

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)
REGULAR MEETING**

December 1, 2022

Secretary Fisher called the meeting to order at 9:06 a.m.

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

Roll call indicated the following:

Members Present

Chairman Fisher
Pete Johnson
Gina Fischetti (arrived at 9:15 a.m.)
James Waltman
Julie Krause
Martin Bullock
Brian Schilling
Denis Germano
Scott Ellis
Richard Norz
Renee Jones

Members Absent

NONE

Susan E. Payne, Executive Director
Jason Stypinski, Esq., Deputy Attorney General

Minutes

SADC Regular Meeting of October 27, 2022 (Open and Closed Session)

It was moved by Mr. Schilling and seconded by Mr. Bullock to approve the Open and Closed Session minutes of the SADC regular meeting of October 27, 2022. Mr. Ellis, Mr. Germano, Mr. Norz and Ms. Jones abstained from the vote. The motion was approved.

Report of the Chairman

Chairman Fisher asked Ms. Payne to give her report.

Report of the Executive Director

Ms. Payne announced that Mr. Charles Roohr has officially been promoted to the position of Deputy Executive Director of the SADC. Mr. Roohr has been with the SADC for over 20 years, was with the Agriculture Department for several years before that and is from a farming family. The SADC is pleased and excited to have Mr. Roohr in this role.

Ms. Payne stated that the State Board of Agriculture has requested to meet with the SADC's DOE Subcommittee to hear its position and suggestions on the Soil Protection Standards. The meeting has been scheduled for the second week in December.

Mr. Germano asked if the committee could discuss the concept of the ability to transfer soil disturbance allocation between noncontiguous farms that are not under common ownership.

Ms. Payne stated that the draft rule contains a provision where if there are two contiguous, preserved farms, each with their own disturbance allocation, and owned by the same entity, consolidation of the total disturbance amount on one or the other of those two farms would be allowed, provided those two farms would be permanently associated with each other by deed. However, Mr. Germano is referring to transferring soil disturbance between noncontiguous farms; the farms could be in the same county, or different counties; and they could be owned by different entities. Those concepts were discussed preliminarily by the subcommittee, and that's what Mr. Germano is seeking the committee's feedback on.

Mr. Bullock asked whether two farms that are contiguous and owned by different LLCs, but the same people own the LLCs, would be eligible for consolidating the disturbance allocation. Ms. Payne stated the rule does address that situation and staff understands farmers create different LLCs for different purposes, and if the owners are the same, even if the property names are different, it is considered permissible.

Mr. Waltman stated that he joined the SADC in January 2009, and the DOE subcommittee was created in February 2009. He commented that his charge as a public member of the board is to protect the fertile soils that grow the agricultural produce and other crops that New Jersey depends on. The discussion of noncontiguous transfer raises complicated issues, such as considering soil type, slope, community impacts and water runoff before a transfer is granted. Mr. Waltman stated the goal is to preserve soils that are important in quality and fertility, and he cannot envision a trading program that is consistent with that premise.

Mr. Norz stated that he agrees with Mr. Waltman relating to the factors that need to be considered; however, it would be prudent for the committee and staff to research this further and provide a report as to the viability of the proposal. Mr. Germano stated that while Mr. Waltman's concerns are real, he does not think this will delay adoption since the draft rule is at the Governor's Office and can continue to be reviewed while the committee discusses the

transfer concept. Mr. Waltman stated that would be appropriate but he's sensing that will not be the case.

Chairman Fisher stated that Soil Protection Standards have been discussed for an extraordinarily long time, and it is understood that it has major impacts to farming in New Jersey. The subcommittee and staff have done an extraordinary job revising these standards to make them workable and now we are contemplating this final topic. Chairman Fisher stated the SADC has received comments regarding this issue from many farming organizations and feels it is important to evaluate the impacts of this proposal.

Ms. Jones stated that she agrees with Mr. Waltman that this is a slippery slope and shares the same concerns that he raised. Mr. Norz commented that he is concerned with losing the support of the agricultural community and supports the subcommittee meeting with the State Board of Agriculture for further discussion.

Ms. Payne also reported that the committee previously delegated to staff the announcement of the annual nonprofit funding round. Staff will be transmitting notice of the FY2024 funding round for publication in the New Jersey Register on or before February 6, 2023. The due date for applications is June 15, 2023.

Public Comment

Ms. Patricia Springwell from Hunterdon County stated that she wanted to echo Mr. Waltman's comments about the mission of the Farmland Preservation Program. The SADC is here to preserve soil and that should be the motto and guiding light for all decisions. The biggest impact to farmers is packing the soil so that it is no longer productive.

Ms. Smrita Choubey, founder of Veda Farms, stated that she is interesting in growing regenerative cannabis on a portion of a preserved farm which she is under contract to purchase. She thanked the SADC for discussing the topic of growing cannabis on farmland and noted that New York recently granted cannabis licenses to farmers who are also hemp growers. Ms. Choubey again thanked the committee for taking the opportunity to see what growing cannabis will do for the agricultural community in New Jersey.

Ms. Sherry Dudas from Chesterfield Organic Orchards thanked the committee for allowing a dialogue to occur between potential cannabis growers and SADC staff.

Old Business

A. Stewardship

1. Resolution: House Replacement Request – Jeffrey and Sheila Wilson

Jeffrey M. and Sheila A. Wilson
Alloway Township, Salem County
Block 13, Lot 15, 123.8 Acres
SADC ID# 17-0112-DE

Mr. Willmott reviewed the committee's prior discussion of this house replacement request.

The owners seek to replace a historically significant residential unit with a newly constructed dwelling. At the October 2022 meeting, the committee voted to require the owners to retain the existing historic structure for a period of one-year from the date a certificate of occupancy is issued for the new house, to afford the opportunity to explore any viable options to preserve the historic house and redesignate it as a nonresidential use. After the 12-month period there is no obligation for the landowners to maintain the historic residence and it may be torn down. The resolution memorializes the committee's action taken in October 2022.

Mr. Ellis commented that he would not like to see a historic home remain in place if it is not going to be maintained, as these structures can become an eyesore. Ms. Payne indicated that there have already been extensive discussions with various historic preservation agencies and staff is asking for the opportunity to review all the statutes and rules to see if there is anything that can be done to preserve the home. The idea is not to let the home stay up forever and be ignored, but to provide some time to see if there is a way to preserve it correctly. If not, the landowner will be told to take the structure down because there can't be two homes on one piece of land. There are a lot of layers to go through, including NRCS approvals, to see what is permissible and staff requires time to address these issues.

Ms. Jones asked if there could be an exception area on the property to accommodate the structure so someone could buy the particular lot and building if they wanted to. Ms. Payne stated that would require a statutory change, as that "carve-out" provision, in which a historic building is excepted-out of preserved farm property and a historic preservation easement is placed on the building, is only allowed with a fee simple purchase. Chairman Fisher stated that the landowners are being very gracious to afford the committee more time to see if this colonial historic structure can be saved. Mr. Waltman commented that the rural microenterprise rule may be something that could work in this case. Ms. Jones suggested that the Crossroads of the American Revolution National Heritage Association may be helpful to staff in this case.

It was moved by Mr. Bullock and seconded by Mr. Waltman to approve the resolution. A roll call vote was taken. Mr. Germano and Mr. Norz abstained from the vote. The motion was approved by the remaining members.

2. Princeton Show Jumping- Hunter Farms - 2023 Equine Show Calendar

**Princeton Show Jumping, LLC
Block 26001, Lot 1.02, 101 acres
Montgomery Township, Somerset County
SADC ID# 18-0005-DN**

Note: Mr. Schilling recused himself on this matter because of his position at Rutgers University. Mr. Norz recused himself as a former member of the Somerset County Agriculture Development Board.

Mr. Roohr thanked Ms. Payne and the committee for his appointment as Deputy Executive Director. He is very excited for the opportunity to continue the important work of the Farmland Preservation Program.

Mr. Roohr reviewed a resolution memorializing the decision made at the October 2022

meeting to allow Princeton Show Jumping (PSJ) to hold 14 shows, totaling 64 show days, in 2023. The resolution also requires reporting horse show details within 30 days of each show, instead of a once-annual reporting, so that information can be timely received. The resolution also includes the schedule for erecting and taking down the show tents during the show calendar.

Chairman Fisher asked if the applicant was aware of the tent schedule requirement. Anthony Sposaro, Esq., PSJ counsel, addressed the committee, and represented that every reasonable effort will be made to have its tent vendor take the tents down in compliance with the SADC's requirements.

It was moved by Mr. Johnson and seconded by Mr. Bullock to approve the Princeton Show Jumping 2023 Equine Show Calendar as presented by SADC staff. A roll call vote was taken. Mr. Germano and Ms. Jones abstained from the vote. Mr. Norz and Mr. Schilling recused themselves. Mr. Waltman voted against the motion. Mr. Bullock, Mr. Ellis, Mr. Johnson, Ms. Fischetti, Ms. Krause and Chairman Fisher voted in favor of the motion. The motion was approved.

New Business

A. Access to Non-severable Exception Area

- 1. K Johnson Enterprises, LLC – Gres Farm, Robbinsville, Mercer County
Block 19, Lot 9, 37.885 Acres
Robbinsville Twp., Mercer Co.
SADC #11-0030-EP**

Mr. Willmott reviewed the details of the application from the contract purchaser, K. Johnson Enterprises, LLC, requesting approval to construct a 12-foot-long driveway to access a non-severable exception area, where the principal of the company, Mr. Johnson, plans to construct a 17,000 square foot residence. Mr. Willmott stated staff's recommendation is to approve this request as proposed. He noted that a similar approval was granted to Mr. Gres, the current landowner, in 2014 by the CADB and SADC.

Mr. Willmott noted that there are DOE compliance concerns due to an overgrown tree nursery stock areas. Mr. Johnson, the contract purchaser, has represented that the farm will be brought back into DOE compliance, but seeks assurance that the driveway can be constructed once the nursery areas are remediated and maintained.

Mr. Schilling questioned the connection between DOE compliance and the approval for a driveway. Mr. Roohr explained that Mr. Johnson would like to know that if he brings the property back into compliance, the SADC will allow the driveway to be installed as planned. Mr. Schilling asked if staff was recommending the approval be contingent upon the property being brought back into compliance with the DOE. Mr. Roohr confirmed that was staff's recommendation.

David Silver, Esq., attorney for Mr. Johnson, confirmed that Mr. Johnson fully intends to bring the property into compliance if the driveway is approved. He stated that the SADC has previously approved both the driveway and the building of a barn. He stated that Mr. Johnson is proposing that he be allowed to proceed with the driveway and construction of the

residence. Mr. Johnson consents to having the Certificate of Occupancy held until the farm is in full compliance with the DOE.

Mr. Willmott stated that the Mercer CADB approved this proposal, subject to the requirement that the property must be restored to a condition that is available for agricultural use and production. Staff recommends approval of the driveway to service the exception area and that construction of the residence not commence until the completion of the following: (1) SADC review of the final site plan to ensure there are no DOE compliance issues; (2) SADC review and written approval of a plan that brings the previously tillable areas back into compliance with the DOE without damage to existing agricultural resources; (3) verification that said plan has been properly implemented ; and (4) that all work be completed within one year from the date of approval.

Mr. Germano asked if this restoration must be completed before the contract purchaser can build the driveway or the house. Chairman Fisher asked if the county had imposed the same condition regarding restoration. Mr. Roohr confirmed.

Ms. Fischetti asked what happens if the contract purchaser decides not to purchase the property. Mr. Roohr stated that the current owner, Mr. Gres, would be responsible to bring the property back into compliance.

Mr. Silver stated that the Mercer CADB did not have an issue with constructing the driveway and the residence simultaneously with bringing the property back into compliance. He asked the committee to consider, once the plan is submitted and approved, to allow the construction of the property and driveway to be done simultaneously with the restoration of the land. The SADC can approve the work with the stipulation that the CO not be approved until full compliance is met.

Mr. Germano stated that he understands the point made about the construction of the driveway while restoring the tillable land, but he doesn't see allowing the residence to be built until the land comes into compliance. Chairman Fisher stated that the SADC does not have anything to do with COs or the ability to monitor their issuance. Mr. Silver stated that a town will not issue a CO without approval from outside agencies that all their conditions have been satisfied.

Mr. Schilling asked if municipal construction offices have knowledge of and honor SADC jurisdiction over DOE compliance issues. Mr. Roohr stated that the answer is township specific, but most towns are unaware of these conditions or their need to notify the SADC. Mr. Willmott noted the county's approval is conditioned upon the property first being restored to a condition that is available for agriculture.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve construction of the driveway to occur simultaneously with meeting the conditions set by SADC staff to restore the property to a condition that is available for agriculture. A roll call vote was taken. The motion was unanimously approved.

A. Growing of Cannabis on Preserved Farmland

Ms. Payne reminded the committee that the question of whether cannabis can be grown on preserved farmland was discussed at the October SADC meeting in response to public

comment. In 2011, the state passed a medical marijuana law and the question at that time was whether medical cannabis could be grown on preserved farmland. At that time, the committee concluded that cannabis was a crop and, as such, was allowed to be grown on preserved farmland. In addition, the committee determined that a medical dispensary was a non-agricultural use and the sale of medical marijuana was prohibited on a preserved farm.

In 2021, the state passed a new cannabis act creating the Cannabis Regulatory Commission (CRC), which oversees all growing, processing and sale of both medical and adult-use cannabis. The newly enacted law contains a provision which states that “in no case shall a cannabis cultivator operate or be located on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the Farmland Assessment Act.” Because of this prohibition, SADC staff posted an FAQ document on the agency’s website advising that because cannabis cultivation is ineligible for farmland assessment (FA), and FA eligibility is prerequisite for entry into the Farmland Preservation Program, cannabis could not be grown on preserved farmland.

However, as several commenters have pointed out in recent correspondence on the subject, maintaining FA eligibility is not a requirement once a farm is preserved. As a result of ongoing dialogue, and because the SADC has not yet had the opportunity to deliberate on the matter, the FAQ was removed from the agency’s website last week. Ms. Payne stated that the proponents for being able to grow cannabis on preserved farmland argue that once a farm is preserved, there is no statutory requirement that the farm must continue to qualify for FA.

Most cannabis growing will be indoors, and the new cannabis act defines the building in which the cannabis is grown and the area around it as the “business premises”. Ms. Payne stated that when cannabis is grown outdoors on a portion of a property, the law deems the entire lot or parcel as the business premises ineligible for farmland assessment. The issue is not about the crops being grown on preserved farmland, but rather the landowners’ awareness of the tax assessment implications. Staff is now seeking guidance from the committee as to whether it is acceptable to grow cannabis on preserved farms.

Mr. Schilling observed that there is a deficiency in the law as to what is considered a lot or parcel. He is not concerned about what a farmer does in terms of farmland assessment as that is a personal economic decision, but he needs clarification on the statutory and regulatory requirements to be eligible for farmland assessment and if there are any requirements to maintain it.

Mr. Norz stated that he does not think the committee needs to consider the effect of farmland assessment on this issue. It should only focus on the fact that the committee determined that cannabis was a crop in 2010.

Mr. Smith advised the committee that the statutory requirement is that a farmer needs to qualify for farmland assessment at the time of preservation and is required to submit the FA-1 form. Mr. Norz stated that once someone is in the program, they do not have to maintain farmland assessment. Mr. Smith stated that was correct.

Chairman Fisher expressed concern that growers may not have a full understanding of the tax implications of these laws. Mr. Norz stated that it is the landowner’s responsibility to learn the rules and how they may affect their business plans. Mr. Norz believes that the committee

should only make a determination on whether cannabis can be grown on preserved land.

Mr. Schilling stated if the language in the cannabis law is construed broadly, and a premises is considered the entire tax lot, it appears to be inconsistent with his understanding of farmland assessment and how it is applied to RDSOs or residential areas.

Ms. Payne then read the definition of “licensed premises” in the cannabis law, which is very broad and includes the entire lot or parcel of land that the cannabis licensee owns, leases, or occupies.

Ms. Jones asked what the CRC’s flexibility would be if only a portion of the property grew cannabis. Ms. Payne stated that question was raised with the counsel’s office at the CRC, which responded that the issue could pose a problem. Ms. Payne stated that if the committee recognizes the cultivation of cannabis as an agricultural activity, and if cannabis is grown on a preserved farm, all or some of the farmland could lose farmland assessment.

Chairman Fisher stated that the issue for the committee to decide is if cannabis may be grown on preserved farmland. Ms. Payne reiterated the committee needs to decide if it recognizes the cultivation of cannabis as an agricultural activity, and, if the answer is “yes”, it must acknowledge that if cannabis is grown on a preserved farm that some or all of that farm may lose farmland assessment. Ms. Payne stressed the importance of paying attention to activities that impact farmland assessment, as it did with solar, but in this case recognize that cannabis is different since it has been determined to be a crop.

Mr. Norz offered a motion that the SADC recognizes cannabis as an agricultural crop and, as such, it may be grown on New Jersey preserved farmland. Mr. Ellis seconded the motion.

Mr. Waltman observed that he sees a linkage between this issue and soil disturbance, as agriculture is an industry that is moving towards growing inside of buildings. He said that he will not vote on this motion until the Soil Protection Standards (SPS) rules are adopted. Mr. Waltman also stated that he would vote to find that growing cannabis on preserved property is acceptable, if it were limited to field-based production, pending the conclusion of the SPS rulemaking process.

