

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Department of Agriculture  
Market and Warren Streets  
1<sup>st</sup> Floor Auditorium  
Trenton, NJ 08625**

**REGULAR MEETING**

**September 26, 2013**

Chairman Fisher called the meeting to order at 9:05 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

**Members Present**

Douglas H. Fisher, Chairperson  
Cecile Murphy (rep. DEP Commissioner Martin)  
James Requa (rep. DCA Commissioner Constable)  
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff) (Left meeting at 2:29 p.m.)  
Brian Schilling (rep. Executive Dean Goodman) (Left meeting at 2:44 p.m.)  
Alan A. Danser, Vice Chairman  
Denis C. Germano, Esq. (Arrived at 9:20 a.m.)  
James Waltman  
Peter Johnson (Left meeting at 2:45 p.m.)  
Jane R. Brodhecker  
Torrey Reade

**Members Absent**

None

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Susan E. Payne, Executive Director  
Alison Reynolds, Deputy Attorney General  
Jason Stypinski, Deputy Attorney General (Arrived at 12:50 p.m.)

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**Others present as recorded on the attendance sheet:** Heidi Winzinger, Brian Smith, Timothy Brill, Chuck Roohr, Paul Burns, Ed Ireland, John Denlinger,

Cindy Roberts, Stefanie Miller, Dan Knox, Judy Andrejko, Hope Gruzlovic, Jeffery Everett, Patricia Riccitello and Sandy Giambrone, SADC staff; Kerstin Sundstrom, Esq., Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Brigitte Sherman, Cape May County Agriculture Development Board; Bill Millette, Hunterdon County Agriculture Development Board; Christine Bell, Ocean County Agriculture Development Board; Laurie Sobel, Middlesex County Agriculture Development Board; Katherine Coyle, Morris County Agriculture Development Board; David Frank, Esq., Burlington County Counsel; Bernie Guthertz, BAM Energy; Nao Minami, Green Street Energy; Amy Hansen, New Jersey Conservation Foundation; Tom Beaver, New Jersey Farm Bureau; and Abbott Lee, landowner, Washington Township, Burlington County.

### **Minutes**

#### A. SADC Regular Meeting of July 25, 2013 (Open and Closed Sessions)

It was moved by Mr. Danser and seconded by Mr. Requa to approve the open session minutes and the closed session minutes of the SADC regular meeting of July 25, 2013. The motion was approved. (Mr. Waltman abstained from the vote.)

### **REPORT OF THE CHAIRPERSON**

None at this time.

### **REPORT OF THE EXECUTIVE DIRECTOR**

Ms. Payne reported on the following:

- On-Farm Direct Marketing AMP

Ms. Payne stated that staff plans to review comments received in response to the rule proposal and come back to the Committee at its next meeting with any suggestions for changes if necessary. She stated that the Committee has been provided with a copy of the comments in the meeting books. She stated that we will have a discussion at next month's meeting; if we don't make changes we will be back at the December meeting seeking adoption of the rule.

- Non-Contiguous Cluster Bill

Ms. Payne stated that a piece of legislation that amended the Municipal Land Use Law was passed by the Legislature and signed into law recently. The bill allows municipalities, formally, to enact ordinances to allow the noncontiguous transfer of development potential. That authority has not been explicit in the Municipal Land Use Law until now. There have been debates in the courts and decisions, so this clarifies that. Ms. Payne felt that it is a very important tool for many municipalities. The SADC has a role in implementation. If a municipality is designing its ordinance to protect farmland, it needs to either use model deed restrictions that the SADC will develop or seek SADC approval of its restrictions. The reason that the Committee has that role is that the bill also allows farmland preserved under such a TDR scheme to enjoy the benefits of soil and water cost share grants and all of those other accessory benefits afforded under the Agriculture Retention and Development Act. It definitely connects lands preserved through this tool with our program and that is why we have a role in approving the deed of easement. Staff will come back to the Committee at a future meeting with a sample deed of easement for its review and comments and then go from there. Ms. Payne stated that she will provide a copy of the bill to the Committee after the meeting.

Mr. Schilling inquired about any movement with the microenterprise bill. Ms. Payne stated that the State Board of Agriculture had a discussion at its meeting last month and there is some conversation going on at some CADB levels as a result of that discussion. She stated that the State Board is interested in having the counties understand what the bill provides for and to get their sense of whether they support it or not. Mr. Johnson stated there was a lot of dialogue at the Burlington CADB about that and they have some suggestions. Chairman Fisher stated that many counties are digesting it and trying to figure out how it will serve them, and the State Board is taking that into consideration. He felt that there wouldn't be any movement until there is a clearer understanding by everyone as to how it may affect their counties so that there can be some consensus. If there is no consensus in the agricultural community he didn't think the bill would advance.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that there is an increasing number of articles on breweries and new laws that were passed to allow breweries to be established in New Jersey, so we may see the impact of that. There is also continuing coverage

of the wine industry and there is also an article regarding a Pohatcong Township lawsuit regarding a farm stand. She wanted the Committee to know that staff did reach out to Warren County to see whether Right to Farm had been properly triggered and the owner did not meet the definition of a commercial farm so was not eligible for Right to Farm protection.

