

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

September 28, 2023

Assistant Secretary Joe Atchison called the meeting to order at 9:01 a.m.

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

Roll call indicated the following:

Members Present

Joseph A. Atchison, III (Acting Chairman)
Martin Bullock
Scott Ellis (arrived 9:10)
Roger Kumpel (alternate farmer member for Pete Johnson)
Richard Norz
Tiffany Bohlin
Charles Rosen (arrived 9:03 a.m.)
Gina Fischetti
Lauren Procida
Brian Schilling

Members Absent

Julie Krause

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

Minutes

SADC Regular Meeting of July 27, 2023 (Open and Closed Session)

It was moved by Mr. Kumpel and seconded by Mr. Norz to approve the Open and Closed session minutes of the SADC regular meeting of July 27, 2023. A roll call vote was taken. Mr. Bullock and Mr. Schilling abstained from the vote. The motion was approved.

Report of the Chairman

Mr. Atchison reported that the deadline to apply for the position of Secretary of the SADC is September 29th.

Report of the Executive Director

Ms. Payne reported that the committee has received a copy of the SADC newsletter that has been distributed to partners and all preserved landowners. The newsletter is published twice a year to keep partners and landowners updated on with the work of the SADC. She asked the

committee to provide any feedback they may have to help staff make the newsletter as informative as possible.

Ms. Payne stated that the SADC held a virtual public hearing on September 27th on the proposed Soil Protection Standards. There were 35 people registered to speak, and Ms. Payne thanked the agricultural community for their involvement at the hearing. The main themes that emerged from the hearing were objections to the retroactivity of the rules and concerns of the impacts this would have on the interest and participation in program. Ms. Payne stated that staff is gathering all the comments received and will review them with the subcommittee after the public comment period has ended.

Mr. Norz commented that he attended the virtual public hearing. He is concerned about the ability for next generation farmers to expand in their operations under these rules. He stated that the proposed rules do not properly contemplate certain kinds of agricultural operations, such as nurse, large greenhouse activities or livestock, and provides limited ability for expansion. He also noted a CADB administrator presented comments endorsed by ten counties that voiced opposition to the retroactivity.

Mr. Rosen asked if the attorney general could attend subcommittee meetings due to the threat of legal action that could follow possible adoption of these rules. Ms. Payne said yes. She then reviewed the current composition of the soil protection subcommittee following the replacement of committee members. The two farmer members on the subcommittee are Mr. Johnson and Mr. Ellis, and the two public members are Mr. Rosen and Ms. Bohlin. Mr. Norz requested that he serve on the soil protection subcommittee. Ms. Payne stated that she would discuss the request with Mr. Atchison and get back to Mr. Norz.

Ms. Payne reported the SADC was subject to an FY22 audit conducted by the legislature. The audit's purpose was to determine if the processes and procedures of the SADC are appropriate, and, if not, the auditors would issue findings and provide recommendations for corrective action. At the conclusion of the audit, the auditors did not issue any findings and reported they were comfortable that the SADC internal processes, documentation and account keeping.

The auditors made three observations. First, based on historical trends it is "debatable whether the SADC will achieve the goal of preserving 550,000 acres" due to the slowed pace of acquisition. The second observation was that there were unexpended funding balances in the county and municipal PIG programs that were not reallocated. Finally, the auditors observed that the SADC's cost share policy has not been updated since 2007. They recommended that the SADC research whether the cost share grant should be increased to assist counties and municipalities with limited ability to raise funds, in order to maximize participation.

Ms. Payne stated the observations noted in the audit are relevant to the discussions of the future program subcommittee. Staff responded to the audit stating that it is aware of slowing trends and is pursuing solutions with the legislature, such as the cost share policy. Ms. Payne reminded the committee that staff worked with Rutgers to investigate easement value trends, and Bill A4729 proposes granting the SADC authority to establish an alternate way of valuing easements.

Mr. Schilling stated that the SADC has retention and development statutory mandates and now that there is a more stable source of funding, it is a good time to examine how the stewardship funds are being spent. Ms. Payne stated, by law, the SADC can allocate up to 4% of funds to the Stewardship Program. Now, the question becomes how the SADC can further support agricultural viability, in addition to its current methods. Ms. Payne stated the conservation practices for which SADC may cost share are established by the Department of Agriculture's Agriculture and Natural Resources Division, in conjunction with the state soil conservation committee. Staff is working with them to expand these practices, while improving soil resiliency.

Communications

Ms. Payne stated that a communication came in from the Hunterdon CADB where they expressed disappointment that the virtual public hearing was not held in a hybrid fashion. Ms. Payne stated that the technology in the conference room is not yet completed, so that this request, unfortunately, could not be accommodated.

Public Comment

Patricia Springwell from Hunterdon County commented that the SADC has been instructed by the courts to adopt a set of rules designed to protect soils and if it is not applied on all preserved farms, we run the risk of more soil being destroyed beyond repair.

Amy Hansen, NJ Conservation Foundation and the owner and operator of an organic farm in Hunterdon County that was preserved in 2004, commented she voluntarily took an impervious cover limit on her farm because she cares about her soil. She stated that she is distressed to hear the aversion from farmers to retroactivity for soil protection but were happy to be retroactive with allowing weddings and big events with no ties to their agricultural output. She stated that as a taxpayer and farmer, she believes that soil and water resources need to be protected.

Old Business

A. Stewardship

1. Resolution: Review of Activities

June Santini, SADC ID# 21-0029-DE, FY2024R9(1), Block 34, Lot 11, Harmony Township, Warren County, 51.867 easement acres.

Mr. Willmott presented a continuing review of activities on the June Santini farm. The farm was preserved in 2003 as a direct easement purchase application, contains 51 acres, a 2.5 acre non-severable exception area and a pre-existing nonagricultural use that existed at the time of preservation. The pre-existing nonagricultural use is described as a two-acre portion of the property depicted on the survey, where the grantor sells and delivers organic material derived from manure and stores soil and stone. The survey shows a 1-acre area. The discrepancy with the DOE requires that the survey be corrected. The owner leases the farm to a tenant farmer who is running a dairy operation and grows 23 acres in grain and hay on the premises.

During the 2021 monitoring inspection, the SADC's monitoring contractor, the Upper Delaware Soil Conservation District, identified an area of concern described as assorted piles of soil brought onto the premises from unidentified sources. SADC's conservation and

stewardship staff conducted a site visit to determine the agronomic suitability of the fill material. Ms. Santini claimed the fill material was brought to the farm for an agricultural purpose, to create a field for pasture. However, based upon observations at the site visits, the nature of the fill material, and the lack of any plans indicating the project was undertaken consistent with the NRCS standards to protect the agricultural and environmental resources on the farm, staff determined that the fill material was unsuitable for any agricultural purpose. The SADC issued a deed of easement notice of violation and a cease-and-desist order to Ms. Santini.

Ms. Santini provided incomplete testing certifications for the fill material which did not provide necessary details. The SADC hired retired NRCS state soil scientist, Dr. Richard Shaw, to investigate and analyze the condition of the imported material and its ability to support an agronomic purpose. Dr. Shaw concluded that the fill material over the 5-acre area ranged from 4 to 7 feet in depth; the fill soil has little to no soil structure; many soil layers have a firm consistency which is poorly suited for root growth and water management; excessive coarse fragments such as rocks and boulders and artifacts such as concrete, asphalt, bricks, and rebar on the surface and within the soil present obstacles to tillage; and the area of fill is actively eroding and depositing fill material in lower areas of the farm that were not the subject of fill activities.

Mr. Willmott stated that during site visits staff also saw numerous vehicles and equipment including, tri-axle dump trucks, tractor trailers, and other commercial vehicles near the equipment maintenance shop. During the site visits numerous inoperable vehicles were observed, which the owner claimed were used for parts. Based on these observations, it appears that the maintenance shop is servicing commercial trucks in addition to agricultural equipment. During one site visit staff observed a mobile truck repair business actively repairing trucks near the maintenance shop and at least six commercial trucking company vehicles parked on premises. In addition, staff has observed trash and debris throughout the premises, primarily consisting of inoperable vehicles and vehicle parts, scrap metal, and landscaping debris.

At the June 9, 2023 site visit, staff found that Ms. Santini made progress in removing trash and debris. She also spread additional soil within the disturbed area on the farm, to develop a pad to store semi-trailers. This newly spread fill encroached upon wetlands and an intermittent stream. It appeared the stream may have been excavated at the same time fill was spread.

Mr. Willmott stated that Ms. Santini's attorney sent a letter to the SADC acknowledging that Ms. Santi accepted the fill material on site to remain financially solvent after her husband's death. The letter confirmed that a trucking business is operated on the farm which pre-dated its preservation.

Mr. Willmott advised that on September 22, 2023, staff conducted a joint site visit with Department of Environmental Protection representatives to determine if wetlands regulated areas are impacted. Initial observations indicate that some regulated areas were affected and will need to be taken into consideration with any remediation actions.

Ms. Santini addressed the Committee. She stated that after she and her late husband bought the farm, he farmed the land, while she raised their family. He died when her youngest child

was 11 years old and she has struggled to keep the farm operating since his passing. The area of the farm being discussed was not actively farmed, and it was suggested to her to convert it into a hay field by bringing in fill dirt. Ms. Santini stated that she checked with Warren County and was unaware that she required SADC approval. In 2018, she gradually imported fill, unaware that she was in violation of the DOE. Ms. Santini told the committee that she would like to fix the violation and asked for its assistance.

Ms. Santini testified that she has been working on cleaning up the vehicles and vehicle parts for the last two years, and has now made significant progress. She stated the vehicles that remain are either grandfathered, since they existed prior to preservation or are associated with the farm operation and used to sell the topsoil that is produced by the cows. Ms. Santini apologized for not knowing the policies and procedures to prevent this situation from happening. She requested the committee to assist her to bring her farm into compliance.

Mr. Kumpel asked Ms. Santini if SADC was willing to work with her in the remediation of this farm, would she be willing to continue to clean up the property and bring it into compliance. Ms. Santini stated that she would. Mr. Rosen commented that he understands as a farmer and a public member how much Ms. Santini is grappling with and it's hard to find a balance, especially with the loss of her husband and caring for children. He stated that, collectively, the SADC shares the overall goal, to work with farmers to achieve economic viability and accept the responsibility for caring for the soil.

Ms. Payne stated that the resolution finds the Santini farm to be out of compliance with the DOE for the reasons illustrated in Mr. Willmott's presentation and pointed out that finding a DOE violation does not mean that the Office of Attorney General will immediately bring litigation, rather the SADC will try to work with the landowner to bring the farm back into compliance. Staff recommendation is to both pass the resolution and to work with Ms. Santini to remedy the property to bring it back into compliance voluntarily. Mr. Norz asked Mr. Willmott to read the action items as stated in the resolution. Mr. Norz then stated that the resolution needs to include language that the SADC is willing to work with the landowner to get the farm back in good standing before litigation becomes necessary.

Mr. Kumpel suggested that the SADC grant Ms. Santini one year to comply with the DOE. The committee could then reevaluate the farm to see if demonstrable progress has been made. Mr. Norz agreed. Mr. Rosen suggested putting the resolution on hold, as opposed to amending it, as there may be time and financial constraints to consider. Mr. Rosen asked staff if adopting the resolution creates a sense of urgency. Mr. Roohr responded that the resolution provides an incentive to the landowner, understanding that the SADC can elevate a matter to the next step, if needed. Mr. Roohr commented that this issue has been on-going for a year. The resolution provides the landowner the incentive to make progress.

It was moved by Mr. Kumpel and seconded by Mr. Norz to amend resolution FY2024R9(1) to include language to stay legal action for the Santini Farm for a period of one year as necessary to allow the landowner to come into compliance with the DOE. A vote was taken. The motion was unanimously approved.

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve Resolution FY2024R9(1) to pass the resolution as amended, subject to any condition of said resolution. A roll call vote was taken. The motion was unanimously approved.

2. Review of Activities (Discussion Only)

Note: Mr. Bullock recused from this discussion.

Maple Leaf Farms, SADC ID #13-0159-EP, Block 4.01, Lot 11.01 & Block 12, Lot 12.03, Manalapan Township, Monmouth County, 132 acres.

Mr. Roohr informed the committee that this matter was first discussed in 2019 and reviewed the details for the new members. In June 2015, Carmine and Danielle Casola (Casola), the owners of Maple Leaf Farm, purchased the subject 132-acre parcel. . The Casolas are lifelong Monmouth County farmers and have transitioned from being vegetable farmers to nursery stock, greenhouse plants and fall ornamentals. Their farm management unit consists of several other farms in addition to the subject property.

In October 2015, Casola presented a proposal of future uses for the property to the MCADB which issued a “Deed Compliance Resolution”. That resolution approved a 17,000 square foot farm market for retail and wholesale sale of products from their farm management units, with the additional requirement that all items sold in the market must be for agricultural purposes to compliment the items raised on the farm management unit. A 60,000 square foot greenhouse to produce plant material was also approved. The site plan Casola provided to the MCADB showed a 7-acre area that would be graded to construct the building, parking area and other infrastructure associated with the market and greenhouse. The MCADB required that any topsoil stripped from the site remain and be distributed on the farm.

In June of 2016, the MCADB issued a Site-Specific AMP that addressed only lighting and parking requirements. Neither the Site-Specific AMP in 2016 nor the initial deed compliance resolution addressed agricultural tourism activities.

The farm market opened in spring of 2017 and was visited by the MCADB in September 2017. In October of 2017 the MCADB authorized its attorney issue a cease-and-desist order for improper activities occurring on the farm. These activities included soil disturbance, the installation of permanent structures that removed land from production, and certain agricultural tourism activities.

In April 2018, the MCADB issued an additional resolution formally declaring that several activities were inconsistent with the board’s prior approvals and in violation of the DOE. Specifically, MCADB found that a majority of the products sold in store and from sheds in the agriculture tourism area were not produced on the farm and had no nexus to its agricultural output. There was also a substantial amount of gravel added to large portions of the farm, the installation of permanent structures for entertainment purposes, a rodeo and drainage features that were constructed, not shown on the originally submitted plans that may adversely impact wetlands on site.

On April 19, 2018, the MCADB conducted a site visit with Casola, SADC staff, municipal representatives, and other interested parties in attendance. During this visit, the owners requested time to have their engineer address the concerns found at the visit.

By October 2018, the MCADB had not received requested information to address issued

identified at the April site visit. In November, Casola's attorney wrote to the MCADB, indicating that concerns about the entertainment area would be remedied and the area would become compliant with the DOE. The MCADB found this response insufficient. The board authorized its attorney to prepare a complaint to institute litigation.

The April 2018 MCADB resolution found the farm in violation due to an increased grading from the approved original siteplan, the installation of entertainment structures, a rodeo and a "country village", a one-acre area with multiple sheds used for agriculture-related entertainment. The MCADB also found that the farm market was heavily stocked with items unrelated to the farm's production. The store has a commercial kitchen area (the "sweet shop") which sells baked goods, treats and beverages, which are not made with farm products. There was not a conservation plan, as required for all preserved farms. The entertainment area had no agricultural production and the animals used in the rodeo were not produced on the farm.

In March 2019, the SADC considered this matter and the committee directed staff to conduct a financial analysis and obtain from Casola financial information regarding the farm's production. The owners, through counsel, answered a questionnaire prepared by staff and provided receipts confirming the farm's high-volume production. Staff was satisfied Casola was producing a high volume of certain products. However, staff also shared the MCADB's concerns relating to the store and the sale of a large quantity of items which were not produced on the farm, the activities held on the entertainment area and whether it is commensurate with the products sold.

In April 2023, the MCADB passed a resolution that reaffirmed the board's prior resolutions finding multiple DOE violations.

Mr. Roohr explained that the DOE allows for structures, including those that allow the sale of the farm output, and the MCADB approved the farm market building in 2015. Both prior committee and CADB decisions permit markets on a preserved farm for the purpose of selling the output and items associated with that output. Here, the majority of items sold are not associated with the farm's production. These items include housewares, home décor and food items sold in the sweet shop.

Mr. Roohr described the premises. Attached to the 17,000 square feet farm market is a 49,000 square greenhouse. Outside of the greenhouse is an outdoor nurse stock area set on gravel. The purpose of the gravel is to provide a stable base on which to place the nurse stock on and for customers to walk while shopping. Casola argues that the greenhouse is attached to the farm market making it a 66,000 sq ft structure and the 49,000 square feet dedicated to their farm output complies with the 51% requirement of a farm market. Staff does not agree. This logic would allow attaching any non-agriculture business to a greenhouse. Mr. Roohr stated that there is a distinction between a sales area and a production area.

Mr. Rosen asked if staff received revenue information from nonagricultural related sales in the store and other activities on the farm. Mr. Roohr stated staff did not ask for all non-ag related sales in the original questionnaire, but staff asked what the revenue generated from the sale of pumpkins and the tickets sold to enter the entertainment area. Pumpkin sales totaled \$50,000 and the ticket sales were \$50,000.

Mr. Norz commented that the items in the market are ancillary and are there to attract customers to buy products produced by the farm. Mr. Rosen stated the committee cannot speculate on that without having the revenue numbers to determine whether it is ancillary, and part of a marketing campaign or the driving force to get customers to the farm. Applying Right to Farm standards, 51% income can come from a revenue perspective or a land use perspective. If the revenue is greater than 51% that is an important figure to know if most of the revenue is not ag-based.

Mr. Atchison recognized Mr. Sposaro to comment. Mr. Sposaro stated that the revenue generated from the store and ag entertainment is less than five percent (5%) of the total gross revenue generated by the farm.

Mr. Sposaro then asserted that, in general, preserved farms with deed restrictions and the rights conferred under the Right to Farm Act (RFTA) should not be treated as two separate entities, as farmers believe they are interrelated. Farmers believe the rights conferred under the RTF Act and the rights preserved farm owners and operators enjoy are the exact same rights. For example, the only standard that deals with direct farm marketing is the On-Farm Direct Marketing AMP (OFDM AMP). There is no separate standards for preserved farms concerning tourism or marketing. Mr. Sposaro argued that the owners of preserved farms are left without direction and do not know what the standards are for what products they can sell in their farm markets because the DOE does not provide any guidance. Owners look at the AMP, because the SADC has not always decided that what can be sold on a preserved farm market is the same thing that can be sold in an unpreserved farm market under the RFTA. A farmer must dig deeply to find the decisions referenced in the MCADB's resolution. Mr. Sposaro said that farmers can fall into three categories, each with a separate set of rules; a farm market located within an exception area; a farm market located on the easement area of a preserved farm or a farm market that is part of a farm management unit entitled to RTFA protection.

Ms. Payne asked Mr. Sposaro if he is suggesting that the SADC should be applying the RTFA standards and the OFDM AMP to determine whether an activity is permitted under the DOE. Mr. Sposaro said yes. Ms. Payne reminded the committee that farmland preservation utilizes public funds, and a DOE is recorded against the property. Parallel to that are the RTFA standards. The SADC has previously determined that a farm is entitled to RTFA protection if it is compliant with the DOE. The SADC has not adopted a rule finding that if a preserved farm's activity is permitted under the RTF Act it is also permitted under the DOE. The DOE allows common farm site activities in support of the marketing of the production and output of the farm. Under the plain language of the DOE, the question becomes whether it is a common farm site activity to have a 17,000 sq ft building filled with products unrelated to the production of the farm. Staff's answer to that question is no; as it is not a common farm site activity. Ms. Payne concluded that the SADC should analyze these questions based solely upon the plain language of the DOE.

Ms. Payne asked Mr. Sposaro if he believes that the RTFA standards are appropriately applied here as the test to determine DOE compliance. Mr. Sposaro stated that the standards are more than informative, they are controlling law. Ms. Payne asked Mr. Sposaro if it is his position that all the activities on Maple Leaf Farm meet the definitions of the On-Farm Direct Marketing AMP. Mr. Sposaro stated that they do. Ms. Payne stated that the staff disagrees. She suggested that the committee may decide to discuss the OFDM AMP, its definitions and

how this situation relates to that. Ms. Payne reminded the committee that those are RTFA standards and not what the DOE requires. Mr. Rosen observed that this is a slippery slope, as counsel is asking for more regulations to guide farmers on how to farm and market their products.

Mr. Sposaro next discussed the rodeo. He stated that Casola owns the animals that participate in the show which takes place once on Saturdays and Sundays, six (6) weeks a year. Ms. Payne asked Mr. Sposaro whether he considers the rodeo to be compliant with the RTFA standards, which are found in Equine AMP, that states a rodeo unrelated to other defined equine activities on the farm is not an eligible for RTF protection. Mr. Sposaro replied that the AMP defines ancillary entertainment-based activities as activities designed to bring people to the farm. Mr. Sposaro asked how a rodeo that is conducted 12 times a year differs from background or live music. Ms. Payne stated that her comment is to highlight that rodeos are specifically addressed in an Equine AMP, and the rodeo does not meet that adopted standard. The committee could consider, if argued by Mr. Sposaro, whether the rodeo be considered something else under the OFDM AMP. Ms. Payne summarized that counsel's position is as long as an activity qualifies for RTFA protection, it should be permitted on a preserved farm. The staff assessment finds that none of the activities in dispute comply with any the adopted OFDM AMP standards.

Mr. Sposaro stated that the greenhouse is attached to the store and the store acts a gateway to the greenhouse operation. Ms. Payne stated that Mr. Sposaro's argument is that the two buildings are attached therefore they are one farm market, but the SADC has addressed this in the on farm direct farm marketing AMP which states "the on farm direct marketing AMP defines sales area as the indoor or outdoor area who's primary and predominant use is the display marketing sale of the output of the farm". Because the primary use of the greenhouse building is the growing and maintenance of plant material, we do not consider the greenhouse part of the sales area of the farm market. This interpretation is consistent with the Appellate division of the case upholding the SADCs decision in which the committee concluded that "pastures, livestock shelters, livestock holding pen, bulk product storage and product processing buildings are predominately used for supplying and facilitating the farm owner's operation and at best offer a mixed use that could incidentally include product sales. Sales area must be predominately used for the marketing of commercial farms agricultural output." Ms. Payne stated that the SADC has adopted a regulation, and for the SADC to agree with Mr. Sposaro's argument, it must be proven that the primary and predominant purpose of the greenhouse is sales, and that is not logical.