Chairman Fisher recognized Nicole Voight, Esq., counsel for Smirta Choubey, the contract purchaser of Murlan Farm in Frelinghuysen Township. Ms. Choubey has a pending application with the land use board to grow outdoor cultivated cannabis on a portion of the farm, which includes both an exception area and preserved farmland. She has reviewed the guidance, regulations and laws from the SADC and the CRC and disagrees with the conclusion that because FA eligibility is a prerequisite for entry in the farmland preservation program, cannabis should be prohibited on preserved farmland, as there is no requirement that a farm must maintain FA after preservation.

She argued that the standard to receive farmland assessment is that land be actively devoted to agricultural use, whereas the terms of the DOE and the Agriculture Retention and Development Act requires that preserved farmland must be retained for agricultural use. She stated the area where cannabis is grown can be easily turned into any other crop, and, therefore, it is available for agricultural use and may be eligible for farmland assessment at that time. Ms. Voight stated the benefit of agricultural assessment is paired with other

provisions of the CRC's regulations which provide substantial tax benefits to municipalities. Although farmland assessment is lost, there are other payments and revenues generated by a cannabis farm which is directed to the host municipality.

Chairman Fisher asked if the entire lot or just a portion will be losing farmland assessment. Ms. Voight replied that the definition of premises is the area owned, leased or otherwise under control of the licensee. She made the comparison to liquor licensing laws, which also define the term "licensed premises". In the case of Veda Farm, a licensee subject to CRC regulations will lease a portion of that farm from the landowner, who will be involved in non-regulated or non-related cultivation. The majority of her client's farm will initially remain in hay and may eventually turn to food crops.

Ms. Voight restated that her client will lease a limited portion of this property for cannabis production with restricted access. Ms. Voight noted if the entire farm was subject to CRC regulation, it would make other agricultural activities or access to the home on the property nearly impossible.

Ms. Jones asked if Frelinghuysen Township agrees with the interpretation that the rest of the farm would be subject to farmland assessment. Ms. Voight stated that is her understanding. Veda Farms' pending application includes a concept plan which delineates a limited area where cannabis will be grown. The remainder of the farm will be used for other purposes.

Mr. Waltman asked if this would trigger rollback taxes. Ms. Payne stated that Treasury has determined that rollback taxes will not be levied on cannabis growers.

Ms. Payne stated that the motion now before the committee is that the SADC considers cannabis as an agricultural crop, and, as such, growing it is consistent with the DOE. Therefore, cannabis may be grown on a preserved farm.

It was moved by Mr. Norz and seconded by Mr. Ellis for the SADC to consider cannabis an agricultural crop and, as such, may be grown on a preserved farm consistent with the Deed of Easement. A roll call vote was taken. Mr. Waltman abstained. The motion was approved.

B. Rule Updates- AMPs and Ag Mediation

1. AMPs

- a. Commercial vegetable production (N.J.A.C. 2:76 – 2A.5)
- b. Commercial tree fruit production (N.J.A.C. 2:76 – 2A.6)
- c. AMP for on-farm compost operations (N.J.A.C. 2:76 – 2A.8)
- d. Fencing installations for wildlife control (N.J.A.C. 2:76 – 2A.9)

Mr. Roohr, Mr. Kimmel and Mr. Keller reviewed the proposed amendments updating several SADC Agricultural Management Practice (AMP) and mediation program rules.

Mr. Roohr stated that while reviewing the updates to the AMP for the on-farm composting, staff found a Rutgers bulletin on livestock mortality and butcher waste composting and decided to incorporate new language that references this document, thus providing eligibility for Right to Farm protection for these practices.

Mr. Roohr acknowledged the generation of odors related to livestock mortality and butcher waste composting, and the AMP was revised to incorporate practices to reduce potential odors. The Rutgers bulletin refers to requiring a two-foot covering of a carbon material, such as woodchips, and staff has proposed adding a requirement that the practice be incorporated into a farm conservation plan. Another requirement is the odor cannot exceed classification number 2, as set forth in NJ air pollution investigation guidelines, at the property boundary lines.

The amendments to the commercial vegetable production AMP, the commercial tree fruit production AMP and the wildlife fencing AMP are intended to reference the most up to date publications of the applicable Rutgers Cooperative Extension technical guidance documents, including future amendments and supplements thereto.

It was moved by Mr. Norz and seconded by Mr. Schilling to approve the rule updates for the SADC Agriculture Management Practices (AMPs). The motion was approved.

2. Agriculture Mediation Program (N.J.A.C. 2:76-18)

Mr. Kimmel stated that a couple of years ago the Federal Farm Bill expanded the list of permissible case types under the mediation program to include lease issues, farm transition problems and farmer-neighbor disputes. The first proposed rule amendment updates language to align SADC regulations with federal statutes and regulations regarding the types of cases that can be mediated. The second proposed amendment addresses inconsistencies regarding continuing education requirements stated in the federal regulations that do not exist in the SADC's mediation program. Mr. Keller stated that New Jersey courts have a robust mediation program that includes a continuing education requirement for court-appointed mediators. That requirement is being incorporated in the updated in the SADC's mediation program rule.

It was moved by Mr. Schilling and seconded by Mr. Germano to approve the rule updates for the Agriculture Mediation Program. The motion was approved.

C. Right to Farm Complaint – Asdal v. Alstede – OAL or SADC Hearing

Note: Chairman Fisher recused himself from this matter, as he reports to the State Board of Agriculture, on which Mr. Alstede serves. Chairman Fisher left the meeting and was not present for the discussion. Scott Ellis, vice chairman presided over this part of the meeting.

Brian Smith, Esq., introduced an issue now before the committee: whether it should hear a Right to Farm Act complaint that was filed with the Morris CADB (CADB) several years ago; refer the complaint to the Office of Administrative Law (OAL); or postpone the decision due to a pending case in the Superior Court, Appellate Division that could have a bearing on the RTF dispute.

Mr. Smith advised the committee that the complaint was filed against Alstede Farms by a neighbor, Mr. Asdal, who resides next to the Alstede operation in Chester Township. However, because of conflicts of interest among several CADB members which were confirmed by the Local Finance Board, the CADB could not hear the case. There was also

litigation that was instituted in Superior Court that slowed the disposition of the RTF complaint. Accordingly, Staci Santucci, Esq., attorney for the CADB, wrote to the SADC in May 2022 seeking guidance.

SADC staff sought the opinion of the Attorney General's Office (OAG) regarding what happens when a CADB cannot muster a quorum because of conflict-of-interest recusals. The OAG opined that when there are legitimate recusals that defeat a quorum, there is no CADB in existence. The Right to Farm Act contains a provision that provides if a farmer wants to file an SSAMP, or the farmer is the subject of a complaint, in a county with no CADB, the complaint or the SSAMP must be filed with the SADC. Over the years, that provision has only applied to Essex, Hudson and Union counties that do not have a CADB. This Morris County case is one of first impression.

Mr. Smith stated that, in light of the OAG opinion, Morris County has no CADB to decide the Asdal v. Alstede complaint. The OAG opinion also notes that the SADC has the right to hear the case, as a collective body, or it can send it to the OAL.

Following the SADC's normal procedure, Mr. Smith transferred the Asdal-Alstede case to the OAL on August 24, 2022. He later received a letter from Anthony Sposaro, Esq., attorney for Alstede, objecting to the referral to the OAL, claiming that the SADC is legally required to hear the case on its own. Mr. Smith stated that because of that claim, as well as other issues, the case was recalled from the OAL. The case is now before the SADC for a determination whether the committee should hear the case on its own or retransmit the matter to the OAL.

While the Asdal complaint was before the CADB, Asdal filed two complaints with the Superior Court. So, there were both administrative and judicial branch proceedings occurring simultaneously. The claims alleged in the judicial complaints overlap with the RTF complaint that Asdal filed with the CADB. Both complaints were dismissed by the trial court in 2019 and 2021, respectively, on the grounds that they should be heard by the CADB under the doctrine of primary jurisdiction. One of the orders of dismissal was appealed and is still pending with the Appellate Division.

Mr. Smith stated the SADC is not aware of the issues that are before the Appellate Division and is also unaware whether the disposition of that case would have a bearing on the issues which the committee would be deciding. Staff's recommendation is for the committee to wait on deciding whether to try the case or send it to the OAL until the Appellate Division matter is concluded. Mr. Smith informed the committee that Ms. Santucci, Morris County counsel; Mr. Sposaro, attorney for Mr. Alstede; and Ms. Rubright, attorney for Mr. Asdal were present and available to speak on behalf of their clients or answer questions.

Mr. Bullock asked if a neighboring county could hear this case because he would prefer a local board try this case as opposed to the SADC. Mr. Smith said there is no provision under the RTF Act that would allow that to occur. Legislation was just introduced in October 2022 to allow CADBs or County Commissioners to appoint an alternate farmer member and an alternate public member to sit in if one of the regular members has a conflict, but the proposed bill is still pending.

Mr. Ellis asked if the CADB were able to hear the case, would they be required to do so. Mr. Smith confirmed the board would have to hear the case because complaints must be heard by

the CADB, unless except in counties with no CADB. Mr. Ellis asked what would happen if the CADB makes a decision that someone appeals. Mr. Smith stated the case would be appealed to the SADC and staff would send it to the OAL, as it has done in nearly all the cases brought to the committee.

Mr. Norz stated that if the two parties have not had the opportunity to be heard by the CADB, the SADC has an obligation to hear the case before it goes to the OAL. Mr. Smith said the issue with the SADC hearing the case now is the unknown elements of the pending case with the Appellate Division. There are two tracks of litigation, administrative and judicial, currently pending between these parties. There is the potential of two inconsistent rulings if the committee proceeds while the appeal is pending, which is unfair to the farmer.

Mr. Norz also asked if the CADB was handling this case while the Appellate Division had their case going on, what would be the result. Mr. Smith stated that if he were the CADB attorney he would wait for the appeal to be decided if he knew the issues at the judicial branch would overlap with the issues in the Right to Farm case.

Mr. Germano asked if the SADC knew the issues that were included in the judicial complaints. Mr. Smith stated that the SADC is neither a party to the Superior Court litigation nor the appellate case, and he does not know the facts other than an appeal has been pending since 2021. Mr. Bullock asked if the SADC must wait for the appellate decision, is there a chance that the Morris CADB will be intact by that time to hear the case. Mr. Smith said it was possible if legislation is passed, but it may still encounter quorum problems.

Ms. Payne said that there are two questions that the committee needs to consider. The first is whether the SADC agrees with staff not to proceed on hearing the case, whether here or with the OAL, while the Appellate Division case is active. Secondly, if the appeal is decided soon, the committee needs to decide whether to hear the case itself or send the complaint to the OAL to be heard and for that court to issue an initial decision. This decision does not have to be made if the committee agrees with staff to hold this matter until the Appellate Division case is completely decided. Mr. Germano asked if both parties agree with waiting until the appeal is decided.

Ms. Payne asked Ms. Santucci if the CADB was able to have a quorum and hear the case, would it hold off on hearing that case until such time that the appellate division case is disposed of. Ms. Santucci stated that she would have to take a look at what items were included in the appeal and cannot answer the question at this time.

Susan Rubright, Esq., attorney for Mr. Asdal, provided responses to Mr. Sposaro's objection to the transfer to the OAL and offered updates on the status of the Appellate Division case. Ms. Rubright first stated that Mr. Asdal filed his RTF complaint in January 2018. The complaint contained four issues: (1) that there was no provision for safe off-road parking; (2) there was a violation of setback requirements; (3) there was a violation of storm water management rules; (4) and there was improper designation and misuse of residential properties as parts of Alstede's farm unit.

Ms. Rubright said that the issues now before the Appellate Division and the issues that are the subject of Mr. Asdal's Right to Farm complaint are not the same.

The second lawsuit, which is the subject of the appeal, filed by Mr. Asdal is against the Township of Chester seeking enforcement of stormwater regulations on the Alstede property. She argued that SADC rules specifically provide that the board does not have jurisdiction over stormwater.

Ms. Rubright stated that, at the very least, the SADC does not have jurisdiction to address the stormwater issue now before the Appellate Division Oral argument before the Appellate Division on December 14, 2022. Ms. Rubright asserted that because the appellate issues are not the same as the Right to Farm complaint, there is no danger of conflicting decisions.

Ms. Rubright noted that for protection under the RTF Act a farm must comply with all relevant federal and state statutes and regulations, including stormwater regulations. Ms. Rubright submits that since this precondition is not being complied with, the SADC does not have jurisdiction.

Ms. Rubright argued that if any entity is to hear this, it should be the OAL because the major issues in this case concern stormwater and activities that do not qualify for RTF protection. Ms. Rubright requests that the SADC, send this case to the OAL. Administrative Law Judges have the authority and the capability to hold trials.

Mr. Germano asked Ms. Rubright to confirm that her client's position is not to have the SADC wait until the Appellate Division makes its decision, as the SADC does not have jurisdiction over the subject matter of the appeal, and that the SADC should now refer the Right to Farm case to OAL. Ms. Rubright stated that is correct.

Mr. Sposaro introduced himself and Nicole Voigt, Esq. as attorneys for Alstede Farms, with Mr. Sposaro advising that he represented Mr. Alstede in the latter's individual capacity. Mr. Sposaro stated that the committee needs to keep in mind that there is a strong mandate that farmers should have their complaints against them and SSAMP applications go before the CADB or, if a board does not exist, before the SADC. The legislature recognized that farming is unique and requires the participation in the hearing process of people with practical experience in agriculture. At this time, Mr. Alstede stands to being deprived of having the CADB and the SADC hear this case if it goes before the OAL, and that is a violation of statutory intent.

Mr. Sposaro stated that Mr. Asdal's multiple claims and filings created a considerable delay to this Right to Farm complaint being heard by the Morris CADB, and now the SADC. Mr. Sposaro further stated that Ms. Rubright accurately summarized the first complaint filed in the Superior Court, which Morris County Assignment Judge Minkowitz dismissed on the grounds that the issues raised in the complaint should be heard by the CADB. An appeal from that decision was never taken.

The CADB did not hear the RTF matter while the two complaints were pending in Superior Court because Judge Mankowitz found that the court claims were "entwined" with the RTF claims before the CADB.

Mr. Sposaro stated the Court also ruled on the storm water issues. The county engineer and John Showler from NJDA concluded that Alstede Farms was in compliance with the storm

water regulations. Mr. Sposaro stated he agrees with Mr. Smith that it would be inadvisable for the SADC to hear a complaint while the matter is pending with the Appellate Division.

In reply, Ms. Rubright objected to Mr. Sposaro's summary of the case. Regarding stormwater, she questioned the thoroughness of the county engineer's report of the property and claims Mr. Showler does not have the authority under the storm water regulations to issue an opinion. It is her understanding that no one from the county or municipality has done an evaluation of the Alstede property.

Ms. Rubright concluded that there are issues not related to stormwater in this RTF case, such as safe off-road parking, violation of setback requirements, and improper designation and misuse of residential properties. She observed that OAL judges have properly handled numerous RTF matters.

Mr. Germano asked Mr. Sposaro that despite his claim that Mr. Asdal has delayed this matter, is he now asking to delay the matter by waiting until the Appellate Division case is concluded and not send the matter to the OAL. Mr. Sposaro replied that he is not trying to delay the matter but that it's the best approach given the uncertainty.

Mr. Germano then asked Mr. Sposaro if he agrees with Mr. Asdal that the SADC is not authorized to decide stormwater issues. Mr. Sposaro replied that he does not agree. Judge Mankowitz correctly concluded that all the issues that were contained in the RTF complaint were properly before the CADB.

Mr. Germano asked about risk of there being inconsistent decisions by the SADC and the Appellate Division. Mr. Sposaro stated that Judge Mankowitz correctly recognized that many of the allegations filed with CADB were "entwined" with the claims filed in the court. They are not identical, but they are related and entwined.

Mr. Germano stated that the SADC does not have to hear the case and can send it to the OAL, as it has done with nearly every other case. Mr. Sposaro stated that Mr. Smith has stated that this is a case of first impression, and those matters are different as the SADC receives appeals after decisions have first been made by the CADB. Mr. Sposaro stated that the basis for the SADC to hear this matter is statutory intent, which is to provide for a hearing before governmental bodies, such as CADBs, that contain farmer members. He emphasized that in this particular case, no CADB exists, so the SADC has primary jurisdiction. Mr. Sposaro said it's an uncomfortable situation for the CADB and the SADC to hear these cases, but the legislature requires it has to be done. Mr. Germano replied that the legislation obligates the CADB to hear cases, but not the SADC. Mr. Sposaro respectfully disagreed.

Ms. Payne stated that the SADC has said publicly that municipalities have been delegated stormwater authority by the state. However, when a municipality enacts stricter stormwater management rules than those of the state, the stricter standards are subject to relief under RTF. There have been cases before the SADC where the landowner did not want to go to the township for stormwater approval and instead applied to the soil conservation district; John Showler would get involved and there would be a determination of compliance with the storm water rules. Based on this, it is not accurate to state the SADC has nothing to say about stormwater compliance. Ms. Payne stated that if stormwater compliance is included in the

Right to Farm case and before the Appellate Division, then there are aspects of both cases that are entwined.

Mr. Germano stated that he doesn't get the impression that that is what's in front of the Appellate Division, and he gets the feeling that the complaint is claiming the township is not enforcing compliance. He doesn't see the potential for the Appellate Division's decision to do anything different than what the SADC would do. The argument seems to be if a party other than the SADC has the right to decide stormwater.

Mr. Sposaro stated that the same core allegations against Alstede are in the complaint as well, and on that basis that Judge Minkowitz ruled that the CADB has primary jurisdiction. A jurisdictional issue is before the Appellate Division Mr. Sposaro stated that the SADC has jurisdiction, but out of respect to the court, the SADC should wait until the Appellate Division decision is issued.