**PUBLIC COMMENT**

None

**NEW BUSINESS**

**A. Eight-Year Farmland Preservation Program – Renewals, Terminations and Withdrawals**

Ms. Winzinger referred the Committee to the 8-Year Program Summary Report showing one request for renewal of an eight-year program for the Columbia Fruit Farm in the Town of Hammonton, Atlantic County, comprising 6.66 acres, with a new soil and water conservation cost share grant eligibility of \$666.00 (subject to availability of funds).

Ms. Winzinger stated there were four requests for termination of eight-year programs as follows:

1. Merlino Farm, SADC # 0113-81F-01/01-0008-8F  
Town of Hammonton and Township of Mullica, Atlantic County, 39.51 Acres  
Soil and water conservation cost share grant funds remaining at the time of termination: \$0.00 (expended \$23,706.00)
  2. LoSasso Farm, SADC #0117-30F-01/01-0013-8F  
Township of Mullica, Atlantic County, 14.26 Acres  
Soil and water conservation cost share grant funds remaining at the time of termination: \$1,056.00 (expended \$7,500.00)
  3. Augustine Farm, SADC #0111-02F-04/01-0100-8F  
Township of Galloway, Atlantic County, 40 Acres  
Soil and water conservation cost share grant funds remaining at the time of termination: \$24,000.00 (\$0.00 expended \$0.00)
  4. Rizzotte Farm, SADC #0113-82F-01/01-001108F
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Town of Hammonton, Atlantic County, 18.85 Acres  
Soil and water conservation cost share grant funds remaining at the time of  
termination: \$3,727.50 (expended \$7,582.50)

Ms. Winzinger indicated that there were no withdrawals of eight-year programs. She stated this was for informational purposes only and no action was needed by the Committee.

**B. Soil and Water Conservation Cost Share Grant Extension Request**

1. Melick Clinton LLC, Clinton Township/Lebanon Boro, Hunterdon County

Mr. Lofberg referred the Committee to the Soil and Water Conservation Project Cost Share Grants Extension of Project Approvals Summary. He stated there was one request for an extension for the Melick Clinton LLC farm, located in Clinton Township/Lebanon Township, Hunterdon County. He reviewed the specifics with the Committee stating that this application is part of a larger conservation system being installed on this property, which includes conservation practices that are funded by the USDA, NRCS. Delays occurred while installing the NRCS-funded conservation practices, which had to be completed prior to determining where the remaining mainline and four-inch tile drainage could be located for installation. The NRCS-funded projects have been completed and the remaining components of this application can now be installed. It is anticipated that the remaining components of the project will be installed prior to the 2014 spring planting time. Staff recommendation is to grant the extension request for a period of twelve months, or to July 22, 2014.

It was moved by Ms. Reade and seconded by Mr. Schilling to approve Resolution FY2014R9(1), granting an extension of a soil and water conservation cost-share grant for the following landowner as presented and discussed, subject to any conditions in said Resolution:

1. Melick Clinton LLC, SADC# 08-0078-FS  
Clinton Township/Lebanon Township, Hunterdon County  
Extension Request Amount: \$20,087.50 (Obligation # 1)  
Extension Request Expires on: July 22, 2014

The motion was approved. (Mr. Germano was absent for the vote). (A copy of Resolution FY2014R9(1) is attached to and is a part of these minutes.)

Mr. Germano arrived at the meeting at this point.

**Resolution for Certification**

1. Agricultural Development Area Criteria Amendment
  - a. Cumberland County

Mr. Brill referred the Committee to Resolution FY2014R9(2) for a request by the Cumberland County Agriculture Development Board (CADB) to amend its criteria for agricultural development areas in Cumberland County. He reviewed the specifics with the Committee, stating that the Cumberland CADB recently reviewed its ADA criteria and geographic delineation and has determined that the ADA criteria and delineation is based on outdated information. Staff recommendation is to approve the amended criteria, as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2014R9(2) certifying the amended Cumberland County Agricultural Development Area criteria, pursuant to N.J.A.C. 2:76-1.7, as presented and discussed, subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2014R9(2) is attached to and is a part of these minutes.)

