

July 27, 2023

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

July 27, 2023

Mr. Frank Minch, Acting Chairperson, called the meeting to order at 9:06 a.m.

Ms. Susan Payne, Executive Director, 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

Frank Minch, Acting Chairman
Scott Ellis
Roger Kumpel, Alternate for Martin Bullock
Richard Norz
Charles Rosen
Gina Fischetti (arrived at 9:32 a.m.)
Julie Krause (arrived at 9:18 a.m.)
Lauren Procida

Members Absent

Pete Johnson
Tiffany Bohlin
Brian Schilling

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

Minutes

SADC Regular Meeting of June 22, 2023 (Open and Closed Session) and SADC Special Meeting of June 28, 2023 (Open Session)

It was moved by Richard Norz and seconded by Mr. Rosen to approve the Open and Closed session minutes of the SADC regular meeting of June 22, 2023, and the Open session minutes of the SADC Special Meeting of June 28, 2023. A vote was taken. Frank Minch abstained from the vote. The motion was approved.

Report of the Chairman

Frank Minch, Director of Agricultural and Natural Resources, stated that he is representing Joe Atchison, the Assistant Secretary of Agriculture acting in the capacity of Secretary while the position is vacant. Mr. Minch stated the search for the new Secretary is underway and the State Board has extended the application process for another month.

Report of the Executive Director

Ms. Payne stated that the dinner for SADC members last month was held at Pete Johnson's

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farm. The event was well attended by past and present SADC members and staff. The forty-year history of the Farmland Preservation Program was discussed, which was positively received.

Ms. Payne stated the Soil Protection Standards rules are under review with the Office of Administrative Law. Staff will inform the committee of the August publication date in the NJ Register. Staff has drafted a letter to preserved-farm landowners explaining the basic parameters of the rules and a map which will be included with the letter, depicting the soil disturbance on each owner's farm. The maps are based on 2020 aerial photography. Ms. Payne noted that landowners should not be alarmed if the farm had changed since the data of the mapping or if items on the map had been mislabeled, as landowners will have adequate time to work with staff on any needed map changes. She stated that the goal is to send the letters and maps out within a few days of the rule publication so that the landowners have the maps during the public comment period. For farms not within 50% of the soil disturbance limit, the letter also will inform the landowners that their farm maps will likely be updated during the next monitoring visit. For those farms that are within 50% of the standards, SADC staff will contact the landowners and schedule a site visit to make sure the maps are accurate.

The letter contains a map ID number so that landowners can view their map online and examine the map features, including any areas designated as disturbance. There will also be an online tutorial for those who may need more assistance. Ms. Payne stated that there will be a virtual meeting with the County Agriculture Development Board administrators and the non-profits whose agencies hold easements on Wednesday, August 2nd to review the basics of the rules, the map features and discuss how to assist landowners.

Ms. Payne announced that the A4729, a bill establishing a Formula Based Value, did not get through the legislature before its recess. The senate majority office staff, however, has asked for a briefing from the SADC on that bill. Staff will provide information regarding what the appraisal trends have been in the program. She said that based upon the traditional appraisal approach, SADC does not think it can offer competitive offers in the program. Ms. Payne said that the rest of the state needs a valuation approach akin to the valuation formula in the Pinelands.

Ms. Payne welcomed Ms. Lauren Procida, a new SADC board member. Ms. Procida stated she represents the Department of Environmental Protection (DEP) and has been with the DEP for almost 11 years. Ms. Procida currently works as a manager in Office of Transactions and Public Land Administration. Ms. Procida said she grew up in Gloucester County where her grandfather, father, and brothers were sweet potato farmers and that she is honored to be a part of the SADC.

NOTE: Julie Krause arrived at the meeting during this discussion.

Ms. Payne reviewed the delegation reports with the committee. Mr. Ellis stated that he is happy to see how much money is being put into deer fencing and irrigation. Ms. Payne stated that the SADC is appreciates being able to help farmers with deer management and conservation assistance and is looking at ways to increase support to the ag community.

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Mr. Norz suggested the Future Program subcommittee meet with staff prior to the meeting with the senate majority office regarding A4729. Ms. Payne stated staff would organize a meeting as soon as possible.

Communications

Ms. Payne requested that the committee review the articles that were presented in their packets.

Public Comment

Patricia Springwell from Hunterdon County addressed the Soil Protection Standards. She stated the proposed disturbance allowance is excessive because the calculation is based on the entire farm, not just tillable acres. She asked the committee to consider revising the calculation to limit the destruction of fertile soil. Ms. Springwell expressed her interest in protecting prime farmland.

Old Business

A. Soil Protection Standards Agreement and Acknowledgment Update

NOTE: Gina Fischetti arrived at the meeting during this discussion.

Mr. Roohr and Brian Smith, Esq., reviewed the proposed Soil Protection Standards Acknowledgment Agreement. This agreement and acknowledgement will be signed by landowners who are presently in the process of preserving their farms while the SPS rules are pending adoption. Mr. Norz asked to include language in the agreement advising the proposed soil protection standards may change once the rules are finally adopted. Ms. Payne asked Mr. Norz if he was suggesting language that would put landowners on notice that these are proposed rules, and the rules could change before adoption. Mr. Norz stated that a small sentence indicating potential change in the current proposal would be beneficial. Ms. Payne indicated staff would make that change to the document.

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve the document as presented in addition to adding a sentence indicating that there could be a potential change in the current soil protection standards. A roll call was taken. Ms. Fischetti abstained from the vote. The motion was approved.

New Business

A. September 2023 to July 2024 Meeting Dates

Ms. Payne reviewed the meeting dates with the committee and asked for approval for the September 2023 through July 2024 meeting dates.

It was moved by Mr. Kumpel and seconded by Ms. Fischetti to approve the September 2023 to July 2024 meeting dates. The motion was unanimously approved.

B. Election of Vice Chairman

Mr. Kumpel nominated Scott Ellis to serve as Vice Chairman of the SADC. There were no other nominations.

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It was moved by Mr. Kumpel and seconded by Ms. Norz to nominate Mr. Ellis as Vice Chairman. A roll call vote was taken. The motion was unanimously approved.

C. Stewardship

1. Review of Activities (Discussion Only)

June Santini Farm, SADC ID#21-0029-DE, Block 34, Lot 11, Harmony Township, Warren County, 51.867 acres.

Mr. Roohr explained for the new committee members the process stewardship staff generally follows in administering reviews of activities on preserved farms.

Mr. Willmott stated the June Santini Farm was preserved in 2003 as an SADC direct easement purchase by Peter and June Santini. The farm was preserved in partnership with Natural Resources Conservation Service (NRCS). Peter Santini has since died and June Santini is now the sole owner of the farm.

The deed of easement lists a 2.5-acre non-severable exception area, a two-family residence, and a pre-existing nonagricultural use. Schedule B of the deed of easement lists the nonagricultural use as being on a two-acre portion of the property in which the landowner sells organic material derived from manure and for storage of soil and stone. Mr. Willmott explained that although the DOE states that the nonagricultural use area is two acres, the survey depicts a one-acre area. The owner leases the farm to a tenant farmer who runs a dairy operation and grows 23 acres of grain and hay used for feed. There are pasture areas and several equipment barns and an equipment maintenance repair shop.

Mr. Willmott stated there have been previous deed of easement compliance issues including nonagricultural vehicles, such as dump trucks, construction and landscaper vehicles, tractor trailers and other junk vehicles, parked on the preserved farm outside of the exception area and outside of the pre-existing, nonagricultural use area. In November 2021, during the annual monitoring visit, areas of concern were identified and described as assorted piles of soil brought on to the premises from various unidentified sources, potentially noncompliant with paragraphs 5, 6, and 7 of the DOE. SADC staff did a follow up visit and observed a multi-acre area covered in imported fill material. Although the landowner claimed the purpose of the fill is to create an organic cattle pasture, this activity was not undertaken in accordance with a farm conservation plan developed by the NRCS or by a qualified professional.