Mr. Smith stated that he is trying to determine what issues are before the Appellate Division and it will be helpful to see the briefs. Mr. Smith stated that Judge Minkowitz's dismissal in the second lawsuit ruling dealt with four counts of the complaint. One was mandamus, the second was declaratory judgement, the third was trespass and the fourth was nuisance. Mr. Smith asked Ms. Rubright if the only count before the Appellate Division is the mandamus action. Ms. Rubright confirmed that is correct. Mr. Smith noted that trespassing and nuisance are RTF issues.

Mr. Ellis, SADC vice chairman, asked Mr. Smith to reiterate what are the options before the SADC. Mr. Smith stated that the SADC could hear the case and try it with 11 committee members; transmit it to the OAL as a contested case; or not make a decision and wait for the Appellate Division to issue a decision.

Mr. Ellis asked for staff's recommendation. Ms. Payne stated that staff's recommendation is not to proceed on this case pending the outcome of the Appellate Division case. Mr. Smith is advising that the SADC wait until the Appellate Division makes its decision.

It was moved by Mr. Norz and seconded by Mr. Germano not to proceed with the Right to Farm complaint of Asdal vs Alstede until a decision is made in the case before the Appellate Division. A roll call vote was taken. The motion was unanimously approved.

D. Resolutions: Easement Conveyance Approval – NJCF to Salem County

NOTE: Renee Jones left the meeting.

1. Caltabiano – Pilesgrove Township - SADC ID#: 17-0002-NP
2. Cianfrani – Alloway Township- SADC ID#: 17-0014-NP
3. Kern – Upper Pittsgrove Township- SADC ID#: 17-0009-NP
4. Musumeci – Pilesgrove Township - SADC ID#: 17-0010-NP

Mr. Willmott stated that the New Jersey Conservation Foundation (NJCF) acquired development easements on the four farms referenced above between 2007 and 2009. The SADC provided nonprofit cost sharing grants to fund the easement acquisition. The Deeds of Easement and Project Agreements allow the nonprofit to convey the development easement to the Federal Government, the State, a local unit of government, or another qualifying tax-

exempt nonprofit organization for farmland preservation purposes. NJCF is seeking SADC approval to convey the four development easements referenced above to Salem County.

Staff recommendation is to approve the conveyances with the condition that all conveyance documentation must be reviewed and approved by the SADC and that, due to the passage of time since Salem County's original authorization, the county adopt an updated resolution accepting these transfers.

Upon completion of conveyance of the easements from NJCF to Salem County, the County will be the primary easement holder and responsible for annual monitoring and enforcement of the terms and conditions.

It was moved by Mr. Germano and seconded by Mr. Ellis to approve easement conveyance approval to the NJCF to Salem County, as presented by SADC staff. A roll call vote was taken. The motion was approved.

E. Stewardship

1. Equine Expert Proposal (RFP)

Mr. Roohr stated that in 2021 the SADC directed staff to hire an equine professional to provide input to staff and the committee as to what constituted "production" in the hunter-jumper industry. After receiving one bid in response to staff's initial RFP, staff readvertised on the SADC website and in the *Chronicle of the Horse*, a publication with a wide reach in the equine community. Again, only one proposal was received, and from the same previous bidder, with a total proposed cost of approximately \$100,000. The decision needs to be made to either accept or reject that proposal or to explore other options.

In 2021, the SADC also determined that PSJ should pay the consultant's costs, as this effort is in response to PSJ's disagreement with how the committee has, thus far, defined equine production activities. However, PSJ has indicated that it is unwilling to contribute toward the proposed costs, as it believes that the bidder is unqualified. Chairman Fisher asked if PSJ does not want to pay for the expert due to the cost or because the bidder is not qualified? Nicole Voight, attorney for PSJ, answered that PSJ objects to the cost and to the scope of the RFP.

Chairman Fisher asked for a summary as to where PSJ stands in terms of production. Mr. Roohr stated that in 2012 Mr. Philbrick, PSJ's principal, bought the property and in 2013, he began to host horse shows. The 2013 resolution is the first resolution where the SADC granted permission to have these shows, with conditions. One condition, at issue today, is that a minimum of 10 horses, or 10% of horses participating in these shows, must be owned by Mr. Philbrick. In 2019, the committee amended that condition to also include horses trained by Hunter Farms, where a commission agreement is in place providing that if a horse is sold, Hunter Farms receives a commission from the sale.

Chairman Fisher asked if the RFP applies to the industry as a whole and not just Hunter Farms. Ms. Payne stated the concept applied in the beginning was that shows were Hunter Farms' "farm market" and how the horses gained value. The farm market definition under the RTF, and what has been used in the Farmland Preservation Program, is a 51% standard, which permits the operation of a farm market as long as 51% of what is being sold at the market is

the farm's product. Hunter Farms and PSJ argued that their shows are unlike a normal farm market because they are regional and attract people from all over the country, and that the 51% standard is unrealistic. The committee agreed to a lower percentage of 10% or 10 horses, whichever is greater.

Mr. Norz asked if he can participate in this discussion although he was previously a member of the Somerset CADB. Mr. Smith advised that if Mr. Norz believes that he can impartially decide this issue, then he does not have to recuse himself on this matter. Mr. Norz stated that he will not recuse today.

Chairman Fisher stated that he believes that the SADC should reject the bid.

It was moved by Mr. Norz and seconded by Mr. Germano to reject the bid for the Equine Expert RFP. A roll call vote was taken. The motion was unanimously approved.

Ms. Payne stated that since the SADC elected to reject the bid proposal, consideration could now be given to recasting the project as a more "academic" analysis applicable to the equine industry generally, as opposed to one focused specifically on the PSJ operation.

Mr. Schilling stated that he considered this matter as a specific case needing specific insight. But the broader issue of what are equine production activities needs to be determined and would benefit the committee. Mr. Schilling stated that there was case years ago involving a house on a farm that was going to host visitors to observe very expensive horses. The argument was that the activity was marketing necessary for the equine industry. He suggested speaking with the leaders of the Equine Science Center to frame-out a useful basis for future research.

Mr. Germano observed that there is no standard at this time. He asked how the committee plans to gauge production and how long does the SADC operate in limbo. Chairman Fisher stated that research will now be conducted based on the entire equine industry rather than this one farm. Mr. Germano stated that the SADC needs to come up with a standard that is legally defensible.

F. Resolutions: Preliminary Approval- Direct Easements

Ms. Mazzella and Ms. Miller referred the committee to two requests for preliminary approval under the Direct Easement Purchase Program. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve Resolution FY2023R12(1) and FY2023R12(2), granting preliminary approval to the following applications under the Direct Easement Program, as presented, subject to any condition of said resolution.

1. Alfred and Margaret Van Meter, SADC ID#17-0377-DE, FY2023R12(1), Block 114, Lot 6, Block 116, Lot 1, Alloway Township, Salem County, and Block 1, Lot 2, Stow Creek Township, Cumberland County, 58.5 gross acres.

2. Alan Hunt and Elizabeth Drew, SADC ID#10-0289-DE, FY2023R12(2), Block 41, Lot 2 and Block 42, Lots 19.01 & 20, Bethlehem Township, Hunterdon County, 28.7 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R12(1) and FY2023R12(2) is attached to and a part of these minutes.

G. Resolutions: Final Approval- County PIG Program

Ms. Roberts referred the committee to one request for final approval under the County PIG Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Mr. Germano to approve Resolution FY2023R12(3), granting final approval to the following application under the County PIG Program, as presented, subject to any condition of said resolution.

1. Edward and Susan Eivich, SADC ID#08-0232-PG, FY2023R12(3), Block 29, Lots 3 and 4, Elk Township, Gloucester County, 16.866 surveyed acres.

A roll call vote was taken. Mr. Norz voted against the motion. The motion was approved. A copy of Resolution FY2023R12(3) is attached to and a part of these minutes.

H. Resolutions: Final Approval- Municipal PIG Program

Ms. Mazzella referred the committee to three requests for final approval under the Municipal PIG Program. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Norz to approve Resolutions FY2023R12(4), FY2023R12(5), and FY2023R12(6) granting final approval to the following applications under the Municipal PIG Program, as presented, subject to any condition of said resolution.

1. Robert and Donna Dickinson, SADC ID#17-0250-PG, FY2023R12(4), Block 77, Lots 5 and 6, Upper Pittsgrove Township, Salem County, 25.4 gross acres.
2. Kessel's Nursery LLC (Lot 7), SADC ID#17-0240-PG, FY2023R12(5), Block 17, Lot 7, Upper Pittsgrove Township, Salem County, 25.3 gross acres.
3. Kessel's Nursery LLC (Lot 9), SADC ID#17-0241-PG, FY2023R12(6), Block 14, Lot 9, Upper Pittsgrove Township, Salem County, 23.3 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2023R12(4), FY2023R12(5), and FY2023R12(6) is attached to and a part of these minutes.

I. Resolutions: Final Approval- State Acquisition Program

Ms. Roberts and Ms. Miller referred the committee to two requests for final approval under the State Acquisition Program. They reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Norz and seconded by Mr. Ellis to approve Resolution FY2023R12(7) granting final approval to the following application under the State Acquisition Program, as presented, subject to any condition of said resolution.

1. Vernon Pierce, SADC ID#06-0091-DE, FY2023R12(7), Block 12, Lot 1, Fairfield Township, Cumberland County, 52.5 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R12(7) is attached to and a part of these minutes.

It was moved by Mr. Ellis and seconded by Mr. Waltman to approve Resolution FY2023R12(8) granting final approval to the following application under the Fee Simple Acquisition Program, as presented, subject to any condition of said resolution.

2. Veronica Gulyas, SADC ID#11-0030-FS, FY2023R12(8), Block 75, Lots 5.01 and 5.02, Hopewell Township, Mercer County, 67.8 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R12(8) is attached to and a part of these minutes.

Public Comment

Ms. Patricia Springwell from Hunterdon County stated that preserving farmland and putting restrictions on impervious cover like the farm just discussed is very refreshing. She stated that preserved farms need to produce farm commodities and if people cannot comply with that, then they should buy unpreserved land and use that for their tents and events. She asked what the consequences would be for non-compliance on farmland.

Ms. Payne responded that the SADC, the county or whoever holds the easement, can litigate to enforce the easement. The SADC first attempts to work with landowners to make sure that they are in compliance.

Ms. Springwell then addressed the topic of large homes on preserved land and stated that a 17,000 square foot house on a 35-acre parcel is an abomination and another case of greed and mockery of the farmland preservation program. She asked the committee when they will stop “McMansions” from being built on preserved farmland and noted that a future farmer would not be able to afford that property with a house of that size. Everyone who originally voted for farmland preservation long ago envisioned non-housing development. She implored the SADC to put house size restrictions on preserved farms.

CLOSED SESSION

At 2:00 p.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss the certification of value under the county planning incentive grant program for the easement purchase of the Carty Farm, Florence Township, Burlington County; any pending or anticipated litigation; any matters falling within the attorney-client privilege; and any matters under N.J.S.A. 10:4-12(b) that have arisen during the public portion of the meeting. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Norz and seconded by Mr. Germano to go into Closed Session. The motion was unanimously approved.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certifications of Values

It was moved by Mr. Schilling and seconded by Mr. Norz to approve the Certification of Values as a result of closed session. The motion was approved.

Direct Easement Purchase Program

1. Carol Carty, et al, Florence Township, Burlington County, SADC #03-0444-PG, Block 170, Lot 11.01, 96 Gross Acres

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., January 27, 2023

Location: 200 Riverview Plaza, Trenton, NJ

ADJOURNMENT

The meeting was adjourned at 2:10 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R12(1)
Request to Replace a Single-Family Residence
Jeffrey and Sheila Wilson
December 1, 2022

Subject Property:

Block 13, Lots 15
Alloway Township, Salem County
123.8 Acres
SADC ID# 17-0112-DE

WHEREAS, Jeffrey M. Wilson and Sheila A. Wilson, hereinafter "Owners," are the current record owners of Block 13, Lot 15, in Alloway Township, Salem County, by deed dated September 27, 2019, and recorded in the Salem County Clerk's office in Deed Book 4535, Page 1057, totaling approximately 123.8 easement acres, hereinafter referred to as the "Premises", as shown in Schedule "A"; and

WHEREAS, a development easement on the Premises was conveyed to the State Agriculture Development Committee on October 27, 2004, by Walter T. Leslie and Fay S. Leslie pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq., as a Deed of Easement recorded in the Salem County Clerk's Office on November 11, 2004, in Deed Book 1177, Page 1; and

WHEREAS, funding from the Natural Resources Conservation Services (NRCS) Farm and Ranch Land Protection Program was used in the Premises' easement acquisition; and

WHEREAS, at the time of preservation, the Deed of Easement identifies one (1) existing single-family residence, zero (0) agricultural labor units, no Residual Dwelling Site Opportunity, and no exception areas; and

WHEREAS, the current agricultural operation consists of grain, hay, and livestock production, with plans to convert a portion of the property into nursey production; and

WHEREAS, in November of 2021, the SADC received an initial request from the Owners to replace the existing single-family residence on the Premises due to structural issues causing sections of the home to crack and separate, resulting in progressively deteriorating living conditions, such as poor climate control and moisture intrusion; and

WHEREAS, the existing residence is an approximately 2,250 sq./ft., two and a half-story, 3-bedroom residence consisting of a traditional pattern brick portion constructed circa 1760, and a wooden frame addition constructed in the 1980's; and

WHEREAS, the older section of the existing residence has electrical service but lacks plumbing or a kitchen; and

WHEREAS, the addition contains the accompanying utilities that allow the residence to be considered habitable such as a kitchen and plumbing; and

WHEREAS, paragraph 14ii. of the Deed of Easement allows for the replacement of any existing single-family residential building anywhere on the Premises with the approval of the SADC; and

WHEREAS, paragraph 25 states that no historic building or structure located on the Premises may be demolished by the grantor or any other person without the prior approval of the State Agricultural Development Committee; and

WHEREAS, "Historic building or structure" is defined as a building or structure that, as of the date of the Deed of Easement, had been included in the New Jersey Register of Historic Places established pursuant to N.J.S.A. 13:1B-15.128 et seq.; and

WHEREAS, the Owners subsequently requested that the application be put on hold, allowing SADC staff to investigate the historical significance of the existing residence and any implication it may have on the house replacement application; and

WHEREAS, SADC staff received confirmation that while the existing residence is not listed on the New Jersey or National Register of Historic Places from the State Historic Preservation Office, it is eligible to be included on the New Jersey Register of Historic Places due to the traditional patterned brickwork utilized in southern New Jersey between ca. 1680 - ca. 1830; and

WHEREAS, SADC staff received confirmation from the Salem County Historical Society and the Alloway Township Zoning department that the existing residence is well known and holds local historical significance as the home to Captain/Major John Kelly, a member of the Salem County Militia who fought in the Battle of Princeton during the American Revolution; and

WHEREAS, NRCS determined in an email to the SADC dated May 12, 2022, that it would not require a historical assessment of the Premises and that no action or decision from the NRCS was necessary regarding the house replacement request; and

WHEREAS, the Owners are requesting to construct a 3-bedroom, 2.5-bathroom, ranch style single-family residence of up to 2,700 sq./ft of heated living space, with an unfinished basement, hereinafter referred to as the "Proposed Residence", to be used as a residence for the Owners, in the location as shown in Schedule "B", and

WHEREAS, the location of the Proposed Residence was chosen to minimize impacts to tillable acreage and the agricultural operation; and

WHEREAS, the Proposed Residence does not require the construction of a new well and will utilize the existing septic system installed in 2016 to service the existing residence as shown in Schedule "B"; and

WHEREAS, the Proposed Residence will require the installation of a 525' long x 20' wide driveway (0.24 acre), some of which will utilize and improve an existing farm lane as shown in Schedule "B"; and

WHEREAS, the extension of utilities to service the Proposed Residence will be required and are proposed along the existing and proposed driveway as shown in Schedule "B"; and

WHEREAS, the SADC heard the request at the October 27, 2022 meeting where it determined Committee approval to demolish the residence was not required due to the structure not being included on either the New Jersey or National Historic Register of Historic Places; and

WHEREAS, Committee members expressed concern over the loss of historically significant structures on farmland and their desire to have structures like the ca. 1760 portion of the existing residence preserved if possible; and

WHEREAS, the Committee approved the Owners' request to construct the Proposed Residence with conditions that the Owners refrain from demolishing the ca. 1760 portion of the existing residence for a period of 12 months from the date a Certificate of Occupancy is issued for the Proposed Residence to allow SADC staff time to determine what options may be available for preserving the historic portion of the existing residence consistent with the DOE and applicable state regulations.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The Committee, pursuant to the restrictions contained in the Deed of Easement, finds that the replacement of the existing single-family residence on the Premises with a new residence will have a positive impact on the continued agricultural operations of this farm by replacing a deteriorating residence with a new one that shall serve as the primary residence for the Owners.
3. The Committee approves the construction of a three-bedroom residence, consisting of approximately 2,700 sq./ft. of heated living space, with an unheated basement to replace the current residence on the Premises as shown in Schedule "B,".
4. This approval is subject to the following:
 - a. The ca. 1760 portion of the existing residence shall be redesignated as a non-residential structure; and

- b. The ca. 1760 portion of the existing residence shall remain standing for a period of at least 12 months after receipt of the certificate of occupancy for the Proposed Residence in order to allow SADC staff to investigate options to preserve the ca. 1760 portion of the existing residence; and
5. This approval does not obligate the Owners to maintain the ca. 1760 portion of the existing residence for more than the 12-month period indicated in #4(b) above.
6. This approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state or federal approvals necessary to effectuate the approved SADC action.
7. This approval is non-transferable.
8. The construction of the new residence is subject to all applicable local, State and Federal regulations.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

