Sent from my iPhone

**Uttal, Jessica [AG]**

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**From:** Elizabeth Thompson <[REDACTED]>  
**Sent:** Thursday, November 9, 2023 3:42 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support for new rule Re: preserved farmland

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I support enacting the proposed rule for soil protection! So important!!

Elizabeth Thompson  
{

**Uttal, Jessica [AG]**

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**From:** Theresa Thorsen  
**Sent:** Thursday, November 9, 2023 10:28 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] soil protection standards

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One word—floods

**From:** [Jeannie](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] In Support of New Rule to limit How much soil can be covered under Farmland Protection Program.  
**Date:** Thursday, November 9, 2023 11:30:46 AM

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I am writing in support of the important new rule to protect preserved farmland in NJ by limiting how much of their fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils.

I have always been very proud that New Jersey's farmland preservation program. It is the envy of the nation. The NJ Farmland Preservation Program has been an invaluable tool to sustain the agricultural economy of the state while preserving vast amounts of farmland in the face of constant development pressure.

We should not allow developers and businesses to pressure the state into allowing them to cover important land with impermeable surfaces.

Please protect this preserved farmland by putting real limits on what can be covered by pavement, gravel, buildings and other activities that damage soils.

Thank you,

Jean Toher

Asbury Park, NJ 07712

phone

**Uttal, Jessica [AG]**

---

**From:** Robert Tomaselli <  
**Sent:** Wednesday, November 8, 2023 5:15 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Preserved Farmland

**\*\*\* CAUTION \*\*\***

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I wish to register my support for maintain limits on the development of farmland that has been preserved thanks to the generous support of all New Jersey taxpayers. Preserved farmland must continue to have strict limits placed on the amount of roads, buildings and other impervious surfaces are allowed to be constructed on the farm land.

Sincerely,  
Robert Tomaselli

Hopewell, Mercer County, NJ, 08525

Sent from [Mail](#) for Windows

**From:** [peter q tovar](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Farmland Preservation Rule Proposal  
**Date:** Wednesday, November 1, 2023 4:31:19 PM

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Dear Members of the State Agricultural Committee,

I want to register my support for the state of New Jersey proposal for a new rule to protect preserved farmland by limiting how much of a landowner's fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils.

They knew exactly what they were doing when they took public money to preserve their land and they should not be allowed to ignore their commitment.

Thank you,

Peter Tovar

---, Princeton, NJ 08540

**From:** [Mary Tulloss](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil protection standards  
**Date:** Wednesday, November 22, 2023 11:57:20 AM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

Dear Committee Members,

I am writing in support of the proposed Soil Protection Standards that will limit to 12% the amount of soil disturbance that can occur on a preserved farm in New Jersey.

As a resident of NJ, I have seen the benefits of farmland protection in my town of Roosevelt, Monmouth County, in the nearby towns such as East Windsor, Mercer County, and all over the state. We all gain much in terms of flood protection, water quality protection, wildlife habitat, aesthetic values, and locally-grown food and flowers.

As a tax-payer, my funds have gone to this program which has been quite successful, with private landowners being well-compensated for the development rights of their properties. They are allowed to continue living on and using the land for agricultural purposes as long as they refrain from activities that are detrimental to soil conservation and to flood control.

The NJ Supreme Court has directed you (SADC) to create rules that specify how much soil disturbance on preserved farms is allowed. The proposed standard, reached through a decade of study and compromise, would limit soil-damaging activities to 12% of a farm's area. Some landowners and others have argued that there should be no limit on what they can do on a preserved farm, which is outrageous and would completely violate the letter and the spirit of the farmland preservation program, funded with taxpayer money.

I strongly urge you to adopt the proposed Soil Protection Standards, for the benefit of all of the citizens of New Jersey, present and in the future.

Sincerely,  
Mary Tulloss

**Uttal, Jessica [AG]**

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**From:** Sandy Van Sant  
**Sent:** Wednesday, November 8, 2023 6:00 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Farmland preservation

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**PhishReport@cyber.nj.gov.**

I am heartily in favor of the proposed soil protection rule on preserved farmland. Please see that it is enacted for our future.

Thank you.

Sandra Van Sant

, Monmouth Beach, NJ 07750



**From:** [Rosina Van Strien](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL]  
**Date:** Friday, November 3, 2023 9:20:47 AM

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I support soil preservation and the marvelous job that has been done in the past. Continued support and protection is surely needed if we are to save these gems as they were intended. Don't let greed and convenience ruin NJ green legacy.

