

**Minutes of the September 26, 2022**  
**Somerset County Agriculture Development Board**

Following the Pledge of Allegiance, the September 26, 2022 Somerset County Agriculture Development Board (SCADB) Meeting began at 8:00 A.M. Due to the COVID-19 Pandemic, this meeting was held in person for the first time during 2022.

**Open Public Meetings Statement**

Chairman Mark Kirby reported the meeting had been duly advertised in accordance with Open Public Meetings Act as follows:

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*, adequate notice of this meeting has been provided. The date and time information for this meeting were published in The Star-Ledger and the Courier News. The agenda for this meeting was also posted on the County Agriculture Development Board website.

**Roll Call**

Roll call was taken. There was a quorum.

**Members in Attendance:**

Mark W. Kirby, Chairman  
W. Peter Staats, Vice Chairman  
Sandra D. Rhue, Secretary/Treasurer  
Kenneth Osterman  
Laura DePrado  
Robert Shultz  
Matt D'Alessandro, Soil Conservation District

**Members Not in Attendance:**

County Commissioner Paul Drake, Liaison

**Somerset County Staff:**

Walter C. Lane, Director, Office of Planning, Policy and Economic Development  
Kate Katzer, Principal Planner, Office of Planning, Policy and Economic Development  
Thomas Boccino, Supervising Planner – Preservation, Office of Planning, Policy and Economic Development  
Patrice Brown, Administrative Assistant, Office of Planning, Policy and Economic Development  
Larissa Paxton, Preservation Intern, Office of Planning, Policy and Economic Development  
Ray Stein for Greg Pasquale, Deputy County Counsel

**Public Members Present:**

Charles Roohr, SADC Staff  
Susan Payne, SADC Staff  
Steve Zaback, SADC Staff  
Linda Peterson – Consultant for Mueller Property (Hillsborough)

**Approval of Minutes:**

Vice Chairman, Peter Staats, made a motion to approve the minutes of the August 22, 2022 Somerset County Agriculture Development Board minutes. Kenneth Osterman seconded the motion. A roll call vote was taken, Kenneth Osterman abstained, and the motion passed.

Note: Board Secretary Sandra Rhue entered the meeting at 8:04 a.m.

**PUBLIC COMMENT & PRESENTATIONS:**

**1. SADC – Soil Protection Rule Presentation – Charles Roohr**

Chuck Roohr of the State Agriculture Development Committee (SADC) presented on the updated Soil Protection Standards document. He first explained that these rules are necessary because of a court case in 2007. This case involved a farm in Hunterdon County that the SADC took to court over Deed of Easement violations. The Supreme Court ruled in favor of the SADC, however, also ruled that the SADC must make the soil rules more specific and to outline what can and cannot be done on a preserved farm. Mr. Roohr then went into the presentation explaining the important updates the SADC made to the document before sending it to the Governor's office for further approval.

Mr. Roohr then explained that there will be a waiver available for farms that are preserved that already have over 50% disturbed soil. This waiver has very specific requirements and will be submitted to the County Agriculture Development Board and the SADC for review and approval. These waivers must be submitted within 180 days of the rule's adoption. He noted that exception areas are not counted toward the disturbed soil percentages. It was also mentioned that there will be no enforcement of this rule for farms that are over the percentages at the time of adoption; however, if a farm is over, there will be repercussions if the farm continues to disturb the land or further disturbs the already disturbed soil, even if it will allow a farmer to expand their operations.

After the introduction, Mr. Roohr then explained the three types of soil disturbance the SADC recognizes. These types are soil alteration, surfacing, and compaction. Soil alteration was defined as cutting or filling the soil. He then gave the example of heavy grading to level a site to build a structure on. Surfacing was defined as covering the soil with another surface. Mr. Roohr gave the example of creating a parking lot and pouring out concrete over an area. Compaction was defined as severe compaction that affects the subsoil layers, or purposeful compaction for building and construction. The SADC is aware of natural compaction, and farmers will not be penalized for such occurrences. Mr. Roohr then explained there are many exceptions to these rules, and that said exceptions are listed in the document. Some examples of these exceptions that were stated are temporary moveable structures, unimproved travel lanes, vegetated livestock areas, and conservation practices involving soil

disturbance. He then went into further detail explaining the parameters and rules that go along with each of these exceptions.

Ms. Susan Pane of the SADC added to the presentation by explaining how the SADC plans to investigate soil disturbance on each preserved farm in the state. She stated that Rowan University is mapping out each preserved farm and using aerial imaging to categorize and identify soil disturbance. If the farm has at least 70% vegetative cover for part of the year, it is considered to be within the rules of the new standards. This is referred to as the "Bright Line Test" by the SADC. The County or the property owner can advocate for changes of the mapped areas of disturbance if they feel it does not accurately capture what is occurring on the farm. The SADC stated that they will then go out to the farm and perform a Bulk Density Test on the area thought to be disturbed.

Both SADC representatives also stated that each farm will receive the map of their farm in the mail along with a short explanation of what the map shows. Mr. Roohr also noted that the SADC calculated that there are about 40 farms in the State that qualify for the waiver as of now. These farms will also be sent a statement letting the farmer know that their property is eligible for the waiver and that they have 180 days to submit the application. The presentation ended with the SADC representatives answering questions about the presentation and the updates to the Soil Protection Standards.