12/1/2022

Date



 Susan E. Payne, Executive Director
 State Agriculture Development Committee

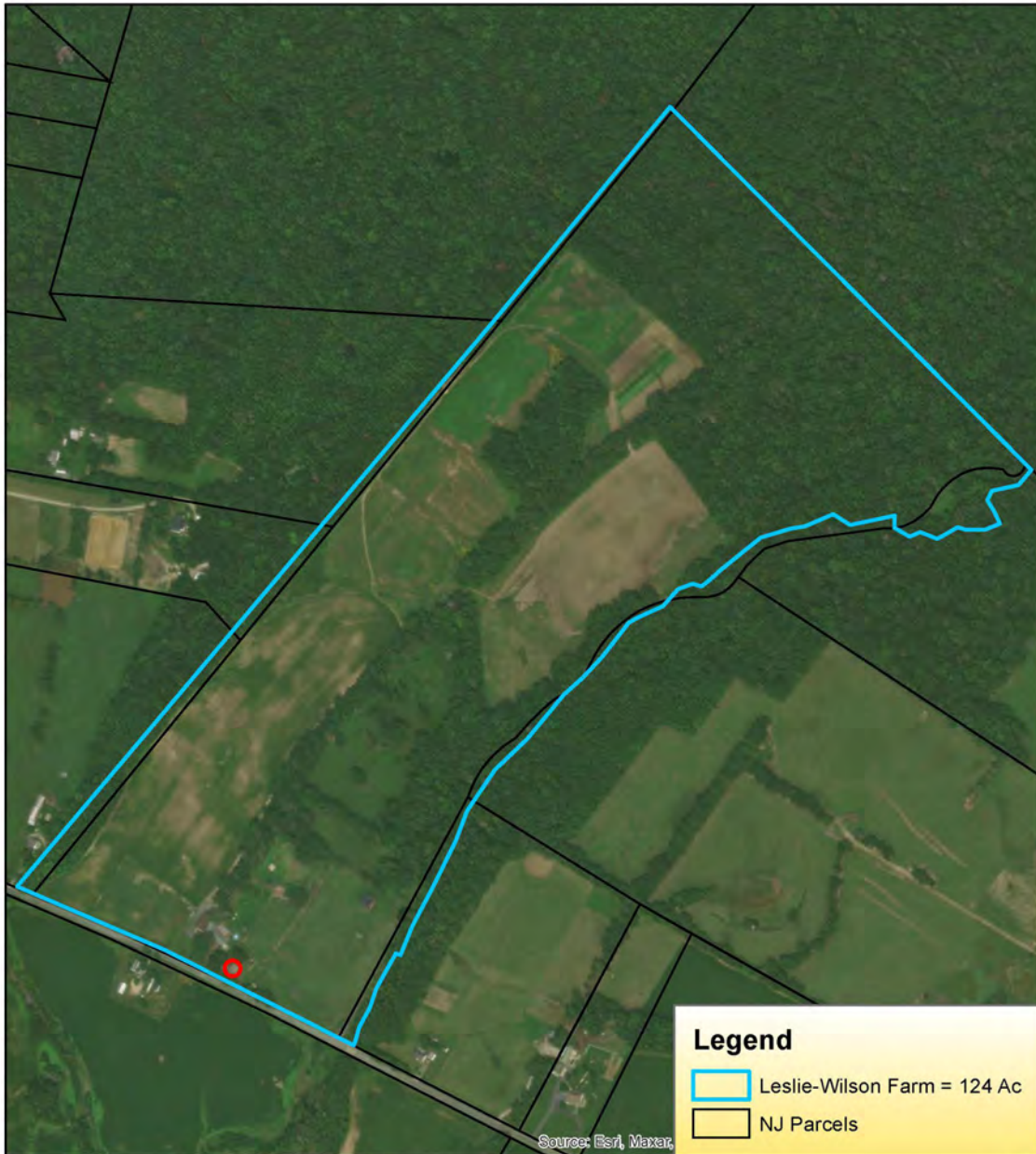
VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSTAIN
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSTAIN
Douglas Fisher, Chairperson	YES

Schedule A



Leslie-Wilson Farm 17-0112-DE Salem County, Alloway Twp. Block 13 Lot 15 New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: September 12, 2022



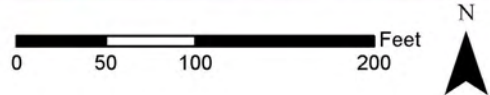
Schedule B



Leslie-Wilson Farm 17-0112-DE Salem County, Alloway Twp. Block 13 Lot 15 New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: September 12, 2022



Schedule C – Residence



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2023R12(2)

Review of Activities Occurring on Preserved Farm

Princeton Show Jumping, LLC/Hunter Farms North Equine Activities

December 1, 2022

Subject Property:

Block 26001, Lot 1.02

Montgomery Township, Somerset County

101.46 Acres

WHEREAS, Princeton Show Jumping LLC, hereinafter (“Owner”) is the current record owner of Block 26001, Lot 1.02, in the Township of Montgomery, County of Somerset, as recorded in the Somerset County Clerk’s Office in Deed Book 6519, Page 3387 by deed dated May 7, 2012, totaling 101.46 acres, hereinafter referred to as the “Premises”, as shown in Schedule “A”; and

WHEREAS, a development easement on the Premises was conveyed by the State of New Jersey to the State Agriculture Development Committee on December 2, 2003, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded on May 28, 2004, in the Somerset County Clerk’s Office in Deed Book 5599, Page 859; and

WHEREAS, Andrew Philbrick is the sole owner of Princeton Show Jumping, LLC (PSJ), hereinafter referred to as the “Owner;” and

WHEREAS, upon purchasing the Premises, the Owner began to develop the site with state-of-the-art sand rings and other infrastructure designed to create a premier hunter/jumper show, training and competition facility; and

WHEREAS, in May 2013, the Owner made a request to the Committee to utilize the Premises to host nine, 3- to 5-day, hunter/jumper shows consisting of 42 total show days, which are sanctioned and licensed by the U.S. Equine Federation (USEF); and

WHEREAS, on May 23, 2013, the Committee approved Resolution #FY2013R5(5), finding that the shows, as described by the Owner, were permissible activities attracting the public in an effort to increase the direct marketing and sales of the farm’s agricultural output; and

WHEREAS, since 2017 the SADC has been working with the Owner to address the Owner’s noncompliance with the Deed of Easement as well as various Committee approvals related to activities on the Premises including, but not limited to, impervious cover, stormwater requirements, soil restoration, conservation planning, and equine production; and

WHEREAS, at its September 26, 2019, meeting the SADC rescinded its May 23, 2013, resolution approving 9 shows and 42 show days, and decided that the approval of Owner's show calendars would be considered by the Committee on an annual basis; and

WHEREAS, for the 2021 show season, the SADC approved 14 shows and 67 show days; and

WHEREAS, at its October 28, 2021, meeting the SADC directed staff to engage a qualified professional to assist the SADC in evaluating standards to account for equine production on the Premises; and

WHEREAS, the SADC provided for a one-year grace period from October 28, 2021, to allow the Owner to continue its operations while these production standards were being reevaluated; and

WHEREAS, for the 2022 show season, the SADC approved 15 shows and 64 show days; and

WHEREAS, at its October 27, 2022, meeting, the SADC approved 14 shows totaling 64 show days for the 2023 season; and

WHEREAS, at its October 27, 2022, meeting the SADC approved a calendar of 2023 show dates which included a tent assembly and dismantling schedule, as shown in Schedule "B"; and

WHEREAS, the SADC has issued requests for proposals for an equine professional to assist the SADC in more fully evaluating standards to account for equine production on the Premises; and

WHEREAS, because the request for proposal for an equine professional has not yet been awarded, the Committee agreed to extend the one-year grace period originally granted on October 28, 2021 for one additional year.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds that development and use of the Premises for breeding, raising, and training of the Owner's horses for sale, and the Owner's training of horses owned by others for which he has a commission agreement when those horses are sold, are consistent with the definition of "agricultural use" in paragraph 2 of the Deed of Easement for the Premises.
3. The SADC approves the calendar of events at Hunter Farms North, including the schedule of show dates, totaling 14 shows and 64 show days, as shown in Schedule "B".
4. The SADC approves the schedule of tent assembly and dismantling dates, as shown in Schedule "B".
5. For the 2023 season the Owner shall submit production records for each show within 30 days of the conclusion of each show. Production records shall identify the name of each horse in the following categories: horses owned by PSJ in whole; horses owned in

part by PSJ; horses trained by PSJ at its facility located at 1315 Great Road, including whether PSJ is, and is not, entitled to a commission; horses trained by PSJ at off-site locations including whether PSJ is, and is not, entitled to a commission; horses trained only during show days for which PSJ is or is not entitled to a commission; and other horses for which PSJ has no training/commission relationship. The trainer's name shall be included for any horse for which PSJ is claiming ownership or a commission arrangement.

6. No new site disturbances or site work shall be conducted on the Premises without the advance, written approval of the SADC.

7. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

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



12/1/2022
DATE

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSTAIN
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSTAIN
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	RECUSE
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	NO
Richard Norz	RECUSE
Douglas Fisher, Chairperson	YES

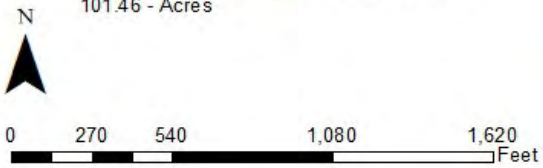
Schedule "A"

S:\Stewardship of Preserved Farms\State Owned Land - DKINPDC\Treasury-NPDC\Selody-Hunter Farms\Post Closing-Stewardship-Hur



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Princeton Show Jumping
Block 26001, Lot 1.02
Montgomery Township, Somerset County
101.46 - Acres



Farmland Preservation Program	State Planning Area
PRESERVED EASEMENT	PA11 METRO
EXCEPTION AREA	PA21 SUBURBAN
PRESERVED EASEMENT / NR	PA31 FRINGE
EXCEPTION AREA / NR	PA41 RURAL
FINAL APPROVAL	PA45 RURAL EMBLEMS
PRELIMINARY APPROVAL	PA51 LOW SCHE
ACTIVE APPLICATION	PA55 ENVIRONMENTAL SENSITIVE BARRIERS
8 YEAR PRESERVED	P10 PINELANDS
TARGETED FARM	PARK
EXCEPTION AREA TARGETED	MILITARY
INACTIVE APPLICATION	NEW JERSEY MEADOWLANDS
INACTIVE/FEDERALLY FUNDED	WATER
NO CORRESPONDING DATA	
PRESERVED/FEDERALLY FUNDED	
	Base Map
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Precinct Area
	Green Acres Preserved Easement

Schedule “B”
Hunter Farms
2023 Competition Dates and Tent Schedule

Tents Up April 19

April 20-23 ~ Princeton Show Jumping Spring Classic (4 days)

April 26-30 ~ Princeton Show Jumping Classic II (5 days)

May 10-14 ~ Princeton Show Jumping May II (5 days)

May 17-21 ~ Princeton Show Jumping May III (5 days)

June 1-4 ~ Princeton Show Jumping June I (4 days)

June 8-11 ~ Princeton Show Jumping June II (4 days)

Tents Down Until June 28th Show

June 28-July 2 ~ Princeton Summer June/July I (5 days)

July 5-9 ~ Princeton Summer June/July II (5 days)

July 19-23 ~ Princeton Classic Preview (5 days)

July 26-30 ~ Princeton Classic (5 days)

Tents Down until August 23rd Show

August 23-27 ~ Princeton Summer Encore (5 days)

September 21-24 ~ Princeton Show Jumping Fall I (4 days)

September 28- October 1 ~ Princeton Show Jumping Fall II (4 days)

October 5-8 ~ Princeton Show Jumping Classic (4 days)

Tents Down October 9

Total days tents up = 140

Eight 5-day shows = **40 days**; Six 4-day shows = **24 Days**

Total 14 shows 64 days

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2023R12(4)

**Preliminary Approval of SADC Easement Purchase on an "ALTERNATE" FARM
On the Property of Van Meter, Alfred C., Jr. & Margaret Ann**

DECEMBER 1, 2022

Subject Property: **Van Meter, Alfred C., Jr. & Margaret Ann**
Block 114, Lot 6, Block 116, Lot 1, Alloway Township, Salem County
Block 1, Lot 2, Stow Creek Township, Cumberland County
SADC ID#17-0377-DE

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on September 1, 2022, the SADC received a development easement sale application from Alfred and Margaret Van Meter, hereinafter "Owner," identified as Block 114, Lot 6, Alloway Township, Salem County, and Block 1, Lot 2, Stow Creek Township, Cumberland County, hereinafter "the Property," totaling approximately 58.5 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

WHEREAS, SADC staff noticed an area of concern in aerial imagery (see attached map) and visited the site on October 17, 2022 where concentrated water flow and erosion was visible (Schedule B); and

WHEREAS, SADC staff will work with the Owner and farmer to develop a plan to remediate any erosive conditions to the SADC's satisfaction before closing; and

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 66.32 and contains approximately 58.5 net acres (Schedule B); and

WHEREAS, although the Property's quality score is higher than 61, which is the minimum score required to be considered a "Priority" farm, it does not meet the SADC's Salem County minimum criteria for size in the "Priority" (94 acres) or "Alternate" (69 acres) categories, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5 because the farm:
 - a. has a quality score of 66.32, which is above minimum ranking criteria for a "Priority" farm in Salem County
 - b. has approximately 87% Prime soils and 10% Statewide Important soils
 - c. is within the County Agriculture Development Area
 - d. is located immediately adjacent to another preserved farm
3. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Owner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey .
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

12/1/2022
Date

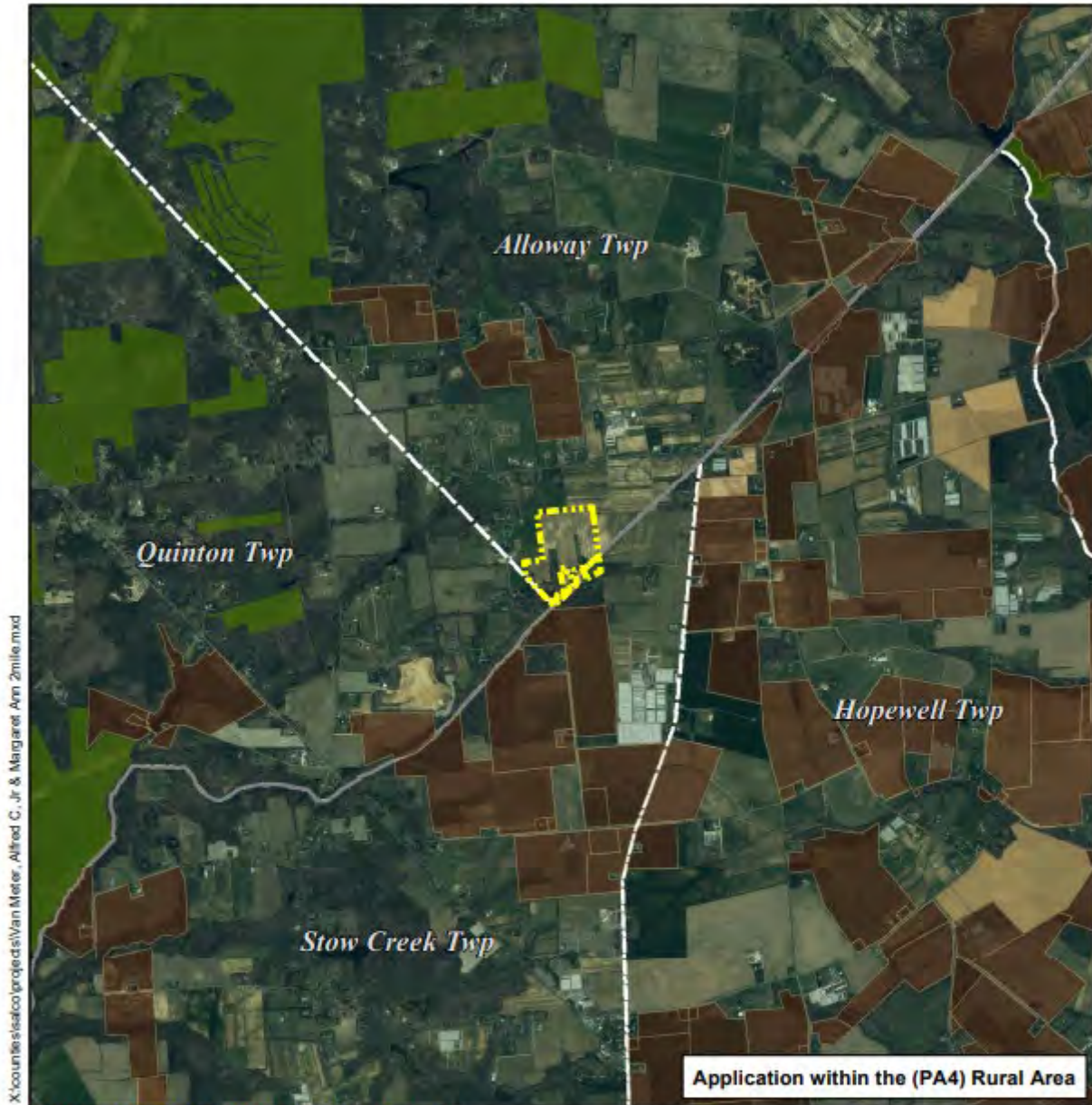


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

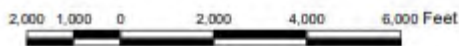
Preserved Farms and Active Applications Within Two Miles



X:\counties\safo\projects\Van Meter, Alfred C, Jr & Margaret Ann 2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Van Meter, Alfred C, Jr & Margaret Ann
 Alloway Twp., Salem County - Block 114 Lot 6 (54.9 ac);
 Block 116 Lot 1 (1.0 ac) &
 Stow Creek Twp., Cumberland County - Block 1 Lot 2 (2.6 ac)
 Gross Total = 58.5 acres
 Salem County



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

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



Sources:
 NJ Farmland Preservation Program
 NJDOT Parcel data edited from Seed
 NJDEP Conservation/Open Space Easement Data
 NJDOT Road Data
 NJGIT/IGIS 2020 Digital Aerial Image



State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Salem Alloway Twp. 1701

APPLICANT Van Meter, Alfred C., Jr. & Margaret Ann

PRIORITIZATION SCORE

SOILS:	Other	1.5%	*	0	=	.00	
	Prime	87.5%	*	.15	=	13.13	
	Statewide	10%	*	.1	=	1.00	
	Unique zero	1%	*	0	=	.00	
							SOIL SCORE: 14.13
TILLABLE SOILS:	Cropland Harvested	84%	+	.15	=	12.60	
	Wetlands/Water	3%	+	0	=	.00	
	Woodlands	13%	+	0	=	.00	
							TILLABLE SOILS SCORE: 12.60
BOUNDARIES AND BUFFERS:	Farmland (Unrestricted)	54%	+	.06	=	3.24	
	Residential Development	22%	+	0	=	.00	
	Streams and Wetlands	12%	+	.18	=	2.16	
	Woodlands	12%	+	.06	=	.72	
							BOUNDARIES AND BUFFERS SCORE: 6.12
CONTIGUOUS PROPERTIES / DENSITY:	Van Meter	Restricted Farm or Current Application				2	
	Coombs	Restricted Farm or Current Application				2	
	Cruzan	Restricted Farm or Current Application				2	
	Mehaffey	Restricted Farm or Current Application				2	
	Van Meter #1	Restricted Farm or Current Application				2	
							DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100%	+	.19	=	19.00	
							LOCAL COMMITMENT SCORE: 19.00
SIZE:							SIZE SCORE: 2.34
IMMIMENCE OF CHANGE:	SADC Impact factor =	2.13					
							IMMINENCE OF CHANGE SCORE: 2.13
COUNTY RANKING:							
EXCEPTIONS:							EXCEPTION SCORE: .00
							TOTAL SCORE: 66.32

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R12(3)
NEW JERSEY CONSERVATION FOUNDATION
CONVEYANCE OF DEVELOPMENT EASEMENTS
December 1, 2022**

Subject Properties:

SADC ID#: 17-0002-NP – Caltabiano - Pilesgrove Twp.