Mr. Sposaro stated that opinion is inconsistent with the state Supreme Court opinion in Monroe Township v. Gasko. Ms. Payne stated staff finds that decision inapplicable to this matter. She suggested the SADC may go into closed session and obtain advice from Mr. Stypinski. Ms. Payne advised the committee that in order to pass a resolution at a later date, the committee must make factual findings, and it will need decide whether to apply the plain language of the DOE or test the farm's activities against the standards of the On-farm Direct Marketing AMP. Ms. Payne stated that this analysis was done at the staff level, and staff does not think the market passes the test.

Mr. Sposaro stated that his clients have received recertification by the Soil Conservation District. NJDEP has inspected the property, and has found no violations and the DOT has issued an access permit. His clients will comply with storm water regulations. Mr. Sposaro

stated that his clients are also willing to work with staff to resolve each of these issues. Ms. Payne observed that Casola has been promising the MCADB for years that they would work with them to resolve these issues, and the 2023 resolution is a result of the lack of progress.

Ms. Payne suggested the committee discuss this matter in closed session because legal advice may be needed to reach decision. Mr. Rosen stated that SADC has been told that it needs to trust that farmers are the stewards of the land because they know how to farm and that the SADC shouldn't tell them how to conduct a viable business. He commented that farmers require guidance concerning the RTFA and the DOE.

Mr. Roohr then showed the committee photographs of the entertainment area which includes playground equipment, pedal tractor course, rodeo, pillow bounce, country village. There is a train-theme hayride. Mr. Roohr noted a 2.2 acres entertainment area and a one-acre country village for items permanently used for entertainment. The country village area is also used to grow potted mums during the Summer. Mr. Roohr also showed the committee the location of a 1.25 acre petting zoo and a five-acre corn maze.

Mr. Casola, owner of Maple Leaf Farm, addressed the committee. He expressed disagreements over the use of the areas in question. The rodeo area is used for six weekends, and the rest of the year is used to store trucks, tractors, plows, potting soil, mulch, and other items in conjunction with the garden center. Mr. Casola stated that there are discrepancies in the size of the gravel area, as some of that area is dirt. Mr. Casola stated that the driveway installation on the property was required by the township and should not be included in part of the 17 acres. He testified that 90% of items sold in the market are related to gardening. He also stated that the market and the greenhouse are connected and are heated and air conditioned as one unit.

New Business

A. Readoption of N.J.A.C. 2:76

Brian Smith Esq. advised the committee that the current SADC rules in N.J.A.C. 2:76 expire on December 2, 2023. The SADC must readopt the rules before this expiration date. The notice of readoption will be effective upon filing by the Office of Administrative Law (OAL). The only change to the current rules is that subchapter 27 will not be readopted, as it was the regulations applicable to the pilot program for preserved farm wineries. That pilot program expired and has been supplanted by S757 which allows for Special Occasion Events (SOE) on all preserved farms. SOE regulations must be adopted in the future. The readoption of 2:76 must be authorized by the SADC. The readoption notice has already been drafted, and once it is authorized it will be sent to the OAL. It will appear in the New Jersey Register next month.

Mr. Norz asked if this rule could be amended at any time. Mr. Smith advised that the readoption will be this year and the rules will be in effect for seven (7) years. At any time during that period, the rules can be repealed, revised, or amended.

Mr. Schilling indicated he will vote for readoption as a procedural matter but he requested that the rules be critically reviewed at a later date as there is a wholesale different agriculture industry since these rules were created. Mr. Schilling repeated a comment from a grower that, "we think the SADC needs to be an ag economic development agency" and believes the agriculture community realizes the SADC has the statutory authority and resources play a

larger role in agriculture viability.

It was moved by Mr. Kumpel and seconded by Mr. Ellis to approve the readoption of N.J.A.C. 2:76. The motion was unanimously approved.

B. Stewardship

1. Residential Dwelling Site Opportunity (RDSO) Request (Discussion Only)
 - a. A Legacy Ranch, LLC, SADC ID # 03-0055-EP, Block 1401, Lot 17.01, Springfield Township, Burlington County, 233.793 easement acres.

Mr. Willmott informed the committee it has received a request to exercise an RDSO in Burlington County. The subject property is a 233 acres premises preserved as a county easement purchase in 1990. The premises has approximately 175 tillable acres. It has two residential units, approximately 750 sq ft and 2,500 sq ft, that existed at the time of preservation. There are no exception areas, no agricultural labor units and one RDSO was allocated at preservation. There is no defined size limit governing the potential RDSO unit or the residences in the language of the DOE. The property was purchased by A Legacy Ranch, LLC (Owner) on August 4, 2022. Pietro Amari and Vera Amari, husband, and wife, are the LLC members. They are seeking approval to exercise the RDSO in which they will live. The Burlington CADB approved this request in July 2023.

Mr. Willmott stated that paragraph 12.iii of the DOE defines an RDSO as the potential to construct a residential unit and other appurtenant structures on the premises in accordance with regulations; residual dwelling site is the two-acre location where the RDSO and other appurtenant structures are located; and residential unit is the single-family residence withing the residual dwelling site. The construction and use of the residential unit shall be for agricultural purposes.

Mr. Willmott explained that the DOE requires the location of the RDSO be approved by the municipal planning board and meet standards established by the Committee requiring that the boundaries and configuration minimize the adverse impact on the agricultural operation; the location of the residential unit provides for a minimum 100-foot setback from lands currently under agricultural production; and the construction and use of a residential unit is not permitted unless the Grantee and Committee certify that the construction and use of the residential unit shall be for agricultural purposes. SADC Policy P-31 further explains the basis for determining the agricultural purpose agricultural purposes, it requires when the residential unit is occupied, at least one person residing in the unit shall be regularly engaged in common farm site activities.

Mr. Willmott explained that since acquiring the premises in 2022, the owner has begun converting the property into a beef cattle operation. The conversion includes the installation of fencing, the construction of a cattle barn, bullpen, a hay and equipment storage barn, irrigation systems and drainage improvements. The owners purchased necessary equipment and seeded 100 acres of pasture.

The owner has submitted a description of its two-year farm business goals of establishing a 150-200 head cattle operation by the end of 2024, and will include cattle breeding, raising and

the sale of farm raised beef products. The remaining tillable acres are currently leased to a tenant farmer, but the landowner plans to utilize those areas to grow hay for feed to support the cattle operation. Mrs. Amari was raised on a livestock farm and Mr. Amari's is a restauranter. They plan to hire an employee with cattle experience.

The Owners' daughter with her family, and a niece and family, live in the two existing single-family residences. The Owners originally requested to construct an 11,000 sq ft residence inside a 2-acre building envelope. After discussions with CADB and SADC staff, the owners reduced the size of the proposed residence to a ranch style home that includes an in-law suite and a partially finished basement. The proposal includes a new driveway, pool, and outdoor patio area. The Owners confirmed that the agricultural purpose for the RDSO was to allow the Owner to be actively involved in the management, renovation, and operation of the cattle business. The Burlington CADB approved the request to exercise the RDSO, finding that it is for the agricultural purpose of providing on-site housing for the owner and operator of the farm. Given the large size of the proposed unit, SADC staff discussed with the Owners the concept of placing house size limitations on the two existing residences, the Owners were unwilling to agree to any limitation.

Mr. Willmott reviewed the staff analysis with the committee, summarizing that ., it is clear that the purpose of an RDSO unit is to provide a housing option for persons who were actively farming the land at the time the RDSO is exercised, and to enhance long-term economic viability.

The concern presented in this application is that by allowing an unusually large residence to be constructed, the economic value of the residence may outweigh the agricultural potential of the farm. This precludes a preserved farm to be owned by people who will dedicate a significant portion of their working hours to farming the property. Placing an unusually large residence on the preserved farm may be contrary to the legislative intent for creating RDSOs to provide agronomic viability.

To date, the largest RDSO ever approved is 6,500 sq ft. The average size of an RDSO approved in the last 10 years is 2,600 sq ft. The SADC has been placing house size limits of 3,500 - 4,500 sq ft on RDSO's associated with its own fee simple farms for approximately 20 years. The most recent RDSO approval was Holly Acres in 2022. In Holly Acres, the owners originally requested to exercise the RDSO as a 10,450 sq ft residence on 145-acre farm. Ultimately, the committee approved a 6,500 sq ft residence conditioned upon merging the premises with an adjacent preserved farm the applicant owned, extinguishing the ability to replace the two existing homes on that adjacent parcel, thereby creating a 238- acre parcel with one 6,500 sq ft RDSO unit.

Mr. Willmott listed the factors for the committee to consider whether this farm is eligible for exercising an RDSO as it has two existing residential units on the farm, both occupied by persons unrelated to the agricultural operation. These factors are: the committee's prior interpretation of the RDSO rules related to the purpose and intent of RDSO units; whether this application provides sufficient evidence to find that Owners are, or will be, "regularly engaged" in common farm site activities in light of the fact there are no cattle present on the property today; how "construction and use" of the proposed RDSO does, or does not, serve an agricultural purpose; and whether additional restrictions are warranted to ensure long-term viability of the farm.

Ms. Payne explained that this issue of house size has been an on-going concern. The committee has previously asked the staff to create a subcommittee on issues such as this. This task is on the agency's agenda. Here, staff wanted to present to the committee the facts of this case and have a discussion before a resolution was drafted.

Mr. Schilling asked whether the farm is eligible for exercising an RDSO with two already existing units on the farm is even debatable, since it was presumably granted at the time of closing. Ms. Payne stated that the question for the committee is if the other units on the farm are available for use by the owner or is the committee satisfied with the fact that family members living in those units warrants the construction of a third house on the property.

David Frank, Esq., attorney for Owners, addressed the committee, stating that an RDSO is a reserved right at the time of the formation of the DOE. Therefore, the question is not whether the farm is eligible for an RDSO but whether the Amari's meet the criteria to exercise the RDSO. Mr. Norz asked for clarification about the house size limit restrictions on the other two units. Ms. Payne stated that staff asked the landowner if they would be willing to restrict the size of the other two units on the farm so that the new house would be the main house. The landowners declined. Mr. Amari spoke and explained that he did not want to restrict the size on the other two units because his children have growing families. He wants them to be able to use the property. Ms. Payne asked Mr. Amari if he understood that these houses cannot be sold separately. Mr. Amari stated that he understood. Mr. Schilling asked that the RDSO occupancy requirements be reiterated. Ms. Payne stated that one of the residents occupying the RDSO must be regularly engaged in the day-to-day agricultural operations.

Ms. Payne asked Mr. Amari to explain his business plan to the committee. Mr. Amari stated that there is a cattle feed lot with over 100 acres of pasture fenced, new water drainage infrastructure was installed, all the buildings have gutter systems to restrict water intrusion around the cattle handling area. There is also underground electricity installed to feed the cattle. Mr. Amari stated that he is in the restaurant business, and his goal is to be able to create a retail meat market.

Mr. Rosen asked if the value of the home would outweigh the value of the property and if it mattered since a new owner could only live there if they were engaged in the farming operation. Mr. Roohr answered the value of a home and the ability for a full-time farmer to afford it has always been a concern of staff as well as a new owner not understanding the requirements. Mr. Rosen asked how staff could ensure that restrictions on this easement are enforced and made clear to potential buyers. Ms. Payne stated the DOE, which is in the chain of title, addresses RDSOs, and if the committee ultimately approves a resolution on this matter, that approval will also be recorded. Ms. Procida asked if the resolution would explicitly say that the occupancy related restriction runs with the land. Mr. Roohr stated that the resolution does not state that; but it can.

Mr. Ellis expressed concern that the other two homes could be potentially expanded and that would compromise the property for agricultural use. Ms. Payne stated the SADC has review authority and would need to take all of this into consideration if the owners requested a house replacement at a later date. Mr. Schilling asked if the Amari's will be significantly engaged in the farming activities. Mr. Amari stated that 50 cows will be brought to the property in November and there are two hired helpers who will be managing the cows with his assistance.

Mr. Kumpel stated that he is in support of this application. Ms. Payne stated that based on the committee's comments in support of this application, staff will draft a resolution for the next meeting.

2. Resolution: House Replacement

Mr. Pizzio presented the committee a house replacement request approval for the Henry and Sandra Weber Farm. He reviewed the details with the committee. The replacement is for an existing 1800 square foot dwelling built in the 19th Century with a new dwelling containing approximately 1,350 square feet of heated living space and a 1,255 square foot basement to provide housing for the owner's daughter. Staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Schilling to approve Resolution FY2024R9(2) granting final approval under the Stewardship Program, as presented, subject to any condition of said resolution.

- a. Henry III & Sandra Weber Farm, SADC ID #08-0066-PG, FY2024R9(2), Block 2703, Lot 39, Franklin Township, Gloucester County, 28.036 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2024R9(2) is attached to and a part of these minutes.

C. Review of Non-Agricultural Development in the ADA, including Condemnation of Preserved Farmland (N.J.S.A. 4:1C-19 and 25) (Discussion Only)

Note: Ms. Bohlin recused from this discussion.

1. Road Improvements: US Route 40 and Pointers-Auburn Road - Pilesgrove Township, Salem County

Mr. Bruder reviewed a request to condemn a small portion of a preserved farm for roadway improvements which include the widening of Route 40 and intersection improvements. The SADC and the Salem CADB received a Notice of Intent (NOI) from Carneys Point Township (applicant) for road improvements to accommodate anticipated increased traffic from five proposed warehouse development projects, totaling 10,172,523 square feet in Carneys Point and Pilesgrove Townships. The SADC is being asked to review the proposed action's effect upon the "preservation and enhancement of agriculture in the ADA, overall State agriculture preservation and development policies" and to provide a recommendation to the Governor on whether "the action is necessary for the public health, safety, and welfare and that there is no immediately apparent feasible alternative."

Mr. Bruder stated the application requests a 0.06-acre area to accommodate the turning radius for the proposed intersection improvements, such as sidewalks, ramps and traffic signal equipment. The application is also requesting a 0.1-acre area for temporary taking to use during construction. These areas are beyond the existing future ROW reserved at the time of preservation in 2006.

As part of the NOI, a consolidated traffic impact study was submitted which evaluates existing traffic conditions, future traffic impacts due to this development project and additional

proposed development projects in the area. The NOI states that although linked to private redevelopment, these proposed improvements are separate and distinct public improvements that provide benefits to the public by improving public safety, correcting substandard geometry within the existing corridor, increasing capacity and improving signalization of the intersection. The traffic study notes that the existing northbound and southbound movements at the Pointers Auburn Road intersection operate at Level of Service F (“failing”). Mr. Bruder noted that while Carneys Point township is the public sponsor for the NOI on behalf of the five warehouse entities, the improvements will be paid-for by the warehouse developers. Mr. Bruder stated the traffic study also noted there were previously no prior State or County projects anticipated at this intersection prior to the warehouse development proposals.

Mr. Bruder stated an alternatives analysis, as required by the NOI, examined several alternate road improvement proposals. One alternative, that would eliminate the need for the condemnation of preserved farmland, was the westward realignment of the intersection. Reasons the alternative was not preferred by the applicant include: the need for additional condemnation of unpreserved land in the southwest corner; necessity for amendments to existing stormwater plans; and additional ROW dedications on the western side of Pointers Auburn Road requiring additional NJDEP wetlands permits.

Mr. Avedissian, Esq., Carneys Point township solicitor, appeared before the committee. He stated that no farming operations will be affected by the road expansion and the proposed improvement will improve the drainage for the preserved farm owner. Mr. Avedissian asserted that there is a significant need to improve the safety of this road area due to its dangerous configuration. He stated that this improvement is necessary for the public safety and welfare and there is no immediate apparent feasible alternative. Mr. Avedissian suggested the question for the SADC is whether the proposed improvements negatively affect the preservation and enhancement of agriculture in the ADA. He argued that in this instance the farm operation will benefit and there is a public safety need for the proposed road expansion. Mr. Avedissian advised the committee that the Salem CADB last evening adopted a resolution in support of the application.

Ms. Payne stated staff understands the safety concerns and the small amount of land impacted, but requires an assurance that there will be no negative impact on drainage on the farm. Ms. Payne stated that staff’s concern was that the applicant obtained wetlands permits and DOT approvals with a design that required the condemnation of the farmland. She asked why preserved farmland not avoided from the beginning of the process.

The applicant’s engineer, Karl Pehnke, PE testified that the project has substantial benefits in terms of drainage and as part of the DEP and DOT impacts, the water will discharge off Rt 40 into a drainage area with a series of pipes that bring that water away from the farm to basins. Mr. Pehnke stated that the permits resulted in the ability to build this improvement and one of the challenges was to stay off the farm. The entire intersection involves pavement and includes drainage and pipes to treat water. The entire intersection was pushed as far away from the farm as possible, but the challenge became how much the drainage area could contain running out to the creek. There is a series of pipes in the DOT right of way that carries the water to the basins which set the final alignment up. All the redesigns still could not get around the 90-degree meeting of the right of way to get the radius and traffic signal equipment needed and avoid farm.

Ms. Payne expressed a concern that the SADC is being asked to support the eminent domain of a preserved farm to support warehouse development. Ms. Payne asked what would happen if the Governor does not approve this request. Mr. Pehnke replied that he does not have an answer but assumes substandard features may need to be installed. Mr. Pehnke stated the proposal addresses the road conditions. It has nothing to do with the adjoining properties, and would be the same proposal even if the warehouses were not being built. Ms. Payne stated that she has serious reservations about informing the governor the SADC supports the condemnation of preserved farmland to accommodate warehouse development. She believes this design should have contemplated the preserved farmland from the beginning and now SADC is being asked to approve this at the 11th hour.

Mr. Pehnke responded that the project has been designed with the farm in mind as well as creating a safe roadway meeting proper design standards. Mr. Rosen stated that one of the key benefits here is the reduction of drainage onto this farm, and if this will help the water to be treated properly, that should be considered. Mr. Pehnke stated the stormwater and pipe system design has been revised based on a condition of county approval which reduced the impact on the farm slightly from the original configuration.

Mr. Avedissian understands that warehouse developers are funding this improvement project. Nevertheless, the improvements are for public safety, and it will benefit Carneys Point residents. Mr. Ellis suggested shifting the design to the other side of the road and away from the farm. Ms. Payne expressed the SADC's frustration as it was not included during the initial permitting process, and now is being pressured to consent to this application this for the sake of public health and safety. Mr. Pehnke stated it was not possible to move the design as Mr. Ellis suggested, as it would create a crooked intersection on the south side of Route 40. Mr. Ellis stated they could have condemned that portion of land since it was not preserved.

Mr. Bullock stated that he would support this plan for public safety but he is skeptical since it is tied to the warehouse development project. Mr. Avedissian stated if it weren't for the warehouse developers funding the project, the township or county would not be able to pay for these improvements. Mr. Bibeau, Carney's Point director of economic development, stated this project is an opportunity for the municipality to make the intersection safe at the expense of a third party, saving taxpayers' money. Mr. Rosen reiterated that the committee's issue regarding this request was the absence of consulting with the SADC sooner. The applicant knew enough to go to the DEP and DOT in a timely fashion and did not come to the SADC until three years later. Mr. Pehnke stated that the SADC's role in the approval of this project was not ignored. Final details and how it affected the farmland were not known until recently.

Ms. Fischetti asked if the applicant has evidence of the township's concern of public health and safety regarding intersection to support the need of redesign prior to the warehouse development project. Mr. Avedissian stated that there were discussions about signage and other communication with the state, but is not aware of any formal request. Ms. Fischetti stated if the decision is to be based on public safety, there should be prior evidence to support the safety concerns. Ms. Fischetti asked if the DOT gave its approval conditioned upon the changes being made to the intersection. Mr. Pehnke stated the DOT leads a full design review and issues construction permits based on the approval of the plan. Ms. Fischetti asked what would happen if the DOT didn't approve this. Mr. Pehnke stated that would create a substandard design and the project's success would be in jeopardy. Mr. Avedissian stated that crash data was submitted with their application demonstrating the road's accident history.

Ms. Payne asked the committee for direction. Mr. Rosen stated there are limited options to consider but he feels that the ability to address drainage issues off an existing roadway is an added benefit to the farm. Mr. Norz stated that this application should be approved because issues of health and public safety are involved. Ms. Fischetti requested the applicant submit any evidence that supports the dangerous nature of this intersection and if this application is approved by the SADC, the resolution language needs to specify that approval was given to address the public safety issues of this intersection.

D. Resolution: Preliminary Approval – FY2024 Grants to Nonprofits

NOTE: Tiffany Bohlin left the meeting during this discussion.

Ms. Miller referred the committee to four requests for preliminary approval under the FY2024 Nonprofit Program from The Land Conservancy of New Jersey for a total of 433 acres estimated at 50% SADC cost share of \$1,336,050. She reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Schilling to approve Resolution FY2024R9(3) granting preliminary approval under the Nonprofit Program, as presented, subject to any condition of said resolution.

1. The Land Conservancy of New Jersey
 - a. Luksza Living Trust – Delaware Township, Hunterdon County.
 - b. Hofstetter Rev. Trust - Union Township, Hunterdon County.
 - c. Hubbard, Cornelia & Adam – Wantage Township, Sussex County.
 - d. Vosper, Michelle Marie – Stillwater Township, Sussex County.

A vote was taken. The motion was unanimously approved. A copy of Resolution FY2024R9(3) is attached to and a part of these minutes.

E. FY2023 & 2024 Appropriation Recommendation

NOTE: Gina Fischetti and Lauren Procida left the meeting during this discussion.

Matthew Distaulo reviewed the SADC's FY2024 appropriation request and reminded the committee that there was no FY2023 appropriation, so this combines FY23 and FY24 corporate Corporation Business Tax (CBT) funding. The Department of Treasury provides the SADC with an estimate of CBT revenues available to appropriate. There are funds from FY22 that were previously reserved, 100% of the FY23 dedication, 75% of the FY24 dedication, and interest earnings which are all combined to provide allocations for the current year. Ms. Payne noted that each year Treasury projects what CBT will generate and releases 75% of that projection, withholding 25% in reserve, which is released the following year.