Rosina Vanstrien

**Uttal, Jessica [AG]**

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**From:** [REDACTED]  
**Sent:** Wednesday, November 8, 2023 4:24 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] I support Soil Protection Standards

**\*\*\* CAUTION \*\*\***

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I support Soil Protection Standards. I expect that preserved farmland will remain undeveloped.  
John S. Wallmark  
Montgomery Township

February 23, 2024

Susan E. Payne, Executive Director  
State Agriculture Development Committee  
PO Box 330  
Trenton New Jersey 08625-0330

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

**Re: Soil Disturbance on Preserved Farmland and Supplemental Soil Disturbance Standards Proposed New Rules: N.J.A.C. 2:76-25 and 25**

Dear Ms. Payne,

I am writing as a former member of the State Agriculture Development Committee (SADC) to urge you to adopt the above-referenced proposed rule. I served on the Committee from January 2008 until April 2023. During most of my tenure on the SADC, I also served on the Soil Protection Subcommittee, which included both “Public Members” and “Farmer Members” of the SADC and worked diligently to draft rules to limit the extent to which soils can be damaged on the state’s preserved farms.

Although the compromise proposal that the Subcommittee crafted is not the one that I would have preferred, the measure is a good faith effort to address a real problem and it should be adopted as expeditiously as possible.

New Jersey’s farmland preservation program is the envy of the nation, and I was proud to help expand the amount of farmland preserved in our state and to steward the state’s preserved farms. More than \$1.8 billion in public funds have been spent to preserve more than a quarter of a million acres of land on 2,800 farms.

Unfortunately, despite their preservation status, these lands are under constant pressure for activities and development that undermines the very reason that the public paid to protect them. During my 15 years on the SADC, I witnessed mounting pressure for activities that damage and destroy fertile soil on preserved farmland, including parking lots, gravel roads, riding arenas, greenhouses, and even enormous luxury homes that are far beyond the means of most of the state’s residents.

During my tenure on the SADC, and in the months after my service on the Committee ended, I have had two main concerns about the existence of such soil degrading activities on preserved farms. First, as demonstrated by analysis performed by the Natural Resources Conservation Service, soil alteration, soil surfacing, and soil compaction, as defined in the proposed rule, undermine the value and productivity of farmland.

Second, if the public loses faith in the program because soils on preserved farms are not protected, they will stop voting to support the program with public funds. There must be a limit to how much of our preserved farmland can be covered with pavement, gravel, buildings and other impervious land surfaces and suspended surfaces; compacted with heavy machinery; and altered through grading, leveling, cut and fill. If these soil damaging activities expand without limit, public support for the program will eventually be lost.

For more than forty years, the NJ Farmland Preservation Program has been an invaluable tool to sustain the agricultural economy of the state while preserving vast amounts of farmland in the face of constant development pressure.

Unlike most open space preservation programs under which a government or nonprofit entity becomes the permanent caretaker after land is preserved, most of our preserved farmland is owned by private landowners who retain title to the land after its preservation.

These landowners are paid generously to extinguish their rights to develop the land for residential and commercial purposes but they are allowed to continue living on and using the land for agricultural purposes, as long as they refrain from activities that “would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation” or “any other activity... which would be detrimental to the continued agricultural use of the Premises.”

Unfortunately, a few owners of preserved farmland have broken this careful, bipartisan compromise by pursuing activities that clearly undermine the program’s conservation and agricultural goals. In 2008, a preserved farm in Hunterdon County called Garden State Growers became an egregious example.

The owner sought to build 300-foot-long greenhouses on the preserved farm’s sloping land in order to grow flowers for sale in big-box stores and other large retailers. To accomplish this, the owner excavated deep cuts into the ground—up to 12-feet deep in some places—to create flattened terraces on which to build greenhouses, destroying the preserved farm’s native soil. In what I believe was one of my first votes on the Committee, the SADC found the farm’s owner in violation of the deed of easement, a ruling that was eventually upheld by the New Jersey Supreme Court in a 7-0 ruling.

In its ruling, the court directed the SADC to create rules that specify how much soil disturbance on preserved farms is too much. The SADC’s proposed Soil Protection Standards would limit activities known to damage soils to 12 percent of a farm’s area—a reasonable compromise struck

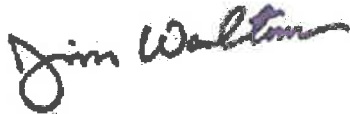
over a decade-plus investigation by the Soil Protection Subcommittee on which I served. A waiver process would allow some farmers to exceed that standard in special circumstances.

Sadly, a small number of landowners and advocacy groups have attacked the proposed standards, arguing that there shouldn't be any limits on the use of these preserved lands—even though New Jersey's taxpayers funded the land's preservation. During my time on the SADC, we went out of our way to hear the concerns of these opponents of soil protection standards, delaying their publication time and time again, to provide additional opportunities for them to voice their concerns. In my view, these concerns are outrageously overblown and should be dismissed as out of hand.

Fortunately, relatively few of the state's preserved farms have approached the proposed limits on soil disturbance. Which is why this is the perfect time to enact the proposed Soil Protection Standards.

Please adopt the proposed Soil Protection Standards as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Jim Waltman". The signature is written in a cursive, slightly slanted style.