SADC ID#: 17-0014-NP – Cianfrani - Alloway Twp.

SADC ID#: 17-0009-NP – Kern – Upper Pittsgrove Twp.

SADC ID#: 17-0010-NP – Musumeci – Pilesgrove Twp.

WHEREAS, a development easement was conveyed to the New Jersey Conservation Foundation (NJCF) on March 7, 2007, by Mario R. Caltabiano and Catherine M. Caltabiano pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. as a Deed of Easement recorded in the Salem County Clerk’s Office on April 18, 2007, in Deed Book 1274, Page 172; and

WHEREAS, on July 6, 2007 NJCF entered into a Project Agreement with the State Agriculture Development Committee (SADC) for a cost sharing grant to fund the acquisition of the development easement on the Caltabiano farm, Block 14, Lot 6.01 and 6.03, Pilesgrove Township, Salem County, as shown in Schedule “A”; and

WHEREAS, on October 23, 2009 NJCF entered into a Project Agreement with the SADC for a cost sharing grant to fund the acquisition of a development easement on the Cianfrani farm, Block 18, Lot 10; Block 5, Lot 23; and Block 6, Lot 3, Alloway Township, Salem County, as shown in Schedule “B”; and

WHEREAS, the development easement was conveyed to the NJCF on November 6, 2009, by John A. Cianfrani and Deborah A. Donovan pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. as a Deed of Easement recorded in the Salem County Clerk’s Office on November 25, 2009, in Deed Book 3129, Page 545; and

WHEREAS, on July 14, 2009 NJCF entered into a Project Agreement with the SADC for a cost sharing grant to fund the acquisition of the development easement on the Kern (now All American Farms, LLC) farm, Block 38, Lots 3 and 3.01, Upper Pittsgrove Township, Salem County, as shown in Schedule “C”; and

WHEREAS, the development easement was conveyed to the NJCF and the United States of America on July 17, 2009, by Eric and Tara Kern pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. as a Deed of Easement recorded in the Salem County Clerk’s Office on July 22, 2009, in Deed Book 3079, Page 523; and

WHEREAS, on April 14, 2009 NJCF entered into a Project Agreement with the SADC for a cost sharing grant to fund the acquisition of the development easement on the Musumeci farm, Block 15, Lot 10 and Block 19, Lot 5, Pilesgrove Township, Salem County, as shown in Schedule "D"; and

WHEREAS, a development easement was conveyed to the NJCF and the United States of America on April 16, 2009, by Samuel F. Musumeci and Loretta Musumeci pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. as a Deed of Easement recorded in the Salem County Clerk's Office on April 21, 2009, in Deed Book 3040 Page 675; and

WHEREAS, on April 25, 2014, NJCF passed a resolution authorizing the conveyances of the Caltabiano, Cianfrani, Kern (now All American Farms, LLC), and Musumeci Deeds of Easement to the County of Salem, the Salem County Agriculture Development Board or other appropriate county entity; and

WHEREAS, on June 22, 2022, NJCF passed a resolution authorizing re-approval of the conveyances of the Caltabiano, Cianfrani, Kern (now All American Farms, LLC), and Musumeci Deeds of Easement to the County of Salem, the Salem County Agriculture Development Board or other appropriate county entity; and

WHEREAS, the Caltabiano, Cianfrani, Kern (now All American Farms, LLC), and Musumeci farms were preserved with participation of federal funding under the Federal Farm and Ranch Lands Protection Program; and

WHEREAS, the Deeds of Easement provide NJCF the right to convey the easements to the Federal government, the State, a local unit of government, or another qualifying tax-exempt nonprofit organization for farmland preservation purposes; and

WHEREAS, NRCS, by letter dated October 17, 2022, has agreed to the conveyances of the above Deeds of Easement to Salem County; and

WHEREAS, Salem County, by resolution dated November 7, 2012, agreed to accept the conveyances of the above Deeds of Easement; and

WHEREAS, the Project Agreements entered into by the SADC and NJCF in accordance with N.J.A.C. 2:76-16.1(a) for preservation of the Caltabiano, Cianfrani, Kern and Musumeci farms require the SADC's advance written approval of the NJCF's conveyance of its easement interest; and

WHEREAS, NJCF is requesting SADC approval to convey the Deeds of Easement on the Caltabiano, Cianfrani, Kern (now All American Farms, LLC), and Musumeci farms to the County of Salem, the Salem County Agriculture Development Board or other appropriate county entity; and

WHEREAS, after the conveyances, by duly executed assignment(s), have been recorded in the Salem County Clerk's Office, Salem County will be responsible for monitoring and enforcing the Deeds of Easement; and

NOW THEREFORE BE IT RESOLVED, that the SADC approves the conveyances of the Caltabiano, Cianfrani, Kern (now All American Farms, LLC), and Musumeci development easements from the New Jersey Conservation Foundation to the County of Salem, the Salem County Agriculture Development Board or other appropriate county entity; and

BE IT FURTHER RESOLVED, that all documents required to complete the conveyances of the above Deeds of Easement shall be subject to advance review and approval by the SADC including, but not limited to, a current resolution adopted by the Salem County Board of County Commissioners accepting the above Deeds of Easement, proposed Assignments of Deeds of Easement for recording, and preliminary title reports and title commitments insuring the Deeds of Easement, and the assignments thereof; and

BE IT FURTHER RESOLVED, this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

____12/1/2022_____

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

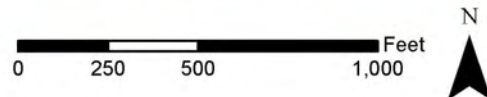
SCHEDULE A



Caltabiano Farm 17-0002-NP
Pilesgrove Twp. BI 14 Lots 6.01 and 6.03
New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 11/17/2022



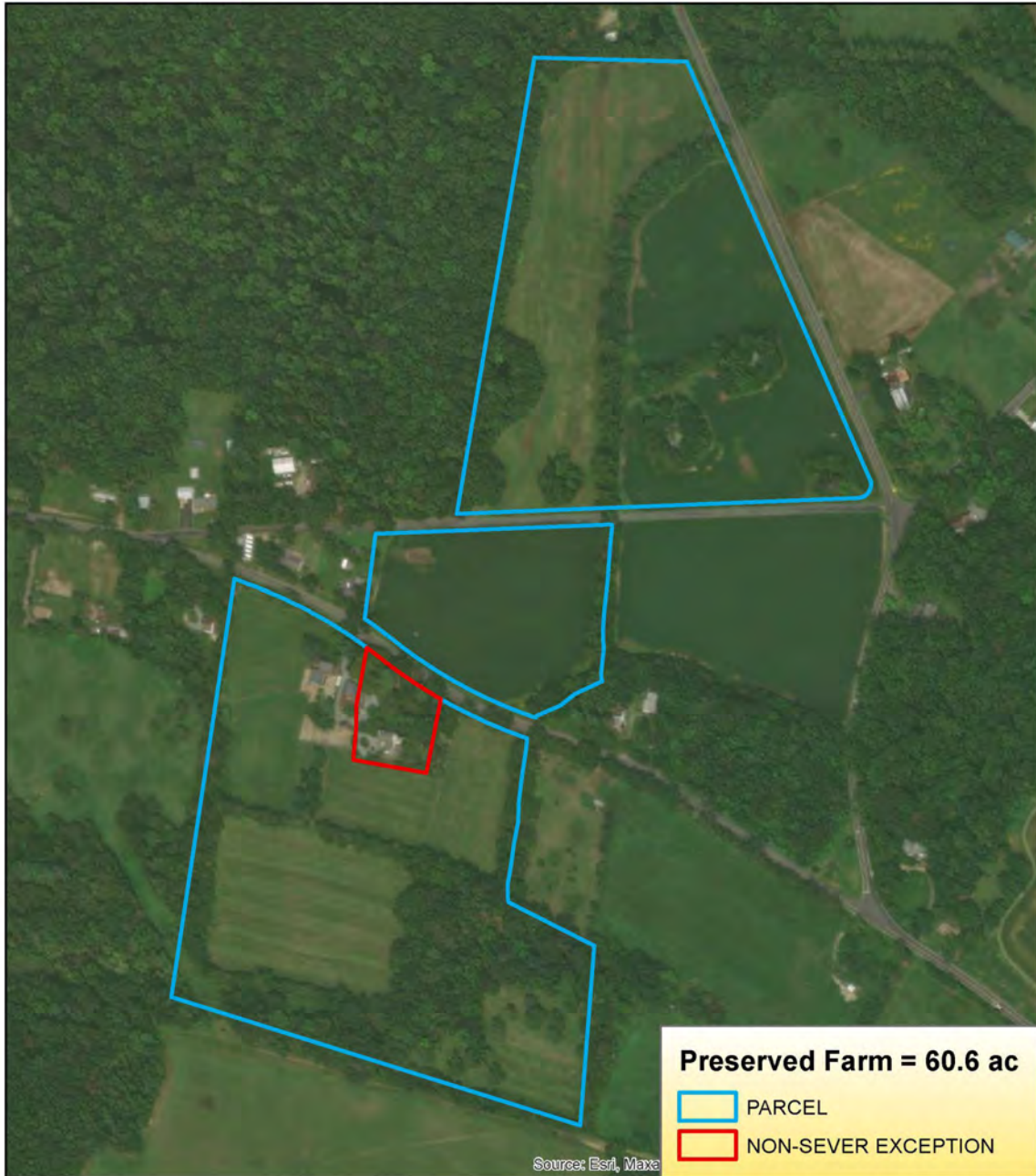
SCHEDULE B



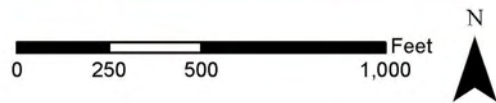
Cianfrani Farm 17-0014-NP

Alloway Twp. BI 5 Lot 23, BI 6 Lot 3, and BI 18 Lot 10

New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 11/17/2022



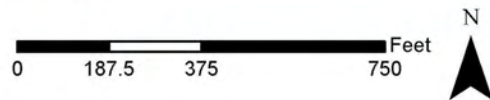
SCHEDULE C



Kern Farm 17-0009-NP
Upper Pittsgrove Twp. BI 38 Lots 3, and 3.01
New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 11/17/2022



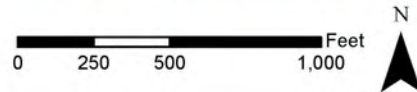
SCHEDULE D



Musumeci Farm 17-0010-NP
Pilesgrove Twp. BI 15 Lot 10, and BI 19 Lot 5
New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 11/17/2022



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2023R12(5)

Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM IN THE
HIGHLANDS PRESERVATION AREA

On the Property of Hunt, Alan & Drew, Elizabeth H.

DECEMBER 1, 2022

Subject Property: **Hunt, Alan & Drew, Elizabeth**
Block 41, Lot 2 and Block 42, Lots 19.01 & 20
Bethlehem Township, Hunterdon County
SADC ID#: 10-0289-DE

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on October 25, 2022, the SADC received a development easement sale application from Alan Hunt and Elizabeth H. Drew, hereinafter "Owners," identified as Block 41, Lot 2 and Block 42, Lots 19.01 and 20, Bethlehem Township, Hunterdon County, hereinafter "the Property," totaling approximately 28.7 gross acres, identified in (Schedule A); and

WHEREAS, the Property is in the Highlands Planning and Preservation Areas and the Owner provided recorded documents showing that the property has been in the immediate family since 1967; therefore, subject to a full review of the documentation and title, the property appears to be eligible for, and must be appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, the Property includes one (1), approximately 2.5 acre non-severable exception area for one (1) existing single family residential unit and to afford future flexibility of uses resulting in approximately 26.2 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes zero (0) housing opportunities, zero (0) Residual Dwelling Site Opportunity (RDSO), zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 64.3 and contains approximately 28.7 acres (Schedule B); and

WHEREAS, although the Property's quality score is higher than 57, which is the minimum score required to be considered a "Priority" farm, it does not meet the SADC's Hunterdon County minimum criteria for size in the "Priority" (47 acres) or "Alternate" (34 acres) categories, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" or "alternate" ranked applications that have not already been selected for processing at this time; and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditures Policy (P-47), which approves the use of Highlands funds to support additional applications in all farmland preservation programs; the Property is a candidate for this funding source; and

WHEREAS, at this time there is approximately \$1M of Highlands funding available; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5 because the farm:
 - a. has a quality score of 64.3, which is above minimum ranking criteria for a "Priority" farm in Hunterdon County
 - b. has approximately 38.6% Prime soils and 53.41% Statewide Important soils
 - c. is located within the County Agriculture Development Area
 - d. is located in the Highlands Planning and Preservation Areas
3. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Owners
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

__12/1/2022__
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/10-0289-DE/Acquisition/Preliminary Approval, Final Approval & Agreement to Sell/Hunt & Drew_preliminary approval resolution.docx

Preserved Farms and Active Applications Within Two Miles

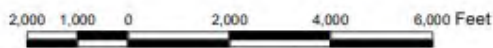


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Application in both the Highlands Preservation & the Highlands Planning (Conforming) Areas

**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Hunt, Alan & Drew, Elizabeth H.
Block 41 Lots P/O 2 (2.5 ac) &
P/O 2-EN (non-severable exception - 2.5 ac);
Block 42 Lots 19.01 (4.8 ac) & 20 (18.9 ac)
Gross Total = 28.7 ac
Bethlehem Twp., Hunterdon County