**C. Stewardship**

**Note: Mr. Johnson recused himself from any discussion/action pertaining to the Lee Brothers Farm division of the premises request and the Fernbrook Farm solar energy generation request to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.**

1. Division of the Premises
  - a. Lee Brothers Farm, Washington Township, Burlington County

Mr. Roohr referred the Committee to Resolution FY2014R9(3) for a request to divide the premises known as Lee Brothers Inc., Block 20, Lot 1; Block 15, Lot 7; and Block 18, Lot 1 in Washington Township, Burlington County. The property has been operated by the Lee family for more than 100 years as cranberry bogs. It is currently a mixture of cranberry bogs for berry production, a cranberry plant nursery for seedling production and a planted pine forest for timber production. The entire property is enrolled in a Department of Environmental Protection (DEP)- approved forest management plan, and that consists of a mixture of managed existing native species as well as quite a large

acreage that was cleared and replanted with pine species specific to the timber that they wanted to get. Stephen Lee is the primary manager of the cranberry bogs for berry production. Abbott Lee is the owner and creator of the cranberry plant propagation business on the property, known as Integrity Propagation, which has the exclusive rights to commercially propagate new cultivars of cranberry plants developed by Rutgers University and to sell those new varieties to the industry. They sell and ship plant stock to every commercial cranberry-growing state in the United States and to Canada. Because the property is located in the Pinelands National Reserve and in the Special Agricultural Production Area within the Pinelands, it has certain additional restrictions unique to farms in this area.

Mr. Roohr stated that the resulting Parcel "A" (p/o Block 15, Lot 7) would result in a 76+/- acre property that consists of approximately 11 acres of specialized cranberry stock propagation area and 55 acres of actively managed forestry production of which approximately 35 acres is replanted native and improved pine forest managed for timber production. Parcel "A" would include two five-acre severable exceptions and would be improved with multiple irrigation wells and underground mains over the existing propagation areas, three new barns, several hoop houses and outdoor grow areas. Parcel "B" (p/o Block 15, Lot 7 - 230 acres; Block 18, Lot 1 - 350 acres; Block 20, Lot 1 - 32 acres) would result in a 612+/- acre property that consists of approximately 128 acres of active cranberry bogs in production and approximately 484 acres of wetland and managed forest, of which 170 acres is replanted native and improved pine forest for timber production. Parcel "B" includes two 5-acre severable exception areas and one 2-acre nonseverable exception containing the cranberry packing facilities and an agricultural labor unit. It is improved with multiple irrigation ponds and pumping systems throughout the entire bog production acreage. Two RDSOs associated with the property will be assigned to Parcel "B."

Mr. Roohr stated that Abbott Lee and his attorney David Frank are present at today's meeting should the Committee have any questions for them. He stated that the application met both the agricultural purpose test and the test of whether it would result in agriculturally viable parcels. Staff recommendation is to grant the request for a division of the premises.

Mr. Waltman stated that for the past five years the SADC has had a subcommittee on soil disturbance that has been meeting for a long time, working on trying to find a consensus. The idea was that there should be some limits at some point on preserved farms in the proportion of a preserved farm that would be covered with certain kinds of infrastructure. We have looked for quite a while at different ways of potentially doing that. When he

looks at a very large farm with a relatively small amount of infrastructure that is subject to a proposed subdivision, he is thinking about the activity of the subcommittee and it makes him wonder if they went forward with the subdivision, what percentage of that smaller piece would be covered with the kinds of infrastructure that we have been looking at in the subcommittee. Mr. Roohr stated that the packing houses for the cranberries, which are the two biggest buildings, are actually on a nonseverable exception. The other infrastructure is basically Integrity Propagation's hoop houses, and they are standard hoop houses, built on grade with no concrete at all. The outdoor grow area is basically weed fabric, put down on existing grade, and the outdoor trellis system is metal pipes stuck in the ground every so often, at grade. He stated that there is no significant excavation at all for any of this and very little, if any concrete poured for the structures. They would all fall in the "temporary structures." Mr. Roohr stated that this would fall well within the parameters of what was discussed in the subcommittee.

It was moved by Mr. Requa and seconded by Ms. Reade to approve Resolution FY2014R9(3) granting a request by Lee Brothers Inc., owner of Block 20, Lot 1; Block 15, Lot 7; and Block 18, Lot 1, Washington Township, Burlington County, 688.84 acres, to divide the premises as follows:

- Parcel "A" – Block 15, p/o Lot 7 (76 Acres)
- Parcel "B" – Block 15, p/o Lot 7; Block 18, Lot 1; and Block 20, Lot 1 (612 total acres)
- Two RDSOs associated with the property shall be assigned to Parcel "B"
- Eligible funding for state soil and water conservation cost share practices shall be reallocated to the respective parcels
- Owners shall provide a copy of the recorded deed, showing the transfer of ownership of Parcels "A" and "B" to the respective owners, to the CADB and the SADC
- Owner shall provide the County and the SADC with a survey and metes and bounds description of the newly created Parcel "A" as well as a metes and bounds description of Parcel "B"
- The SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution
- This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey

The motion was approved. (Mr. Johnson recused himself from the vote; Mr. Germano and Mr. Schilling abstained from the vote.) (A copy of Resolution FY2014R9(3) is

attached to and is a part of these minutes.)