Mr. Clapp reviewed pictures of the farm. He stated staff had been out to the farm several times and determined the imported fill material, which contains asphalt, concrete, imbedded building materials, bricks, mortar, rebar, metal, millings, and unconsolidated soils from unknown sources, is several feet thick and covers approximately 6 acres of land. Some of the area appears to be wetlands. Mr. Clapp stated that Dr. Rick Shaw, former NJ NRCS soil scientist, was hired as a consultant to attend site visits and to provide an evaluation of the materials that were on the farm. Dr. Shaw dug soil test pits. He reported portions of the site contain fill greater than 7 feet deep; the soil has little to no structure; many of the layers have firm consistency which is poorly suited for root growth and water movement; contain excessive coarse fragments, rocks, boulders, artifacts, bricks and rebar on the surface and within the soil that present obstacles to tillage; the area is actively eroding and depositing fill material in lower areas of the farm that are not subject to fill activities.

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Mr. Clapp showed the committee an area of potential concern where the fill may infringe on regulated areas, where staff found trash and other items buried in the soil which could be a potential solid waste issue for DEP. There is a regulated stream on the property which was mapped as wetlands. Staff is concerned that any action the committee takes should be consistent with DEP regulations. Ms. Santini has made attempts to stabilize the site through seeding.

Mr. Willmott stated that during an inspection, staff was able to identify a large number of trucks, most of which were tri-axle dump trucks and tractor trailers, parked on site that did not appear to have any relationship with the farming activities, as well as number of junk vehicles. Most of the vehicles were located within the vicinity of the vehicle maintenance shop. The shop's primary use appears to be the repair of these vehicles.

During a December 2022 site visit, staff observed a mobile repair business actively repairing trucks outside the shop. Using information from the Department of Transportation website, staff identified six active trucking companies parked on site, unrelated to the farming operation. It was determined five of the trucks carried materials such as dirt and asphalt, general freight and lumber and paper products, garbage, and construction and landscape materials. One truck which is owned by Santini Farms, LLC carries grain, feed, hay, and dirt. Staff believes that since Ms. Santini leases her farm to a tenant, it is unlikely the truck is used for agricultural purposes. Ms. Santini claims that the Santini LLC trucking company existed before the farm's preservation, but she did not provide any supporting information. The trucking operation and the repair business are not noted in the preservation file and are not listed in the DOE as pre-existing nonagricultural uses.

Mr. Willmott stated that, after review of the DOT records of the trucks parked on the premises belonging to active commercial nonagricultural businesses, and no information the trucks are used for an agricultural purpose on the farm, staff determined that the repair shop and the trucking operations were not pre-existing nonagricultural uses. Staff also confirmed these activities were not documented as preexisting nonagricultural uses in the deed of easement.

The trucking operations' outside activities consist of a significant area that has been compacted by the trucks occupying the area, with likely associated soil contamination and stormwater runoff impacts. Inside, the equipment maintenance shop and repair shop have been developed and adapted for nonagricultural use. Such uses are considered detrimental to the continued agricultural use of the premises. The Santini Farm is in violation of paragraphs 1 through 3 and 7 of the farmland preservation DOE.

Mr. Willmott stated that staff recommendation is for the landowner to relocate all the trucking operations and associated parking occurring on the premises to the 2.5-acre non-severable exception area, or offsite, within 60-days. All repair and maintenance activities occurring in the equipment maintenance shop unrelated to the farming operations on the premises should immediately cease.

Mr. Kumpel stated the level of non-compliance on this property and the work needed to remediate the fill areas is overwhelming. Mr. Roohr indicated he believed the nonagricultural use could be moved within the exception area. Mr. Rosen asked if the consultant was able to determine if the materials contained in the fill could be used for anything other than a dump site. Mr. Clapp stated the material is not suitable for development of pasture as Ms. Santini described. Ms. Fischetti asked if the fill was there prior to preservation. Mr. Clapp stated that

he is confident that the fill was not there beforehand and reviewed the photographic evidence of such.

Ms. Krause questioned if a referral to DEP had been made since the contents of the fill could contain toxins and there could be wetlands disturbance issues. The trucking operation's location, stormwater management, and restoration may require DEP's involvement. Ms. Payne explained staff brings these cases to the committee prior to taking any action, or contacting other state agencies. Ms. Krause asked if the SADC could oversee restoration of this land without input from the DEP. Ms. Payne stated that staff would not develop a solution without DEP input to ensure compliance with applicable state environmental laws. Ms. Payne stated if the committee were to find the Santini Farm in violation of the deed of easement, then staff will involve the NJDA's Division of Agriculture and Natural Resources as well as DEP.

Mr. Clapp stated that based on staff observation and Dr. Shaw's report, staff determined that the character and magnitude of the fill material is detrimental to drainage, flood control, water conservation, erosion control, soil conservation and the continued agricultural use of the premises. Because there is no conservation plan and no evidence that the material is brought in for agricultural purposes, staff has determined the fill constitutes dumping of waste materials and is an expansion of the pre-existing nonagricultural activities which are all violations of paragraphs 2 through 7 of the DOE.

Staff's recommendation is that staff should consult with the DEP regarding restoration solutions and consult with the landowner to establish the boundary of the two-acre pre-existing nonagricultural area. SADC needs to resolve the discrepancy between the survey and the DOE. Staff would require the owner to prepare a written corrective action plan to relocate the fill material either to the established two-acre pre-existing nonagricultural use area, the exception area, or off the premises in compliance with the DOE and DEP regulations in a manner that ensures existing agricultural resources will not be damaged in the process. Prior to implementing the plan, the landowner must obtain SADC, NRCS, and DEP approval. The owner would need to restore the disturbed area to its pre-existing condition in accordance with an updated NRCS conservation plan and in compliance with paragraph 7 and all other relevant paragraphs in the DOE. Alternatively, the owner may prepare a rehabilitation plan in accordance with the draft soil protection standards.

Mr. Roohr remarked that Ms. Santini's attorney had contacted SADC's legal department and asked to adjourn stewardship's presentation from June's meeting to today, but that the attorney is not present physically or virtually today.

Ms. Payne stated that a resolution would be prepared consistent with the discussion concerning the easement violation and clarifying that the exception area for nonagricultural use is two acres.

D. Resolutions: Final Approval - Municipal PIG Program

Ms. Roberts and Ms. Miller referred the committee to three requests for final approval under the Municipal PIG program. They reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

Note: Ms. Procida recused from this discussion.

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It was moved by Mr. Kumpel and seconded by Mr. Norz to approve Resolution FY2024R7(1) granting final approval under the Municipal PIG Program, as presented, subject to any condition of said resolution.

1. Andrew and Thomas Bellone, SADC ID#08-0227-PG, FY2024R7(1), Block 6805, Lots 4.01 and 6, Franklin Township, Gloucester County, 52.823 gross surveyed acres.

A roll call vote was taken. Ms. Procida recused from the vote. The motion was unanimously approved. A copy of Resolution FY2024R7(1) is attached to and a part of these minutes.

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve Resolution FY2024R7(2) and FY2024R7(3) granting final approval under the Municipal PIG Program, as presented, subject to any condition of said resolution.

2. Phillip Danko, SADC ID#08-0228-PG, FY2024R7(2), Block 6805, Lot 3, Franklin Township, Gloucester County, 31.724 gross surveyed acres.
3. Christopher and Tiffany Mercer, SADC ID#17-0251-PG, FY2024R7(3), Block 31, Lots 3 and 3.01, Upper Pittsgrove Township, Salem County, 35.45 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2024R7(2) and FY2024R7(3) is attached to and a part of these minutes.