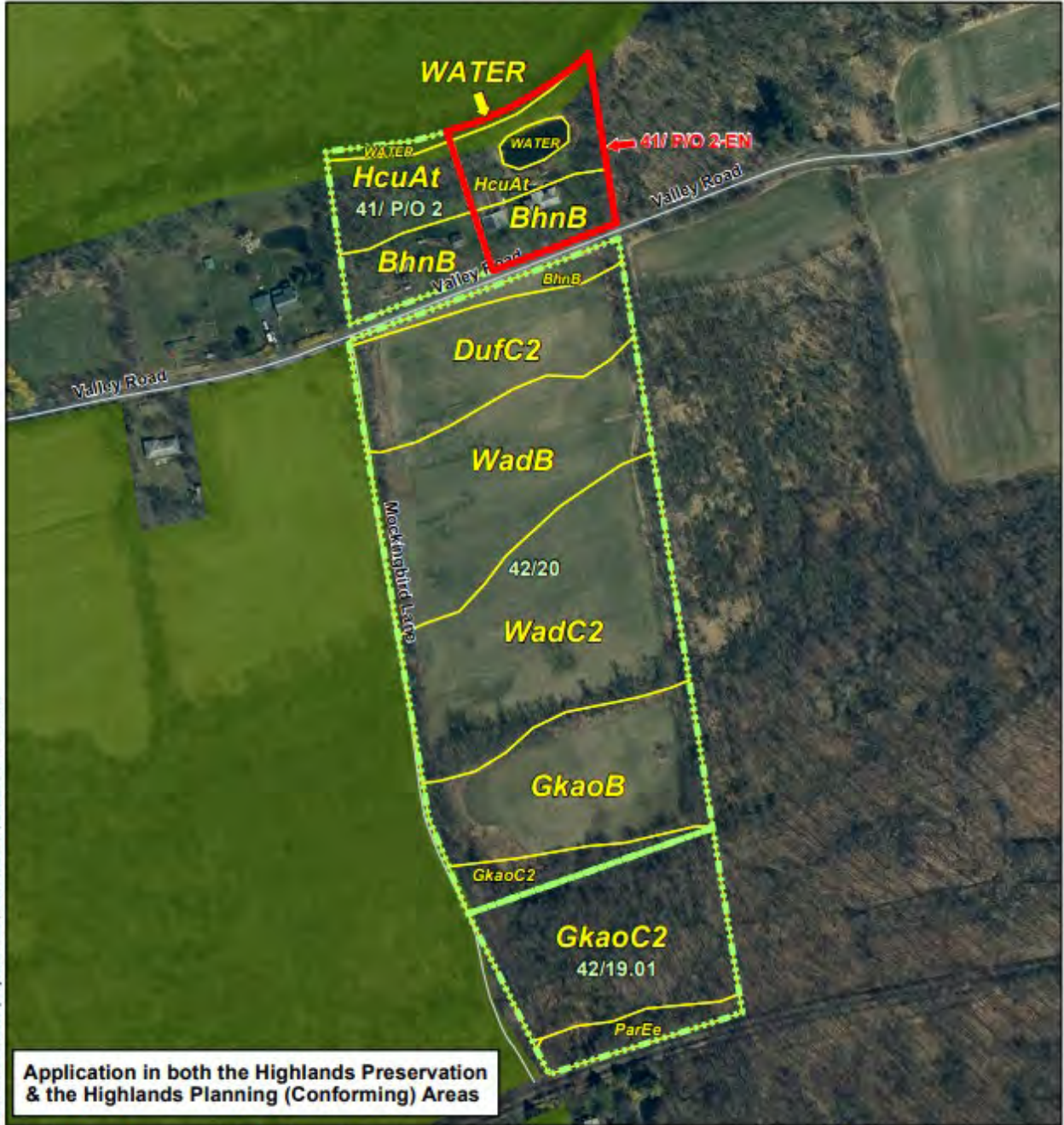
	Property in Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned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



Sources:
NJ Farmland Preservation Program
NJGIT Parcel data
NJDEP Conservatory/Open Space Easement Data
NJ Highlands Council Data
NJGIT/OGIS 2020 Digital Aerial Image

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

Soils



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hunt, Alan & Drew, Elizabeth H.
Block 41 Lots P/O 2 (2.5 ac) &
P/O 2-EN (non-severable exception - 2.5 ac);
Block 42 Lots 19.01 (4.8 ac) & 20 (18.9 ac)
Gross Total = 28.7 ac
Bethlehem Twp., Hunterdon County



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

- Property in Question
- EN - (Non-Severable) Exception
- Soils Boundaries
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements



Sources:
NJ Farmland Preservation Program
NJGIT Parcel data
NRCS - SSURGO 2011 Soil Data
NJ Highlands Council Data
Green Acres Conservation Easement Data
NJDEP Conservation/Open Space Data
NJDOT Road Data
NJGIT/GIS 2020 Digital Aerial Image

November 9, 2022

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Hunterdon Bethlehem Twp. 1002
 APPLICANT Hunt, Alan & Drew, Elizabeth H.

PRIORITIZATION SCORE

SOILS:	Other	7.99% *	0	=	.00	
	Prime	38.6% *	.15	=	5.79	
	Statewide	53.41% *	.1	=	5.34	
						SOIL SCORE: 11.13
TILLABLE SOILS:	Cropland Harvested	63% *	.15	=	9.45	
	Wetlands/Water	4% *	0	=	.00	
	Woodlands	33% *	0	=	.00	
						TILLABLE SOILS SCORE: 9.45
BOUNDARIES AND BUFFERS:	Farmland (Unrestricted)	13% *	.06	=	.78	
	Highways and Railroads	8% *	.1	=	.80	
	Residential Development	7% *	0	=	.00	
	Streams and Wetlands	37% *	.18	=	6.66	
	Woodlands	35% *	.06	=	2.10	
						BOUNDARIES AND BUFFERS SCORE: 10.34
CONTIGUOUS PROPERTIES / DENSITY:	Hunt	Restricted Farm or Current Application			2	
	RLL Enterprises/Leyburn	Restricted Farm or Current Application			2	
	Leyburn	Restricted Farm or Current Application			2	
	Fox	Restricted Farm or Current Application			2	
	Gardner	Restricted Farm or Current Application			2	
						DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100% *	20	=	20.00	
						LOCAL COMMITMENT SCORE: 20.00
SIZE:						SIZE SCORE: 2.06
IMMIMENCE OF CHANGE:	SADC Impact Factor =	1.32				
						IMMINENCE OF CHANGE SCORE: 1.32
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
						TOTAL SCORE: 64.30

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R12(6)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Eivich, Edward and Susan (“Owners”)
SADC ID# 08-0232-PG
Elk Township, Gloucester County
N.J.A.C. 2:76-17 et seq.**

DECEMBER 1, 2022

WHEREAS, on November 9, 2021 it was determined that the application for the sale of a development easement for the subject farm identified as Block 29, Lot 3 and 4, Elk Township, Gloucester County, totaling approximately 16.866 surveyed acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County’s Still Run Project Area; and

WHEREAS, the Property includes two (2) exception areas, one (1), approximately 0.8-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses (labeled A on Schedule A) and one (1) 0.75-acre non-severable exception area for future flexibility but with zero (0) single family residential opportunities (labeled B on Schedule A) resulting in approximately 15.285 net survey acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the certification of value and this final approval are conditioned on all lots being consolidated simultaneously or immediately after the easement closing; and

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

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

WHEREAS, the 0.8-acre non-severable exception area (labeled A):

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

WHEREAS, the 0.75-acre non-severable exception area (labeled B):

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to zero (0) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 63.69 which exceeds 45, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, On May 13, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$12,250 per acre based on zoning and environmental regulations in place as of the current valuation date January 4, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$12,250 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 1, 2022, the Elk Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 21, 2022, the Gloucester County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 21, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$4,900 per acre to cover the local cost share, and

WHEREAS, the County has a survey, but requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 15.743 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 15.743 net acres):

	Total	Per/acre
SADC	\$115,711.05	(\$7,350 / acre)
<u>County</u>	<u>\$ 77,140.70</u>	<u>(\$4,900/acre)</u>
Total Easement Purchase	\$192,851.75	(\$12,250/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17.14 (d) (f), if there are insufficient funds available in a county's base grant, the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$115,711.05 in base grant which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 15.743 net easement acres, at a State cost share of \$7,350 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$115,711.05 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Final approval is conditioned upon on all lots being consolidated, simultaneously or immediately after the easement closing; and
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.

9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____12/1/2022_____
Date

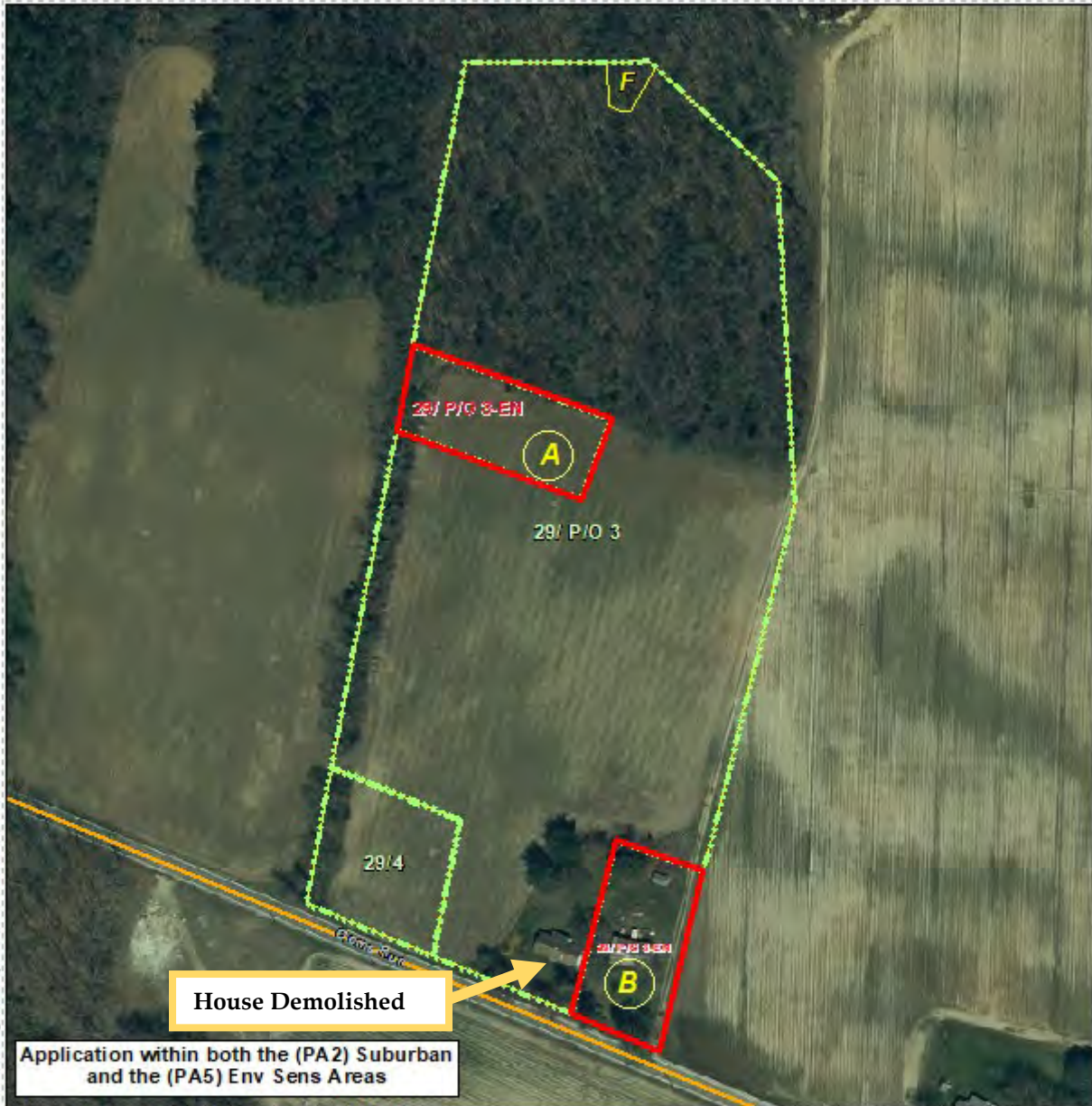


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	NO
Douglas Fisher, Chairperson	YES

Wetlands



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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Eivich, Edward & Susan
 Block 29 Lots 3 (0.8 ac); P/O 4 (12.7 ac);
 P/O 4-EN (non-severable exceptions - 0.75 & 0.8 ac);
 Gross Total = 15.1 ac
 Elk Twp., Gloucester County



Source:
 NJ Farmland Preservation Program
 NJDOT Road Data
 NJOTIS 2020 Digital Aerial Imagery

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



	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads

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

November 1, 2021

Preserved Farms and Active Applications Within Two Miles



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Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dickinson, Robert P. & Donna
Block 77 Lots 5 (21.9 ac)
& 6 (3.5 ac)
Gross Total = 25.4 acres
Upper Pittsgrove Twp., Salem County



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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NOCTI/USGS 2000 Digital Aerial Image

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Eivich, Edward & Susan
08-0232-PG
County PIG Program
14 Acres

Block 29	Lot 4	Elk Twp.	Gloucester County		
Block 29	Lot 3	Elk Twp.	Gloucester County		
SOILS:		Prime	31% * .15	=	4.65
		Statewide	69% * .1	=	6.90
					SOIL SCORE: 11.55
TILLABLE SOILS:		Cropland Harvested	56% * .15	=	8.40
		Wetlands/Water	1% * 0	=	.00
		Woodlands	43% * 0	=	.00
					TILLABLE SOILS SCORE: 8.40
FARM USE:	Hay				8 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (.8) acres for Existing single family residence
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - 2nd (.75) acres for Future flexibility of use
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R12(8)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
UPPER PITTSBORO TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Kessel's Nursery LLC (Lot 7) ("Owner")
SADC ID# 17-0240-PG
Upper Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A. et seq.**

DECEMBER 1, 2022

WHEREAS, on July 26, 2021 it was determined that the application for the sale of a development easement for the subject farm identified as Block 14, Lot 7, Upper Pittsgrove Township, Salem County, totaling approximately 25.3 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

WHEREAS, the Green Light Approval and certification of easement value were conditioned upon the SADC's approval of the Township's 2023 Comprehensive Farmland Preservation Plan annual update to include this property as a targeted farm; and

WHEREAS, the SADC approved the annual update in May 2022 to add the Property as a targeted farm, which is located in the Township's Eastern Project Area; and

WHEREAS, the original application includes no exception areas; and

WHEREAS, in preparation for final approval, the Owner requested one (1) approximately 2.24-acre non-severable exception area for flexibility of use and no residential opportunities resulting in approximately 23.06 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, it is the opinion of the SADC state Review Appraiser that this change does not impact the SADC certified value; and

WHEREAS, the 2.24-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to zero (0) residential opportunities
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

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

WHEREAS, at the time of application, the Property was in nursery & horticultural production;
and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on December 10, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$6,500 per acre based on zoning and environmental regulations in place as of the current valuation date September 28, 2021; and

WHEREAS, the SADC is developing soil protection standards that set forth disturbance limits that would be authorized under the terms of the deed of easement and at its regular meeting on August 27, 2020, the SADC agreed that complete and advanced disclosure was necessary so Owners are fully aware of the proposed standards; and

WHEREAS, the SADC is requiring a Soil Protection Standards Agreement, as approved on August 27, 2020 ("SPS Agreement"), to be signed by Owners who are relatively close to the limits of disturbance, and which will be recorded at the same time as the Deed of Easement, and which outlines the proposed standards and the amount of additional disturbance allowed on the Premises; and

WHEREAS, if the proposed standards are adopted by regulation as presently proposed and based on what is currently known about the property, the Owners would have approximately 0.71 acres of additional permanent disturbance remaining on the preserved acreage (Schedule C); and

WHEREAS, SADC staff will inspect the farm prior to closing to establish, the extent of existing disturbance which shall be attached to the SPS Agreement, however, the Owners understand that this interpretation, along with the proposed standards, are subject to change; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$6,500 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on March 9, 2022, Upper Pittsgrove Township prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17A.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 8, 2022, the Upper Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,175 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on February 23, 2022, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on March 2, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,175 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 24 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 24 acres):

	Total	Per/acre
SADC	\$99,600	(\$4,150/acre)
Upper Pittsgrove	\$28,200	(\$1,175/acre)
<u>Salem County</u>	<u>\$28,200</u>	<u>(\$1,175/acre)</u>
Total Easement Purchase	\$156,000	(\$6,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14 (d) (f), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Township is requesting \$99,600 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and


WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The Green Light Approval and certification of easement value were conditioned upon the SADC's approval of the Township's 2023 Comprehensive Farmland Preservation Plan annual update to include this property as a targeted farm, and in May of 2022 the SADC approved the annual update to add the Property as a targeted farm.
3. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 24 net easement acres, at a State cost share of \$4,150 per acre, (63.85% of certified easement value and purchase price), for a total grant of approximately \$99,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D).
4. This final approval and the SADC grant are conditioned upon the recording of a Soil Protection Standards Agreement, to be signed by Owners, which outlines the proposed standards and the amount of additional disturbance allowed on the Premises.
5. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).