2. Renewable Energy Generation
  - a. Fernbrook Farm, Chesterfield Township, Burlington County

Mr. Roohr referred the Committee to Resolution FY2014R9(4) for a request by Lawrence and Susan Kuser, and the Fernbrook Group, L.P., owners of Block 800, Lots 1.01, 1.03 and 1.05 in the Township of Chesterfield and Block 6.01, Lots 10 and 11 in the Township of Mansfield, Burlington County, to construct a photovoltaic solar energy generation facility on a portion of one rooftop of an existing barn on the premises (Building # 1); one system on the rooftop of an existing barn on a nonseverable exception area (Building #2); and one ground-mounted system on the nonseverable exception area that is part of the overall farm. One system will go on the preserved part of the farm, Building #1, which is a barn used for CSA packaging, storage and the sale of fruits and vegetables grown on the farm with a rooftop area totaling approximately 2,100 square feet in size. The solar panels will utilize approximately 400 square feet of rooftop area on Building #1. The energy demand for Building #1 is primarily for the refrigeration of produce. Building #2 is a barn used for packaging and storage of the output of the farm, storage of farm equipment as well as an educational area with a rooftop area totaling approximately 3,200 square feet in size. The system on Building #2 was installed in 2011 before the owner was aware of the law requiring SADC approval. The solar panels utilize approximately 1,500 square feet of rooftop area. The energy demand for this building comes from the packing, storage and educational activities that take place in the barn. The land area on the nonseverable exception area of the property that will support the third system, which is the ground-mounted solar energy generation facility, is the corner of a small field adjacent to the main driveway where the panels will take up an area of approximately 1,600 square feet in size (0.03 acres). The energy demand from this ground-mounted unit is from the single-family residence on this nonseverable exception, which is used as a bed and breakfast.

Mr. Roohr stated that the two rooftop-mounted systems on Buildings #1 and #2 create no new impervious cover and take no land out of production to accommodate their mounting. The ground-mounted array services the nonagricultural bed and breakfast use, and the entire nonseverable exception area is considered prime soils. However, N.J.A.C. 2:76-24 states that facilities primarily servicing nonagricultural and/or nonresidential uses in a nonseverable exception area shall be located entirely in the nonseverable exception area to the maximum extent practicable or financially feasible; therefore, locating this array within the exception area is the preferred location.

Mr. Roohr stated that the impervious cover created by the ground-mounted system consists of 4 square feet, including the surface area of the upright support posts, which will be driven or screwed into the soil without the use of concrete or other similar permanent footing. The site disturbance for the ground-mounted array consists of approximately 7,700 square feet, including the area immediately surrounding the panel array as well as an approximately 140-foot by 12-inch trench connecting the array to the bed and breakfast. There are no other renewable energy generation facilities existing on the property. The facilities will be owned by the owners, as determined by review of the purchase agreement. The owners provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm. The owners also provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand. Staff recommendation is to approve the application, as presented and discussed.

It was moved by Mr. Waltman and seconded by Mr. Danser to approve Resolution FY2014R9(4) approving the construction, installation, operation and maintenance of the three photovoltaic energy generation facilities, structures and equipment consisting of approximately 1,900 (400 and 1,500) square feet of space located on the rooftops of Buildings 1 and 2 respectively, and approximately 1,600 square feet of space in the corner of a small field located within the exception area and having a combined rated capacity of 49,000 kWh's of energy. The total electrical energy demand of the three buildings that will be serviced by the solar arrays totals 54,155 kWh's annually. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was approved. (Mr. Johnson recused himself from the vote.) (A copy of Resolution FY2014R9(4) is attached to and is a part of these minutes.)

b. Laurita Winery, Plumsted Township, Ocean County

Mr. Roohr stated that this is a request for a solar energy facility for the Charles Plum Corp. (Laurita Winery) property in Plumsted Township, Ocean County. The property is 177 acres, the landowner is Laurita Winery, the financing entity is Green Street Energy and the contractor who installed the facility is BAM Energy. In September 2011 we received the initial request from Green Street Energy to build this ground-mounted system, however at that time we did not have any regulations in place so staff advised Green Street Energy and BAM Energy that the SADC could not review and approve the application.

Mr. Roohr stated that in April 2012 the panels went up and at the end of April staff

conducted a site visit and found there to be four rows of ground-mounted arrays. The panels sit high enough off the ground that you can use the space underneath – specifically mentioned was for parking cars. The inverter pad and electronics were installed and there is an approximately 900-foot trench to get from the inverter to the winery itself. In May, the SADC formally found that the construction of panels without SADC approval was a violation of the statute. As part of that finding, the SADC requested that the local power company not interconnect to the grid, and the power company did honor that request. While the system is up and complete, it is not plugged in and therefore is producing no usable energy. There has been no economic benefit to date.