Mr. Distaulo stated there is a total of \$186.421 million available to SADC. Staff does not recommend appropriating the entire balance. Instead, the staff is requesting \$128.441 million in CBT funds and an additional \$2 million in fund reallocations from prior funds, totaling a request of \$130.464 million. Staff is asking to withhold the FY24 dedication of \$57.980 million until next year with the intention of combining it with the FY25 funds to focus the

allocation on the county and municipality partners. That will also coincide with the potential passage of A4729, which will allow the SADC and its partners to make more robust offers to landowners and increase demand.

Mr. Schilling and Mr. Norz expressed concern about the SADC not allocating money and it possibly being reallocated to other agencies. Ms. Payne stated the allocation is mandated by law at this time and would need legislative changes in order to be assigned to another agency. Mr. Norz asked if there is anyone that SADC should be reporting this plan in anticipation of the new bill. Mr. Distaulo stated that Treasury was notified. Ms. Payne stated that SADC's recommendation will be presented to the Garden State Preservation Trust and then when appropriation bills are introduced, SADC will go before the legislature to seek support for the bills and communicate this strategy.

Mr. Distaulo stated this year's administrative appropriation is \$13.15M. This amount includes \$12M for SADC administrative budget costs, \$1M for costs associated with Direct Easement Purchase acquisitions and \$150K to replenish the account used for the enforcement of development easements for all farmland preservation programs. For the administrative budget, staff works to have enough funding appropriated to support the current fiscal year budget and two additional years, in case of an unforeseen funding delays. Mr. Norz asked if any of the partners received funds to assist with enforcement. Ms. Payne stated that they do not, however, that point was raised with the legislature as to whether there should be funds to help partners administer and enforce the easements. Mr. Rosen stated that the committee is hearing more enforcement matters, and extra funding to our partners may help address these issues sooner. Mr. Schilling stated that SOEs are another area where problems could arise and additional and costly duties are placed on partners.

Mr. Distaulo stated this year staff is requesting to allocate \$500,000 to the municipal PIG program, \$1.7 million to the nonprofit program, and \$115 million to the direct easement program. Over the past three fiscal years, the DE Program has spent \$28.38M on preserving almost 5,700 acres throughout the State in addition to encumbering \$5.3M for the fee simple purchase of 342 acres. This allocation supports the SADC's recent focus on both fee simple acquisitions and pursuit of strategic properties possessing zoning that can support large-scale nonagricultural development. Mr. Distaulo stated that the counties have been allocated 36.5% of all acquisition funding and when the counties and municipalities combined that number becomes 53.5% of all allocations. As far as the state acquisition program, 40.5% of all funding was allocated there and 4% to the nonprofits.

Due to existing sufficient fund availability, staff is not recommending a stewardship allocation in FY24. The Stewardship program currently has \$9.8M allocated to approved applications and \$1.088M funds remaining for future projects that are not currently in the application pipeline. As far as the county pig appropriation, there is currently \$16.7M available in FY18 through FY20 competitive grant funds to support additional preservation applications from all counties, with a combined maximum eligibility of \$4M for any one county, subject to the availability of funds. It is anticipated that this balance will be enough for counties to pursue projects that exceed the value of their available base grant until the next funding cycle. There are no municipalities eligible for a performance-based grant. Staff recommends a \$500K base grant be awarded to Washington Township, Warren County, for its newly approved Planning Incentive Grant. Staff also recommends Washington Township be made eligible for competitive funds from FY20 and FY21. There is \$10M available in FY20 through FY21

competitive grant funds to support additional preservation applications. Each municipality can qualify for up to \$1M in competitive funds. It is anticipated that this balance will be adequate for municipalities to pursue projects that exceed the value of their available base grant until the next funding cycle. It is recommended the FY23 and FY24 Nonprofit Program grants be fully funded, resulting in a funding allocation of \$1,723,000.

It was moved by Mr. Rosen and seconded by Mr. Kumpel to approve the FY2023 & 2024 request. A roll call vote was taken. The motion was unanimously approved.

F. Resolutions: Final Approval- County PIG Program

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

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve Resolutions FY2024R9(4) through FY2024R9(8) granting final approval under the County PIG Program, as presented, subject to any condition of said resolution.

1. Warren & Dolores Nothnick, SADC ID #08-0235-PG, FY2024R9(4), Block 1201, Lot 24, Franklin Township, Gloucester County, 18.539 gross acres.
2. S.F. Systems Company (Lot 1), SADC ID#06-0223-PG, FY2024R9(5), Block 247, Lot 1, Lawrence Township, Cumberland County, 439 gross acres.
3. S.F. Systems (Lot 7), SADC ID#06-0225-PG, FY2024R9(6), Block 245, Lot 7, Lawrence Township, Cumberland County, 28.1 gross acres.
4. James W. & Mary Elizabeth Kincaid, SADC ID#06-0228-PG, FY2024R9(7), Block 15, Lot 5, Stow Creek Township, Cumberland County, 57.7 gross acres.
5. Estate of Ralph Franceschini, SADC ID#06-0227-PG, FY2024R9(8), Block 5304, Lots 1, 2, and 12, City of Vineland, Cumberland County, 24.4 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY202R9(4) through FY2024R9(8) is attached to and a part of these minutes.

G. Resolutions: Final Approval- Municipal PIG Program

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

It was moved by Mr. Kumpel and seconded by Mr. Bullock to approve Resolution FY2024R9(9) granting final approval under the Municipal PIG Program, as presented, subject to any condition of said resolution.

1. Catherine Ann and Martin LaRose, SADC ID#08-0202-PG, FY2024R9(9), Block 5802,

Lot 1, Franklin Township, Gloucester County, 18.5 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2024R9(9) is attached to and a part of these minutes.

H. Resolutions: Final Approval - Direct Easement Purchase Program

Ms. Roberts and Ms. Mazella referred the committee to four requests for final approval under the Direct Easement Purchase program. She reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Ellis to approve resolution FY2024R9(10) through FY2024R9(13) granting approval under the Direct Easement Purchase Program, as presented, subject to any condition of said resolution.

1. Brian & Stacey Arzt, SADC ID#03-0035-DE, FY202R9(10), Block 1301, Lots 10.01 and 10.04, Springfield Township, Burlington County, 74.56 gross acres.
2. Georgeanne Bruno, SADC ID#03-0034-DE, FY2024R9(11), Block 110, Lot 9, Hainesport Township, Burlington County, 42.2 gross acres.
3. Estate of Bonnie Davis Wood, SADC ID#06-0094-DE, FY2024R9(12), Block 32, Lots 6 and 9, Stow Creek Township, Cumberland County, 142.5 gross acres.
4. Thomas G. & Julie A. Defrehn, SADC ID#17-0381-DE, FY2024R9(13), Block 34, Lots 25, 26, 27, 28, 29 and 36, Quinton Township, Salem County, 95.6 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2024R9(10) through FY2024R9(13) is attached to and a part of these minutes.

Public Comment

Ms. Patricia Springwell, Hunterdon County, suggested that the SADC lobby for a bill that requires that warehouses not be built on farmland assessed land.

CLOSED SESSION

At 2:58 p.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss the acquisition of real estate, including the fee simple purchase of property in Springfield Township, Burlington County, and the review of the internal process for certifying development easement values; pending or anticipated litigation; 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. Schilling and seconded by Mr. Rosen to go into Closed Session. A vote was taken. The motion was unanimously approved.

Action As a Result of Closed Session

It was moved by Mr. Schilling and seconded by Mr. Rosen to approve the certification of value of the Fee simple farms and other certification of value matters as discussed in closed session. A vote was taken. The motion was unanimously approved.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., October 26, 2023

Location: 200 Riverview Plaza, Trenton, NJ

ADJOURNMENT

The meeting was adjourned at 3:53 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R9(1)

Review of Activities Occurring on Preserved Farm
Santini, June

September 28, 2023

Subject Property:
Block 34, Lot 11
Harmony Township, Warren County
51.867 Easement Acres
SADC ID#21-0029-DE

WHEREAS, June M. Santini, hereinafter "Owner", is the record owner of Block 34, Lot 11, in the Township of Harmony, Warren County, by deed dated September 4, 2001, and recorded on September 14, 2001, in the Warren County Clerk's Office in Deed Book 1769 Page 53, totaling 51.867 acres, hereinafter referred to as the "Premises" (as shown in Schedule "A"); and

WHEREAS, by Deed of Easement dated July 10, 2003, and recorded on July 23, 2003, in the Warren County Clerk's Office in Deed Book 1877, page 135, Peter Santini III and June M. Santini conveyed a development easement on the Premises to the State Agriculture Development Committee (SADC or Grantee) pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq., (as shown in Schedules "A"); and

WHEREAS, the Deed of Easement identifies one (1) existing two-family residence, no agricultural labor units, no Residual Dwelling Site Opportunity (RDSO), and one 2.5-acre non-severable exception area; and

WHEREAS, Schedule (B) of the Deed of Easement indicated that at the time of the execution of the Deed of Easement the following nonagricultural use occurred on the Premises shown on Attachment "A" as follows:

On a two-acre portion of the property depicted on the survey, grantor sells and delivers organic material derived from manure and stores soil and stone.

WHEREAS, a discrepancy in the survey depicts the pre-existing non-agricultural use area as one-acre; and

WHEREAS, the Owner leases the farm to a tenant farmer who is running a dairy operation and grows approximately 23 acres in grain and hay on the Premises for feed. Structures on the Premises include a two-family residence, a cattle barn, several equipment barns, and an equipment maintenance and repair shop on the Premises; and

WHEREAS, during the annual monitoring inspection in 2011, areas of concern were observed noting non-agricultural vehicles on the Premises including: a storage trailer, non-functional dump trucks, bulldozers, construction vehicles, two tractor trailers, and a quantity of PVC pipe; and

WHEREAS, by letter date December 23, 2011, the SADC notified the Owner of the concern; and

WHEREAS, during the annual monitoring inspection in 2012, areas of concern were observed noting dump trucks, construction vehicles and trailers, prefab concrete drainage parts, large PVC pipe, junked camper, bulldozer, and other “junk” were observed on the Premises; and

WHEREAS, SADC staff met with the Owner on January 7, 2015, to discuss the concerns related to the equipment and vehicles parked around the buildings, that did not appear to be used on the farm; and

WHEREAS, during the annual monitoring inspections in 2016 and 2017, it was noted that progress was being made by the Owner to remove the non-agricultural vehicles; and

PLACEMENT OF FILL MATERIAL-

WHEREAS, during the annual monitoring inspection in 2021, the SADC’s monitoring contractor, the Upper Delaware Soil Conservation District, identified an area of concern described as assorted piles of soil brought onto the Premises from various unidentified sources, potentially non-compliant with paragraphs #5, #6, and #7 of the DOE; and

WHEREAS, on March 10, 2022, SADC staff performed a site visit and observed a multi-acre area covered several feet deep in imported fill material behind the pre-existing non-agricultural use area, in a historically wooded area, and numerous vehicles parked on the Premises, including a semi-trailer with lumber, dump trucks, a septic truck, and multiple trailers; and

WHEREAS, at the site visit the Owner stated the intended purpose for importing the fill material was to create an organic pasture for livestock, but acknowledged that she had not consulted with the NRCS or other professional before bringing in the material; and

WHEREAS, on June 16, 2022, SADC conservation and stewardship staff performed a site visit to investigate the fill material to understand its agronomic suitability. Staff’s findings from the site visit are as follows:

1. Staff observed that the fill material covered an area of approximately 5-acres excluding the one-acre pre-existing non-agricultural use area depicted on the survey.
2. The fill material contained concrete, asphalt chunks, embedded building materials, bricks and mortar, metal rebar, asphalt millings, and unconsolidated soils from unknown sources.
3. Based on NJDEP wetlands mapping and onsite observations it appeared that some of the fill material may be encroaching on wetlands and an intermittent stream as shown on Schedule C.
4. The top layers of the native soil were not removed or otherwise set aside to be placed on top of the fill and are therefore buried below the deposited fill.
5. The project was not conducted in accordance with an approved NRCS Conservation Plan or a Soil Erosion and Sediment Control plan.
6. According to the Owner the fill material was deposited on the farm to create a useable agricultural field immediately behind the pre-existing non-agricultural use area, an area that according to the Owner was unfarmable.

WHEREAS, based on SADC observations at the site visit, the nature of the fill materials, the lack of any plans indicating the project was undertaken in a manner consistent with an NRCS conservation plan standards to ensure protection of the agricultural and environmental resources on the farm, staff determined the imported fill material was not suitable for an agronomic purpose; and

WHEREAS, by letter dated August 24, 2022, the SADC issued a Notice of Violation and Cease and Desist Order to the Owner for violations of paragraphs 1-7 of the DOE related to the importation of the fill material; and

WHEREAS, the Owner subsequently provided fill testing/certifications dated August 15, 2018, January 27, 2021, and May 25, 2021, purportedly for testing associated with the fill material deposited on the Premises; and

WHEREAS, the soil certifications show that the soil tested is below the NJDEP standards for remediation, however the soil certifications do not provide details showing the quantity of soils deposited on the Premises therefore it is impossible to know what volume of material the tests account for; and

WHEREAS, the SADC hired retired NRCS state soil scientist, Richard Shaw, PhD, to conduct a soils investigation in the filled area to further analyze the condition of the of the imported material and its ability to support an agronomic purpose; and

WHEREAS, Dr. Shaw's soils investigation report concluded the following:

1. Fill material over the 5-acre acre ranges from 4 to 7+ feet in thickness.
2. The fill soil has little to no soil structure.
3. Many soil layers have a firm consistency which is poorly suited for root growth and water movement.
4. Excessive coarse fragments (e.g., rocks, boulders) and artifacts (e.g., concrete, asphalt, bricks, rebar) on the surface and within the soil present obstacles to tillage.
5. The area of fill is actively eroding and depositing fill material in lower areas of the farm that were not the subject of fill activities.

NON-AGRICULTURAL USES-

WHEREAS, during site visits on March 10, 2022, June 16, 2022, December 21, 2022, and June 9, 2023, numerous vehicles and equipment including tri-axle dump trucks, tractor trailers, and other commercial vehicles have been observed parked on the Premises in the vicinity of the equipment maintenance shop; and

WHEREAS, during those same site visits numerous inoperable vehicles, which the Owner claimed were used for parts, have been observed on the Premises.

WHEREAS, during the December 21, 2022, site visit staff observed a mobile truck repair business actively repairing trucks outside of the equipment maintenance shop on the Premises; and

WHEREAS, on July 12, 2023, SADC staff were granted access to inspect the interior of the equipment maintenance shop. Based on observations, a significant use of the maintenance shop appears to be servicing commercial trucks in addition to agricultural equipment; and

WHEREAS, during the June 9, 2023, site visit inspection multiple trucks belonging to at least six commercial trucking companies according to the USDOT SAFER system website were observed:

1. LRS Trucking, LLC (Larry Santini) - USDOT# 1032479- Cargo Carried: Dirt/ Asphalt.
2. Santini Farms, LLC (June Santini - Owner of the Premises)- USDOT# 392799- Cargo carried: Grain, Feed, Hay, and Dirt.
3. Frank Santini Trucking - USDOT# 678351- Cargo Carried: General freight, lumber, and paper products.

4. ADS Environmental, Inc. – USDOT# 2946780- Cargo carried: General Freight and Construction.
5. Sanico Inc. – USDOT# 284779 – Cargo carried: Garbage/Refuse.
6. Phillips & Tosco Developers Landscaping Contractors – USDOT# 1349731- Cargo Carried: Construction & Landscape Material.

WHEREAS, at each of the recent site visits, staff observed trash and debris in various locations throughout the Premises, primarily consisting of inoperable vehicles and vehicle parts, scrap metal, and landscaping debris.

WHEREAS, at the June 9, 2023, site visit, the following observations were made:

1. The Owner had made progress in removing trash and debris, including filling two full dumpsters of trash material.
2. The Owner had moved additional soil within the disturbed area on the farm.
3. The newly spread soil was used to develop a pad area to store semi-trailers.
4. The newly spread fill may further encroach upon wetlands and an intermittent stream. It appeared the stream may have been excavated at the same time fill was spread.
5. The Owner noted it was necessary to spread soil to remove trash and debris to create an area to park the semi-trailers.

WHEREAS, at its July 27, 2023, meeting the Committee reviewed the condition of the Premises as set forth above.


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds that, in consultation with the Owner, SADC will establish the boundaries of the two-acre pre-existing non-agricultural use area referenced in Schedule (B) of the Deed of Easement and commission a corrective survey to properly identify the area.
3. The SADC finds that, based on on-site observations and Dr. Shaw's report, the fill material, in the volume present on the farm, is detrimental to drainage, flood control, water conservation, erosion control, soil conservation, and the continued agricultural use of the Premises and was not deposited on the property in accordance with a conservation or equivalent agricultural resource management plan. There is no evidence that the fill was brought in

for agricultural purposes and therefore constitutes the dumping of waste materials and is a prohibited expansion of pre-existing nonagricultural activities. These activities and conditions violate paragraphs #2 - 7 of the DOE.

4. The SADC finds that, based on on-site observations, a review of DOT records of the trucks parked on the Premises belonging to commercial trucking businesses, and no supporting information provided by the Owner showing that the trucks are used for agricultural purposes on the farm, that the presence of the trucks constitutes a commercial non-agricultural use that was not documented as a pre-existing non-agricultural use in the DOE; the areas utilized for the trucking operations including the equipment maintenance shop have been developed and adapted for a non-agricultural use, have not been retained for agricultural use and production, and are detrimental to the continued agricultural use of the Premises in violation of paragraphs #1- 3 & 7 of the DOE.
5. The SADC finds that, any waste material including but not limited to garbage, construction debris, junked vehicles and equipment unrelated to the production agriculture activities onsite on the Premises, if not removed in accordance with all relevant rules and regulations could be considered a violation of paragraph 6 of the Deed of Easement. No soil movement shall occur during the removal of waste material.
6. The SADC authorizes legal proceedings to be initiated through the Office of the Attorney General, as necessary, to enforce the Deed of Easement, but such enforcement action shall be held in abeyance for a period of one (1) year from the date of this Resolution to allow the Owner time to bring the property back into compliance with the Deed of Easement, as determined by the Committee. SADC staff is further directed to work with the Owner, as needed, and the Owner agrees to cooperate with the SADC staff, to identify and implement all activities and work needed on site to achieve compliance with the Deed of Easement.
7. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

09/28/2023
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

SCHEDULE "A"

2005 Aerial



SCHEDULE "B"

2023 Aerial



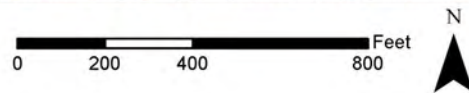
Schedule "C"

Wetlands Map

Santini Farm 21-0029-DE BI 34 Lot 11, Harmony Twp. - Warren County New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 7/3/2023



Schedule “D”

Photos – Dumping of Fill Material









Photos – Non-Agricultural Use - Trucking Operations





Photo – Trash & Debris



**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R9(2)**

**Request to Replace a Single-Family Residence
Henry J. and Sandra L. Weber Farm**

September 28, 2023

Subject Property:

**Block 2703, Lot 39
Franklin Township, Gloucester County
28.036 Acres
SADC ID# 08-0066-PG**

WHEREAS, Henry J. and Sandra L. Weber, hereinafter “Owners”, are the owners of Block 2703, Lot 39, Franklin Township, Gloucester County, by deed from Henry J. Weber, III, Executor of the Estate of Henry John Weber, Jr. dated June 14, 2022, and recorded on June 21, 2022, in the Gloucester County Clerk’s Office in Deed Book 06699 Page 101, totaling 28.036 easement acres, hereinafter referred to as the “Premises” (as shown in Schedule “A”); and

WHEREAS, the development easement on the Premises was conveyed to the County of Gloucester by Henry Weber, Jr. on June 25, 2009, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq., as a Deed of Easement recorded on June 29, 2009, in the Gloucester County Clerk’s Office in Deed Book 4666, Page 174; and

WHEREAS, the Deed of Easement identifies one (1) single-family residence, no agricultural labor units, no Residual Dwelling Site Opportunity (RDSO), and one 1.5-acre severable exception area; and

WHEREAS, the Owners farm the Premises which currently consists of approximately 12 acres of peach production; and

WHEREAS, on July 14, 2023, the SADC received an application from the Gloucester County Agriculture Development Board (GCADB), on behalf of the Owner’s daughter, Rachel Weber, hereinafter “Applicant”, to construct a single-family residence on the Premises, as shown in Schedule “B”; and

WHEREAS, the Applicant represented in the application that she has worked on the farm with the Owners her entire life, is currently in the process of purchasing the Premises, and plans to reside in the proposed single-family residence upon completion of construction; and

WHEREAS, the Owners have provided correspondence and verbally confirmed that they are in the process of transferring the Premises to the Applicant and that they have authorized the application to replace the existing residence; and

WHEREAS, the Applicant proposes to demolish the approximately 1,800 sq./ft., two-story, existing single-family residence built on the Premises in the mid- to late-1800's, as shown in Schedules "B" and "C", because the residence is in a state of structural disrepair due to extensive termite and fire damage; and

WHEREAS, the Owners live offsite, and the existing residence is uninhabited; and

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

WHEREAS, SADC staff received confirmation from the State Historic Preservation Office that the residence is not listed on the New Jersey or National Register of Historic Places; and

WHEREAS, the residence is not located in a local historic district; and

WHEREAS, the Applicant is proposing to construct a new one (1) story, two (2) bedroom, two (2) bathroom, single family residence consisting of 1,346 sq./ft. of heated living space and a 1,255 sq./ft. basement as shown on Schedule "B"; and

WHEREAS, the location of the proposed residence is within the existing homestead area, approximately 26 feet west of the existing residence to be demolished, as shown in Schedule "B"; and

WHEREAS, the proposed residence will require installation of a new septic system, as shown in Schedule "B"; and

WHEREAS, the proposed residence will not require new utility service lines or a new well and will utilize the existing driveway; and

WHEREAS, at its September 7, 2023, meeting, the GCADB approved the Applicant's request to replace the residence on the Premises.