Jim Waltman

Hopewell, NJ 08525

**Uttal, Jessica [AG]**

---

**From:** Paula Warner  
**Sent:** Sunday, November 12, 2023 12:00 PM  
**To:** SADCPublicComments, NJDA [AG]; senbsmith@njleg.org  
**Subject:** [EXTERNAL] PLEASE LISTEN for generations to come!!!!

**\*\*\* CAUTION \*\*\***

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

Dear SADC,

My name is Paula Warner, Hunterdon County resident which lies within the Highlands Preservation region. I urge you to support and adopt SADC's new rules which limit impervious cover and other forms of soil disturbance on preserved farms. I think the new rules are appropriate because they reflect taxpayer expectations and protect agricultural soil from excessive abuse.

Respectfully submitted,

Paula Warner

Thank you

**From:** [Edward Wickham](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standard  
**Date:** Wednesday, November 1, 2023 6:34:05 PM

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

I am in support of the proposed Soil Protection Standards. The standards, proposed by New Jersey, will protect preserved farmland by limiting how much of fertile soils can be covered by pavement, gravel, buildings, and other activities that damage soils.

Ed Wickham

**Uttal, Jessica [AG]**

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**From:** Suzanne Wilder <[REDACTED]>  
**Sent:** Sunday, November 12, 2023 7:28 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Cc:** senbsmith@njleg.org; Suzanne Wilder  
**Subject:** [EXTERNAL] Support SADCs proposed rules limits on preserved soils

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To PhishReport@cyber.nj.gov.**

To Whom It May Concern,

I urge you to support and adopt the SADC's proposed new rules limiting the allowed impervious coverage and damage to NJ's preserved farmland soil. The tax payers of NJ have year after year paid to preserve and protect these soils which are some of the best agricultural soils in the country. Limiting disturbance to 12% is totally appropriate and fair to the farmers and NJ's tax payers.

Respectfully submitted,  
Suzanne Wilder

Hampton, NJ 08827 (Hunterdon County)



**From:** [Kelly W.](#)  
**To:** [SADCPublicComments.NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Soil Protection Standards  
**Date:** Friday, November 3, 2023 8:51:01 AM

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\*\*\* CAUTION \*\*\*

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**New Jersey State Government Employees Should Forward Messages That May Be Cyber Security Risks To** [PhishReport@cyber.nj.gov](mailto:PhishReport@cyber.nj.gov).

I am writing to you to encourage support for the New Jersey soil protection standards.

I am a registered voter and deeply concerned about this issue.

Thank you,  
Kelly Williams

**From:** [Discretion Winter](#)  
**To:** [SADCPublicComments, NJDA \[AG\]](#)  
**Subject:** [EXTERNAL] Protecting NJ's Protected Lands  
**Date:** Friday, November 3, 2023 8:57:25 AM

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Dear Committee Members,

I'm troubled to read that designated protected land is in fact not be protected properly, per terms of the original agreements.

This is no way to earn trust in our institutions or protect our state from further over development and flooding. Ours in a small state and we must protect the little open spaces remaining, in a sustainable manner aligned to the continued vitality of our agriculture. I am writing to convey my support for the soil preservation solution advanced by the Watershed Institute.

I encourage you to carefully consider The Watershed Institute's proposal for protecting NJ's protected lands, which has been publicly submitted to your attention.

Thank you.

Regards,

Discretion Winter  
Metuchen

Sent from my iPhone

**Uttal, Jessica [AG]**

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**From:** Joan Wood <joan.wood@nj.gov>  
**Sent:** Wednesday, November 8, 2023 4:59 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] o please

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I have been contacted by the Watershed Institute that there is a good possibility that the State is going to mess with the legislation that keeps green areas safe. Our land laws are one thing that all Jersians have been able to be proud of for years now. Even though we are, I believe, the country's most populous state, our interest in preserving what's left is legendary. I once had a conversation in a diner many years ago with someone bad mouthing NJ (medical waste had just washed up on our shore) and was grateful to be able to point out that the state we were all having breakfast in (I think it might have been Idaho) didn't do much at all because they felt so safe with low population and lots of open land. NJ, on the other hand, was doing a wonderful job on preservation.

**Uttal, Jessica [AG]**

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**From:** Nick Woodbury <[REDACTED]>  
**Sent:** Sunday, November 12, 2023 7:00 AM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Support Soil Protection

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PhishReport@cyber.nj.gov.**

I am a Princeton, NJ resident emailing to share my support for the proposed soil protection standards. Thank you.  
Nicholas Woodbury

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**Uttal, Jessica [AG]**

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**From:** Daniel Zenowich <[REDACTED]>  
**Sent:** Wednesday, November 8, 2023 4:35 PM  
**To:** SADCPublicComments, NJDA [AG]  
**Subject:** [EXTERNAL] Adopt the proposed specific new rule to protect preserved farmland

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Please adopt the state of New Jersey's new rule to protect preserved farmland by limiting how much of their fertile soils can be covered by pavement, gravel, new buildings and other activities that damage soils.

Sent from my iPhone