Mr. Roohr stated that in June 2013, the regulations pertaining to ground-mounted arrays became effective and on July 8, 2013, staff deemed the most recent application from Laurita complete. The system meets many of the technical requirements of the regulations – it takes up less than one percent of land area; it generates less than 110 percent of last year's energy demand. This is a power purchase agreement but the contract has been reviewed by our legal staff and it meets the criteria – the system will be owned by the landowner at the end of 20 years, it is net metered and provides electricity only to the farm. The property is eligible for farmland assessment. It is not Farm and Ranch Lands Protection Program funded and it is not in the Pinelands.

Mr. Roohr stated that there were three areas that needed to be analyzed: 1) The occupied area, which is any area being taken out of production and made not usable for farming purposes as a result of constructing the project. In this case, staff drew a box around the panel arrays and that equals .91 acres, which is less than an acre. If it were more than an acre, the project would require an NRCS Farm Conservation Plan to figure out things like erosion, runoff and things like that. 2) Impervious cover – this cannot exceed one acre, however the panels themselves do not count toward impervious cover. In this case you have the posts, which are mounted in concrete. While the concrete is mostly below grade, staff counted them as impervious cover. Even with that and the concrete inverter pad, we are only at about 3,000 square feet, which is far less than an acre. Disturbed area was something that staff was trying to understand. Mr. Roohr showed the Committee pictures of the area between two sets of panels. When the project was installed it was during the spring and it was wet. In between the panels, where they didn't drive, there is still grass and what staff determined in this case was that all the areas, the spaces between the panels and on each end, where they would have had to drive around, staff would count as disturbed. There are four arrays and each array has seven of these types of set-ups. He stated that if you calculate all the space in between and on each end, and the trench and the inverter pad, we are at just more than ½ acre.

Mr. Roohr reviewed various pictures of the solar facility with the Committee. He stated that the engineer for the project provided a plot to staff and what is significant about that plot is it shows the field where the solar panels are and there is a dotted line that represents a shadow-band of the mature trees that basically outline the whole field. What they wanted to do was, originally these solar panels were more in the middle of the field but once they figured out where the shadow band was, and to accommodate the rules for the SADC's purposes after a discussion with staff, they pushed the panels as far back into the field as they could get while still being outside the shadow band. The corner of the last panel just touches the shadow band. That was the rationale of why they placed the panels there.

Mr. Roohr stated that we understand the parts of the regulations that they are compliant with but there are two gray areas. N.J.A.C. 2:76-24-6 states the preferred installation shall be on buildings to minimize the adverse effects on the farm. In the event that putting it on a building is not feasible, then it calls for the use of a screw or piling or some other nonpermanent system of anchoring. It does state that in the event that a permanent ground-mounting system is utilized, that justification be provided from an engineer that stipulates why this permanent footing is required for either state or federal law. In Laurita's case, their engineer did provide a letter citing international building code standards dealing with wind tolerances and that being the reason why they needed such a heavy-duty footing, because this array system is so large and so high, it's like a giant parachute. The second gray area deals with siting. The other part of the regulations state that facilities shall be configured in a manner that maximizes the use of the premises for agricultural and horticultural purposes. It specifically states that the facility shall be located along field edges, nonproduction areas and shall be sited in such a way to avoid cutting up large fields into smaller fields, which makes them not practical to farm. Mr. Roohr stated that clearly, the panels were put in a field so you are taking some land out of production. Because the system was installed without SADC approval, we didn't get to the point of asking them about alternate locations. We did at one time ask them why not put it on the existing paved parking area and staff got an explanation that the trees that are all around are very mature tree canopies, 75-100 feet tall, so you would get a lot of shading. However, we didn't get to examine any other alternative sites. The regulations contemplate and permit both permanent footings and siting within a field but do so with language that basically says "as a last resort and when practicable and financially feasible." Because they were constructed prior to our formal review, staff has not been able to fully understand if the footings and siting were the most practicable and financially feasible alternative so we cannot answer those two questions. That is why Green Street Energy and BAM Energy are here today.



Mr. Waltman stated that there was another question that we were trying to get educated on and that was is this facility conducting a large number of nonagricultural activities? One of the requirements for this to pass our regulations is that they are not exceeding by more than ten percent the amount of energy required for the agricultural use on the property. So the question is to staff, do we know that potentially the nonagricultural activities on this property did not constitute such a large portion of their electricity last year? Mr. Roohr stated that there are two tests – one is 110% of last year's energy demand or up to 1% of the land area of the farm. So at 177 acres they could double it.

Mr. Siegel asked if there was any suggestion that these facilities are needed, that we need roofs/carports separate from the fact that there is going to be a solar array on the roof of them. Ms. Payne stated no. Mr. Siegel stated that these things were entirely built for holding up the solar panels. Ms. Payne stated correct. Ms. Reade stated that they had to be built higher than what they might normally be in a conventional ground-mounted display in order to accommodate the overflow parking.