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC, pursuant to the restrictions contained in the Deed of Easement, finds that the construction of a single-family residence on the Premises as proposed by the Applicant will have a positive impact on the continued agricultural operations of this farm by replacing the existing deteriorated residence with a new home which shall serve as the primary residence for the Owners' daughter/Applicant, who is in the process of purchasing the Premises, and is involved in the day to day production aspects of the farm which include trimming, irrigation, spraying and maintenance of the orchard.
3. The Committee approves construction of a new one (1) story, two (2) bedroom, two (2) bathroom, single family residence consisting of 1,346 sq./ft. of heated

living space and a 1,255 sq./ft. basement with a new septic system, to replace the existing single-family residence on the Premises, as shown on Schedule B.

4. The existing single-family residence shall be demolished prior to construction of the new residence.
5. This approval is valid for a period of three years from the date of this resolution, during which the Applicant shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state, or federal approvals necessary to effectuate the approved SADC action.
6. This action is non-transferable.
7. The construction of the new residence and any other structures as described in the application, as appropriate, is subject to all applicable local, State and Federal regulations.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/28/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

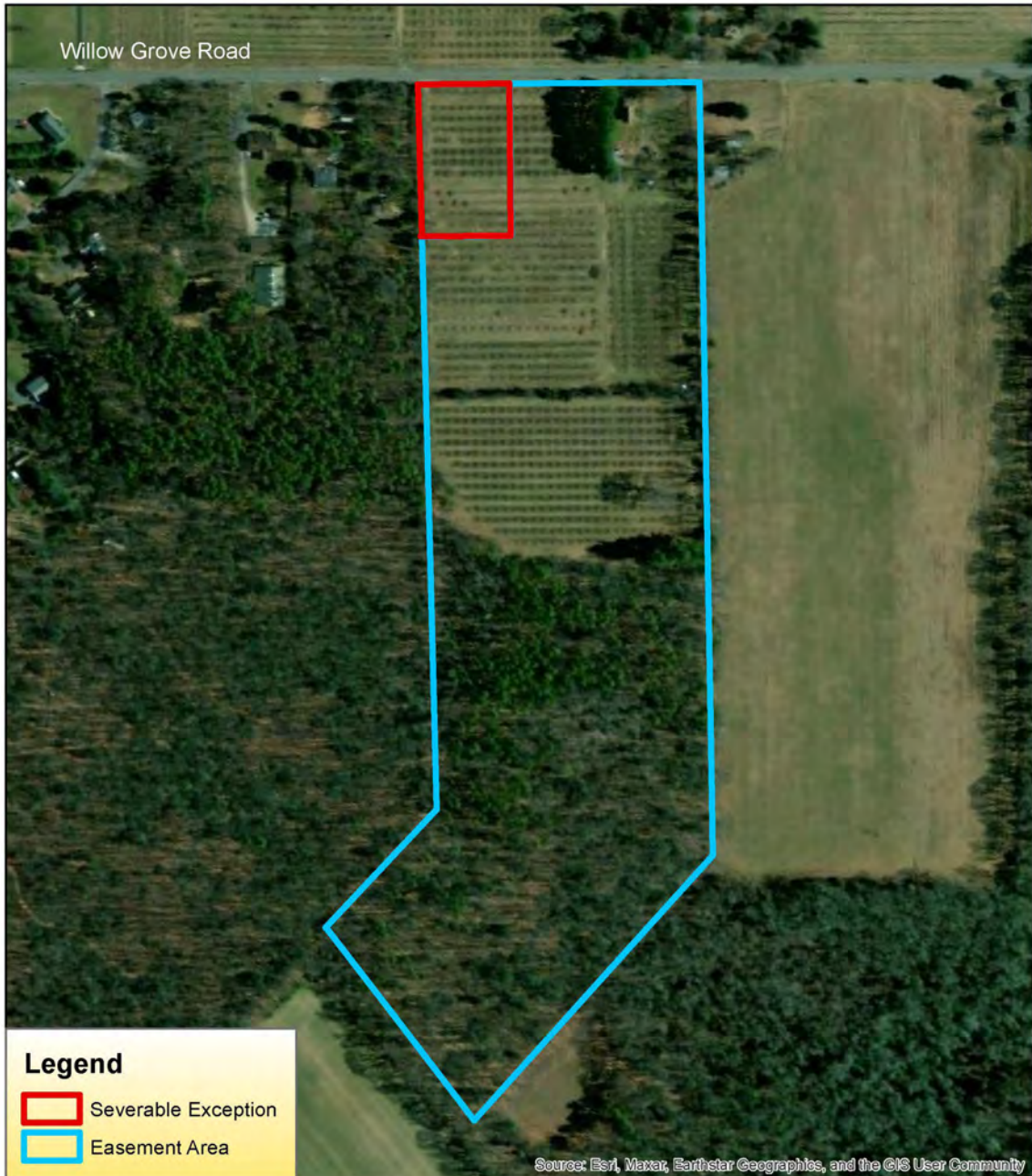
Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

Schedule A – The Premises

Weber Farm 08-0066-PG

BI 2703 / Lot 39 Franklin Twp. Gloucester County

New Jersey Farmland Preservation Program

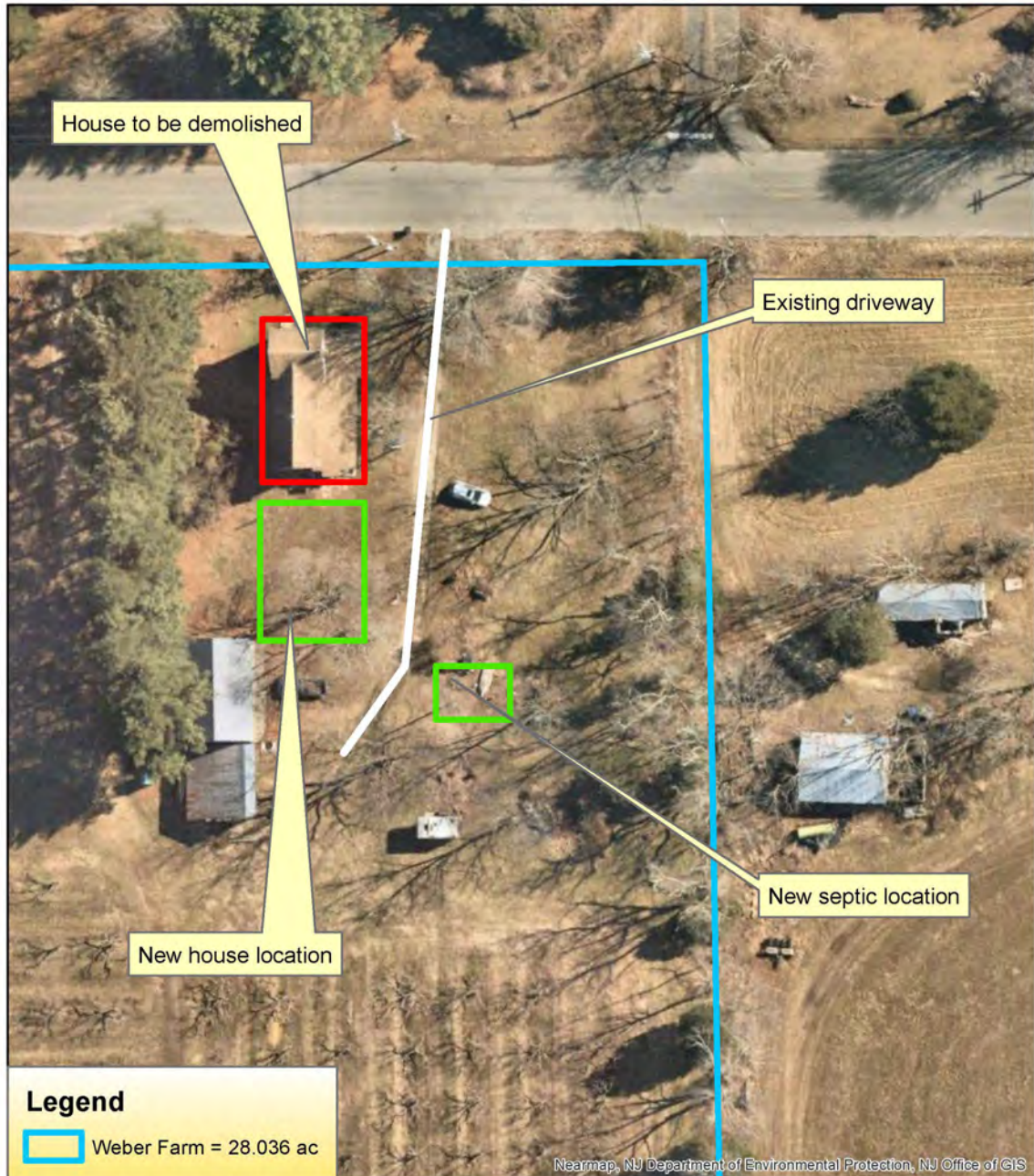


For Planning Purposes Only
Date: 9/1/2023



Schedule B – Proposed House and Septic Location

Weber Farm 08-0066-PG BI 2703 / Lot 39 Franklin Twp. Gloucester County New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 9/1/2023

Schedule C – Existing House



Existing House (Front).



Existing House (Back).



Interior of existing house.



Existing driveway & proposed new house site.



Proposed new septic location.

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2024R9(3)
PRELIMINARY REVIEW AND APPROVAL FY2024 FUNDING ROUND
NONPROFIT ACQUISITION OF DEVELOPMENT EASEMENT PROJECTS
SEPTEMBER 28, 2023

WHEREAS, the State Agriculture Development Committee, "SADC" is authorized under the Garden State Preservation Trust Act, P.L. 1999, c.152, to provide a grant to qualified nonprofit organizations for up to 50 percent of the cost of acquisition, including eligible ancillary costs, of development easements or fee simple titles to farmland from willing sellers; and

WHEREAS, the SADC provided notice of available grants as published in the New Jersey Register on February 6, 2023, in a total amount to be determined by the SADC and an application deadline of June 15, 2023, for the FY2024 Nonprofit Grant Round; and

WHEREAS, four (4) applications were received from the Land Conservancy of New Jersey ("TLC-NJ") for FY2024 (Schedule A); and

WHEREAS, the applications are located in the respective County Agriculture Development Areas and qualify as eligible farms pursuant to N.J.A.C. 2:76-12.3 and N.J.A.C. 2:76-6.20 (Schedule B); and

WHEREAS, as per N.J.A.C. 2:76-13.3 the total nonprofit costs submitted are \$2,672,100 based on estimated easement and ancillary costs; and

WHEREAS, SADC staff has reviewed the estimated costs submitted and finds them to be reasonable for purposes of calculating a 50% cost share match; and

WHEREAS, based on the cost estimates submitted, the SADC grant award representing a 50% cost share grant, including eligible ancillary costs as set forth more specifically in Schedule A, would be \$1,336,050 for the easement purchases.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants preliminary approval of the nonprofit projects and grant amounts identified in Schedule A and conditions contained in Schedule B; and
3. This approval is subject to N.J.A.C. 2:76-12, 13, 14, 15, and 16 and all other rules and regulations as established by the SADC; and
4. This preliminary approval is conditioned upon an SADC resolution appropriating \$1,336,050 to the FY2024 Nonprofit Round, Legislative appropriation of funds and funding availability as determined by the State Treasurer; and
5. Any funds that are not expended within two years of the date of the grant appropriation are subject to reappropriation and may no longer be available to the nonprofit; and
6. This approval is considered a final agency decision appealable to the

Appellate Division of the Superior Court of New Jersey; and

7. The SADC's approval is conditioned upon the Governor's review period pursuant to N.J.S.A. 4:1C-4f.



9/28/2023

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
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)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

Schedule A

FREELIMINARY REVIEW AND APPROVAL FY2024 FUNDING ROUND
NONPROFIT ACQUISITION OF DEVELOPMENT EASEMENT PROJECTS

FY 2024	Organization Name/Farm Name	Quality Score	Acq. Type	County	Municipality	Approx. Net Acres	Estimated per Acre Value	Total Estimated Easement	Estimated Ancillary Costs	Total Estimated Cost	Requested SADC Grant 50%	Proposed Cost share partner(s)
	The Land Conservancy of New Jersey											
10-0075-NP	Lukasz Living Trust	63.61 Pts	Easement	Hunterdon	Delaware	78	\$10,000	\$780,000	\$21,700	\$801,700	\$400,850	Hunterdon County
10-0074-NP	Joanne L. Hofstetter Rev. Trust & David A. Hofstetter Rev. Trust	57.78 Pts	Easement	Hunterdon	Union	36	\$10,000	\$360,000	\$21,700	\$381,700	\$190,850	Hunterdon County
19-0025-NP	Hubbard, Adam	55.12 Pts	Easement	Sussex	Wantage	89	\$4,500	\$399,600	\$20,700	\$420,300	\$210,150	Sussex County
19-0024-NP	Vosper, Michelle Marie	48.11 Pts	Easement	Sussex	Stillwater	230	\$4,500	\$1,035,000	\$33,400	\$1,068,400	\$534,200	Sussex County
	Total Applications =		4			433		\$2,574,600		\$2,672,100	\$1,335,050	

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

Preliminary Review Completed

THIS APPLICATION HAS PASSED GREENLIGHT ELIGIBILITY REQUIREMENTS

GENERAL INFORMATION

COUNTY OF	Hunterdon	Delaware Twp. 1007
APPLICANT	Luksza Living Trust (TLCNJ FY24)	SADC ID # 10-0075-NP
Address	16 Boars Head Rd., Flemington, NJ 08822	

Blocks and Lots

Gross Acres on Application 81.1

Delaware Twp. 1007 Block 3 Lot 12 81.1 ACRES

Exceptions

Exception Acres on Application 2.9

Acres	Reason	CADB Justification	Restrictions	Negative Impact	SADC Impact	Total Score
2.9	Existing SFR and future 2nd SFR				0	0
Location: Hun - Delaware Twp. Block:3 Lot:12 - South east corner of lot						
The Exception will be limited to 2 single family residential unit(s).						
The Exception is Nonseverable.						

NET ACRES

Net Acres on Application 78

HOUSING AND OTHER STRUCTURES ON PREMISES

**** NONE LOGGED ****

SUMMARY OF HOUSING OPPORTUNITIES

Existing Single Family Residential Unit(s) on Easement	0
Existing Single Family Residential Unit(s) on Exception	1
Future Single Family Residential Unit(s) on Exception	1
Eligible RDSOs	
Approved RDSOs	

Additional Conditions or Restrictions: NONE

TYPE OF AGRICULTURAL OPERATION

Hay	
Other	Cords of fuelwood

SOILS:	Other	12.00%	*	0	=	0
	Statewide	88.00%	*	.1	=	8.8
SOILS SCORE:						8.8

TILLABLE SOILS:	Cropland Harvested	42.00%	*	.15	=	6.3
	Wetlands/Water	19.00%	*	0	=	0
	Woodlands	39.00%	*	0	=	0
TILLABLE SOILS SCORE:						6.3

SEPTIC:	Somewhat Limited	85.00%
	Very Limited	15.00%

WETLANDS:	Freshwater Wetlands	19.00%
	Uplands/Non-Wetlands	81.00%

C1-Stream: No

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

SUBDIVISION OF THE PREMISES

Status Preliminary Final Approval Scale
 No Value Selected

PRE-EXISTING NON-AG USES OR LEASES ON PREMISE - Determined During Application Review
 ** NONE LOGGED **

EASEMENTS AND RIGHT OF WAYS - Determined During Application Review
 ** NONE LOGGED **

ADDITIONAL CONCERNS/NOTES:

STATE DEVELOPMENT AND REDEVELOPMENT PLANNING AREA

(PA4b) Rural and Environmentally Sensitive

HIGHLANDS REGION YES NO **ELIGIBLE FOR 04 ZONING** YES NO

PINELANDS REGION YES NO

MINIMUM ELIGIBILITY CRITERIA

YES NO

- | | | | | | | |
|--------------------------|--|--------------------------|-------------------------------------|-----|-------------------------------------|----|
| <input type="checkbox"/> | 42 % Tillable | 33.1 acres Tillable | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| <input type="checkbox"/> | 42 % Soils Supporting Ag | 33.1 acres Supporting Ag | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| <input type="checkbox"/> | Development Potential? | | | | | |
| ■ | Additional Development Possible | | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| ■ | Sufficient Legal Access to Property | | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| ■ | Additional Development via Development Credits | | <input type="checkbox"/> | YES | <input checked="" type="checkbox"/> | NO |

MINIMUM RANK SCORE

YES NO

County's Average Score on Record	65.92
70% County's Average Rank Score	46
Quality Score of Application as determined by SADC	63.61

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

Preliminary Review Completed

THIS APPLICATION HAS PASSED GREENLIGHT ELIGIBILITY REQUIREMENTS

GENERAL INFORMATION

COUNTY OF Hunterdon Union Twp. 1025
 APPLICANT Joanne L. & David A. Hofstetter Revocable Trusts (TLCNJ FY24) SADC ID # 10-0074-NP
 Address Rt. 513, Pittstown Twp., NJ 08867

Blocks and Lots

Gross Acres on Application 36.2

Union Twp. 1025 Block 25 Lot 18.04 36.2 ACRES

Exceptions

Exception Acres on Application 3.27

<u>Acres</u>	<u>Reason</u>	<u>CADB Justification</u>	<u>Restrictions</u>	<u>Negative Impact</u>	<u>SADC Impact</u>	<u>Total Score</u>
2	Future SFRs (2)				0	0
Location: Hun - Union Twp. Block:25 Lot:18.04 - Western central edge of lot						
The Exception is Nonseverable.						
.74	25ft access easement to provide access to Block 25 Lot 18.06, Block 25 Lot 18 & Block 25 Lot 18.01				0	0
Location: Hun - Union Twp. Block:25 Lot:18.04 - Along road through lot 18.04						
The Exception will be limited to 0 single family residential unit(s).						
The Exception is Nonseverable.						
.53	Access easement to Block 25 Lot 18.08				0	0
Location: Hun - Union Twp. Block:25 Lot:18.04 - South western edge of lot along driveway						
The Exception will be limited to 0 single family residential unit(s).						
The Exception is Nonseverable.						

NET ACRES

Net Acres on Application 33

HOUSING AND OTHER STRUCTURES ON PREMISES

**** NONE LOGGED ****

SUMMARY OF HOUSING OPPORTUNITIES

Existing Single Family Residential Unit(s) on Easement 0
 Existing Single Family Residential Unit(s) on Exception 0
 Future Single Family Residential Unit(s) on Exception
 Eligible RDSOs
 Approved RDSOs

Additional Conditions or Restrictions: NONE

TYPE OF AGRICULTURAL OPERATION

Hay

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

SOILS:	Other	12.00%	*	0	=	0
	Prime	26.00%	*	.15	=	3.9
	Statewide	62.00%	*	.1	=	6.2
SOILS SCORE:						10.1

TILLABLE SOILS:	Cropland Harvested	56.00%	*	.15	=	8.4
	Wetlands/Water	6.00%	*	0	=	0
	Woodlands	38.00%	*	0	=	0
TILLABLE SOILS SCORE:						8.4

SEPTIC:	Somewhat Limited	30.00%
	Very Limited	69.00%
	Not Rated	1.00%

WETLANDS:	Buffer	31.00%	C1-Stream: Yes
	Freshwater Wetlands	5.00%	
	Uplands/Non-Wetlands	63.00%	
	Water Bodies	1.00%	

SUBDIVISION OF THE PREMISES

<u>Status</u>	<u>Preliminary</u>	<u>Final Approval</u>	<u>Scale</u>
No Value Selected			

PRE-EXISTING NON-AG USES OR LEASES ON PREMISE - Determined During Application Review
 ** NONE LOGGED **

EASEMENTS AND RIGHT OF WAYS - Determined During Application Review

<u>Type</u>	Road
<u>Description</u>	2 separate easements
<u>Affect</u>	
<u>Viability</u>	
<u>Notes</u>	1 easement to B25 Lots 18.06; 18; & 18.01 The 2nd easement goes to B25 Lot 18.08

ADDITIONAL CONCERNS/NOTES:

STATE DEVELOPMENT AND REDEVELOPMENT PLANNING AREA

HIGHLANDS REGION **YES** **NO** **ELIGIBLE FOR 04 ZONING** **YES** **NO**

Highlands Preservation Area
 Conservation Land Use Capability Zone
 Protection Land Use Capability Zone
 Conservation Constrained Land Use Capability Zone

PINELANDS REGION **YES** **NO**

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

MINIMUM ELIGIBILITY CRITERIA

YES **NO**

- | | | | | |
|-------------------------------------|--|--------------------------|--|---|
| <input type="checkbox"/> | 56 % Tillable | 18.4 acres Tillable | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> | 56 % Soils Supporting Ag | 18.4 acres Supporting Ag | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> | Development Potential? | | | |
| <input checked="" type="checkbox"/> | Additional Development Possible | | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input checked="" type="checkbox"/> | Sufficient Legal Access to Property | | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input checked="" type="checkbox"/> | Additional Development via Development Credits | | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

MINIMUM RANK SCORE

YES **NO**

County's Average Score on Record	65.92
70% County's Average Rank Score	46
Quality Score of Application as determined by SADC	57.78

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

WETLANDS:	Freshwater Wetlands	17.00%	C1-Stream: Yes
	Modified Ag	6.00%	
	Uplands/Non-Wetlands	76.00%	
	Water Bodies	1.00%	

SUBDIVISION OF THE PREMISES

<u>Status</u>	<u>Preliminary</u>	<u>Final Approval</u>	<u>Scale</u>
No Value Selected			

PRE-EXISTING NON-AG USES OR LEASES ON PREMISE - Determined During Application Review
 ** NONE LOGGED **