E. Resolutions: Final Approval- County PIG Program

Ms. Miller 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 the staff recommendation is to grant approval.

Note: Mr. Norz recused from this discussion due to his prior involvement as a Somerset CADB member.

It was moved by and seconded by Mr. Kumpel and Mr. Ellis to approve Resolution FY2024R7(4) granting final approval under the County PIG Program, as presented, subject to any condition of said resolution.

1. Segal & Morel Custom Builders LLC, SADC ID#18-0220-PG, FY2024R7(4), Block 41, Lots 4 & 4.01, Bedminster Township, Somerset County, 62.935 gross survey acres.

A roll call vote was taken. Mr. Norz recused from the vote. The motion was unanimously approved. A copy of Resolution FY2024R7(4) is attached to and a part of these minutes.

F. Resolutions: Final Approval – State Acquisition Program

Ms. Miller referred the committee to one request for final approval under the state acquisition program. She reviewed the specifics of the request with the committee and pointed out the committee approved a certification of value at the June meeting and since then, the landowner has accepted the offer of \$17,300 per acre plus \$950,000 for the value of the improvements.

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Staff's recommendation is to grant approval. Ms. Payne stated that SADC is excited to work with the landowners on the purchase of this beautiful farm, whose acquisition for SADC is a very important transaction.

It was moved by Ms. Fischetti and seconded by Mr. Rosen to approve Resolution FY2024R7(5) granting final approval under the State Acquisition Program, as presented, subject to any condition of said resolution.

1. Estate of Patricia Patricelli, SADC ID#11-0031-FS, FY2023R7(5), Block 62, Lots 2.02 and 3, Hopewell Township, Mercer County, 130.809 gross acres.

Mr. Norz asked if the proposed trail easement could be located towards the south boundary of the farm. He stated the location creates potential issues for public access and farming practices. Mr. Kumpel agreed with Mr. Norz. Ms. Payne stated that there seems to be a consensus among the committee to require moving the easement near to the southern border of the property.

The motion was amended by Ms. Fischetti and seconded by Mr. Rosen to approve the resolution for the purchase of the property with the amendment that the proposed trail be moved to the southern border of the property to the greatest extent practicable. A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2024R7(5) is attached to and a part of these minutes.

Ms. Payne reported that a budget was approved allocating \$175,000 to the SADC to support two staff positions to focus on the issue of new and beginning farmers and next generation farmers. She stated that staff is very excited about this new opportunity and will start the recruiting process and developing comprehensive strategies for this area of business.

Mr. Rosen congratulated Ms. Payne and suggested an element of these positions should focus on not only getting access to lower cost land, but to successful marketplaces. Mr. Rosen also suggested strategies on running a successful operation and marketing products. Ms. Payne agreed, stating that the first step is to identify the main issues and then develop solutions. She stated that she will take Mr. Rosen's comment as a volunteer for a subcommittee to focus on this endeavor. Mr. Rosen stated that he would gladly work on the subcommittee. Mr. Norz stated that he would like to work on the subcommittee as well.

G. Authorization of Rule Proposal – Agricultural Mediation Program (N.J.A.C 2:76-18.1, et seq.)

Mr. Smith presented the final draft of the proposed rules which revised the Agricultural Mediation Program. Mr. Smith stated that the proposed revisions do two things. The first revision is to supplement the subject matters that can be mediated under the farmland preservation program to include those items listed in the 2018 Federal Farm Bill. The farmland preservation program rules will then align with the federal program from which we receive funds to mediate agricultural disputes. The second revision requires mediators to undertake annual refresher courses in mediation. The original rule required a mediator to take 18 hours' worth of approved courses to receive certification, with no additional continuing education courses required. The revision now requires four hours of continuing education on an annual basis. Staff received a couple of pre-proposal responses from existing mediators who welcomed the revisions and had no objection to taking the additional courses.

It was moved by Mr. Kumpel and seconded by Mr. Rosen to approve Rule Proposal for the Agricultural Mediation Program as presented. The motion was unanimously approved.

Public Comment

Ms. Patricia Springwell of Hunterdon County thanked the committee for their decision to move the trail on the Estate of Patricia Patricelli approval and making the farm operation the priority use of the land. She commented that she was appalled by the activity on the Santini Farm. She urged SADC to protect farmland soil, with an emphasis on prevention, so that there is no need for enforcement.

CLOSED SESSION

At 11:13 a.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 acquisition of real estate; pending or anticipated litigation, including an update from the attorney general's office on SADC v. Quaker Valley Farms; 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 Ms. Fischetti to go into Closed Session. The motion was unanimously approved.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., September 28, 2023

Location: 200 Riverview Plaza, Trenton, NJ

ADJOURNMENT

The meeting was adjourned at 11:54 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2024R7(1)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
FRANKLIN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of Bellone, Andrew M. Jr., and Thomas A. (“Owners”)
SADC ID# 08-0227-PG
Franklin Township, Gloucester County
N.J.A.C. 2:76-17A.1, et seq.**

JULY 27, 2023

WHEREAS, on October 5, 2021 the application for the sale of a development easement for the subject farm identified as Block 6805, Lots 4.01 and 6, Franklin Township, Gloucester County, totaling approximately 52.823 gross surveyed acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and 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 set forth in 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 Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the Township's Forest Grove Project Area; and

WHEREAS, the Property includes one (1), approximately 1.5 acre non-severable exception area for future flexibility for nonagricultural uses but with zero (0) single family residential opportunities resulting in approximately 51.323 net surveyed 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 1.5 -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) single family residential units
- 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, this final approval and the SADC grant is conditioned on all lots being consolidated simultaneously or immediately after the easement closing; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on July 21, 2022, and in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$7,700 per acre based on zoning and environmental regulations in place as of the current valuation date April 2, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$7,700 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on May 12, 2023, 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 June 13, 2023, the Franklin Township Committee approved the application for the sale of development easement and a funding commitment of \$1,475 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on April 20, 2023, 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 May 24, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,475 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, 52.86 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 52.86 acres):

	Total	Per/acre
SADC	\$251,085.00	(\$4,750/acre)
Franklin Township	\$ 77,986.50	(\$1,475/acre)
<u>Gloucester County</u>	<u>\$ 77,968.50</u>	<u>(\$1,475/acre)</u>
Total Easement Purchase	\$407,022.00	(\$7,700/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the Franklin Township is requesting \$251,085 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, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;


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 Township for the purchase of a development easement on the Premises, comprising approximately 52.86 net easement acres, at a State cost share of \$4,750 per acre, (61.69% of certified easement value and purchase price), for a total grant of approximately \$251,085.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. Final approval is conditioned on all lots being consolidated, simultaneously or immediately after the easement closing.
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. 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.