Mr. Gutherz from BAM Energy and Nao Minami from Green Street Energy addressed the Committee in support of the application. Mr. Minami stated he is a partner in Green Street Energy and they are the primary investors in this project. He stated that he is here today to address the two remaining questions mentioned earlier. He stated that regarding location, they did look at other areas of the winery. Most of their other projects are roof-mounted and canopy structures on parking lots. Those two were their primary goals here because that was the easiest way to go. In looking at the structures, the roof just didn't make any sense because of the various angles, and the carport, the parking area for the same reason. The orientation of the cars being rowed in a north/south rotation and because of the trees surrounding, it didn't make any sense for them to be putting up such a large system there; they would be losing efficiency. The area that was chosen was the only possibility for them at that time. Ms. Payne asked why the two other areas (marked in red on the maps shown) wouldn't accommodate the system. They are not areas that are in agricultural production, they are closer to the facility and one of them is where solar panels already exist. Were these areas evaluated for placement for the panels? Mr. Roohr stated that Mr. Gutherz and Mr. Minami have not seen these maps. He stated that the map shows the winery and to the left of the winery there are some low-growth trees and dairy barns and then the other area is directly in front of the winery looking out toward the irrigation pond where he thinks the first tracker system starts. Mr. Minami stated that for one thing, they are against tearing down trees or anything existing as much as possible. Mr. Gutherz stated that what that map is not showing are a lot of the topographical issues that result from these areas. Even at the entry point, which was another area for their consideration, given setback requirements from the road and the

existing driveway there and again topographical issues, in order to connect to the system there is a large change in the topography going up that entry way that would require additional trees and disturbance in order to make the interconnection into the winery building itself. The area that was chosen was an area that was utilized for a number of years prior to our installation as an additional parking area. He stated that they did, from previous early meetings with SADC staff, move that system up as close as possible in keeping with setback lines from the adjoining farm and to allow a covered area so that the property was not taken off as an area they could still use as parking and moving it up to increase that overall area for additional parking. That area was the most level that didn't require any additional grading or subsurface changes in order to accommodate the construction.

Mr. Gutherz stated that there are four dual-mounted solar arrays that were installed some time ago and those arrays are on monopoles. They are on a single pole with dual access trackers, they follow the sun as it travels and then reset to follow the next day. Mr. Germano stated that he was unclear on Mr. Gutherz's statement whether or not he in fact considered either or both of the alternate locations as sites for this array. Did you sit down and look at either of the sites? Mr. Gutherz stated yes, based on the topography here and having the least amount of disturbance to occur – the sites were looked at. He stated that immediately they were drawn to the parking lot – other than the direction of where the parking would require the entire changing of the parking layout. The trees that buffer around the parking lot were considerably high and would have required additional topping and removal in order to not to cause a shading or canopy effect. Mr. Roohr stated that what Mr. Gutherz is explaining is that the topography dips down significantly from one point to the pond (as was being shown on the aerial map). Mr. Minami stated that there was also an existing trench from the solar area, which made it very easy for them to just run the lines right through. That was a large part of the decision for location as well. Mr. Gutherz stated that there was an existing manhole structure that had conduit lines that ran underneath the building and it really limited the amount of disturbance that they had to do.

Mr. Waltman asked if we have any sense of how frequently the area was used for overflow parking – was it every week, yearly? Mr. Roohr stated he can only tell from living in the area that it isn't every week but he would say probably once a month on average. It is when they have a large event. On normal wine-tasting days, everyone fits in the regular parking lot but when they have a festival, grape-stomping or some kind of special wine-type event the place fills up and the whole field could be filled with cars.

Ms. Murphy stated that it seems to her that the siting and the disturbance are connected,

and it seems like a big reason why the wooded lot was not chosen besides the affinity for the trees, which she shares, and that it would require a great deal of disturbance. Is there a way to quantify that disturbance? Mr. Minami stated that wasn't the primary reason why they didn't go to that area. The primary reason was that the area where they are now was already trenched and that was a huge part of it so that they wouldn't have had to run this enormous line, which would have taken a lot of time and investment to do.

Ms. Payne asked for clarification on where the trench was and what was it for that predated the project. Mr. Gutherz stated there was a trench that led to a manhole that carried conduit lines for any type of future use, whether for irrigation, water, electric, that was left at the outside of the main winery facility and it allowed them to just do a less-invasive connection directly into the winery switchgear room in the basement. Mr. Gutherz showed the Committee on the mapping where the existing trench was located. He stated that all they did was follow the entry road. He stated that again, there is a lot of topography and there is a lot of rock and roll between the turf so taking out the trees and having to grade that area just seemed to be a lot of disturbance. He stated that with the main entranceway coming up into the winery, there is a great incline to go through and even if we could do the parking lot, there would be concern of removing the trees along the parking lot area and then having to stabilize the area to prevent any future erosion that would have occurred. He understands that it was an open field but it was the flattest and the most level area where they put the arrays and it afforded them the ability to go seamlessly to create the carport canopy. From an engineering standpoint, it made the most sense.