EASEMENTS AND RIGHT OF WAYS - Determined During Application Review
 ** NONE LOGGED **

ADDITIONAL CONCERNS/NOTES:

STATE DEVELOPMENT AND REDEVELOPMENT PLANNING AREA

(PA4b) Rural and Environmentally Sensitive

HIGHLANDS REGION	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	ELIGIBLE FOR 04 ZONING	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PINELANDS REGION	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			

MINIMUM ELIGIBILITY CRITERIA

YES NO

<input type="checkbox"/> 32 % Tillable	26.5 acres Tillable	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/> 32 % Soils Supporting Ag	26.5 acres Supporting Ag	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/> Development Potential?			
■ Additional Development Possible		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
■ Sufficient Legal Access to Property		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
■ Additional Development via Development Credits		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

MINIMUM RANK SCORE

YES NO

County's Average Score on Record	46.91
70% County's Average Rank Score	32
Quality Score of Application as determined by SADC	55.12

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

Preliminary Review Completed

THIS APPLICATION HAS PASSED GREENLIGHT ELIGIBILITY REQUIREMENTS

GENERAL INFORMATION

COUNTY OF	Sussex	Stillwater Twp. 1920
APPLICANT	Vosper, Michelle Marie	SADC ID # 19-0024-NP
Address	912 Middleville Rd., Stillwater, NJ	

Blocks and Lots

Gross Acres on Application 230.3

Stillwater Twp.	1920	Block	2401	Lot	25.01	143.4 ACRES
Stillwater Twp.	1920	Block	2401	Lot	25.03	86.9 ACRES

Exceptions

Exception Acres on Application 0

NET ACRES

Net Acres on Application 230

HOUSING AND OTHER STRUCTURES ON PREMISES

<u>Structure</u>	<u>Aq Use</u>	<u>Leased</u>	<u>Notes</u>
Standard Single Family	N	N	
Barn	Y	N	
Silo	Y	N	
Other (Non Residence)	Y	N	Milk house

SUMMARY OF HOUSING OPPORTUNITIES

Existing Single Family Residential Unit(s) on Easement	1
Existing Single Family Residential Unit(s) on Exception	
Future Single Family Residential Unit(s) on Exception	
Eligible RDSOs	
Approved RDSOs	

Additional Conditions or Restrictions: NONE

TYPE OF AGRICULTURAL OPERATION

Hay

SOILS:	Other	100.00%	*	0	= 0
					SOILS SCORE: 0

TILLABLE SOILS:	Cropland Harvested	13.00%	*	.15	= 1.95
	Wetlands/Water	3.00%	*	0	= 0
	Woodlands	84.00%	*	0	= 0
					TILLABLE SOILS SCORE: 1.95

SEPTIC:	Very Limited	100.00%
----------------	--------------	---------

WETLANDS:	Freshwater Wetlands	2.00%
	Uplands/Non-Wetlands	97.00%
	Water Bodies	1.00%

C1-Stream: Yes

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

SUBDIVISION OF THE PREMISES

Status Preliminary Final Approval Scale
 No Value Selected

PRE-EXISTING NON-AG USES OR LEASES ON PREMISE - Determined During Application Review
**** NONE LOGGED ****

EASEMENTS AND RIGHT OF WAYS - Determined During Application Review

<u>Type</u>	Conservation
<u>Description</u>	NJDEP
<u>Affect</u>	
<u>Viability</u>	
<u>Notes</u>	
<u>Type</u>	Other
<u>Description</u>	Access
<u>Affect</u>	
<u>Viability</u>	
<u>Notes</u>	Old and serves only the farm

ADDITIONAL CONCERNS/NOTES:

STATE DEVELOPMENT AND REDEVELOPMENT PLANNING AREA

(PA5) Environmentally Sensitive

HIGHLANDS REGION YES NO **ELIGIBLE FOR 04 ZONING** YES NO

PINELANDS REGION YES NO

MINIMUM ELIGIBILITY CRITERIA

YES NO

- 13 % Tillable 30.1 acres Tillable YES NO
- 13 % Soils Supporting Ag 30.1 acres Supporting Ag YES NO
- Development Potential?
 - Additional Development Possible YES NO
 - Sufficient Legal Access to Property YES NO
 - Additional Development via Development Credits YES NO

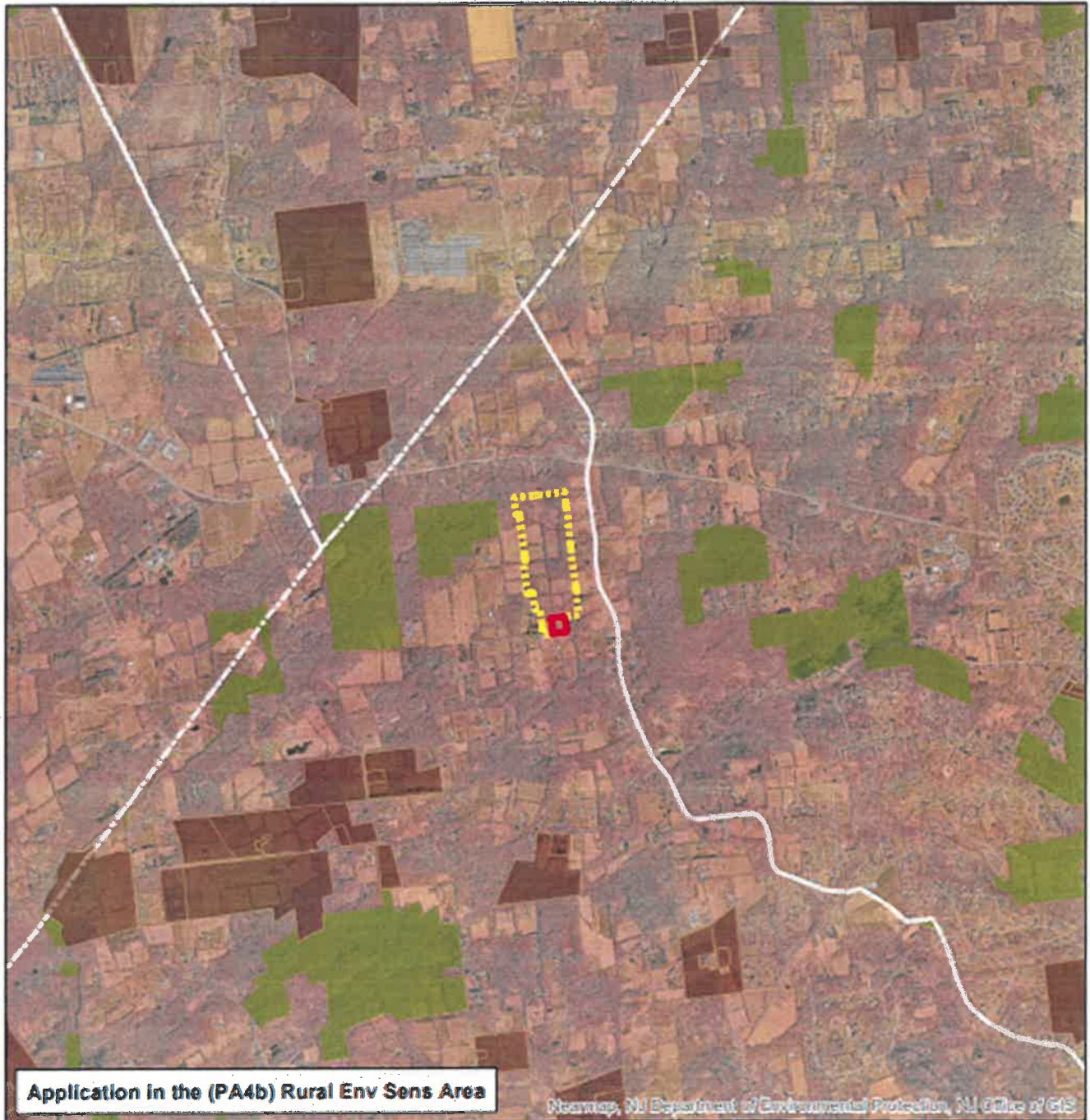
MINIMUM RANK SCORE

YES NO

County's Average Score on Record 46.91
 70% County's Average Rank Score 32
 Quality Score of Application as determined by SADC 48.11

Preserved Farms and Active Applications Within Two Miles

X:\cour\ref\trunc\proj\The Luksza Living Trust (TLCNJ FY24) 2mile.mxd



Application in the (PA4b) Rural Env Sens Area

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

The Luksza Living Trust (TLCNJ FY24)
Block 3 Lots P/O 12 (78.2 ac);
& P/O 12-EN (non-severable exception - 2.9 ac)
Gross Total = 81.1 ac
Delaware Twp., Hunterdon County

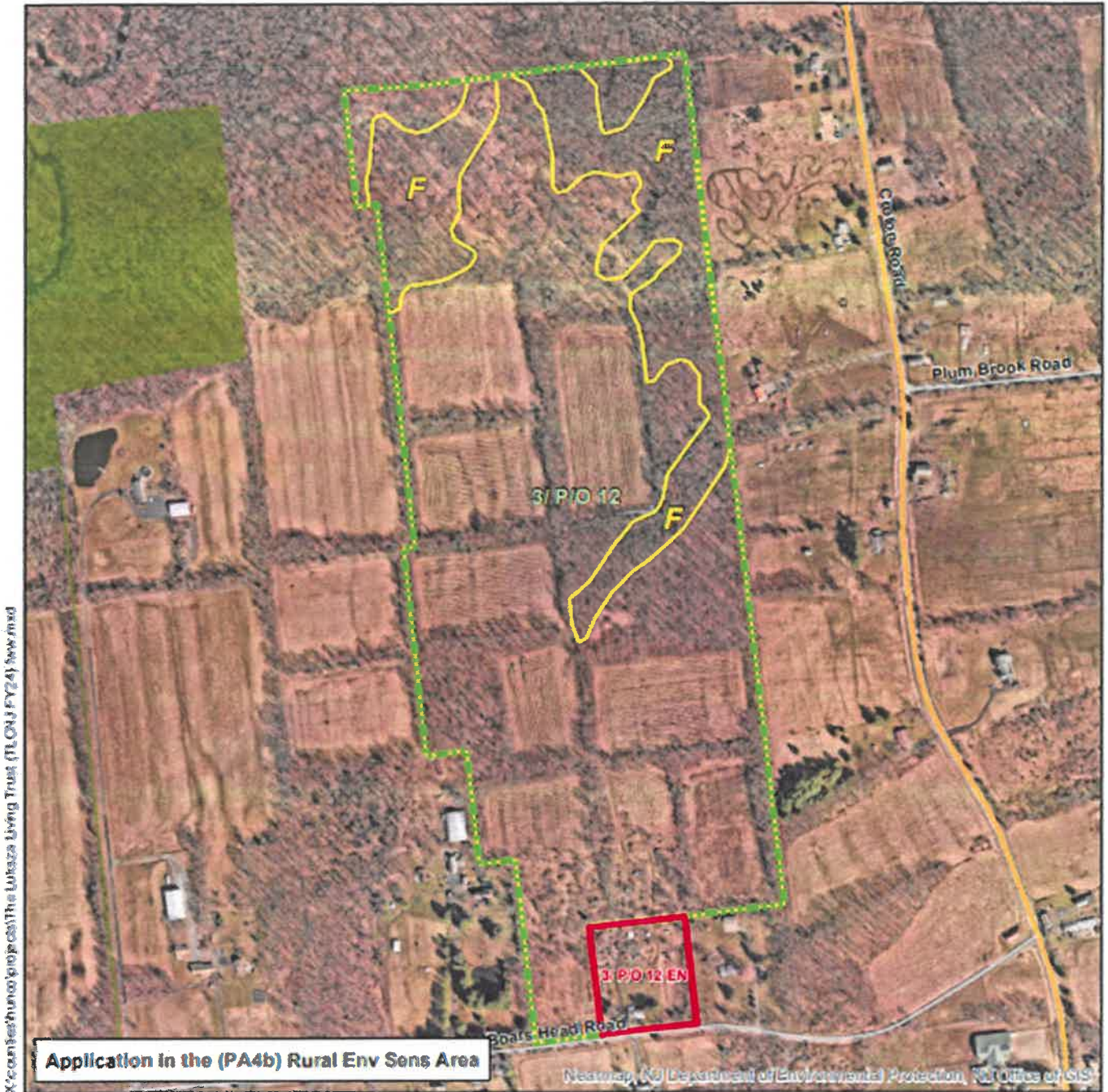
2,000 1,000 0 2,000 4,000 6,000 Feet

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



Source:
NJ Farmland Preservation Program
NJCEP Parcel Data
NJCEP Conservation Easement Spatial Easement Data
NJ Highlands Council Data
NJCEP Parcel Map 2022 Digital Aerial Image

Wetlands



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Application in the (PA4b) Rural Env Sens Area

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

The Luksza Living Trust (TLCNJ FY24)
Block 3 Lots P/O 12 (78.2 ac);
& P/O 12-EN (non-severable exception - 2.9 ac)
Gross Total = 81.1 ac
Delaware Twp., Hunterdon County



Sources:
 NJ Farmland Preservation Program
 NJDT Parcel data
 Green Acres Conservation Easement Data
 NJDEP 2015 Land Use Classification Data
 NJDEP Open Space
 NJDOT Road Data
 NJDT Near Map 2022 Digital Jurisprudence

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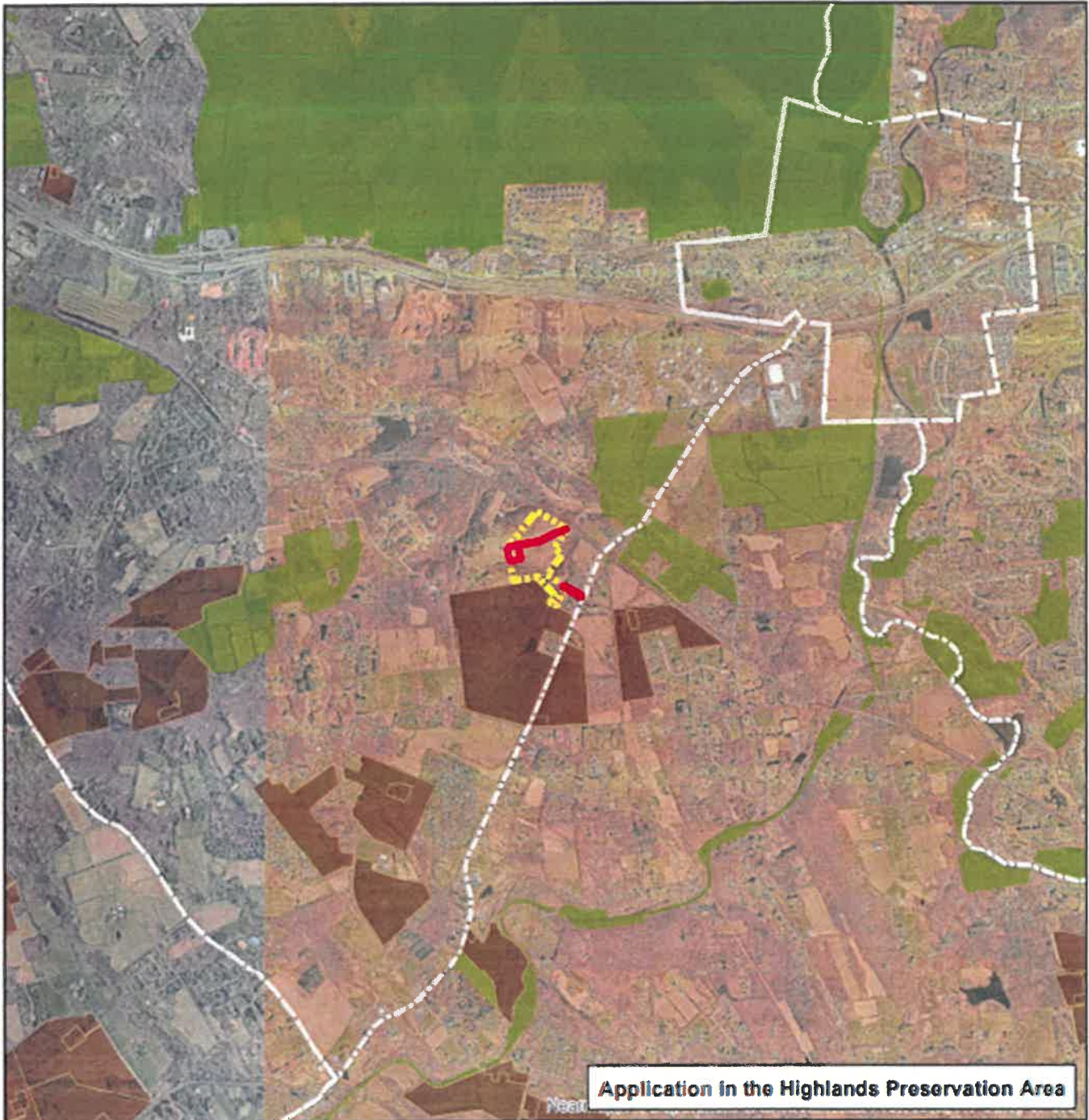
	Property in Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, State Owned OES & Recreation Easements, & Private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



Wetlands Legend:
 F - Preserved Wetlands
 M - Wetlands Modified for Agriculture
 T - Total Wetlands
 N - Non-Wetlands
 B - 30M Buffer
 W - Water

Preserved Farms and Active Applications Within Two Miles

X:\counties\huncos\projects\Joanne L. Hofstetter Rev. Trust & David A Hofstetter Rev. Trust (TLCNJ FY24) 2miles.mxd



Application in the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

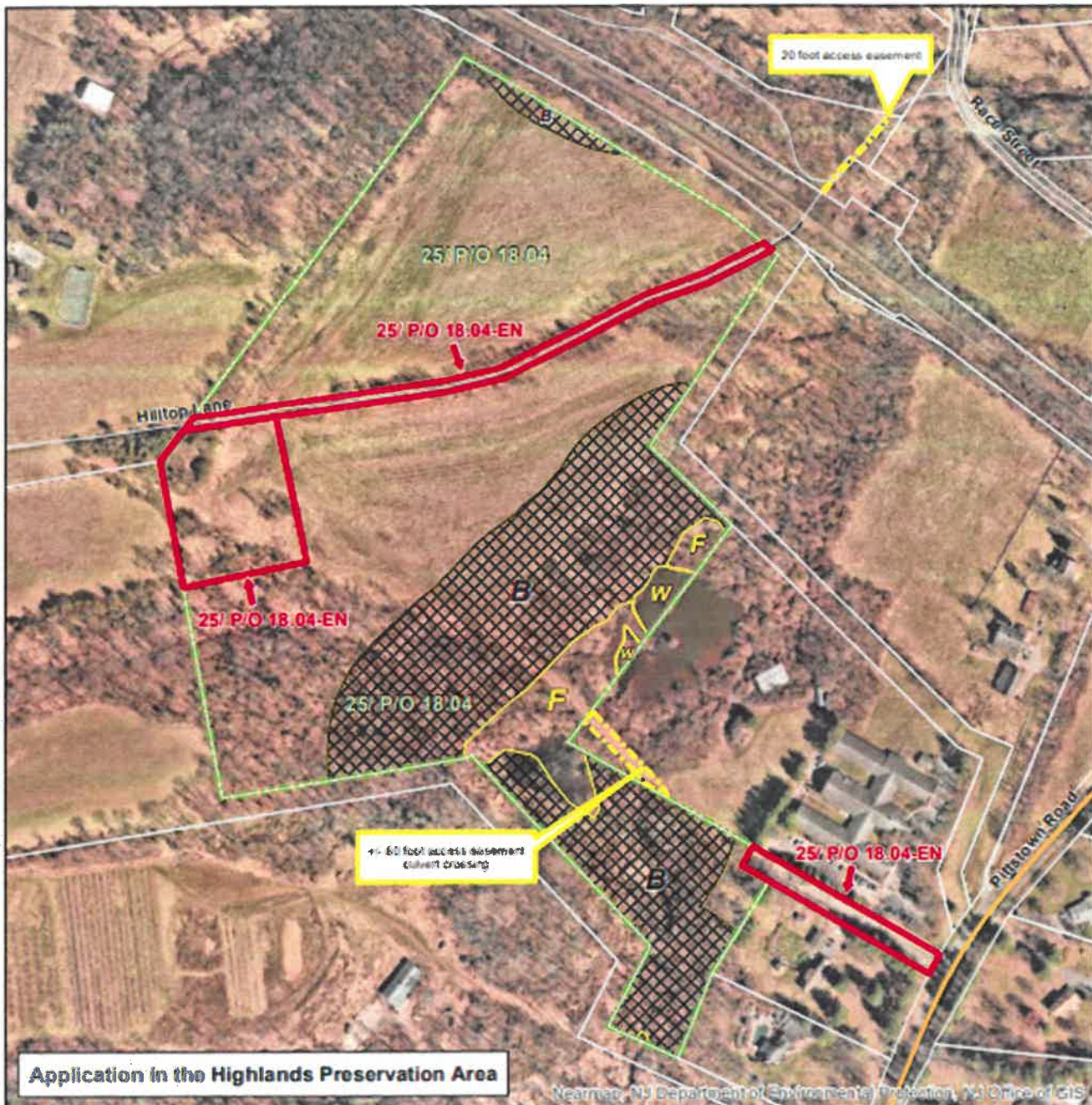
Joanne L. Hofstetter Rev. Trust &
David A. Hofstetter Rev. Trust (TLCNJ FY24)
Block 25 Lots P/O 18.04 (22.7 & 10.2 ac);
P/O 18.04-EN (non-severable exceptions - 2.0, 0.53 & 0.74 ac)
Gross Total = 36.2 ac
Union Twp., Hunterdon County



Source:
NJ Farmland Preservation Program
NJDOT Parcel Data
NJDEP Conservation/Open Space & Forest Land Data
NJ Highlands Council Data
NJDOT Year Map 2012 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:\Sofar\Joanne L. Hofstetter Rev. Trust & David A. Hofstetter Rev. Trust (TLCNJ FY24) \awr.mxd