7/27/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Pete Johnson	ABSENT
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	RECUSED
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Frank Minch, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

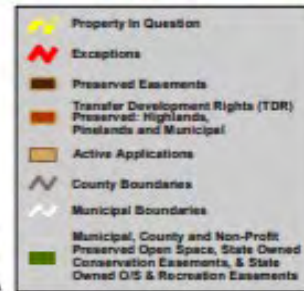


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Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bellone, Andrew M., Jr. & Thomas L.
Block 6805 Lots 4.01 (31.0 ac); P/O 6 (17.7 ac);
& P/O 6-EN (non-severable exception - 1.5 ac)
Gross Total = 50.2 ac
Franklin Twp., Gloucester County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NAD83/IGDS 2010 Digital Aerial Image

August 19, 2021

NOTE:
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Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

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NJOT/OGIS 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
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 S - 500' Buffer
 W - Water

August 19, 2021

SADC Municipal Pig Financial Status Schedule B Franklin Township, Gloucester 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
													3,750,000.00
08-0121-PG	Genna	48.7400	49.3980	7,000.00	4,400.00	345,786.00	217,351.20	173,796.74	45,361.94	217,351.20	171,989.26	171,989.26	3,578,010.74
08-0122-PG	Gallagher	46.0000	42.8170	7,000.00	4,400.00	299,719.00	188,394.80	147,532.49	36,208.29	188,394.80	152,186.51	152,186.51	3,425,824.23
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08-0138-PG	Kargman II (lot 11/12)	9.5820	9.5820	7,500.00	4,650.00	71,865.00	44,556.30			44,556.30	44,556.30	44,556.30	2,653,176.66
08-0140-PG	Kargman IV (lot 18)	7.2830	7.2830	9,000.00	5,400.00	65,547.00	39,328.20			39,328.20	39,328.20	39,328.20	2,613,848.46
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08-0228-PG	Danko, Phillip A.	30.7240	31.6500	8,300.00	5,050.00	262,695.00	159,832.50			159,832.50			1,072,533.36
Closed	15	608.3310	600.2280			3,539,990.44	2,298,793.68	699,665.53	189,968.03				
Encumbered	3	104.0570	107.1800			795,535.50	494,229.75						
										Encumber/Expended FY09	-	750,000.00	-
										Encumber/Expended FY11	-	500,000.00	-
										Encumber/Expended FY13	-	500,000.00	-
										Encumber/Expended FY17	66,763.11	433,236.89	-
										Encumber/Expended FY19	427,466.64	-	72,533.36
										Encumber/Expended FY20	-	-	500,000.00
										Encumber/Expended FY21	-	-	500,000.00
										Encumber/Expended FY22	-	-	500,000.00
										Total			1,072,533.36

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Bellone, Andrew M., Jr. & Thomas L.
08-0227-PG
PIG EP - Municipal 2007 Rule
49 Acres

Block 6805	Lot 6	Franklin Twp.	Gloucester County		
Block 6805	Lot 4.01	Franklin Twp.	Gloucester County		
SOILS:		Prime	36% * .15	=	5.40
		Statewide	64% * .1	=	6.40
				SOIL SCORE:	11.80
TILLABLE SOILS:		Cropland Harvested	86% * .15	=	12.90
		Wetlands/Water	.4% * 0	=	.00
		Woodlands	13.6% * 0	=	.00
				TILLABLE SOILS SCORE:	12.90
FARM USE:		Ornamental Shrub & Tree Services	14 acres		
		Christmas Trees	5 acres		
		Vegetable & Melons	14 acres		Potatoes and sugar beets

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 (1.5) acres for Existing buildings
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 FY2024R7(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
FRANKLIN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Danko, Phillip A. ("Owner")
SADC ID#08-0228-PG
Franklin Township, Gloucester County
N.J.A.C. 2:76-17A.1, et seq.**

JULY 27, 2023

WHEREAS, on October 5, 2021 the application for the sale of a development easement for the subject farm identified as Block 6805, Lot 3, Franklin Township, Gloucester County, totaling approximately 31.724 gross surveyed acres hereinafter referred to as "the Property" (Schedule A) was deemed complete and 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 set forth in N.J.A.C. 2:76-17A.6 and 7; 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 is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the Township's Forest Grove Project Area; and

WHEREAS, the Property includes one (1), approximately 1 acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 30.724 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 1-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 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) No pre-existing non-agricultural uses; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on July 21, 2022, and in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$8,300 per acre based on zoning and environmental regulations in place as of the current valuation date April 2, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$8,300 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on, May 11, 2023, 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 May 23, 2023, the Franklin Township Committee approved the application for the sale of development easement and a funding commitment of \$1,625 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on April 20, 2023, 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 May 24, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,625 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, 31.65 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 31.65 acres):

	Total	Per/acre
SADC	\$159,832.50	(\$5,050/acre)
Franklin Township	\$ 51,431.25	(\$1,625/acre)
Gloucester County	\$ 51,431.25	(\$1,625/acre)
Total Easement Purchase	\$262,695.00	(\$8,300/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the Township is requesting \$159,832.50 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, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;

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 Township for the purchase of a development easement on the Premises, comprising approximately 31.65 net easement acres, at a State cost share of \$5,050 per acre, (60.84% of certified easement value and purchase price), for a total grant of approximately \$159,832.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. 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).
4. 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.
5. 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).
6. 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.
7. 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.

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.

____7/27/2023_____
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Pete Johnson	ABSENT
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Frank Minch, Acting Chairperson	YES

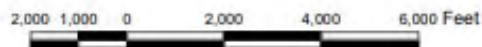
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Danko, Phillip A.
Block 6805 Lots P/O 3 (33.6 ac);
& P/O 3-EN (non-severable exception - 1.0 ac)
Gross Total = 34.6 ac
Franklin Twp., Gloucester 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:
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Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/IGIS 2020 Digital Aerial Image

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August 20, 2021

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

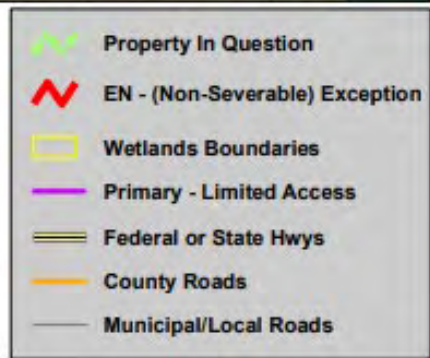
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Franklin Township, Gloucester
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										Fiscal Year 09		750,000.00		
										Fiscal Year 11		500,000.00		
										Fiscal Year 13		500,000.00		
										Fiscal Year 17		500,000.00		
										Fiscal Year 19		500,000.00		
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08-0227-PG	Bellone, Andrew M. Jr., and Thomas A.	51.3230	52.8600	7,700.00	4,750.00	407,022.00	251,085.00			251,085.00			1,232,365.86	
08-0228-PG	Danko, Phillip A.	30.7240	31.6500	8,300.00	5,050.00	262,695.00	159,832.50			159,832.50			1,072,533.36	
Closed	15	608.3310	600.2280			3,539,990.44	2,298,793.68	699,665.53	189,968.03					
Encumbered	3	104.0570	107.1800			795,535.50	494,229.75							
										Encumber/Expended FY09	-	-	750,000.00	-
										Encumber/Expended FY11	-	-	500,000.00	-
										Encumber/Expended FY13	-	-	500,000.00	-
										Encumber/Expended FY17	66,763.11	-	433,236.89	-
										Encumber/Expended FY19	427,466.64	-	-	72,533.36
										Encumber/Expended FY20				
										Encumber/Expended FY21	-	-	-	500,000.00
										Encumber/Expended FY22	-	-	-	500,000.00
										Total				1,072,533.36

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Danko, Phillip A.
08-0228-PG
FIG EP - Municipal 2007 Rule
34 Acres

Block 6805	Lot 3	Franklin Twp.	Gloucester County	
SOILS:		Prime	19% * .15 =	2.85
		Statewide	81% * .1 =	8.10
				SOIL SCORE: 10.95
TILLABLE SOILS:		Cropland Harvested	52% * .15 =	7.80
		Woodlands	48% * 0 =	.00
				TILLABLE SOILS SCORE: 7.80
FARM USE:		Ornament Nursery Products	8 acres	
		Corn-Cash Grain	10 acres	
		Vegetable & Melons	2 acres	Sugar beets

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 one (1) acres for Existing single family residence & future flexibility
Exception is not to be severed from Premises
Exception is to be limited to one 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 FY2024R7(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
SOMERSET COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Segal & Morel Builders, LLC (“Owners”)
SADC ID# 18-0220-PG
Bedminster Township, Somerset County
N.J.A.C. 2:76-17 et seq.**