Ms. Murphy asked if there would have been erosion issues using either of the wooded areas. Mr. Gutherz stated that is what usually happens -- you remove trees and erosion follows. Unless you are able to get fast stabilization established, it will be a constant issue. Here we had the flat area, it is immediately stabilized, it is all seeded and there are no erosion issues. Mr. Roohr stated that the one area slopes down very significantly from the winery down into the pond. If you would cut those trees out that would have been a problem. The other area, where the crest of the property is, it all then slopes down and it has a little bit of a slope to it and that would have been the better of the two but the other one would have been very problematic.

Chairman Fisher stated he wanted to discuss the concrete issue. Mr. Minami stated that as you can see these are fairly large systems and they wanted the most safe and secure system design. The concrete footings were basically the industry standard and from an investment standpoint they wanted to make sure these things would withstand weather events, wear and tear and it was the best way to go. Mr. Danser stated that the

Committee just approved an array that was screw-anchored into the ground with essentially no concrete. His assumption is that if this requires more of a foundation it is because you chose to put them at a certain number of feet up in the air and if they had been down at ground level instead of 10 or 20 feet in the air, there would have been nowhere near the wind issue. If they were installed at ground level, would screw anchors have been adequate and if not why not? Mr. Minami stated that they wanted them above ground and they wanted them as high as possible above the trees. This is a 20-year investment for them and they don't know what is going to happen in the surrounding area -- whether it's trees that grow or a building that gets built next door and these are issues they deal with in their industry with buildings that get built that cause shade. Mr. Danser stated that he would be satisfied with shading as an answer. Mr. Gutherz stated that a ground-mounted system would have totally taken this .92 acre for unusable purposes. Currently with the height that we're able to achieve here, there are still open areas underneath those panels that are accessible and usable. While it is raised both for efficiency ratings and for the shading that we have there, it is putting that property back into use. It may be that they are using it for overflow parking but it is still available for overflow parking, whereas the ground-mounted array would have taken that right off.

Mr. Danser asked again if the array were done at ground level, could they have been done it with screw anchors as opposed to concrete foundations? Mr. Minami stated they probably wouldn't have gone into the deal; most of their things are higher up. Mr. Guntherz stated that if it were a ground-mounted application it would have been able to be adhered in a different manner; given that these are solar canopies, this is the method of installation that they are done at. If it were ground-mounted, it would have been a different application into the ground but then the property underneath would be unusable.

Chairman Fisher stated that he thinks there is still confusion about the concrete issue. He doesn't sense that there is a lot of confusion about the location. The big question now is the concrete. Mr. Germano stated that staff did clarify that the one alternate location is severely sloped and not appropriate but he hasn't heard enough about the other one as to what is so wrong about the other location, the area to the left of the building. Mr. Minami stated that it also slopes and there are orientation issues. Their biggest enemies are shading and orientation. Mr. Siegel stated that the Committee is looking at why agricultural land was used when perhaps something else could have been used on the subject property. Mr. Minami stated that it was BAM Energy who made the siting determination. Mr. Gutherz stated that after evaluating the area and given that we were doing the canopy, this was the open area that was decided upon to be the best location. Mr. Siegel stated that if you were not using the canopy structure, perhaps the other areas would have been looked at or evaluated in a different way. Mr. Gutherz stated that he

didn't think so. They didn't feel there was another area where they would have been able to sufficiently cover enough of an amount to be measurable. There are a lot of outbuildings in that area as well as trees, and the topography changes were significant, plus that field that is shown behind the winery building is an area of grass that they use for people to go out and enjoy wine and the day.

Chairman Fisher stated that the siting was at a time of extraordinary confusion, before the regulations were written. Mr. Siegel stated that there is a rule that has been in place for a few decades on the preserved farm -- you shall not have nonagricultural activities on a preserved farm.

Ms. Payne stated that there have been several applications that have come to the Committee where landowners didn't know the law was passed. Up until the time the law was passed, construction of solar panels to serve the farm was permitted and people didn't get the SADC's approval. The SADC has seen several applications so far where solar panels were installed on a barn. What we have not seen was someone who has done a ground-mounted system without approval prior to the regulations. That is what is distinct here. She stated that this applicant was aware of the fact that the SADC couldn't review the application because the rules were not adopted prior to this going up. The record is clear on that. She stated that the SADC has its letter that went to them saying that it couldn't entertain the application, and they couldn't get approval prior to the rules being adopted because we told them that in writing. They decided to proceed and that's where we are. She felt that didn't matter anymore and the question is whether the Committee finds the application compliant or compatible with the regulations or not, timing aside.