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

 12/1/2022
 Date



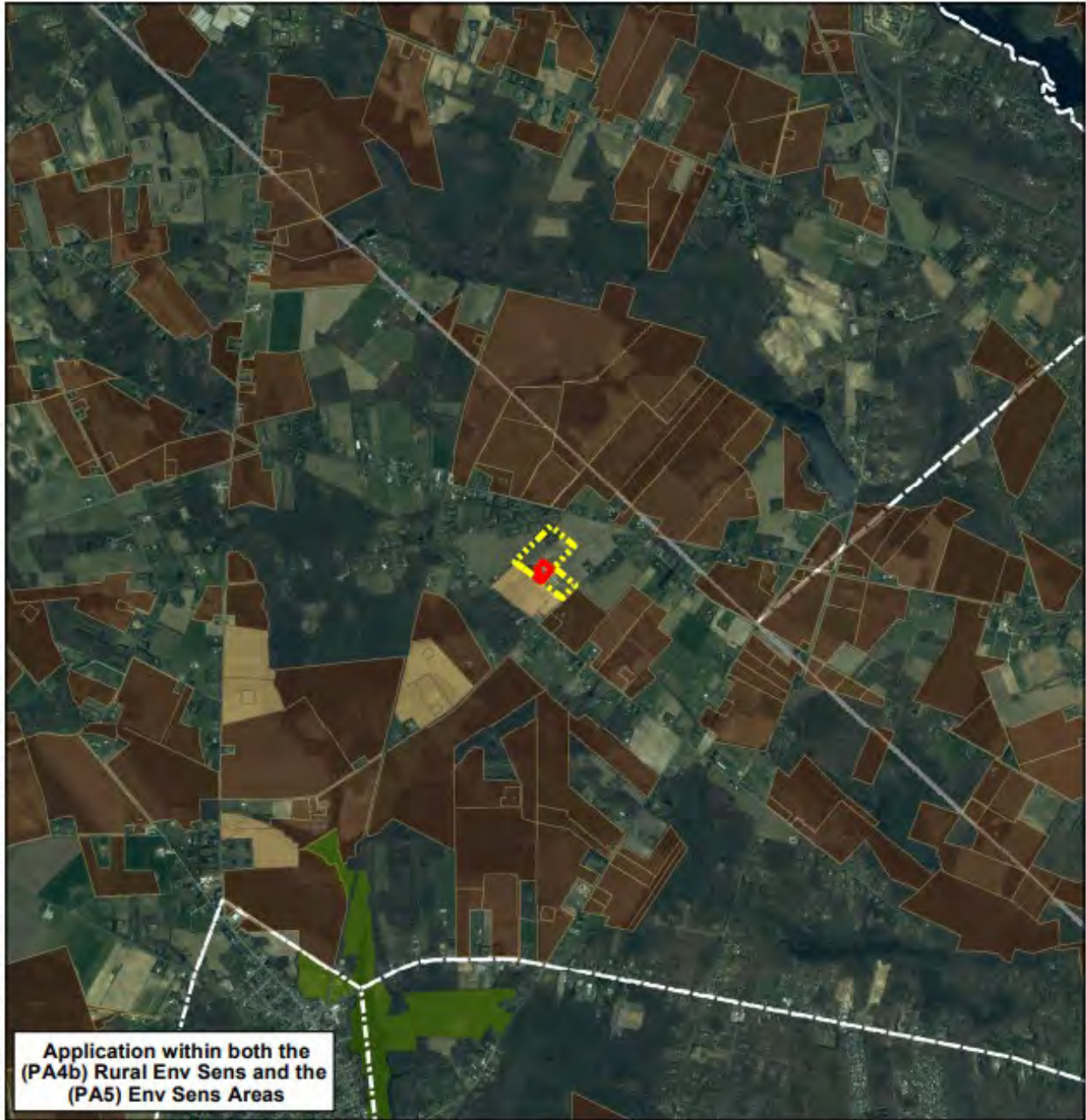
 Susan E. Payne, Executive Director
 State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

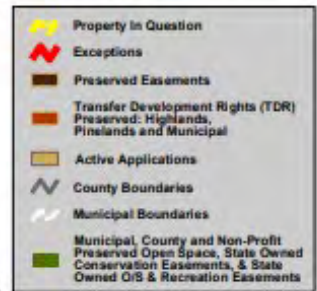
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**Application within both the
(PA4b) Rural Env Sens and the
(PA5) Env Sens Areas**

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kessel's Nursery, LLC (Lot 7)
Block 14 Lots P/O 7 (23.3 ac) &
P/O 7-EN (non-severable exception - 2.0 ac)
Gross Total = 25.3 ac
Upper Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
NJDOT/OGIS 2020 Digital Aerial Image

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

November 2, 2022

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kessel's Nursery, LLC (Lot 7)
Block 14 Lots P/O 7 (23.3 ac) &
P/O 7-EN (non-severable exception - 2.0 ac)
Gross Total = 25.3 ac
Upper Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
NJHT Parcel data
NJDEP 2015 LULUC Data
NJDOT Road Data
NCHITIGIS 2020 Digital Aerial Image

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	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads



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

Soil Protection Map - DRAFT



U:\Clapp\soil protection\Kessel's Nursery, LLC (Lot 7)_Draft_SP_3.mxd

**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Kessel's Nursery, LLC (Lot 7)
Block 14 Lots P/O 7 (23.07 ac) &
P/O 7-EN (non-severable exception - 2.24 ac)
Gross Total = 25.31 ac
Upper Pittsgrove Twp., Salem County



	Property In Question
	Non-Severable Exception
Disturbance on the Proposed Easement Area - 3.29 A c, (14.26 %)	
	Disturbance Area

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

Sources:
NRCS - SS URGO 2021 Soil Data
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDOT Road Data
NJDOT GIS 2019 Digital Aerial Image

November 15, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kessel's Nursery, LLC (Lot 7)
17-0240-PG
PIG EP - Municipal 2007 Rule
23 Acres

Block 14	Lot 7	Upper Pittsgrove Twp. Salem County			
SOILS:		Other	3% *	0	= .00
		Prime	34% *	.15	= 5.10
		Statewide	63% *	.1	= 6.30
					SOIL SCORE: 11.40
TILLABLE SOILS:		Cropland Harvested	86% *	.15	= 12.90
		Wetlands/Water	4% *	0	= .00
		Woodlands	10% *	0	= .00
					TILLABLE SOILS SCORE: 12.90
FARM USE:		Agricultural Production Crops	22 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (2.24) acres for Around existing SFR
Exception is not to be severed from Premises
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The SADC grant is conditioned upon the recording of a Soil Protection Standards Agreement, to be signed by landowners, which outlines the proposed standards and the amount of additional disturbance allowed on the Premises.
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R12(7)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
UPPER PITTSBGROVE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Dickinson, Robert P. and Donna (“Owners”)
SADC ID#17-0250-PG
Upper Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A.1, et seq.**

DECEMBER 1, 2022

WHEREAS, on December 20, 2021, the SADC determined that the application for the sale of a development easement for the subject farm identified as Block 77, Lots 5 and 6, Upper Pittsgrove Township, Salem County, totaling approximately 25.4 gross acres and hereinafter referred to as “the Property” (Schedule A), was complete, accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and;

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

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

WHEREAS, the targeted Property is located in the Township’s Project Area; and

WHEREAS, this final approval is conditioned on lots 5 and 6 being consolidated into one lot prior to closing; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions
- 2) Zero (0) housing opportunities
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in permanent pasture; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on May 17, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$3,700 per acre based on zoning and environmental regulations in place as of the current valuation date March 11, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township’s offer of \$3,700 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on October 5, 2022, the Township prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17A.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on September 13, 2022, the Upper Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$540 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on August 24, 2022, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on September 7, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$540 per acre to cover the local cost share; and

WHEREAS, the Township has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 26.16 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 26.16 acres):

	Total	Per/acre
SADC	\$68,539.20	(\$2,620/acre)
Upper Pittsgrove Township	\$14,126.40	(\$540/acre)
<u>Salem County</u>	<u>\$14,126.40</u>	<u>(\$540/acre)</u>
Total Easement Purchase	\$96,792.00	(\$3,700/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17A.14(c), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Township is requesting \$68,539.20 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15(b), the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.16 and N.J.A.C. 2:76-6.11(d)3, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. This final approval is conditioned lots 5 and 6 being consolidated simultaneously or immediately after the easement closing.
3. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 26.16 net easement acres, at a State cost share of \$2,620 per acre, (70.81% of certified easement value and purchase price), for a total grant of approximately \$68,539.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
7. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

12/1/2022
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Wetlands



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**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Dickinson, Robert P. & Donna
Block 77 Lots 5 (21.9 ac)
& 6 (3.5 ac)
Gross Total = 25.4 acres
Upper Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
NJOT/OGIS 2020 Digital Aerial Image

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

	Property In Question
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads



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

Preserved Farms and Active Applications Within Two Miles

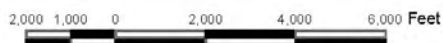


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Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dickinson, Robert P. & Donna
Block 77 Lots 5 (21.9 ac)
& 6 (3.5 ac)
Gross Total = 25.4 acres
Upper Pittsgrove Twp., Salem County



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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/GIS 2020 Digital Aerial Image

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

December 14, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Dickinson, Robert P. & Donna
17-0250-PG
PIG EP - Municipal 2007 Rule
25 Acres

Block 77	Lot 6	Upper Pittsgrove Twp. Salem County				
Block 77	Lot 5	Upper Pittsgrove Twp. Salem County				
SOILS:		Prime	24% *	.15	=	3.60
		Statewide	76% *	.1	=	7.60
						SOIL SCORE: 11.20
TILLABLE SOILS:		Cropland Harvested	76% +	.15	=	11.40
		Wetlands/Water	20% +	0	=	.00
		Woodlands	4% +	0	=	.00
						TILLABLE SOILS SCORE: 11.40

FARM USE:

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R12(8)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
UPPER PITTSBORO TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Kessel's Nursery LLC (Lot 9) ("Owner")
SADC ID# 17-0241-PG
Upper Pittsgrove Township, Salem County**

DECEMBER 1, 2022

WHEREAS, on July 26, 2021 it was determined that the application for the sale of a development easement for the subject farm identified as Block 14, Lot 9, Upper Pittsgrove Township, Salem County, totaling approximately 23.3 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

WHEREAS, the Green Light Approval and certification of easement value were conditioned upon the SADC's approval of the Township's 2023 Comprehensive Farmland Preservation Plan annual update to include this property as a targeted farm; and

WHEREAS, the SADC approved the annual update in May 2022 to add the Property as a targeted farm, which is located in the Township's Eastern Project Area; and

WHEREAS, the application includes one (1), approximately 3 acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 20.3 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

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

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

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

WHEREAS, the portion of the Property outside the exception area includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on December 10, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$6,700 per acre based on zoning and environmental regulations in place as of the current valuation date September 28, 2021; and

WHEREAS, the SADC is developing soil protection standards that set forth disturbance limits that would be authorized under the terms of the deed of easement and at its regular meeting on August 27, 2020, the SADC agreed that complete and advanced disclosure was necessary so Owners are fully aware of the proposed standards; and

WHEREAS, the SADC is requiring a Soil Protection Standards Agreement, as approved on August 27, 2020 ("SPS Agreement"), to be signed by Owners who are relatively close to the limits of disturbance, and which will be recorded at the same time as the Deed of Easement, and which outlines the proposed standards and the amount of additional disturbance allowed on the Premises; and

WHEREAS, if the proposed standards are adopted by regulation as presently proposed and based on what is currently known about the property, the Owners would have approximately 0.727 acres of additional permanent disturbance remaining on the preserved acreage (Schedule C); and

WHEREAS, SADC staff will inspect the farm prior to closing to establish, the extent of existing disturbance which shall be attached to the SPS Agreement, however, the Owners understand that this interpretation, along with the proposed standards, are subject to change; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$6,700 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on March 9, 2022, Upper Pittsgrove Township prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17A.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 8, 2022, the Upper Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,225 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on February 23, 2022, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on March 2, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,225 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 20.91 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 20.91 acres):

	Total	Per/acre
SADC	\$88,867.50	(\$4,250/acre)
Upper Pittsgrove Township	\$25,614.75	(\$1,225/acre)
<u>Salem County</u>	<u>\$25,614.75</u>	<u>(\$1,225/acre)</u>
Total Easement Purchase	\$140,097.00	(\$6,700/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17A.14(c), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Township is requesting \$88,867.50 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The Green Light Approval and certification of easement value were conditioned upon the SADC's approval of the Township's 2023 Comprehensive Farmland Preservation Plan annual update to include this property as a targeted farm, and in Mary of 2022 the SADC approved the annual update to add the Property as a targeted farm.

3. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 20.91 net easement acres, at a State cost share of \$4,250 per acre, (63.43% of certified easement value and purchase price), for a total grant of approximately \$88,867.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D).
4. This final approval and the SADC grant are conditioned upon the recording of a Soil Protection Standards Agreement, to be signed by Owners, which outlines the proposed standards and the amount of additional disturbance allowed on the Premises.
5. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
6. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
7. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
8. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
9. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

12/1/2022
Date



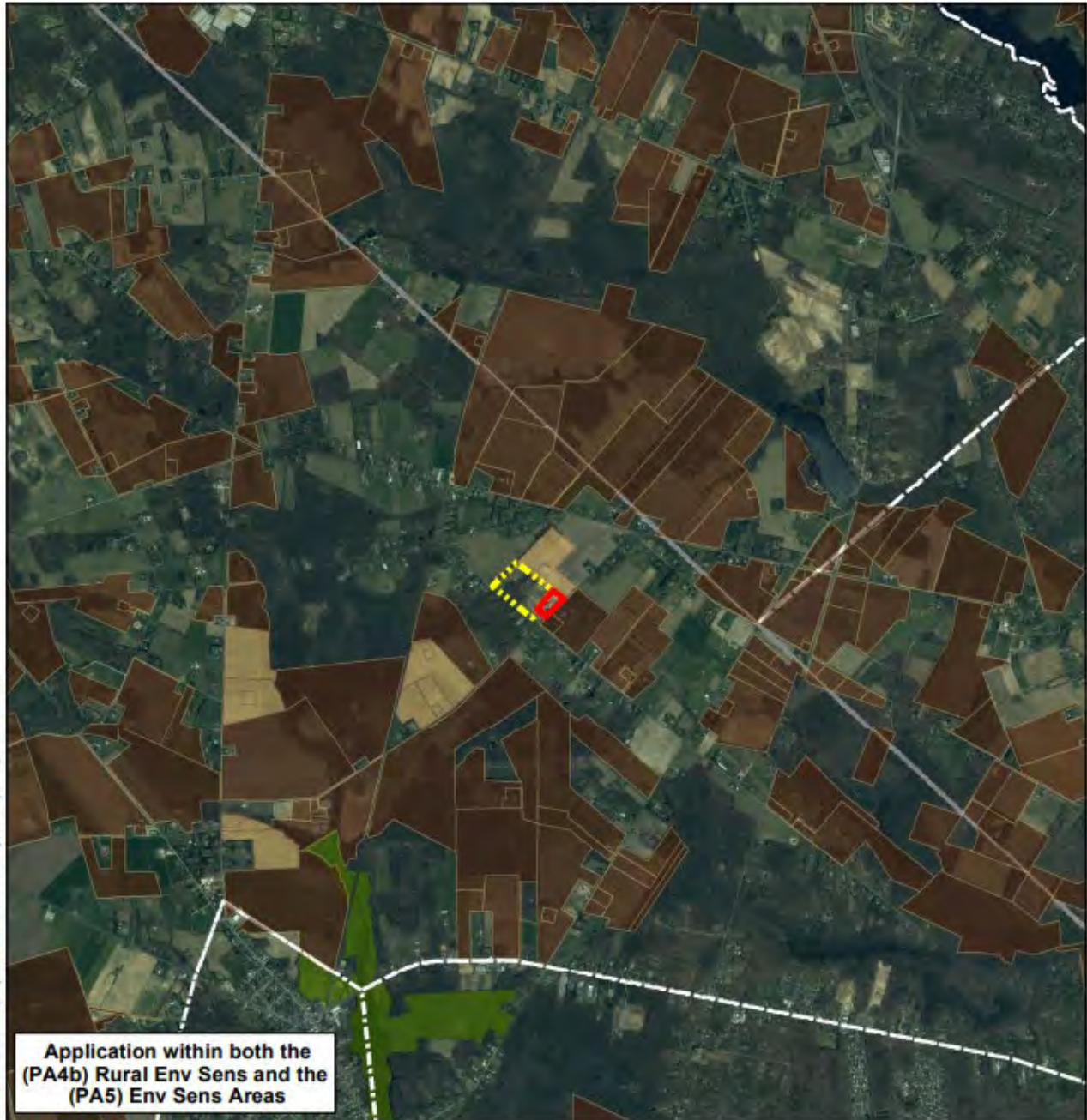
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/17-0241-PG/Acquisition/Final Approval & ROW draft/Kessel's Lot 9 Final Approval.docx>

Preserved Farms and Active Applications Within Two Miles

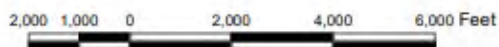


X:\counfiles\st\project\Kessel's Nursery, LLC (Lot 9) 2mile 2.mxd

Application within both the (PA4b) Rural Env Sens and the (PA5) Env Sens Areas

**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Kessel's Nursery, LLC (Lot 9)
Block 14 Lots P/O 9 (20.3 ac);
& P/O 9-EN (non-severable exception - 3.0 ac)
Gross Total = 23.3 ac
Upper Pittsgrove Twp., Salem County



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



Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
NJOT/OGIS 2020 Digital Aerial Image

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

November 2, 2022

Wetlands



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**Application within both the
(PA4b) Rural Env Sens and the
(PA5) Env Sens Areas**

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kessel's Nursery, LLC (Lot 9)
Block 14 Lots P/O 9 (20.3 ac);
& P/O 9-EN (non-severable exception - 3.0 ac)
Gross Total = 23.3 ac
Upper Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDOT/OGIS 2020 Digital Aerial Image

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



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Total Wetlands
N - Non-Wetlands
S - 300' Buffer
W - Water