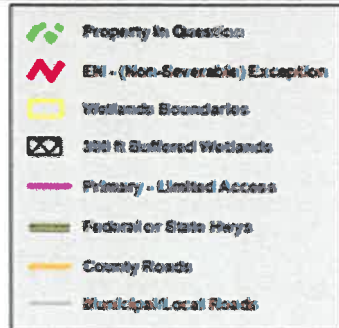
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Joanne L. Hofstetter Rev. Trust &
David A. Hofstetter Rev. Trust (TLCNJ FY24)
Block 25 Lots P/O 18.04 (22.7 & 10.2 ac);
P/O 18.04-EN (non-severable exceptions - 2.0, 0.53 & 0.74 ac)
Gross Total = 36.2 ac
Union Twp., Hunterdon County

200 100 0 200 400 Feet

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
Green Acres Conservation Easement Data
NJDEP 2013 Land Use/Landcover Data
NJDEP Open Space
NJDOT Road Data
NJ Highlands Council Data
NJDOT River Map 2002 Digital Aerial Image

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Wetlands Legend:
F - Freshwater Wetlands
M - Wetlands of Moderate Salinity
T - Tidal Wetlands
N - Non-Tidal Wetlands
B - 300 Buffer
W - Water

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hubbard, Cornelia & Adam
Block 150 Lot 2 (4.0 ac) & Block 169 Lots 5.01 (49.0 ac);
P/O 5.03 (1.0 ac); P/O 5.03-EN (non-severable exception - 0.7 ac);
& 5.05 (28.7 ac)
Gross Total = 83.4 ac
Wantage Twp., Sussex County



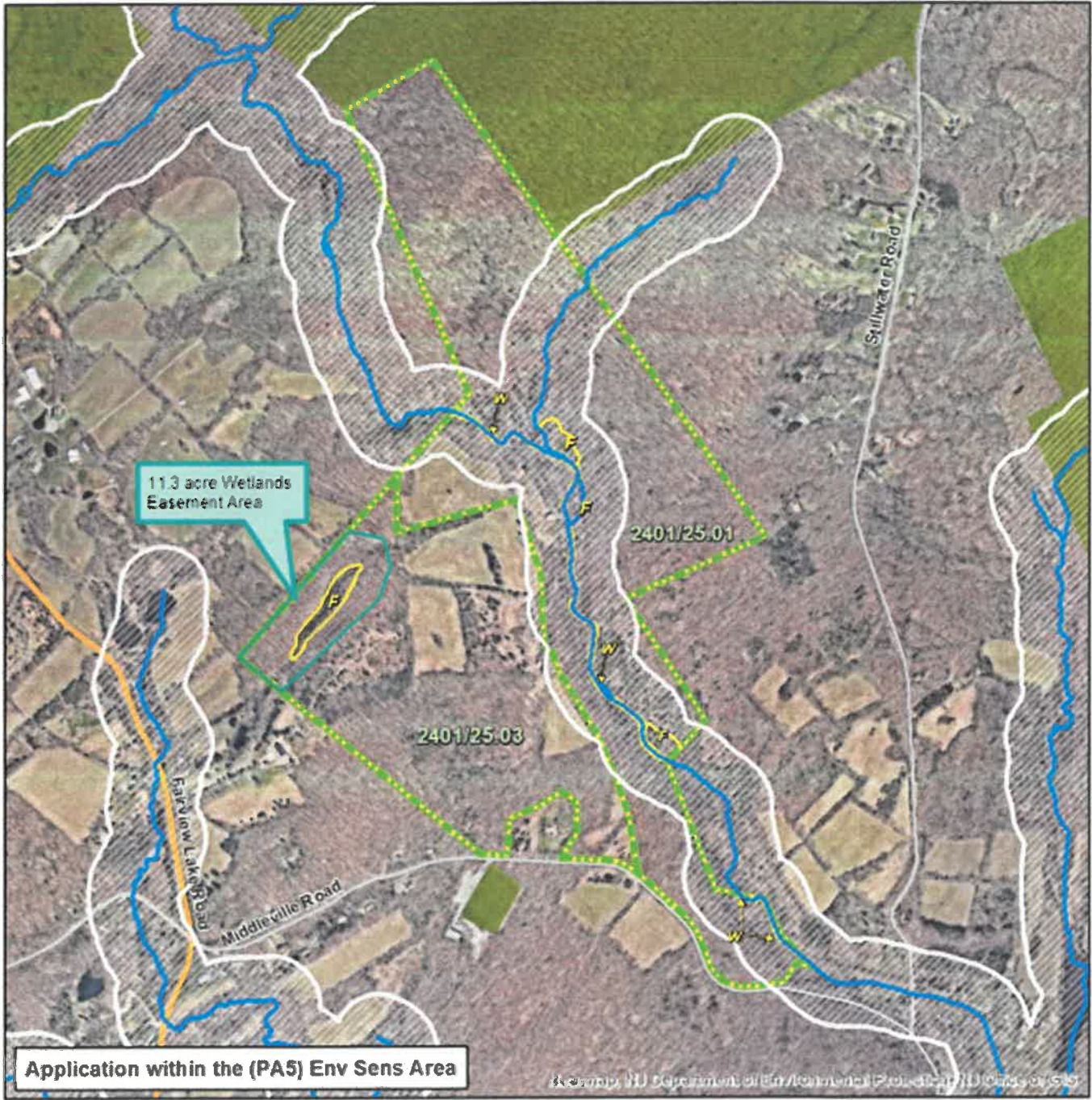
	Property in Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads

Sources:
NJ Farmland Preservation Program
NJDOT Parcel Data
Green Acres Conservation Easement Data
NJDEP 2015 Landcover/Use Data
NJDEP Open Space
NJDOT Road Data
NJ Highlands Council Data
NJDOT New Map 2021 Digital Aerial Image

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Wetlands Legend
F - Freshwater Wetlands
M - Marshes Modified for Agriculture
T - Total Wetlands
N - Non-Wetlands
B - 300 Buffer
W - Water

Wetlands



11.3 acre Wetlands Easement Area

2401/25.01

2401/25.03

Stillwater Road

Fairview Lakes Road

Middleville Road

Application within the (PA5) Env Sens Area

Map by NJ Department of Environmental Protection, 11/08/2015

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Vosper, Michelle Marie
Block 2401 Lots 25.01 (143.4 ac) & 25.03 (86.9 ac)
Gross Total = 230.3 ac
Stillwater Twp., Sussex County



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

Source:
NJ Farmland Preservation Program
NJDOT Parcel Data
Green Acres Conservation Easement Data
NJDEP 2015 Land Use/Land Cover Data
NJDEP Open Space
NJDOT Road Data
NJDOT 2014 Map 2122 Digital Aerial Image

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2024R9(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Nothnick, Warren and Delores (“Owners”)
SADC ID# 08-0235-PG
Franklin Township, Gloucester County
N.J.A.C. 2:76-17 et seq.

SEPTEMBER 28, 2023

WHEREAS, on December 2, 2022 the application for the sale of a development easement for the subject farm identified as Block 1201, Lot 24, Franklin Township, Gloucester County, totaling approximately 18.539 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. 2:76-17.9(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 received the 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 Pinelands South Project Area; and

WHEREAS, the Property includes two (2) exception areas, one (1), approximately 1-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses and one (1) approximately 0.055 acre severable exception for future flexibility due to a pool encroachment from lot 25 with zero (0) single family residential opportunities, resulting in approximately 17.484 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 .055 acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May 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 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 beef cattle production; and

WHEREAS, a 2004 subdivision approval created 3.492 acres of agricultural buffer on the east and north boundaries of the Property, the terms of which are inconsistent with the farmland preservation deed of easement allowing for a variety of agricultural uses; and

WHEREAS, the SADC's Green Light Approval and certification of easement value were conditioned upon the agricultural buffer being rescinded via a duly recorded instrument prior to closing, or the SADC may not cost share on the acreage within the agricultural buffer; and

WHEREAS, upon further review by SADC legal staff, the effect of the buffer is questionable given the agricultural uses surrounding the Property such that the SADC may cost share on the acreage within the buffer; and

WHEREAS, the Property has a quality score of 64.95 which exceeds 46, 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(d), On February 10, 2023, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$7,000 per acre based on zoning and environmental regulations in place as of the current valuation date January 10, 2023; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$7,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on June 12, 2023, the Franklin Township Committee approved the application for the sale of development but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on April 20, 2023, the Gloucester County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on August 8, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$2,600 per acre to cover the local cost share; and

WHEREAS, the County intends to purchase the development easement and then request a cost share reimbursement from the SADC; and

WHEREAS, the estimated cost share breakdown is as follows (based on 17.484 acres):

	Total	Per/acre
SADC	\$ 76,929.60	\$4,400/acre
Gloucester County	\$ 45,458.40	\$2,600/acre
Total Easement Purchase	\$125,388.00	(\$7,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$76,929.60 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 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 17.484 net easement acres, at a State cost share of \$4,400 per acre, (62.86% of certified easement value and 50.30% of purchase price), for a total grant of approximately \$76,929.60 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'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.

6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
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.

9/28/2023 _____
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

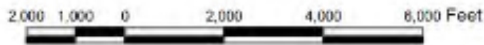


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Application within the (PA4b) Rural Env Sens Area

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

Nothnick, Warren & Dolores
Block1201 P/O Lot 24 (17.5); P/O 24-ES (severable exception - 0.1 ac)
& P/O Lot 24-EN (non-severable exception - 1.0 ac)
Gross Total - 18.6 ac
Franklin Twp. Gloucester County



	Property In Question
	Exceptions
	Preserved Farmlands
	Transfer Development Rights (TDR)
	Preserved Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Pinelands (or Highlands) Development Credits
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O.R. & Renewable Easements



Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
USGS National Pipeline Mapping System
NJDEP Conservation/Open Space Assessment Data
NJ Pinelands Commission POC Data
NJDT/IGIS 2020 Digital Aerial Image

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

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Notnicks, Warren & Dolores
Block 1201 P/O Lot 24 (17.5); P/O 24-ES (severable exception - 0.1 ac)
& P/O Lot 24-EN (non-severable exception - 1.0 ac)
Gross Total - 18.6 ac
Franklin Twp. Gloucester County



Source:
NJ Farmland Preservation Program
NJDCI Parcel Data
NJDCP 2015 Land Use/Landcover Data
NJDCI Road Data
NJDCI 10/18/2020 Digital Aerial Image

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



Wetlands Legend:
P - Pasture/Pasture
M - Wetlands Modified for Agriculture
T - Tall Wetlands
N - Non-Wetlands
R - 100' Buffer
W - Water

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Nothnick, Warren & Delores
08-0235-PG
County PIG Program
18 Acres

Block 1204	Lot 24	Franklin Twp.	Gloucester County
SOILS:		Prime	88% * .15 = 13.20
		Statewide	12% * .1 = 1.20
			SOIL SCORE: 14.40
TILLABLE SOILS:		Cropland Harvested	97% + .15 = 14.55
		Other	3% + 0 = .00
			TILLABLE SOILS SCORE: 14.55
FARM USE:		General Livestock NEC	15 acres
		Agricultural Production Crops	4 acres
			Permanent Pasture

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 Future SFR
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)
 - 2nd (.1) acres for Neighboring pool
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
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 FY2024R9(5)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of S.F Systems Company (Lot 1) (“Owner”)
SADC ID# 06-0223-PG
Lawrence Township, Cumberland County
N.J.A.C. 2:76-17 et seq.

SEPTEMBER 28, 2023

WHEREAS, on June 21, 2022 the application for the sale of a development easement for the subject farm identified as Block 247, Lot 1, Lawrence Township, Cumberland County, totaling approximately 43.9 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. 2:76-17.9(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 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. 2:76-17.5(a)1 and is located in the County's Fairfield–Lawrence Project Area; and

WHEREAS, the Premises includes:

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

WHEREAS, the certification of value and this final approval are conditioned upon Block 247, Lots 1.01 and 1.02, adjacent to the subject property, having legal access to a road; and

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

WHEREAS, the Property has a quality score of 61.36 which exceeds 42, 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(d), On July 21, 2022, in accordance with Resolution FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$3,000 per acre based on zoning and environmental regulations in place as of the current valuation date February 1, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$3,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on August 8, 2023, the County 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. 2:76-17.14; and

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

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 45.22 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 45.22 acres):

	Total	Per/acre
SADC	\$ 99,484	(\$2,200/acre)
<u>Cumberland County</u>	<u>\$ 36,176</u>	<u>(\$ 800/acre)</u>
Total Easement Purchase	\$ 135,660	(\$3,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$99,484 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 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 45.22 net easement acres, at a State cost share of \$2,200 per acre, (73.33% of certified easement value and purchase price), for a total grant of approximately \$99,484 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.

3. Final approval is conditioned upon Block 247, Lots 1.01 and 1.02, adjacent to the subject property, having legal access to a road, simultaneously or before 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'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.

9/28/2023

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



X:\counties\counmoo\projects\SF Systems (Lot 1) 2mile.mxd

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

SF Systems (Lot 1)
Block 247 Lot 1 (43.9 ac)
Gross Total = 43.9 ac
Lawrence Twp., Cumberland County

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



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

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data edited to adjoining survey data
NJDEP Conservation/Open Space Easement Data
NJDOTGIS 2020 Digital Aerial Image

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

March 9, 2022

Wetlands



X:\counties\cumberland\project\GIS\Systems (Lot 1)\www.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

SF Systems (Lot 1)
Block 247 Lot 1 (43.9 ac)
Gross Total = 43.9 ac
Lawrence Twp., Cumberland County



TIDELANDS DISCLAIMER:
The linear features depicted on this map were derived from the NJ DEP GIS 9/09 version 1, version 4 "Tidelands Data Base". These linear features do not constitute a "best" determination and should only be used as a general reference. The NJ DEP Bureau of Watershed Management, via permit, is a State determination of Tidelands/Coastal Zone.

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be nor are intended to be, relied upon in matters requiring delineation and location of true ground. NAD 83 and/or vertical controls as would be obtained by an actual ground survey conducted by a Licensed Professional Land Surveyor.



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

Source:
NJ Farmland Preservation Program
NJ DEP Parcel data added to adjoining survey data
Green Acres Conservation Easement Data
NJ DEP Tidelands Data Line, NJ, Edition 20101214
NJ DEP Green Acres
NJ DEP Road Data
NJ Farmlands Committee PDC Data
NJ DEP GIS 2009 Digital Aerial Image

March 5, 2020

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

S.F. Systems (Lot 1)
06-0223-PG
County PIG Program
44 Acres

Block 247	Lot 1	Lawrence Twp.	Cumberland County	
SOILS:		Other	20% * 0	- .00
		Prime	62% * .15	- 9.30
		Unique zero	18% * 0	- .00
				SOIL SCORE: 9.30
TILLABLE SOILS:		Cropland Harvested	62% * .15	- 9.30
		Wetlands/Water	38% * 0	- .00
				TILLABLE SOILS SCORE: 9.30
FARM USE:	Vegetable & Melons		30 acres	Asparagus

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No 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 FY2024R9(6)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of S.F. Systems Company (“Owner”)
SADC ID# 06-0225-PG
Lawrence Township, Cumberland County
N.J.A.C. 2:76-17 et seq.**

SEPTEMBER 28, 2023

WHEREAS, on June, 23, 2022 the application for the sale of a development easement for the subject farm identified as Block 245, Lot 7, Lawrence Township, Cumberland County, totaling approximately 28.1 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. 2:76-17.9(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 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. 2:76-17.5(a)1 and is located in the County's Fairfield-Lawrence Project Area; and

WHEREAS, the Premises includes:

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

WHEREAS, the certification of value and this final approval are conditioned upon the farm being added to the County’s Comprehensive Farmland Preservation Plan as a targeted farm prior to the SADC granting final approval and the condition has been met; and

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

WHEREAS, the Property has a quality score of 73.56 which exceeds 42, 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(d), On July 21, 2022, in accordance with Resolution FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$1,700 per acre based on zoning and environmental regulations in place as of the current valuation date February 1, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$1,700 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on August 8, 2023, the County 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. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on December 22, 2022 the Lawrence 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 10, 2023, the Gloucester County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on January 24, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$ 410 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 28.94 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 28.94 acres):

	Total	Per/acre
SADC	\$ 37,332.60	(\$1,290/acre)
Cumberland County	\$ 11,865.40	(\$ 410/acre)
Total Easement Purchase	\$ 49,198.00	(\$1,700/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$ 37,332.60 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 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 28.94 net easement acres, at a State cost share of \$ 1,290 per acre, (75.88% of certified easement value and purchase price), for a total grant of approximately \$37,332.60 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'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.
6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
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.

9/28/2023

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

SF Systems (Lot 7)
Block 245 Lot 7 (28.1 ac)
Gross Total = 28.1 ac
Lawrence Twp., Cumberland County



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



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.

Source:
NJ Farmland Preservation Program
NJDOT Parcel data edited to adjoining survey data
NJDEP Conservator/Open Space Easement Data
NJACT/IGIS 2000 Digital Aerial Image

Wetlands



X:\counties\cumcnc\projects\SF Systems (Lot 7) fww.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

SF Systems (Lot 7)
 Block 245 Lot 7 (28.1 ac)
 Gross Total = 28.1 ac
 Lawrence Twp., Cumberland County



TIDELANDS DISCLAIMER:
 The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Maps". These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Division of Tidelands Management can perform an official determination of Tidelands/Vegetation claims.

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

Legend

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



Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 30' Buffer
 W - Water

Sources:
 NJ Farmland Preservation Program
 NJDOT Parcel data added to geospatial survey data
 Green Acres Conservation Easement Data
 NJDEP Tidelands Claim Line, NA Edition 20161214
 NJDEP Open Space
 NJDOT Road Data
 NJOTIS 2020 Digital Aerial Image

March 8, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

S.F. Systems (Lot 7)
06-0225-PG
County PIG Program
28 Acres

Block 245	Lot 7	Lawrence Twp.	Cumberland County		
SOILS:		Other	11¢ *	0	- .00
		Prime	81¢ *	.15	- 12.15
		Statewide	8¢ *	.1	- .80
					SOIL SCORE: 12.95
TILLABLE SOILS:		Cropland Harvested	84¢ *	.15	- 12.60
		Wetlands/Water	16¢ *	0	- .00
					TILLABLE SOILS SCORE: 12.60
FARM USE:	Vegetable & Melons		27 acres	Asparagus	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No 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 FY2024R9(7)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Kincaid, James W. and Mary Elizabeth (“Owners”)
SADC ID# 06-0228PG
Stow Creek Township, Cumberland County
N.J.A.C. 2:76-17 et seq.

SEPTEMBER 28, 2023

WHEREAS, on February 3, 2023 the application for the sale of a development easement for the subject farm identified as Block 15, Lot 5, Stow Creek Township, Cumberland County, totaling approximately 57.7 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. 2:76-17.9(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 received the 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 Stow Creek Project Area; and

WHEREAS, the Property includes no exception areas, resulting in approximately 57.7 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) One (1) existing single family residential unit
- 3) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 4) Zero (0) agricultural labor units
- 5) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 61.08 which exceeds 43, 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(d), on March 29, 2023, 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 October 1, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$ 4,100 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on August 8, 2023, the County 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. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on July 11, 2023, the Stow Creek 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 April 18, 2023, the Cumberland 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 May 23, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,240 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 59.43 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 59.43 acres):

	Total	Per/acre
SADC	\$169,969.80	(\$2,860/acre)
<u>Cumberland County</u>	<u>\$ 73,693.20</u>	<u>(\$1,240/acre)</u>
Total Easement Purchase	\$243,663.00	(\$4,100/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$169,969.20 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 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 59.43 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 \$169,969.80 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'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.
6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
7. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/28/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



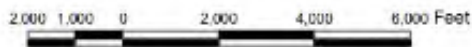
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Application within both the (PA4) Rural Areas

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kincaid, James W. & Mary Elizabeth
Block 15 Lot 5 (57.7 ac)
Gross Total = 57.7 ac
Stow Creek, Cumberland County



- Property in Question
- 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 OIS & Recreation Easements

Sources:
NJ Farmland Preservation Program
NJDOT Parcel 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



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kincaid, James W. & Mary Elizabeth
Block 15 Lot 5 (57.7 ac)
Gross Total = 57.7 ac
Stow Creek, Cumberland County



TIDELANDS DISCLAIMER:
The Tidelands depicted on this map were derived from NDEP's Hydrologic Wetlands claim downloaded from NDEP. These features are not an official NDEP determination and should only be used as a general reference. Only NDEP's Office of Tidelands Management has the authority to issue a determination of Tidelands Wetlands claims.

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be used or intended to be relied upon in matters requiring delineation and location of true ground horizontal and/or vertical control as would be obtained by an actual ground survey conducted by a Licensed Professional Land Surveyor.



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

Sources:
NJ Farmland Preservation Program
NDEP Parcels edited to adjacent survey data
NDEP Tidelands Claim Line
NDEP Road Data
NDEP Near Map 2021 Digital Aerial Image

January 26, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kincaid, James W. & Mary Elizabeth
06-0228-PG
County PIG Program
58 Acres

Block 15	Lot 5	Stow Creek Twp.	Cumberland County		
SOILS:		Other	4% * 0	=	.00
		Prime	31% * .15	=	4.65
		Statewide	65% * .1	=	6.50
					SOIL SCORE: 11.15
TILLABLE SOILS:		Cropland Harvested	81% * .15	=	12.15
		Wetlands/Water	.5% * 0	=	.00
		Woodlands	18.5% * 0	=	.00
					TILLABLE SOILS SCORE: 12.15

FARM USE:

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - 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 FY2024R9(8)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Franceschini, Ralph - Estate of ("Owner")
SADC ID# 06-0227-PG
City of Vineland, Cumberland County
N.J.A.C. 2:76-17 et seq.