JULY 27, 2023

WHEREAS, on December 30, 2020 the application for the sale of a development easement for the subject farm identified as Block 41, Lots 4 and 4.01, Bedminster Township, Somerset County, totaling approximately 62.935 gross survey acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 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 Property is a targeted farm pursuant to N.J.A.C. 2:76-17.5(a)1 and is located in the County's Upper Raritan West Project Area and the Highlands Planning Area; and

WHEREAS, the chain of title reflects that the Owners acquired the property on January 19, 2017 and, therefore, the property is ineligible for appraisal based on zoning and environmental conditions in place as of 01/01/2004; and

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses, resulting in approximately 59.337 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, a 16.012 acre portion of the Property is subject to an undefined conservation easement granted to the Township; accordingly, the SADC will deduct that acreage from the calculation of its cost share grant to the County; and

WHEREAS, the existence of four (4) single family residences along with the conservation easement inhibited appraising the Property without making extraordinary assumptions on the Property's development potential under Bedminster Township ordinances; and

WHEREAS, the SADC has concluded that if the three (3) residential opportunities were removed from Lot 4 by demolishing the three existing residences on that lot, then appraising the Property's development potential under current township ordinances would not require an extraordinary assumption; and

WHEREAS, the SADC's green light approval and certification of value were conditioned upon the demolition of the three (3) existing residences on Lot 4 prior to closing and to the SADC's issuance of a cost share grant; and

WHEREAS, the aforesaid condition has been satisfied, as three (3) residences have been demolished, and a certificate of approval was issued by the township building official confirming that the work was done in compliance with the New Jersey Uniform Construction Code; 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 from the Premises;
- 3) 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 Opportunities (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 60.62 which exceeds 51, 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, pursuant to N.J.A.C. 2:76-17.11, on December 10, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$27,000 per acre based on zoning and environmental regulations in place as of the current valuation date June 14, 2021; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$27,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, certification and approval of the application were conditioned on the demolition of

the three existing single-family residences on Lot 4; and

WHEREAS, on June 22, 2022, Certificates of Approval were submitted confirming the demolition of the three existing single-family residences on Lot 4; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on June 5, 2023, the Bedminster 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(a) on January 24, 2022, the Somerset 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(a) on February 22, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$10,800 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 59.337 acres):

	Total	Per/acre
SADC	\$ 961,259.40	(\$16,200/acre)
<u>Somerset County</u>	<u>\$ 640,839.60</u>	<u>(\$10,800/acre)</u>
Total Easement Purchase	\$1,602,099.00	(\$27,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$961,259.40 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The prior condition to demolish the three (3) residences on Lot 4 prior to closing has been resolved and is no longer a condition; and
3. 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 59.337 net easement acres, at a State cost share of \$16,200 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$961,259.40 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'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.

7/27/2023
Date



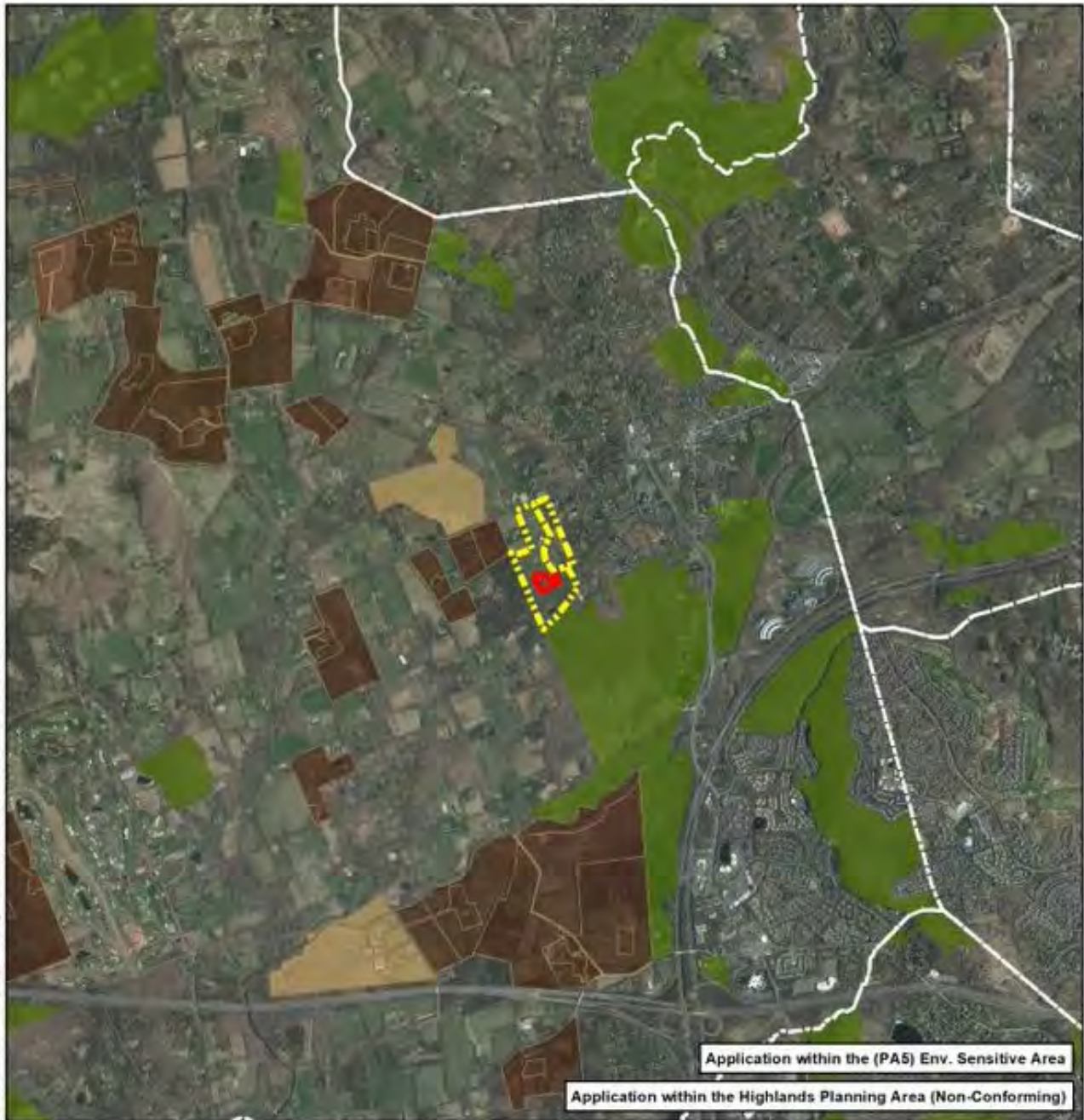
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Pete Johnson	ABSENT
Scott Ellis	YES
Richard Norz	RECUSED
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Frank Minch, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

X:\counties\someco\projects\Segal and Morel Custom Builders, LLC 2mile 2.mxd



Application within the (PA5) Env. Sensitive Area

Application within the Highlands Planning Area (Non-Conforming)

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Segal and Morel Custom Builders, LLC
Block 41 Lots 4 (15.5 ac); P/O 4.01 (43.6 ac)
& P/O 4.01-EN (non-severable exception - 3.0 ac)
Gross total = 62.1 ac
Bedminster Twp., Somerset 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

