



THE STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Attorney General Announces State Victory in Lawsuit Over Destruction of Prime Farmland

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TRENTON – In a significant legal victory for the State's farmland protection efforts, a Superior Court Judge has determined that a commercial plant grower in Hunterdon County is liable for the destruction of prime, preserved farmland he had leveled in order to construct greenhouses, Attorney General Jeffrey S. Chiesa announced today.

Ruling on a lawsuit filed by the Division of Law on behalf of the State Agricultural Development Committee (SADC), Judge Peter A. Buchsbaum has found that David Den Hollander, owner of Quaker Valley Farms in Franklin Township, is liable for destroying at least 14 acres of farmland on his property preserved under the state's Agriculture Retention and Development Act.

The land at issue was not only protected by deed-restriction, but rated as prime agricultural land -- land capable of supporting such field crops as corn, wheat, oats, hay, barley and soy beans -- when Den Hollander had it leveled and excavated in 2007. The State sued after determining, via a 2008 assessment by a team of experts, that the qualities of the land that made it ideal for farming had been destroyed, and that remediation would be required to attempt to restore the land to its prior state.

"The court's decision in this case is an important legal victory for the State," said Attorney General Chiesa. "It affirms the obligations of farm owners to comply with the State's farmland preservation laws, and recognizes the State's right to sue to enforce those obligations in order to preserve the farm for future generations."

"This decision is critical to protecting the public's investment in farmland preservation and ensuring that preserved farms can support the diversity of agricultural operations into the future," said Agriculture Secretary Douglas H. Fisher.

By Order dated August 8, 2012, Judge Buchsbaum found that the excavation and ground leveling activities conducted by Quaker Valley Farms did violate the Agriculture Retention and Development Act.

Quaker Valley Farms grows horticultural products in hoopouses -- a type of greenhouse -- on a 119-acre farm in Franklin Township that was preserved through local and State grants in 1993.

In its original suit, the SADC alleged that methods used by Quaker Valley farms to prepare the preserved land for hoopouses violated New Jersey law, as well as the farm's deed of easement restricting any activity that would be detrimental to soil conservation or continued agricultural use.

In a 17-page decision, Judge Buchsbaum granted a State motion for summary judgment, finding that a farm's soil content, its ability to support agriculture and agricultural production are at the core of farmland preservation.

The court found that the excavation and grading project at Quaker Valley Farms damaged the soil quality at the farm and the land's future capacity for farming. The court also found that Quaker Valley violated the Agriculture Retention and Development Act and State rules prohibiting the destruction of preserved farmland, as well as the deed restriction on the property.

The next phase of the case will be to determine how to remediate the damage caused by Quaker Valley Farms.

Deputy Attorney General Lisa Daglis, Deputy Attorney General Jill Denyes and Attorney Assistant Julie Goldman of the Division of Law's Environmental Permitting and Counseling Section handled the Quaker Valley Farms matter on behalf of the State.