SEPTEMBER 28, 2023

WHEREAS, on November 11, 2022 the application for the sale of a development easement for the subject farm identified as Block 5304, Lots 1, 2, and 12, City of Vineland, Cumberland County, totaling approximately 24.4 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. 2:76-17.9(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 Owner has received the 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 Vineland Project Area; and

WHEREAS, the Property includes, one (1), approximately 1-acre severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 23.4 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, this final approval is conditioned on extinguishing the existing lot lines and consolidating all acreage into a single tax lot simultaneously with closing for ease of future taxation and monitoring; 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 severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 59.69 which exceeds 42, 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(d), on December 21, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified a development easement value \$5,500 per acre based on zoning and environmental regulations in place as of the current valuation date July 1, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$5,500 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on August 8, 2023, the County 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. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on May 23, 2023 the Council of the City of Vineland 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 April 23, 2023, the Cumberland 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 May 23, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,850 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 24.10 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 24.01 acres):

	Total	Per/acre
SADC	\$ 87,965	(\$3,650/acre)
<u>Cumberland County</u>	<u>\$ 44,585</u>	<u>(\$1,850/acre)</u>
Total Easement Purchase	\$132,550	(\$5,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$87,965 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 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 24.01 net easement acres, at a State cost share of \$3,650 per acre, (66.36% of certified easement value and purchase price), for a total grant of approximately \$87,965 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. This Final Approval is conditioned on extinguishing the existing lot lines and consolidating all acreage into a single tax lot simultaneously with closing for ease of future taxation and monitoring.
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.

9/28/2023 _____
Date

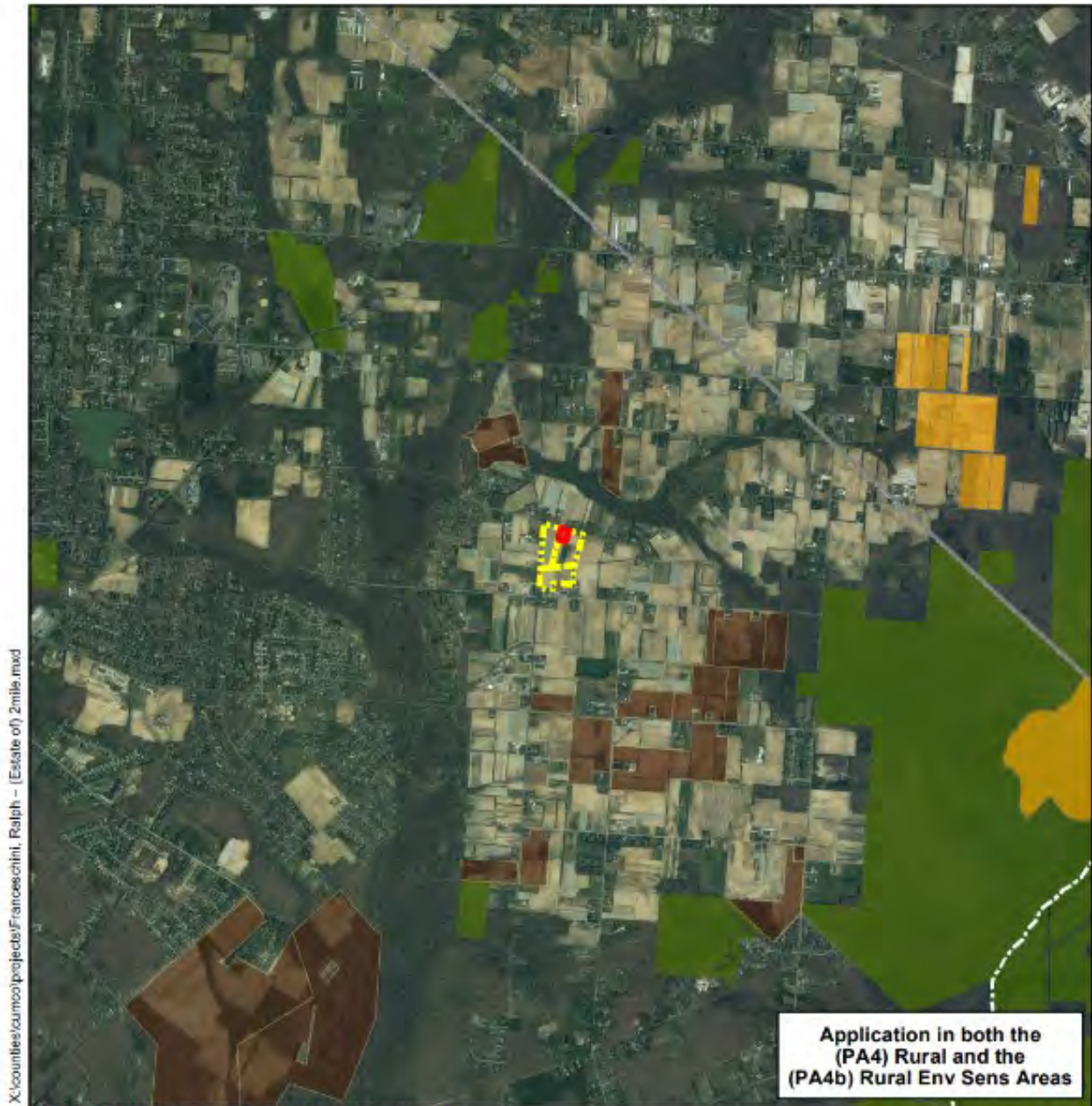


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

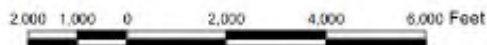


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Application in both the (PA4) Rural and the (PA4b) Rural Env Sens Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Franceschini, Ralph – (Estate of)
Block 5304 Lots 1 (7.2 ac); 12 (7.5 ac);
P/O 2 (8.7 ac) & P/O 2- ES (severable exception - 1.0 ac)
Gross Total = 24.4 ac
Vineland City, Cumberland County



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



Sources:
NJ Farmland Preservation Program
NJGIS Parcel Data
NJDEP Conservation/Open Space Easement Data
NADIR/GIS 2020 Digital Aerial Image

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

November 1, 2022

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Franceschini, Ralph – (Estate of)
Block 5304 Lots 1 (7.2 ac);12 (7.5 ac);
P/O 2 (8.7 ac) & P/O 2- ES (severable exception - 1.0 ac)
Gross Total = 24.4 ac
Vineland City, Cumberland County



Sources:
NJ Farmland Preservation Program
NJCAI Parcel Data edited to create tax map
NJDEP Wetlands Claim Line
NJDOT Road Data
NAD110048 2500 Digital Aerial Image

DISCLAIMER: Any use of this product with respect to accuracy and position 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 precise accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Application in both the
(PA4) Rural and the
(PA4b) Rural Env Sens Areas

- Property In Question
- ES - (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
S - 300' Buffer
W - Water

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Franceschini, Ralph - Estate of
 06-0227-PG
 County PIG Program
 23 Acres

Block 5304	Lot 1	Vineland City	Cumberland County
Block 5304	Lot 12	Vineland City	Cumberland County
Block 5304	Lot 2	Vineland City	Cumberland County
SOILS:		Prime	76% * .15 = 11.40
		Statewide	24% * .1 = 2.40
			SOIL SCORE: 13.80
TILLABLE SOILS:		Cropland Harvested	98% * .15 = 14.70
		Woodlands	2% * 0 = .00
			TILLABLE SOILS SCORE: 14.70
FARM USE:	Agricultural Production Crops		23 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 one (1) acres for Existing SFR and ag buildings
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - 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 FY2024R9(9)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
FRANKLIN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of LaRose, Catherine Ann and Martin ("Owners")
SADC ID#08-0202-PG
Franklin Township, Gloucester County
N.J.A.C. 2:76-17A.1, et seq.**

SEPTEMBER 28, 2023

WHEREAS, on September 30, 2022, the application for the sale of a development easement for the subject farm identified as Block 5802, Lot 1, Franklin Township, Gloucester County, totaling approximately 18.5 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 received the 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 Main Rd-Piney Hollow Project Area; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) One (1) existing single family residential unit
- 3) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 4) Zero (0) agricultural labor units
- 5) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property is currently an equine operation with approximately 10.38 acres in equine production as pasture and .03 acres in equine service activities including boarding, rehabilitation and training; and

WHEREAS, a specialized "*Equine Schedule B*" (Schedule B) and an equine map (Schedule C) will be recorded with the Deed of Easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on December 21, 2022, and in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$6,900 per acre based on zoning and environmental regulations in place as of the current valuation date November 28, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$6,900 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 August 8, 2023, the Franklin Township Committee approved the application for the sale of development easement and a funding commitment of \$1,275 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 August 16, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,275 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, 19.06 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 19.06 acres):

	Total	Per/acre
SADC	\$ 82,911.00	(\$4,350/acre)
Franklin Township	\$ 24,301.50	(\$1,275/acre)
<u>Gloucester County</u>	<u>\$ 24,301.50</u>	<u>(\$1,275/acre)</u>
Total Easement Purchase	\$131,514.00	(\$6,900/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the Township is requesting \$82,911 in base grant funding which is available at this time (Schedule D); 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 19.06 net easement acres, at a State cost share of \$4,350 per acre, (63.04% of certified easement value and purchase price), for a total grant of approximately \$82,911 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule E.
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. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/28/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/08-0202-PG/Acquisition/Final Approval & Closing Documents/SADC Municipal PIG Final Approval_09282023 LaRose.docx

Preserved Farms and Active Applications Within Two Miles

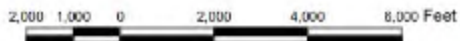


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Application within the Pinelands Rural Development Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

LaRose, Catherine Ann and Martin
Block 5802 Lot 1 (18.5 ac)
Gross Total = 18.5 ac
Franklin Twp., Gloucester County



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

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

Sources:
NJ Farmland Preservation Program
Open Access Conservation Easement Data
NJDOT/GIS 2020 Digital Aerial Image

September 13, 2022

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

LaRose, Catherine Ann and Martin
Block 5802 Lot 1 (18.5 ac)
Gross Total = 18.5 ac
Franklin Twp., Gloucester County



Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
NJDOT Road Data
NJ Pinelands Commission POC Data
NAD83/IGRS 2000 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 products accuracy and precision of the UIC calls 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 control as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



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

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
S - 500' buffer
W - Water

September 13, 2022

SCHEDULE B

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

The Grantor currently has .03 acres of boarding, rehabilitation, and training activities on the Premises.

Grantor understands that the above use is considered an "equine service activity" that would not be permitted on the Premises (i.e., the preserved area of the farm described in Schedule A) unless the activity was ancillary to equine-related production, including pasturing, horse breeding and hay production. "Ancillary" means that the area of land on which equine service activities are conducted is subordinate, secondary and auxiliary in comparison to the area of the farm devoted to equine production activities. Grantor understands and agrees that if equine service activities (such as boarding horses, riding lessons and schooling horses) on the Premises were ancillary to equine-related production, then the said equine service activities would be deemed agricultural uses and not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement. The areas occupied by equine service activities and equine production activities are depicted on the attached aerial photograph identified as Schedule B1.

Grantor also understands and agrees that if, in the future, equine service activities on the Premises are not "ancillary" as defined above, then the said activities would be deemed non-agricultural and would be subject to the restrictions contained in Paragraphs 3 and 4 of the Deed of Easement.

----- (L.S)

Equine Areas



X:\counties\gloucester\projects\LaRose, Catherine Ann and Martin equine.mxd

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

LaRose, Catherine Ann and Martin
Block 5802 Lot 1 (18.5 ac)
Gross Total = 18.5 ac
Franklin Twp., Gloucester County



	Property In Question
	Equine Production Area - 10.9 ac
	Equine Service Area - 0.3 ac



Sources:
NJDOT Road Data
NJOT/OGIS 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 geographic accuracy and precision of the GIS data contained in the 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.

September 13, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Larose, Catherine Ann & Martin
08-0202-PG
PIG EP - Municipal 2007 Rule
19 Acres

Block 5802	Lot 1	Franklin Twp.	Gloucester County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	57% * .15 = 8.55
		Woodlands	43% * 0 = .00
			TILLABLE SOILS SCORE: 8.55
FARM USE:		Horse & Other Equine	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: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - 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 #FY2024R9(10)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE
On the Property of Arzt, Brian and Stacey**

SEPTEMBER 28, 2023

Subject Property: **Arzt, Brian and Stacey**
Block 1301, Lots 10.01 and 10.04
Springfield Township, Burlington County
SADC ID#: 03-0035 -DE

WHEREAS, on February 1, 2023, the State Agriculture Development Committee (“SADC”) received a development easement sale application from Brian and Stacey Arzt, hereinafter “Owners,” identified as Block 1301, Lots 10.01 and 10.04, Springfield Township, Burlington County, hereinafter “the Property,” totaling approximately 74.56 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 70.56 net acres to be preserved, hereinafter referred to as “the Premises”; and

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

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

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

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

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises
- 3) Shall be limited to 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 hay, feed corn and cattle production; and

WHEREAS, staff evaluated this application for the sale of development easement in accordance with SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorized applications into "Priority", "Alternate" and "Other"; and

WHEREAS, the Property has a quality score of 64.62, which is higher than the minimum quality score of 60 needed for a "Priority" farm designation in Burlington County, however at approximately 74.56 acres, it does not meet the minimum acreage criteria for the "Priority" category, which requires at least 78 acres, therefore, the Property is categorized as an "Alternate" farm requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on March 24, 2023, because the farm's quality score is over 70% of the County's average quality score; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on July 19, 2023, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,200 based on zoning and environmental regulations in place as of the current valuation date May 25, 2023; and

WHEREAS, the Owners accepted the SADC's offer of \$4,200 per acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$4,200 per acre for a total of approximately \$296,352 subject to the conditions contained in (Schedule B).

3. Final approval is conditioned on all lots being consolidated, simultaneously or immediately after the easement closing.
4. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
5. 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.
6. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
7. The SADC authorizes Assistant Secretary of Agriculture, Joseph A. Atchison, III, Acting Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/28/2023

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	ABSENT
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/03-0035-DE/Acquisition/Approvals & Agreement/SADC Direct Final Approval_09282023 Arzt, Brian and Stacey Name.docx

Preserved Farms and Active Applications Within Two Miles



X:\counties\source\projects\Arzt, Brian & Stacey 2Mile.mxd

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

Arzt, Brian & Stacey
Block 1301 Lot 10.01 (68.34 ac)
P/O Lot 10.04 (2.22 ac) & P/O Lot 10.04-EN (non-severable exceptions – 4.0 ac)
Gross Total – 74.56 ac
Springfield Twp., Burlington County

	Property in Question
	Exceptions
	Preserved Farms
	Transfer Development Rights (TDR) Preserved Highlands, Pitlands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Reserves for Highlands Development Corridor
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O&R & Recreation Reserves



Sources:
NJ Farmland Preservation Program
NJDOT Parcel data edited from deed
NJDEP Conservation/Open Space Easement Data
NJ Pinpoint Corporation PGC Data
NJDOT/AG 2020 Digital Aerial Image

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

Wetlands



X:\counties\burco\projects\Arzt, Brian & Stacey PWW.mxd

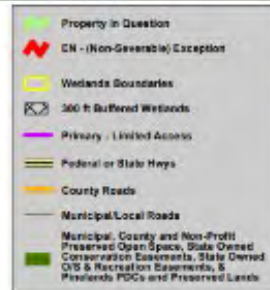
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Arzt, Brian & Stacey
Block 1301 Lot 10.01 (68.34 ac)
P/O Lot 10.04 (2.22 ac) & P/O Lot 10.04-EN (non-severable exceptions – 4.0 ac)
Gross Total – 74.56 ac
Springfield Twp., Burlington County



Sources:
NJ Farmland Preservation Program
NJDOT parcel data edited from deed
NJDCP 2015 Landuse/Landcover Data
NJDOT Road Data
NJ Farmland Commission Data
NJDOTURS 2020 Digital Aerial Image

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



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

February 16, 2023

State Agriculture Development Committee
SADC| Final Review: Development Easement Purchase

Arzt, Brian & Stacey
Easement Purchase - SADC
71 Acres

Block 1301	Lot 10.04	Springfield Twp.	Burlington County			
Block 1301	Lot 10.01	Springfield Twp.	Burlington County			
SOILS:		Local	20.35± *	.05	-	1.02
		Other	20.27± *	0	-	.00
		Prime	7.16± *	.15	-	1.07
		Statewide	52.22± *	.1	-	5.22
						SOIL SCORE: 7.31
TILLABLE SOILS:		Cropland Harvested	84.8± *	.15	-	12.72
		Wetlands/Water	15.2± *	0	-	.00
						TILLABLE SOILS SCORE: 12.72
FARM USE:		Corn-Cash Grain	11 acres			
		Hay	41 acres			
		Beef Cattle Except Feedlots	26 acres			

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R9(11)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Bruno, Georgeanne (DelPalazzo)

SEPTEMBER 28, 2023

Subject Property: **Bruno, Georgeanne (DelPalazzo)**
Block 110, Lot 9 - Hainesport Township, Burlington County
SADC ID#: 03-0034-DE

WHEREAS, on December 15, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Georgeanne Bruno, hereinafter "Owner," identified as Block 110, Lot 9, Hainesport Township, Burlington County, hereinafter "the Property," totaling approximately 42.2 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the original application included a 2.5 acre severable exception in attempt to minimize the division of land currently in production; however the township zoning requires 5 acres and a variance from the Planning Board was not obtained, so the landowner requested to increase the exception to 5 acres; and

WHEREAS, the Property includes two (2) exception areas: one (1) approximately 1-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses and one (1) approximately 5-acre severable exception area for and limited to one (1) existing single family residential units and to afford future flexibility of uses, resulting in approximately 36.2 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 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
- 3) Shall be limited to 1 single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 5-acre severable exception area:

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

WHEREAS, staff evaluated this application for the sale of development easement in accordance with SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorized applications into "Priority", "Alternate" and "Other"; and

WHEREAS, the Property has a quality score of 61.67, which is higher than the minimum quality score of 60 needed for a "Priority" farm designation in Burlington County, however at approximately 36.2 acres, it does not meet the minimum acreage criteria for the "Priority" or "Alternate" categories which require at least 78 or 57 acres respectively, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on July 19, 2023, in accordance with Resolution # FY2020R4(14), Deputy Executive Director Roohr and Acting Chairman Atchinson certified the Development Easement value of \$12,500 per acre based on zoning and environmental regulations in place as of the current valuation date May 25, 2023; and

WHEREAS, the Owners accepted the SADC's offer of \$12,500 per acre for the purchase of the development easement on the Premises; and


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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$12,500 per acre for a total of approximately \$452,500 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Assistant Secretary of Agriculture, Joseph A. Atchison, III, Acting Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

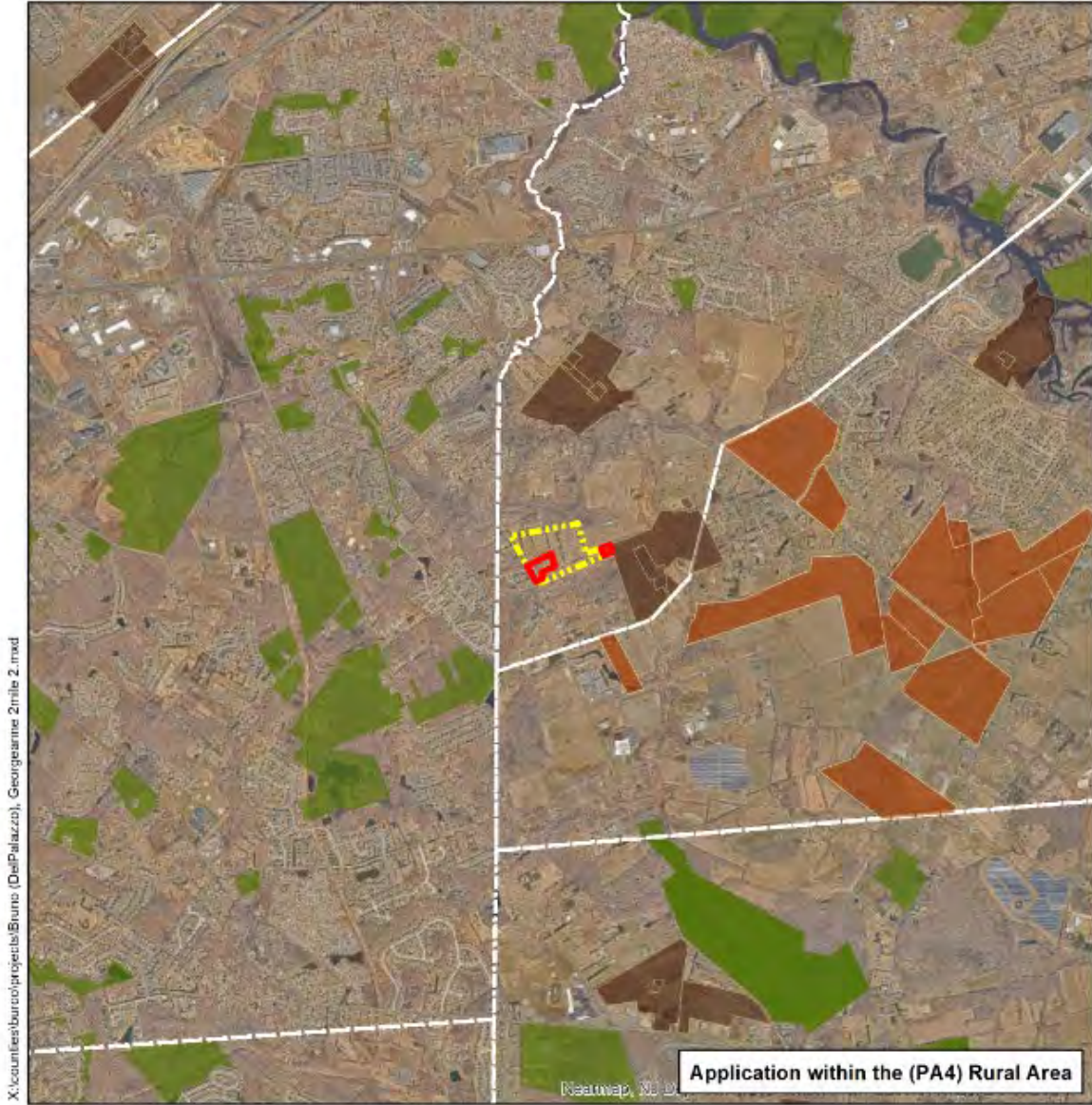
9/28/2023
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

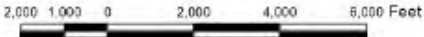
Preserved Farms and Active Applications Within Two Miles



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

Bruno (DelPalazzo), Georgeanne
Block 110 Lots P/O 9 (36.1 ac);
P/O 9-ES (severable exception - 5.0 ac) &
P/O 9-EN (non-severable exception - 1.0 ac)
Gross Total - 42.1 ac
Hainesport Twp., Burlington County



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

	Property In Question
	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 OS & Recreation Easements

Source:
NJ Farmland Preservation Program
NJDOT Parcel data
NJCEP Conservation/Open Space Easement Data
NJDOT/Map 2021 Digital Aerial Image

Wetlands



X:\counties\burco\projects\Bruno (DelPalazzo), Georganne fww.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Bruno (DelPalazzo), Georganne
 Block 110 Lots P/O 9 (36.1 ac); P/O 9-ES (severable exception - 5.0 ac) &
 P/O 9-EN (non-severable exception - 1.0 ac)
 Gross Total = 42.1 ac
 Hainesport Twp., Burlington County



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

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 geometric 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.

