



## **Destructive Horticultural Practices – Garden State Growers**

November 30, 2007

*Susan E. Craft*  
*Executive Director*  
*NJ State Agricultural Development Committee*  
*John Fitch Plaza*  
*PO Box 330*  
*Trenton, NJ 08625-0330*  
*Lisa Jackson, Commissioner*  
*NJDEP*  
*401 E. State St.*  
*P.O. Box 402*  
*Trenton, NJ 08625*

Re. Garden State Growers, Quaker Valley Farms, David den Hollander, Franklin Township, Hunterdon County, NJ

Dear Ms. Craft and Commissioner Jackson,

Delaware Riverkeeper Network is very concerned about earth moving and development activities on the preserved farmland located on land owned by David den Hollander. The preserved farmland, fronting on Old Franklin School Road, is part of the ornamental plant facility owned by David den Hollander. This parcel is protected by a Deed of Easement.

The Hunterdon County Agricultural Development Board (CADB), at the request of the State Agricultural Development Committee, is investigating the current earthmoving and greenhouse construction activities on this parcel to determine if these are consistent with the provisions of the Deed of Easement. A special public meeting of the CADB was held last evening, November 29, to discuss the construction project. Members of the CADB and others conducted a site visit in the morning yesterday and slides were shown of the site under construction.

Delaware Riverkeeper Network staff (Tracy Carluccio, Deputy Director) visited the site yesterday and attended the meeting. Based on conditions observed at the site and the discussion at the meeting, we request that both the SADC and NJDEP take action to ensure that no further earthmoving or construction/development activities occur on this parcel until the CADB has completed its review and issued findings. We requested this of the CADB during public comment at their meeting, supporting that the CADB seek a Preliminary Injunction from the court

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while the Board deliberates. The CADB decided at their meeting that the deliberations should continue so that they may have the benefit of expert witnesses on the technical and policy issues they must decide.

We request a stop to all activity on the site because of the extraordinary nature of the ongoing activities there. Enormous earthmoving equipment is excavating a large area, removing the soil, and compacting the subsurface to ready it for the structures. In some places the excavation is several feet deep, perhaps as much as 10 feet deep. The Quakertown soils that are being removed (we are not certain what is being done with these soils) are considered prime farmland soil and are among the highest quality in the State.

We note that the Quakertown soil series were established in Hunterdon County, NJ and are mainly located in the Northern Piedmont area of New Jersey and Pennsylvania. Quakertown soils are prized because they are well drained and produce little runoff yet have moderately slow permeability, rating active cation-exchange activity. They are used mainly for agricultural crops and typically support forests of oak, hickory, yellow poplar and ash. This soil series is characterized by its undulating topography, relatively moderate slopes, and thick depth<sup>[1]</sup>. New Jersey's Farmland Preservation Program paid a premium price for these soils.

The extensive grading, excavation, removal and compaction of these soils destroys the soil, eliminating their valuable soil characteristics and properties. Further, the conversion of this preserved land from prime farmland to a compacted subsoil condition facilitates the construction of the structures used by Mr. Den Hollander for his plant production operations but is detrimental to the use of this property for agricultural purposes outside of the present commercial nursery.

These impacts seem to directly contradict the provisions of the Deed of Easement and NJAC 2:76-6.15 which requires that "no activity shall be permitted on the premises which would be detrimental to drainage, flood control, water conservation, erosion control, or *soil conservation* (emphasis added), nor shall *any other activity be permitted which would be detrimental to the continued agricultural use of the premises.*" (emphasis added)

While the CADB decides if these present activities violate the Deed of Easement, all further activity on this parcel should be halted. Much damage has already been done but much more can occur if work continues on this site while the CADB continues its hearings. The site can be effectively protected with soil conservation techniques during a stop-work interval; the halting of work is not being done during the owner's critical growing season.

However, if work continues the property will undergo further indelible and/or detrimental changes such as the destruction and removal of the soil, more extensive exposure of highly erodible subsoils and the compaction of the earth. These land changes are severe; indeed, some of these changes are impossible or nearly impossible to be undone. It is important to note that nature makes about two and a half centimeters (1 inch of soil) approximately every 500 years<sup>[2]</sup>; the Quakertown soil series characteristics may never be able to be restored. In terms of environmental impacts and economic effects, it is reasonable to stop work to prevent further damage while the CADB conducts its important deliberations.

We respectfully request that your agencies take this rather unusual action because of the public investment in this preserved farmland and because of the high integrity resources that are being impacted by these activities. We ask that if you do everything in your power to bring activities at this property to a stop during this interval of decision making. We ask that use all tools available to you in this effort -- legal, regulatory, and through the power of mediation and negotiation. Thank you for your consideration.

Sincerely,

Maya K. van Rossum  
the Delaware Riverkeeper

Tracy Carluccio  
Deputy Director

cc: Hunterdon County Agricultural Development Board  
Franklin Township

[1] <http://www2.ftw.nrcs.usda.gov/osd/dat/Q/QUAKERTOWN.html>

[2] [http://www.utm.edu/departments/cece/old\\_site/third/3L5.shtml](http://www.utm.edu/departments/cece/old_site/third/3L5.shtml)