November 4, 2022

SADC Municipal Pig Financial Status
Schedule B

Upper Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant										
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 19	Fiscal Year 21	Fiscal Year 22
														750,000.00	500,000.00	500,000.00	500,000.00	1,000,000.00	1,000,000.00	1,000,000.00
08-0192-PG	Michael & Carolynn Foote	8.6020	8.6020	7,100.00	2,295.82	61,074.20	19,748.68	41,325.52	2,626.93	22,375.61	19,748.68	19,748.68	5,250,000.00	3,579,656.77						
17-0136-PG	Jasper ancillary											10,337.50	3,569,319.27							
17-0156-PG	Thumlert ancillary											5,996.50	3,563,322.77							
17-0162-PG	Williams ancillary											3,522.00	3,559,800.77							
17-0158-PG	Hackett, James & Pauline	22.4240	22.3310	6,000.00	3,900.00	133,986.00	87,090.90			89,700.00	87,090.90	87,090.90	3,472,709.87							
17-0159-PG	Seery, David J.	54.6840	54.6840	4,650.00	3,190.00	254,280.60	174,441.96			175,450.00	174,441.96	174,441.96	3,298,267.91							
17-0167-PG	Monroeville Farm LLC (Ambruster)	25.1050	25.1050	7,900.00	4,850.00	198,329.50	121,759.25			121,250.00	121,759.25	121,759.25	3,176,508.66							
17-0138-PG	Foote, Michael & Carolynn	30.4750	30.4750	7,100.00	3,164.52	216,372.50	96,438.60	119,933.90	37,651.40	95,266.68	96,438.60	96,438.60	3,080,070.06							
17-0159-PG	Seery ancillary											5,388.75	3,074,681.31							
17-0158-PG	Hackett ancillary											3,936.00	3,070,745.31							
17-0111-PG	Lewis ancillary											3,784.00	3,066,961.31							
17-0108-PG	Schmid ancillary											4,085.00	3,062,876.31							
17-0120-PG	Sottile ancillary											9,987.50	3,052,888.81							
17-0113-PG	Kramme ancillary											5,127.50	3,047,761.31							
17-0167-PG	Monroeville Farm LLC (Ambruster) ancillary											4,292.50	3,043,468.81							
	Bishop Brothers and Foote Ancillary											15,062.00	3,028,406.81							
17-0187-PG	Seery, Michael and David	19.5460	18.8730	6,100.00	3,950.00	115,125.30	74,548.35			73,075.00	74,548.35	74,548.35	2,953,858.46							
17-0180-PG	Ambruster, L. Scott	25.7500	25.7500	5,950.00	3,875.00	153,212.50	99,781.25			99,781.25			2,854,077.21							
17-0181-PG	McCracken, Hilda	42.8200	42.8200	6,000.00	3,900.00	256,920.00	166,998.00			166,998.00	166,998.00	166,998.00	2,687,079.21							
17-0193-PG	Kessel, Robert A. Jr.	44.9360	44.9360	5,900.00	3,850.00	265,122.40	173,003.60			172,865.00	173,003.60	173,003.60	2,514,075.61							
	Seery, McCracken, and Kessel Ancillary											14,298.00	2,499,777.61							
17-0198-PG	Hurst, William I. & Virginia O.	20.4630	20.4630	6,200.00	3,055.69	126,870.60	62,528.60	45,018.60	19,323.40	59,280.00	62,528.60	62,528.60	2,437,249.01							
17-0231-PG	Wright, Robert & Joyce	19.3410	19.3410	6,300.00	4,050.00	121,848.30	78,331.05			81,344.25	78,331.05	78,331.05	2,358,917.96							
	Hurst Ancillary											4,452.50	2,354,465.46							
17-0237-PG	Hamilton, B. Annabelle	33.9690	33.9690	6,000.00	3,900.00	203,814.00	132,479.10			136,968.00	132,479.10		2,221,986.36							
17-0233-PG	Zeck, David & Sharon	42.3520	42.3520	5,900.00	3,850.00	249,876.80	163,055.20			165,742.50	163,055.20	163,055.20	2,058,931.16							
	Wright Ancillary						4,181.50					4,181.50	2,054,749.66							
17-0241-PG	Kessel's Nursery L9	20.3000	20.9100	6,700.00	4,250.00	140,097.00	88,867.50			88,867.50			1,965,882.16							
17-0240-PG	Kessel's Nursery L7	23.3000	24.0000	6,500.00	4,150.00	156,000.00	99,600.00			99,600.00			1,866,282.16							
17-0250-PG	Dickinson, Robert P. & Donna	25.4000	26.1600	3,700.00	2,620.00	96,792.00	68,539.20			68,539.00			1,797,743.16							
Closed	21	854.2560	846.0360			4,790,188.45	2,990,341.36	804,487.67	269,065.25											
Encumbered	5	128.7190	130.7890			749,915.50	489,267.05													
													Encumber/Expended FY09	-	750,000.00	-				
													Encumber/Expended FY11	-	500,000.00	-				
													Encumber/Expended FY13	-	500,000.00	-				
													Encumber/Expended FY17	-	500,000.00	-				
													Encumber/Expended FY19	154,530.91	132,479.10	712,989.99				
													Encumber/Expended FY20							
													Encumber/Expended FY21	202,256.84	-	797,743.16				
													Encumber/Expended FY22	-	-	1,000,000.00				
													Total			1,797,743.16				

Soil Protection Map - DRAFT



U:\Clapp\soil protection\Kessel's Nursery, LLC (Lot 9)_Draft_SP 3.mxd

**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Kessel's Nursery, LLC (Lot 9)
Block 14 Lots P/O 9 (19.21 ac);
& P/O 9-EN (non-severable exception – 4.07 ac)
Gross Total = 23.28 ac
Upper Pittsgrove Twp., Salem County

	Property In Question
	Non-Severable Exception
	Disturbance on the Proposed Easement Area - 3.273 Ac. (17.03 %)
	Disturbance Area



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

Sources:
NRC - SSURGO 2011 Soil Data
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDOT Road Data
NJDOT GIS 2019 Digital Aerial Image

November 15, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kessel's Nursery, LLC (Lot 9)
17-0241-PG
PIG EP - Municipal 2007 Rule
20 Acres

Block 14	Lot 9	Upper Pittsgrove Twp. Salem County			
SOILS:		Other	27% * 0	=	.00
		Prime	29% * .15	=	4.35
		Statewide	44% * .1	=	4.40
				SOIL SCORE:	8.75
TILLABLE SOILS:		Cropland Harvested	77% * .15	=	11.55
		Wetlands/Water	23% * 0	=	.00
				TILLABLE SOILS SCORE:	11.55
FARM USE:	Agricultural Production Crops		16 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st three (3) acres for Single Family Residence
 - Exception is not to be severed from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The SADC grant is conditioned upon the recording of a Soil Protection Standards Agreement, to be signed by landowners, which outlines the proposed standards and the amount of additional disturbance allowed on the Premises.
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R12(9)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Pierce, Vernon W.

DECEMBER 1, 2022

Subject Property: **Pierce, Vernon W.**
Block 12, Lot 1 - Fairfield Township, Cumberland County
SADC ID# 06-0091-DE
Approximately 48.5 net easement acres

WHEREAS, on March 7, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Vernon W. Pierce, hereinafter "Owner," identified as Block 12, Lot 1, Fairfield Township, Cumberland County, hereinafter "the Property," totaling approximately 52.5 gross acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

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

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for the existing single family residential unit, one (1) agricultural labor residence within a garage that is currently being used as an office for a home based excavating business and to afford future flexibility for nonagricultural uses resulting in approximately 48.5 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 4-acre non-severable exception area:

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

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) Zero (0) pre-existing non-agricultural uses

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on April 12, 2022, because the farm's quality score is over 70% of the County's average quality score; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on September 29, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$3,500 based on zoning and environmental regulations in place as of the current valuation date August 22, 2022; and

WHEREAS, the Owner accepted the SADC's offer of \$3,500 acre for the purchase of the development easement on the Premises; and

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$3,500 per acre for a total of approximately \$169,800 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict

the affected area's availability for a variety of agricultural uses.

4. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

12/1/2022
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

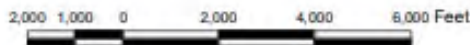
Preserved Farms and Active Applications Within Two Miles



X:\counties\cumco\projects\Pierce, Vernon W 2miles.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Pierce, Vernon W.
Block 12 Lots P/O 1 (48.5 ac);
& P/O 1- EN (non-severable exception - 4.0 ac)
Gross Total = 52.5 ac
Fairfield Twp., Cumberland County



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

Source:
NJ Farmland Preservation Program
NJOTI Parcel data edited to conform to new tax map
NJDEP Conservation/Open Space Easement Data
NJOTI Road Data
NJOTI GIS 2020 Digital Aerial Image

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

March 17, 2022

Wetlands



X:\counties\council\project\list\Pierce, Vernon W fvw.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Pierce, Vernon W.
Block 12 Lots P/O 1 (48.5 ac);
& P/O 1- EN (non-severable exception - 4.0 ac)
Gross Total = 52.5 ac
Fairfield Twp., Cumberland County



TIDELANDS DISCLAIMER:
The Tidelands depicted on this map were derived from NJDEP's Hydro_water_tidelands_claim downloadable file hosted on NJGIN. These features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/Riparian Status.



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

Sources:

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Pierce, Vernon W.
Easement Purchase - SADC
49 Acres

Block 12	Lot 1	Fairfield Twp.	Cumberland County		
SOILS:		Other	10% + 0	=	.00
		Prime	81% + .15	=	12.15
		Statewide	9% + .1	=	.90
				SOIL SCORE:	13.05
TILLABLE SOILS:		Cropland Harvested	76% + .15	=	11.40
		Wetlands/Water	3% + 0	=	.00
		Woodlands	21% + 0	=	.00
				TILLABLE SOILS SCORE:	11.40
FARM USE:	Soybeans-Cash Grain		39 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st four (4) acres for Existing residence and an agricultural labor unit currently used as a business office
 - Exception is not to be severable from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R12(10)**

FINAL REVIEW AND APPROVAL OF AN SADC FEE SIMPLE PURCHASE

**On the Property of
Gulyas, Veronica F. - Estate of, et al**

DECEMBER 1, 2022

Subject Property: **Gulyas, Veronica F. - Estate of, et al**
Block 75, Lots 5.01 & 5.02 - Hopewell Township, Mercer County
SADC ID#: 11-0030-FS

WHEREAS, on March 15, 2022, the State Agriculture Development Committee ("SADC") received an application from the Estate of Veronica F. Gulyas, hereinafter "Owner," to sell the fee simple title to property identified as Block 75, Lots 5.01 and 5.02, Hopewell Township, Mercer County, hereinafter "the Property," totaling approximately 67.8 gross acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized by N.J.S.A. 4:1C-31.1 of the Agriculture Retention and Development and N.J.S.A. 13:8C-37a.(4) of the Garden State Preservation Trust Act to purchase real property directly from landowners; and

WHEREAS, the Property includes zero (0) existing residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

WHEREAS, staff evaluated this application for the purchase of farmland in accordance with N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorizes applications as "Priority", "Alternate" and "Other" ; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Mercer County (minimum acreage of 58 and minimum quality score of 59) because it is approximately 67.8 acres and has a quality score of 77.96; and

WHEREAS, on May 26, 2022, the SADC granted preliminary approval (Resolution #FY2022R5(7)) to proceed with the fee purchase of the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on September 22, 2022, the SADC certified a "before" value of \$18,700 per acre based on zoning and environmental regulations in place as of the current valuation date of August 24, 2022; and

WHEREAS, the Owner accepted the SADC's offer of \$18,700 per acre for the purchase of the real property; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.15(b), a landowner may request more stringent deed restrictions consistent with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq.; and

WHEREAS, the Owner requested that, as a condition of agreeing to sell its fee simple interest to the SADC, an impervious cover limit be included in the property restrictions when the SADC sells the preserved farm, and the SADC will use the Natural Resource Conservation Service (NRCS) Agricultural Land Easement (ALE) impervious cover definition and formula to calculate the maximum limit; and

WHEREAS, when the SADC sells the preserved farm, the deed of conveyance will include a 5.67% maximum impervious coverage restriction (approximately 3.45 acres) for the construction of agricultural infrastructure on the Property; and

WHEREAS, to proceed with the SADC's purchase of the Property, it is recognized that various professional services will be necessary including, but not limited to, contracts, survey, title search and insurance, environmental audits, liability insurance, and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the Property will be prepared and shall be subject to review by the SADC and the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the real property at a value of \$18,700 per acre for a total of approximately \$1,267,860 and subject to the conditions in Schedule B.
3. The SADC's purchase price of the Property set forth in the approved application shall be based on the final surveyed acreage of the Property.
4. This final approval is conditioned on including the NRCS ALE impervious cover limit of 5.67%, which would be approximately 3.45 acres, in the SADC's deed conveying the preserved farmland .
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell and all necessary documents to contract for the professional services necessary to acquire said property including, but not limited to, a survey, title search and insurance, environmental audits, liability insurance, and to execute all necessary documents required to acquire the property.

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

12/1/2022
Date

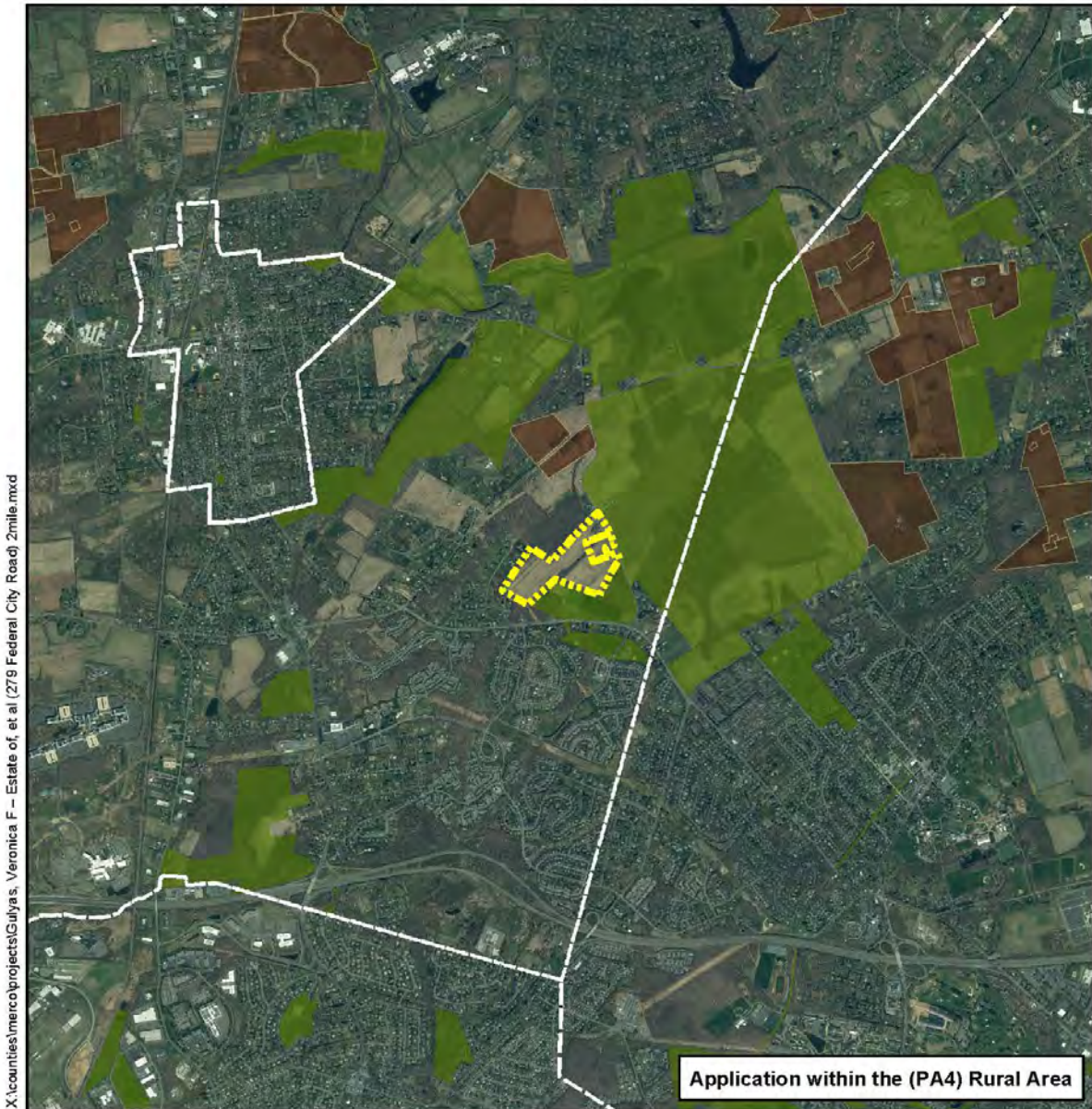


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner LaTourette)	ABSENT
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



X:\counties\merco\projects\Gulyas, Veronica F - Estate of, et al (279 Federal City Road) 2mile.mxd

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Gulyas, Veronica F. – Estate of, et al (279 Federal City Road)
 Block 75 Lots 5.01 (61.5 ac)
 & 5.02 (6.3 ac)
 Gross Total = 67.8 ac
 Hopewell Twp., Mercer County



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

Sources:
 NJ Farmland Preservation Program
 NJOTF Parcel data
 NJDEP Conservation/Open Space Easement Data
 NJDOT Road Data
 NJOTF/GIS 2020 Digital Aerial Image

March 18, 2022

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

Wetlands



X:\counties\merco\projects\Gulyas, Veronica F - Estate of, et al (279 Federal City Road) fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gulyas, Veronica F. – Estate of, et al (279 Federal City Road)
Block 75 Lots 5.01 (61.5 ac)
& 5.02 (6.3 ac)
Gross Total = 67.8 ac
Hopewell Twp., Mercer County



Sources:
NJ Farmland Preservation Program
NJGIT Parcel data
Green Acres Conservation Easement Data
NJDEP Open Space
NJDOT Road Data
NJGITOGIS 2020 Digital Aerial Image

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

Application within the (PA 4) Rural Area

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



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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gulyas, Veronica F. - Estate of et al (279 Federal City Road)
Fee Simple - SADC
68 Acres

Block 75	Lot 05.02	Hopewell Twp.	Mercer County		
Block 75	Lot 5.01	Hopewell Twp.	Mercer County		
SOILS:		Local	8.78% *	.05	= .44
		Prime	90.87% *	.15	= 13.63
		Statewide	.35% *	.1	= .04
					SOIL SCORE: 14.10
TILLABLE SOILS:		Cropland Harvested	88% *	.15	= 13.20
		Wetlands/Water	2% *	0	= .00
		Woodlands	10% *	0	= .00
					TILLABLE SOILS SCORE: 13.20
FARM USE:	Wheat-Cash Grain		60 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions:

Pursuant to N.J.A.C. 2:76-6.15(b), the Owner requested an impervious cover limit be placed on the property when the SADC sells it to the public. Thus, the property restrictions will include a 5.67% maximum impervious coverage restriction (approximately 3.45 acres) for the construction of agricultural infrastructure on the Property.
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.