Nearmap, NJ D.

Application within the (PA4) Rural Area

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



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

Sources:
 NJ Farmland Preservation Program
 NJDOT Parcel Data
 NJDEP Tidelands Claim Line
 NJDEP 2015 Landuse/Landcover Data
 NJDOT Road Data
 NJOT/Near Map 2021 Digital Aerial Image

February 17, 2023

State Agriculture Development Committee
SADC| Final Review: Development Easement Purchase

Bruno (DelPalazzo), Georgeanne
Easement Purchase - SADC
36 Acres

Block 110	Lot 9	Hainesport Twp.	Burlington County		
SOILS:		Local	14 $\frac{1}{2}$ *	.05	- .70
		Statewide	86 $\frac{1}{2}$ *	.1	- 8.60
				SOIL SCORE:	9.30
TILLABLE SOILS:		Cropland Harvested	93 $\frac{1}{2}$ *	.15	- 13.95
		Wetlands/Water	2 $\frac{1}{2}$ *	0	- .00
		Woodlands	5 $\frac{1}{2}$ *	0	- .00
				TILLABLE SOILS SCORE:	13.95
FARM USE:		Ornament Nursery Products		35 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st five (5) acres for Existing SFR and parking lot
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - 2nd one (1) acres for Future SFR
Exception is not to be severable 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R9(12)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of Wood, Bonnie Davis - Estate of
SEPTEMBER 28, 2023**

Subject Property: **Wood, Bonnie Davis - Estate of**
Block 32, Lots 6 and 9 (the "Property")
Stow Creek Township, Cumberland County
SADC ID# 06-0094-DE

WHEREAS, on December 12, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from the Estate of Bonnie Davis Wood, hereinafter "Owner," identified as Block 32, Lots 6 and 9, Stow Creek Township, Cumberland County, hereinafter "the Property," totaling approximately 142.5 gross acres, identified in (Schedule A); and

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

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

WHEREAS, at the time of application gully erosion was observed on Lot 6 and the landowner signed an Option Agreement with the SADC that acknowledged the erosion would have to be remediated before preservation; and

WHEREAS, the landowner obtained a farm conservation plan and implemented alternative cropping measures to address the erosion; and

WHEREAS, SADC staff visited the farm and concluded that the erosion concerns are resolved for the time being and the remediated areas will further benefit from the no till production practice called for in the farm conservation plan; SADC staff will continue monitor these areas prior to closing (Schedule B); and

WHEREAS, the Property includes two (2) exception areas, one (1) approximately 1-acre non-severable exception area for a future single family residential unit on Lot 9 and to afford future flexibility for nonagricultural uses and one (1) approximately 1-acre non-severable exception area for future flexibility on Lot 6 but with zero (0) single family residential opportunities resulting in approximately 140.5 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the certification of easement value and this final approval are conditioned on extinguishing the existing lot lines and consolidating all acreage into a single tax lot simultaneously with closing for ease of future taxation and monitoring; 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 on Lot 9:

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

WHEREAS, the 1-acre non-severable exception area on Lot 6:

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

WHEREAS, the Premises includes:

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

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Cumberland County (minimum acreage of 88 and minimum quality score of 54) because it is approximately 142.5 acres and has a quality score of 63.27; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on June 27, 2023, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,050 per acre based on zoning and environmental regulations in place as of the current valuation date May 18, 2023; and

WHEREAS, the Owners accepted the SADC's offer of \$4,050 acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$4,050 per acre for a total of approximately \$569,025 subject to the conditions contained in (Schedule C).
3. Final approval is conditioned on all lots being consolidated, simultaneously or immediately after the easement closing.
4. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
5. 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.
6. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
7. The SADC authorizes Assistant Secretary of Agriculture, Joseph A. Atchison, III, Acting Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/28/2023

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

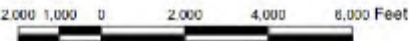
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wood, Bonnie Davis - Estate of
 Block 32 Lots P/O 6 (96.4 ac);
 P/O 6-EN (non-severable exception - 1.0 ac)
 & P/O 9 (44.1 ac); &
 P/O 9-EN (non-severable exception - 1.0 ac)
 Gross Total = 142.5 ac
 Stow Creek, Cumberland County



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

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

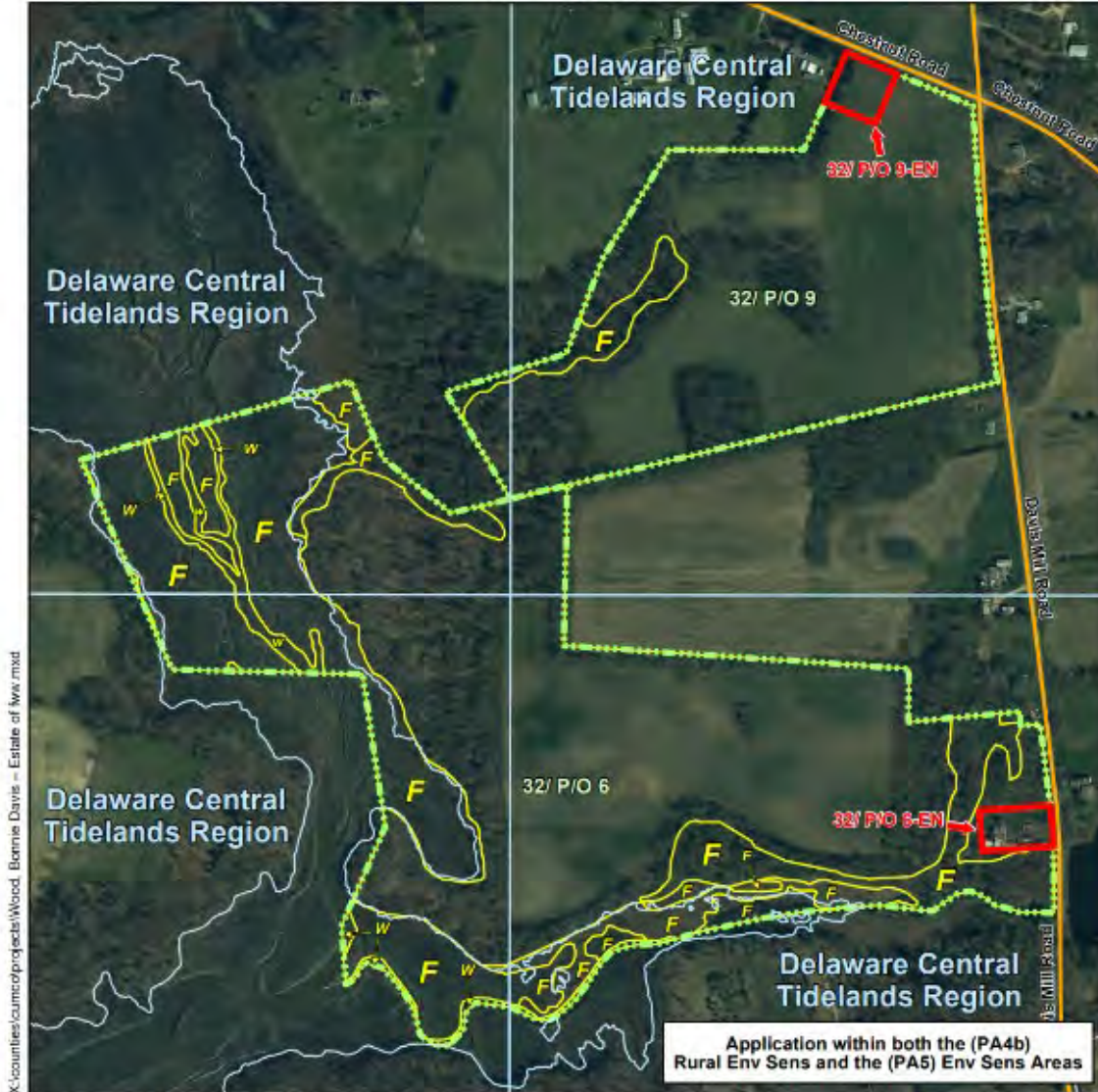
- Property in Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR):
Preserved Highlands, Plateaus and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State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



Sources:
 NJ Farmland Preservation Program
 NJDOT Parcel Data
 USDOT National Pipeline Mapping System
 NJDEP Coastal Wetlands Open Space Assessment Data
 NJDOT Road Data
 NJ Highlands Council Data
 NJ Farmland Commission POC Data
 NJDOT GIS 2000 Digital Aerial Image

December 16, 2022

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wood, Bonnie Davis - Estate of
Block 32 Lots P/O 6 (96.4 ac);
P/O 6-EN (non-severable exception - 1.0 ac)
& P/O 9 (44.1 ac); &
P/O 9-EN (non-severable exception - 1.0 ac)
Gross Total = 142.5 ac
Stow Creek, Cumberland County



TIDELANDS DISCLAIMER:
The Tidelands depicted on this map were derived from NDEP's Hydro, water, Tidelands, claim downloadable file hosted on NJGCP. These features are not an official NJGCP determination and should only be used as a general reference. Only NDEP, in its role as Tidelands Management can perform an official determination of Tidelands/PAE claims.

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 the data layer are approximate and were developed primarily for planning purposes. The products accuracy and precision of the GIS data contained in this file and map shall not be relied upon in matters requiring definition 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
	Primary - Limited Access
	Natural or State Highways
	County Roads
	Municipal/Local Roads
	Natural Accessory
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O&R & Recreation Reservoirs



Wetlands Legend:
S - Submerged Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
W - Non-Wetlands
B - 30' Buffer
W - Water

Sources:
NJ Farmland Preservation Program
NJGCP Parcel Data
Green Acres Conservation Easement Data
NJGCP Tidelands Claim Line
NJGCP 2010 Landcover/Ownership Data
NJGCP Open Space
NJGCP Road Data
NJGCP/PAE 2000 Digital Aerial Image

December 20, 2002

Wetlands



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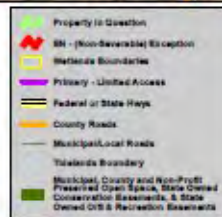
**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Wood, Bonnie Davis - Estate of
Block 32 Lots P/O 6 (96.4 ac);
P/O 6-EN (non-severable exception - 1.0 ac)
& P/O 9 (44.1 ac); &
P/O 9-EN (non-severable exception - 1.0 ac)
Gross Total = 142.5 ac
Stow Creek, Cumberland County



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

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.



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

Sources:
NJ Farmland Preservation Program
NJOIG Parcel data
Green Acres Conservation Easement Data
NJDEP Tidelands Claim Line
NJDEP 2015 Landuse/Landowner Data
NJDEP Open Space
NJOIG Road Data
NJOIG 2022 Digital Aerial Image

September 13, 2023

State Agriculture Development Committee
SADC| Final Review: Development Easement Purchase

Wood, Bonnie Davis - Estate of
Easement Purchase - SADC
141 Acres

Block 32	Lot 9	Stow Creek Twp.	Cumberland County		
Block 32	Lot 6	Stow Creek Twp.	Cumberland County		
SOILS:		Other	12% * 0	=	.00
		Prime	50% * .15	=	7.50
		Statewide	20% * .1	=	2.00
		Unique zero	18% * 0	=	.00
					SOIL SCORE: 9.50
TILLABLE SOILS:		Cropland Harvested	42% * .15	=	6.30
		Wetlands/Water	30% * 0	=	.00
		Woodlands	28% * 0	=	.00
					TILLABLE SOILS SCORE: 6.30
FARM USE:		Soybeans-Cash Grain	34 acres		
		Corn-Cash Grain	29 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future SFR
Exception is not to be severable from Premises
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - 2nd one (1) acres for Future flexibility
Exception is not to be severable 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R9(13)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Defrehn, Thomas G.& Julie A.

SEPTEMBER 28, 2023

Subject Property: **Defrehn, Thomas G.& Julie A.**
Block 34, Lots 25, 26, 27, 28, 29 and 36
Quinton Township, Salem County
SADC ID#: 17-0381-DE

WHEREAS, on December 15, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Thomas and Julie Defrehn, hereinafter "Owners," identified as Block 34, Lots 25, 26, 27, 28, 29 and 36, Quinton Township, Salem County, hereinafter "the Property," totaling approximately 95.6 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 2-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 93.6 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-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

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

WHEREAS, at approximately 95.6 acres the Property meets the minimum acreage criteria for the "Priority" farm designation in Salem County, however with a minimum quality score of 59.11, it does not meet the minimum quality score criteria for the "Priority" category which requires a quality score of at least 62 in Salem County, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on March 24, 2023 because the farm's quality score is over 70% of the County's average quality score and has approximately 62% prime soils; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on July 19, 2023, in accordance with Resolution #FY2020R4(14), Deputy Director Roohr and Acting Chairman Atchison certified the Development Easement value of \$2,500 per acre based on zoning and environmental regulations in place as of the current valuation date June 8, 2023; and

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

WHEREAS, the option agreement and the certification of value note that in order for the SADC to compensate the Owner for the acreage on Lots 25, 26, 27, and 28, legal access to these lots for agricultural purposes must exist; and

WHEREAS, if such access is not demonstrated in title and new access is necessary, written agreement of the adjoining landowner and a draft of an easement, in properly recordable form, providing such access must be provided to the SADC for its advance written review and approval; and

WHEREAS, the Owners accepted the SADC's offer of \$2,500 acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$2,500 per acre for a total of approximately \$234,000 subject to the conditions contained in (Schedule B).
3. the certification of easement value and this final approval are conditioned on all contiguous lots being consolidated simultaneously or immediately after closing on the easement.
4. in order for the SADC to compensate the Owners for the acreage on Lots 25, 26, 27, and 28, the Owners must demonstrate, to the SADC's satisfaction, legal access to those lots for agricultural purposes; if a new access is necessary , written agreement of the adjoining landowner and a draft of an easement, in properly recordable form, providing such access must be provided to the SADC for its advance written review and approval.
5. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
6. 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.
7. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
8. The SADC authorizes Assistant Secretary of Agriculture, Joseph A. Atchison, III, Acting Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
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.

9/28/2023

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Martin Bullock	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/17-0381-DE/Acquisition/Approvals & Agreements/Defrehn Final Approval 2023.09.28.docx>

Preserved Farms and Active Applications Within Two Miles



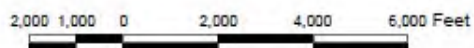
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Application within the (PA4) Rural Area

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Defrehn, Thomas G. & Julie A.
Block 34 Lots 25 (19.9 ac); 26 (16.5 ac); 27 (3.2 ac);
28 (5.7 ac); 29 (5.1 ac); P/O 36 (43.2 ac) &
P/O 36-EN (non-severable exception - 2.0 ac)
Gross Total 95.6 ac
Quinton Twp., Salem County



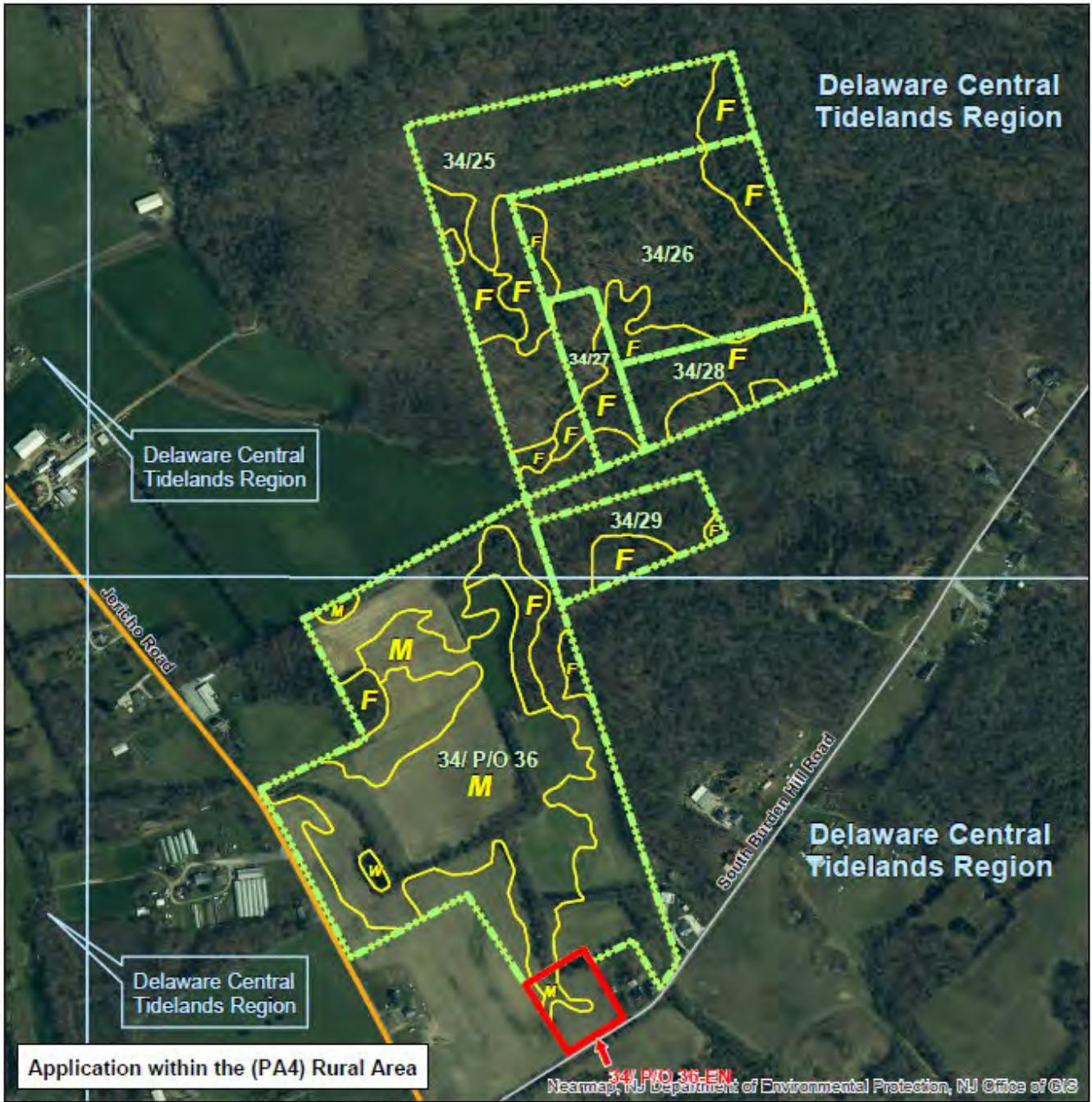
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements,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



Sources:
NJ Farmland Preservation Program
NJOT Parcel data edited from tax map
NJDEP Conservation/Open Space Easement Data
Pinelands Commission Preserved Lands
NJOT/Near 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



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Defrehn, Thomas G. & Julie A.
Block 34 Lots 25 (19.9 ac); 26 (16.5 ac); 27 (3.2 ac);
28 (5.7 ac); 29 (5.1 ac); P/O 36 (43.2 ac) &
P/O 36-EN (non-severable exception - 2.0 ac)
Gross Total 95.6 ac
Quinton Twp., Salem County

500 250 0 500 1,000 Feet

TIDELANDS DISCLAIMER:
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	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwy's
	County Roads
	Municipal/Local Roads

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

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data edited from tax map
NJDEP Tidelands Claim Line
NJDEP 2015 Landuse/Landcover Data
NJDOT Road Data
NJDOT Near Map 2021 Digital Aerial Image

January 17, 2023

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Defrehn, Thomas G. & Julie A.
Easement Purchase - SADC
94 Acres

Block 34	Lot 25	Quinton Twp.	Salem County
Block 34	Lot 26	Quinton Twp.	Salem County
Block 34	Lot 36	Quinton Twp.	Salem County
Block 34	Lot 28	Quinton Twp.	Salem County
Block 34	Lot 29	Quinton Twp.	Salem County
Block 34	Lot 27	Quinton Twp.	Salem County

SOILS:

Other	23% * 0	=	.00
Prime	62% * .15	=	9.30
Statewide	15% * .1	=	1.50

SOIL SCORE: 10.80

TILLABLE SOILS:

Cropland Harvested	35% * .15	=	5.25
Wetlands/Water	22% * 0	=	.00
Woodlands	43% * 0	=	.00

TILLABLE SOILS SCORE: 5.25

FARM USE:

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for future SFR
Exception is not to be severable from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. To facilitate potential ease of taxation, and to assist in monitoring, the contiguous lots, where possible, shall be consolidated simultaneously with closing on the easement.
 2. In order for the SADC to compensate for the acreage on Lots 25, 26, 27, and 28, the landowner must have legal access to these lots for agricultural purposes. If a new access is being acquired, the document must be reviewed and approved in advance by the SADC.
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.