## 2. Mueller Property- Linda Peterson

*Kenneth Osterman recused himself from any discussion or participation pertaining to this agenda item.*

Consultant for Mr. Mueller's Property, Linda Peterson explained the status of Mr. Mueller's case and that per the Board request, the most recent version of the plan was submitted to the State Agriculture Development Committee (SADC) for their review. This plan showed the updated location of the proposed barn placement, and the fields to be repaired with the dredge materials.

## **INFORMATIONAL ITEMS:**

### **SADC Meeting –Update**

Principal Planner Kate Katzer informed the Board that the Farmland Preservation Plan was approved at the September SADC meeting. Ms. Katzer introduced David Zaback who is the County's new State Agriculture Development Committee (SADC) Liaison. David updated the Board on activities of the SADC. He mentioned that he hopes to join the Board for monitoring during October so that he can become more familiar with Somerset County Farms.

### **County /State Boards of Agriculture – Update**

No Update at this time.

### **Staff Comments**

Director of Planning, Policy and Economic Development, Walter Lane announced that on Friday, September 30, 2022, the County will be receiving the Achievement in Planning Award from the New Jersey Planning Officials

for the Preservation Plan. Director Lane also mentioned the Preservation Plan Event that took place on September 19, 2022. This event was held at the Stoutsburg Sourland African American Museum. Director Lane thanked the Board, staff and all the officials who attended and participated in this event.

## **DISCUSSION AND ACTION ITEMS:**

### **1. Monitoring 2022**

Principal Planner Kate Katzer distributed a list of monitoring dates to the Board so they could choose dates of availability for monitoring. Ms. Katzer explained the process and procedure of monitoring the approximate 125 preserved farms between October and November of this year. Ms. Katzer will also email out the dates for any Board member that was unsure of their availability.

### **2. Dalness Farm – (Peapack/Gladstone)**

Principal Planner Kate Katzer reported that the Board received a Right to Farm complaint. In response, a site visit was conducted. Deputy County Council, Greg Pasquale along with the Zoning Officer from Peapack accompanied staff on the visit. The neighbor had an issue with dog barking. The complaint also states that there is a massive log collection on the property and that the log deliveries are loud and disruptive. The complaint was read to the Board in its entirety. The owner is interested in qualifying for Site Specific Agricultural Management Practice (SSAMP). This item will be further discussed in closed session.

### **3. Drenchko (Hillsborough)**

Ms. Katzer shared with the Board that Hillsborough Township has submitted a resolution to the SADC as well to the County for review. The Board has also received appraisal #1 from Carlin Appraisal and are expecting appraisal #2 from Valuation Consultants soon. This item will be discussed further in closed session.

### **4. Naturally Nurturing Commercial Farm Certification (Hillsborough)**

*Director Walter Lane recused himself of any participation or discussion in this matter.*

Principal Planner Kate Katzer reported that Mr. Patel submitted an application for a Commercial Farm Certification. A desk audit of his submission was completed, and there are no Deed of Easement violations on the property. Mr. Patel has submitted all required information for review and staff has no questions at this time. It is now before the Board for review. If there are no questions or concerns regarding the submission from the Board, staff will recommend approval.

### **Mueller (Hillsborough)**

To be discussed in closed session.

## **CLOSED SESSION:**

At 9:46 a.m., a motion was made by Laura DePrado and seconded by Bob Schultz to go into closed session. A voice vote was taken, and the motion unanimously passed.

At 10:59 a.m., Laura DePrado made the motion to come out of closed session and Kenneth Osterman seconded. A voice vote was taken, and the motion passed.

### **RESULTS AND ACTIONS FROM CLOSED SESSION:**

#### **Drenchko Property (Hillsborough Township)**

No action required at this time.

#### **Nahkla Property (Hillsborough)**

No action required at this time.

#### **Mueller (Hillsborough)**

Staff was directed by the Board to compose a letter to Mr. Mueller regarding the status of the property, and outstanding information needed by the Board to approve the current plan.

#### **Dalness Farm**

A motion for staff to put together a Site-Specific Agricultural Management Practice (SSAMP) was made by Peter Staats and seconded by Laura DePrado. A roll call vote was taken, and the motion passed.

#### **Somogyi Property (Franklin)**

No action required at this time.

#### **Naturally Nurturing (Hillsborough)**

A motion to approve a Commercial Farm Certificate and release a letter to the owner and the Township was made by Kenneth Osterman and seconded by Laura DePrado. A roll call vote was taken, and the motion passed.

#### **SADC Direct Easement – Kadri Property**

A motion to support the SADC Direct Easement Purchase of the Kadri Property was made by Kenneth Osterman and seconded by Peter Staats. A roll call vote was taken, and the motion passed.

#### **SADC Direct Easement Event Co-Host Request**

There was a consensus among the Board and the request was approved.

#### **Additional Items for Discussion**

The Right to Farm Committee has submitted the Partner Survey. Staff met about the survey responses and compiled them in the packet for the Board to review. Board members did not feel that surveys should be completed by individual Board members and deferred to staff to submit comments on behalf of the Board.

Staff let the Board know that the Farmland Preservation Annual Report was printed for an event last week and each Board Member was given a paper copy of the report in their binders.

At 11:07 a.m., a motion was made by Kenneth Osterman and seconded by Laura DePrado to adjourn. A vote was taken, and the motion passed unanimously.

***The next meeting will be held in person on October 24, 2022, at 8:00 a.m.***

Respectfully Submitted by,

*Sandra Rhue*

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Sandra Rhue  
Secretary/Treasurer