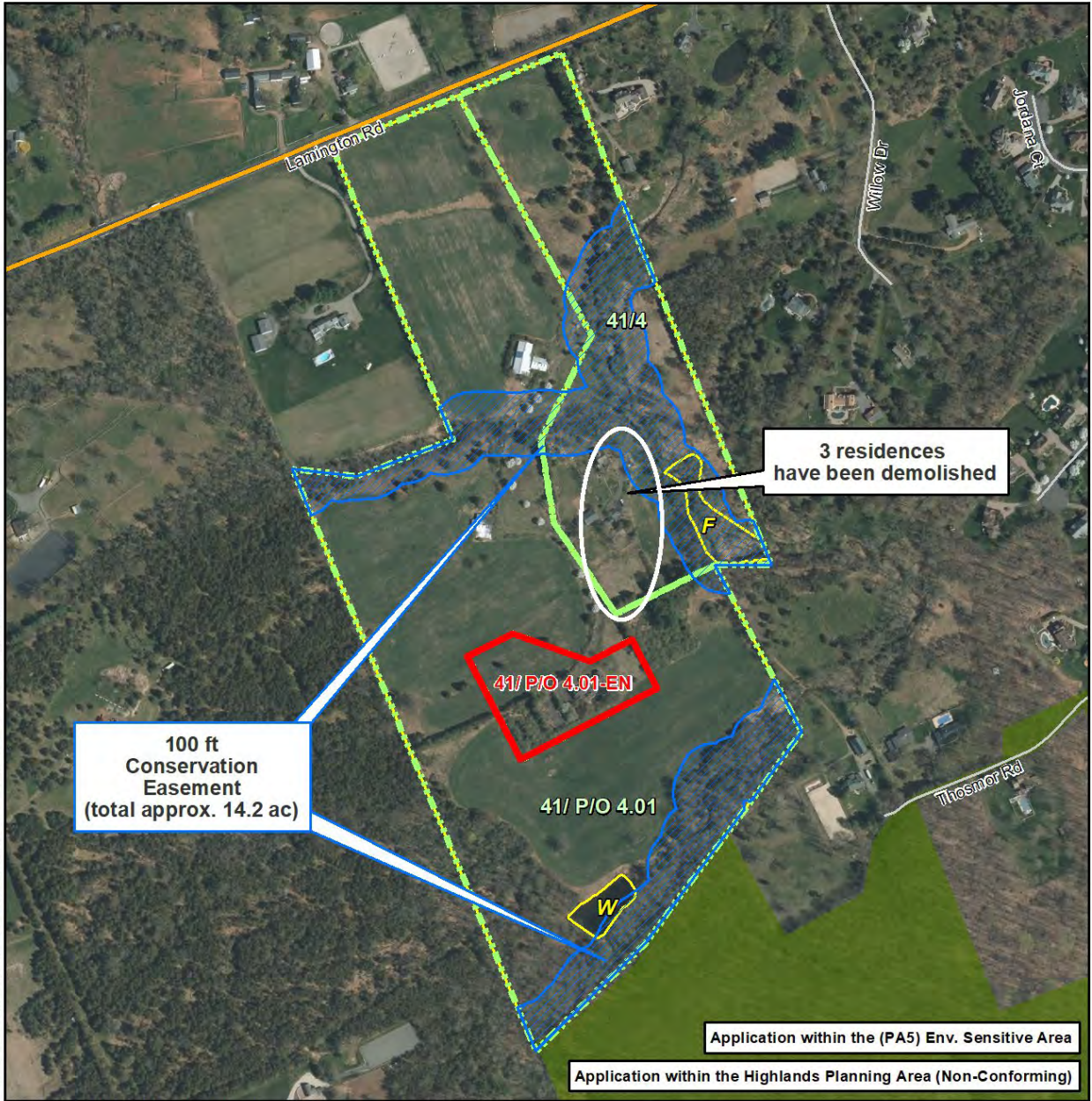


Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOT/ODIS 2015 Digital Aerial Image

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

October 27, 2020

Wetlands



X:\counties\som\co\projects\Segal and Morel Custom Builders, LLC fww 2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Segal and Morel Custom Builders, LLC
Block 41 Lots 4 (15.5 ac); P/O 4.01 (43.6 ac)
& P/O 4.01-EN (non-severable exception - 3.0 ac)
Gross total = 62.1 ac
Bedminster Twp., Somerset County

500 250 0 500 1,000 Feet

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data
NJ Highlands Council Data
NJOTIF/GIS 2015 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



	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Conservation Easement (total approx 14.2 ac)
	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

October 27, 2020

SADC County Pig
Financial Status
Schedule B

Somerset County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds											
							Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY20 Balance				
													5,500,000.00													
18-0206-PG	Howard, Charles & Edith	Montgomery	31.1970	31.1950	39,000.00	23,400.00	1,216,605.00	729,963.00				747,162.00	729,963.00	729,963.00	4,770,037.00											
18-0208-PG	Quick	Hillsborough	36.8280	36.8280	17,000.00	10,200.00	626,076.00	375,645.60				409,734.00	375,645.60	375,645.60	4,394,391.40											
18-0211-PG	Yablonsky	Hillsborough	38.8610	38.8610	14,200.00	8,520.00	551,826.20	331,095.72				333,472.80	331,095.72	331,095.72	4,063,295.68											
18-0213-PG	Lobell	Bedminster	120.2340	116.3340	35,500.00	17,318.00	4,129,857.00	2,014,672.21	2,115,184.79	358,541.39	1,060,918.60	1,060,918.60	1,060,918.60	3,002,377.08	1,447,640.84	953,753.61	953,753.61		4,046,246.39							
18-0217-PG	Gund, Gordon	Franklin	100.8430	100.5740	15,000.00	9,000.00	1,508,610.00	905,166.00				905,166.00	905,166.00	905,166.00	2,097,211.08					5,000,000.00						
18-0223-PG	Mill Lane Farm I, LLC (Doyle Lot 44)	Hillsborough	79.7480	76.9550	11,300.00	6,780.00	869,591.50	521,754.90				97,211.08	97,211.08	97,211.08	2,000,000.00	424,543.82	424,543.82	424,543.82		4,575,456.18						
18-0222-PG	Mill Lane Farm I, LLC (Doyle Lot 28)	Hillsborough	59.1130	59.1130	13,200.00	7,920.00	780,291.60	468,174.96							468,174.96	468,174.96	468,174.96			4,107,281.22						
18-0220-PG	Segal & Morel Builders, LLC	Bedminster	59.3370	59.3370	27,000.00	16,200.00	1,602,099.00	961,259.40				961,259.40			1,038,740.60											
Closed	7		466.8240	459.8600			9,682,857.30	5,346,472.39	2,115,184.79	358,541.39																
Encumbered	1		59.3370	59.3370			1,602,099.00	961,259.40	0.00	0.00																
											Encumber/Expended FY09	-	-	-	-											
											Encumber/Expended FY11	-	-	1,500,000.00	-											
											Encumber/Expended FY13	-	-	1,000,000.00	-							4,046,246.39				
											Encumber/Expended FY17	-	-	1,000,000.00	-							892,718.78		4,107,281.22		
											Encumber/Expended FY18	-	-	-	-							-		2,000,000.00		
											Encumber/Expended FY20	-	-	-	-							-		-	2,000,000.00	
											Encumber/Expended FY21	-	-	-	-							-		-	-	
											Encumber/Expended FY22	961,259.40	-	-	-	1,038,740.60										
											Total					1,038,740.60				3,000,000.00	4,046,246.39	4,107,281.22	2,000,000.00	2,000,000.00		

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Segal & Morel Custom Builders, LLC
18-0220-PG
County PIG Program
59 Acres

Block 41	Lot 4.01	Bedminster Twp.	Somerset County		
Block 41	Lot 4	Bedminster Twp.	Somerset County		
SOILS:		Local	54% *	.05	= 2.70
		Prime	16% *	.15	= 2.40
		Statewide	30% *	.1	= 3.00
				SOIL SCORE:	8.10
TILLABLE SOILS:		Cropland Harvested	67% *	.15	= 10.05
		Wetlands/Water	2% *	0	= .00
		Woodlands	31% *	0	= .00
				TILLABLE SOILS SCORE:	10.05
FARM USE:	Hay			64 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 Existing main residence and curtilage
Exception is not to be severed from Premises
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. SADC's certification of value is conditioned upon the demolition of the three (3) existing residences on Lot 4 prior to closing and the SADC issuing a cost share grant.
 - 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 #FY2024R7(5)**

**FINAL REVIEW AND APPROVAL OF AN SADC FEE SIMPLE PURCHASE
On the Property of Estate of Patricia Patricelli
JULY 27, 2023**

Subject Property: **Patricelli, Patricia - Estate of**
Block 62, Lots 2.02 and 3, Hopewell Twp, Mercer County
SADC ID#: 11-0031-FS

WHEREAS, on March 8, 2023, the State Agriculture Development Committee (“SADC”) received a written inquiry from a representative of the Estate of Patricia Patricelli, hereinafter “Owner,” to sell the fee simple title to property identified as Block 62, Lots 2.02 and 3, Hopewell Township, Mercer County, hereinafter “the Property,” totaling approximately 130.809 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 Act 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 two (2) existing residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time the estate expressed interest in selling the Property to the SADC, the Property was in corn and soybean production; and

WHEREAS, staff evaluated the potential purchase of the Property in accordance with N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorizes farmland offered for sale 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 58) because it is approximately 130.809 acres and has a quality score of 79.14; and

WHEREAS, at its April 27, 2023 meeting, staff advised the SADC that, due to a deadline imposed by the Estate, an offer was made to purchase the Property subject to the results of appraisals; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, and as a result of appraisals, on June 22, 2023, the SADC certified a “before” value of \$17,300 per acre based on zoning and environmental regulations in place as of the current valuation date of May 19, 2023, plus an additional \$950,000 for the value of improvements on the Property; and

WHEREAS, on June 30, 2023, the Owner accepted the SADC’s offer of \$17,500 per acre plus \$950,000 for the value of the improvements for the purchase of the real property; and

WHEREAS, during the process of requesting local support for the preservation of the property, the SADC was informed that Mercer County and the Friends of Hopewell Valley Open Space (FOHVOS) had an interest in a trail connection between existing open space (Schedule A); and

WHEREAS, the SADC is prohibited from purchasing a fee simple interest in property and subsequently conveying all or any part of the restricted fee unless solely for farmland preservation purposes, but will attempt to coordinate an Agreement between the Owner and FOHVOS to convey a trail easement prior to or contemporaneously with the SADC's purchase of the property; and

WHEREAS, the SADC supports a trail easement on the Property, conditioned on locating the trail easement as close to the southern property boundary within the wooded area as is feasible, and the conveyance of which to FOHVOS shall be subject to the SADC's advance review and written approval; 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 \$17,300 per acre plus \$950,000 for a total of approximately \$3,212,995.70 (based on 130.809 acres) and subject to the conditions in Schedule C.
3. The SADC supports a trail easement on the Property, conditioned on locating the trail easement as close to the southern property boundary within the wooded area as is feasible, and the conveyance of which to FOHVOS, shall be subject to the SADC's advance review and written approval.
4. 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.
5. Contracts and closing documents shall be prepared and/or subject to advance review and written approval by the Office of the Attorney General.
6. The SADC authorizes Assistant Secretary of Agriculture Joseph A. Atchison, III, 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.

____7/27/2023____
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Pete Johnson	ABSENT
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Frank Minch, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



X:\counties\merc\projects\Patricelli, Patricia - Estate of 2mile.mxd

Application within the (PA4) Rural Area

Neatmap, NJ Department of Environmental Protection, NJ Office of GIS

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patricelli, Patricia - Estate of
Block 62 Lots 3 (95.637 ac)
& 2.02 (35.172 ac)
Gross Total = 130.809 ac
Hopewell Twp., Mercer County

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

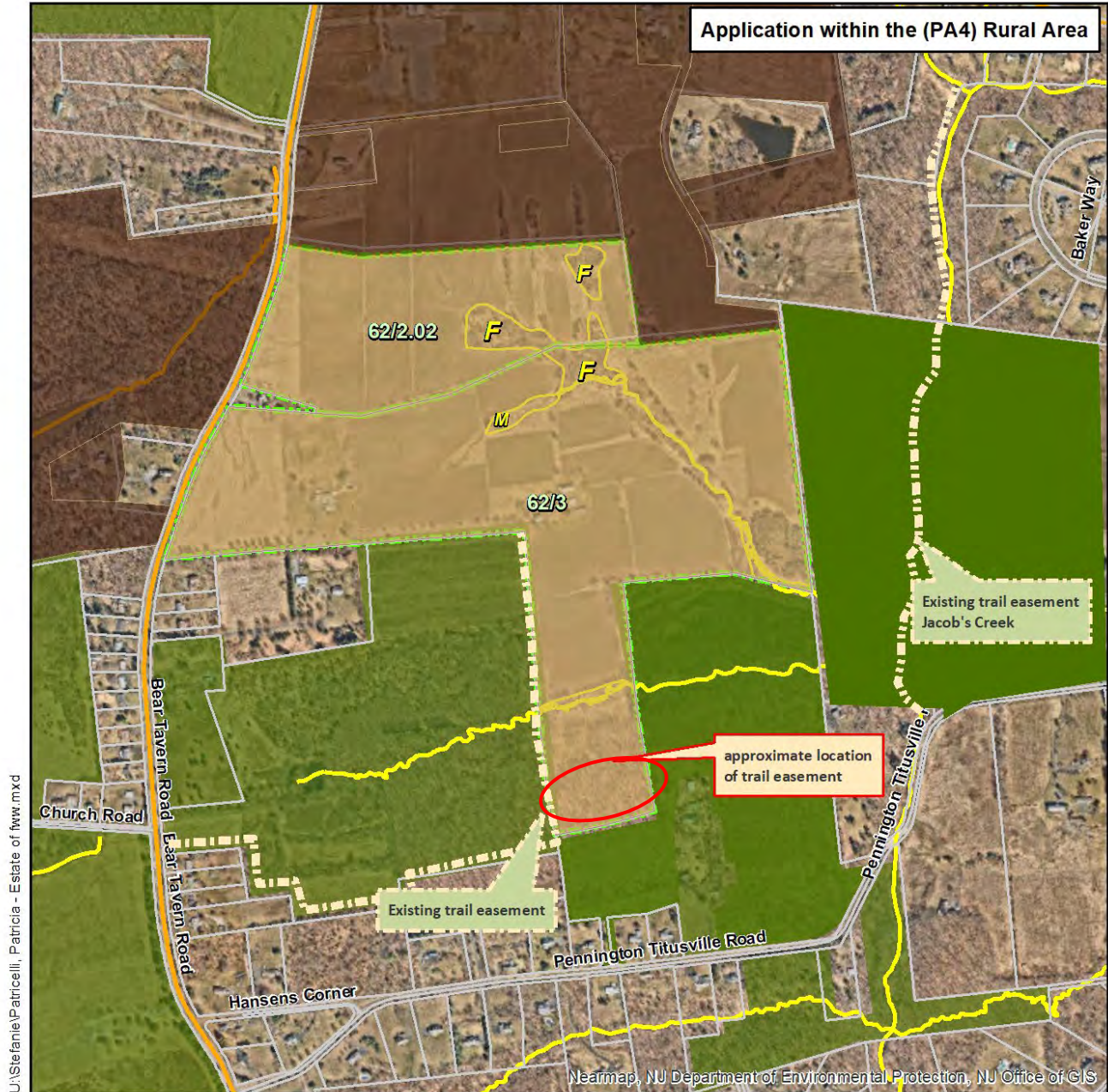


2,000 1,000 0 2,000 4,000 6,000 Feet

Sources:
NJ Farmland Preservation Program
NJDOT Parcels edited to adjacent survey data
NJDEP Conservation/Open Space Easement Data
NJDOT/Neat Map 2021 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.

Wetlands



U:\Stefanie\Patricelli, Patricia - Estate of fww.mxd

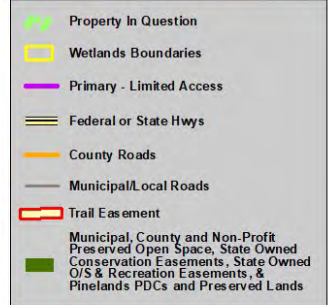
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patricelli, Patricia - Estate of
Block 62 Lots 3 (95.637 ac)
& 2.02 (35.172 ac)
Gross Total = 130.809 ac
Hopewell Twp., Mercer County



Sources:
NJ Farmland Preservation Program
NJGIT Parcels edited to adjacent survey data
Green Acres Conservation Easement Data
NJDEP 2015 Landuse/Landcover Data
NJDEP Open Space
NJDOT Road Data
NJGIT/Near Map 2021 Digital Aerial Image

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Wetlands Legend:
F - Freshwater 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

Patricelli, Patricia - Estate of
Fee Simple - SADC
131 Acres

Block 62	Lot 3	Hopewell Twp.	Mercer County		
Block 62	Lot 2.02	Hopewell Twp.	Mercer County		
SOILS:		Local	2% * .05	=	.10
		Other	1% * 0	=	.00
		Prime	49% * .15	=	7.35
		Statewide	48% * .1	=	4.80
					SOIL SCORE: 12.25
TILLABLE SOILS:		Cropland Harvested	73% * .15	=	10.95
		Wetlands/Water	4% * 0	=	.00
		Woodlands	23% * 0	=	.00
					TILLABLE SOILS SCORE: 10.95
FARM USE:	Hay		96 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: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family - 2
 - 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 FY2024R7(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
UPPER PITTSBORO TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Mercer, Christopher T. & Tiffany C. ("Owners")
SADC ID#17-0251-PG
Upper Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A.1, et seq.**

JULY 27, 2023

WHEREAS, on July 5, 2022, the application for the sale of a development easement for the subject farm identified as Block 31, Lots 3 and 3.01, Upper Pittsgrove Township, Salem County, totaling approximately 35.45 gross acres hereinafter referred to as "the Property" (Schedule A) was deemed complete and 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 set forth in 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 Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the Township's Project Area; and

WHEREAS, the Property includes one (1), approximately 2.25 acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 33.2 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 2.25-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 Premises includes:

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

WHEREAS, this final approval and the SADC grant is conditioned on all lots being consolidated simultaneously or immediately after the easement closing; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on December 21, 2022 in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,100 per acre based on zoning and environmental regulations in place as of the current valuation date November 10, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$4,100 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on May 9, 2023, the Upper Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$620 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on April 26, 2023, 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 May 17, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$620 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, 34.196 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 34.196 acres):

	Total	Per/acre
SADC	\$97,800.56	(\$2,860/acre)
Upper Pittsgrove Township	\$21,201.52	(\$620/acre)
Salem County	\$21,201.52	(\$620/acre)
Total Easement Purchase	\$140,203.60	(\$4,100/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(c), the Township is requesting \$97,800.56 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, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. This final approval and the SADC's grant is conditioned on all lots being consolidated simultaneously and 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 33.2 net easement acres, at a State cost share of \$2,860 per acre, (69.76% of certified easement value and purchase price), for a total grant of approximately \$97,800.56 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. 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.

7/27/2023
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Pete Johnson	ABSENT
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Frank Minch, Acting Chairperson	YES

Wetlands



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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mercer, Christopher T. & Tiffany C.
Block 31 Lots P/O 3 (8.9 ac);
P/O 3-EN (non-severable exception - 2.25 ac); & 3.01 (24.3 ac)
Gross Total 35.45 ac
Upper Pittsgrove Twp. Salem County



Sources:
NJ Farmland Preservation Program
NJGIT Parcel data edited from Deed
Green Acres Conservation Easement Data
NJDEP Open Space
NJDOT Road Data
NJGIT/OGIS 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

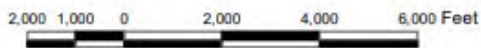
Wetlands Legend:
F - Freshwater Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mercer, Christopher T. & Tiffany C.
Block 31 Lots P/O 3 (8.9 ac);
P/O 3-EN (non-severable exception - 2.25 ac); & 3.01 (24.3 ac)
Gross Total 35.45 ac
Upper Pittsgrove Twp. Salem County



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Sources:
NJ Farmland Preservation Program
NJGIT Parcels Edited From Deed
NJDEP Conservation/Open Space Easement Data
NJGIT/OGIS 2020 Digital Aerial Image

June 22, 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			
														Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17
08-0192-PG	Michael & Carolyn 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				
17-0136-PG	Jasper ancillary											10,337.50	3,579,656.77				
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 & Carolyn	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				
17-0181-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	2,786,860.46				
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	2,613,856.86				
	Seery, McCracken, and Kessel Ancillary											14,298.00	2,599,558.86				
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	2,537,030.26				
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	2,458,699.21				
	Hurst Ancillary											4,452.50	2,454,246.71				
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	132,479.10	2,321,767.61				
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	2,158,712.41				
	Wright Ancillary											4,181.50	2,154,530.91				
17-0241-PG	Kessel's Nursery L9	19.2370	19.2370	6,700.00	4,250.00	128,887.90	81,757.25			88,867.50	82,220.50	81,757.25	2,072,773.66				
17-0240-PG	Kessel's Nursery L7	23.2370	23.2370	6,500.00	4,150.00	151,040.50	96,433.55			99,600.00	96,433.55	96,433.55	1,976,340.11				
17-0250-PG	Dickinson, Robert P. & Donna	25.6080	25.6080	3,700.00	2,620.00	94,749.60	67,092.96			68,539.00	67,092.96	67,092.96	1,909,247.15				
17-0246-PG	Valentine, James F. Jr. & Dianne E. (Lot 21.01)	21.5870	21.5570	5,000.00	3,400.00	107,785.00	73,293.80			77,044.00	73,293.80	73,293.80	1,835,953.35				
	Zeck and Hamilton Ancillary											10,192.50	1,825,760.85				
17-0251-PG	Mercer, Christopher T. & Tiffany C.	33.2000	34.1960	4,100.00	2,860.00	140,203.60	97,800.56			97,800.56			1,727,960.29				
Closed	26	977.8940	969.6440			5,476,465.45	3,441,398.02	804,487.67	269,065.25								
Encumbered	1	33.2000	34.1960			140,203.60	97,800.56										
										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	3,750.20	996,249.80	-				
										Encumber/Expended FY20							
										Encumber/Expended FY21	94,050.36	177,989.35	727,960.29				
										Encumber/Expended FY22	-	-	1,000,000.00				
										Total			1,727,960.29				

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Mercer, Christopher T. & Tiffany C.
17-0251-PG
FIG EP - Municipal 2007 Rule
33 Acres

Block 31 Lot 3 Upper Pittsgrove Twp. Salem County
Block 31 Lot 3.01 Upper Pittsgrove Twp. Salem County

SOILS:	Other	5% *	0	=	.00
	Prime	94% *	.15	=	14.10
	Statewide	1% *	.1	=	.10
					SOIL SCORE: 14.20
TILLABLE SOILS:	Cropland Harvested	66% *	.15	=	9.90
	Wetlands/Water	26% *	0	=	.00
	Woodlands	8% *	0	=	.00
					TILLABLE SOILS SCORE: 9.90
FARM USE:	Corn-Cash Grain				21 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 (2.25) acres for Existing Single Family Residential Unit
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: 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.