Mr. Danser stated that regarding the mounting of solar panels, section ii.(3) in the regulations states the following:

“In the event that the methods in (a)1ii(2) above, for mounting the solar panels, collectors, or films, are not practicable or financially feasible, then written justification shall be provided by a licensed professional engineer responsible for designing the installation of the solar panels, collectors, or films that a permanent ground mounting is necessary to conform with Federal or State laws, rules, or regulations, and that the permanent mounting requires footings, concrete, or other permanent methods.” He asked if we had anything to that effect. Mr. Roohr stated that they were aware of that and they provided the letter from the engineer that designed the system that references international building code standards with regard to wind factors for the reason why this particular system design required concrete footings. Ms. Payne stated that was for the

system that they selected. Mr. Germano stated that there are two requirements – first, the concrete footings are required to comply with state or federal law and second, that the concrete is required mechanically. He stated that are you saying that this letter says that yes, physics make it necessary that there be concrete pilings? He asked what state or federal law required it. Ms. Payne stated that the letter staff received did not say from an engineering perspective you cannot mount solar panels in this field without concrete; that is not what the letter said. The letter said, here is the system that has been selected and in order to mount that system with its dimensions you need concrete as footings. Mr. Germano asked what state or federal law also made it necessary. Mr. Minami stated he believes it was the building codes; there are wind load restrictions in the building codes. Mr. Germano stated that is a double-dip. The building code is there because it is physically dangerous not to have all that weight holding it down. Mr. Roohr stated the question is staff has a letter from the engineer that says this is why we need concrete for this type of system so the meat of the question is why this type of system, and if it were made lower would you have needed concrete? Mr. Germano stated that he sees another point in that just saying the building code requires it doesn't meet the standard. But he does see Mr. Danser's point made previously too.

Mr. Siegel stated that from a layman's point of view, anything that is going to be off the ground has to be footed like a building but why do they have to be off the ground? It's because that is what they chose. Ms. Murphy stated that it gets back to Mr. Danser's question of would we have approved something given the possible benefit of having a dual use of that property with the ground underneath it, would the Committee hypothetically have approved that? Chairman Fisher stated that he thinks what the Committee would do now that there are rules in place, you wouldn't be having this discussion, but there were not rules. He doesn't think that anyone going forward would ever take the chance to do what happened here because right now they have lost 14 months at \$7,000 per month because this board wouldn't let them connect because you didn't know everything, but you know it now. You know there were not rules and you know that they would probably not be building this right now based on the rules that are out there, and they have also lost approximately \$114,000.00 so if you are worried about what is going to happen going forward he doesn't believe that anyone is taking that risk that they did. The only other think that can happen, he suspects, is if the Committee doesn't approve it, the whole thing comes down.

Ms. Reade stated she wanted to correct the record somewhat because she knows when this came before the Committee before, she believes they were advised as to what the Committee's reservations were about the design and what it thought was not good about the system when the owners were contemplating it so she feels they had an indication that

concrete was not a good idea. She doesn't think the Committee did a lot of discussion about location but she thinks it is kind of obvious that our first choice would not have been prime soil, and she feels that those things were pretty clear at the outset before they went ahead and built the project. She wanted to say it wasn't something they did in the dark because they didn't have rules because we were operating under some principles. She stated that they had the opportunity to consider those concerns in their design process.

Mr. Waltman stated it is hard to see someone who moved forward knowing they were going to need approvals and they basically decided that we are going to do it anyway. He understands there were a lot of financial incentives but now the difficulty is we have to figure out if it is OK that they broke the rules that time because it is a good project anyway. And he knows there were no rules in place but the rules before the solar rules were the rules governing what you can do on a preserved farm, the deed of easement.

Mr. Danser stated that the frustration here is that we didn't have a chance to review all of this before it already existed because that is what our charge is. He stated he has become convinced that had we had the chance, he would have voted to support it and he felt the board probably would have also voted to support it and it is because they are going to need "X" number of acres, whether it is one, two or three, for overflow parking and the fact that putting it up in the air on a concrete foundation does make dual use of that acre.

Mr. Danser moved that the Committee approves this project as it exists today. The motion was seconded by Mr. Requa. Chairman Fisher asked if there was any discussion on the motion.

Mr. Siegel stated that the regulations don't have a guidance document. Have we talked about the idea of the preference for clearing nonagricultural land over the use of prime agricultural land in siting? We asked for an alternative so it is implied, but did we specifically say it because it is always going to be easier to pick the flat ground to put up anything and here we said did they adequately look at alternative sites. Do we give any guidance on that? Ms. Payne stated there is no handbook. She stated all of these provisions are under the heading of does the placement of this significantly interfere with use of the land for agricultural or horticultural production. That is one of the tests in the statute and our rules fleshed out what we mean by that. The facility shall be located or configured in a manner that maximizes the use of the premises for agricultural or horticultural production purposes. The facility shall be located along field edges and in nonproduction areas to the maximum extent practicable and financially feasible. That is the test and that is the guidance. We recognize that if you have an entirely wooded

property, ripping down woods can become very expensive so it puts the burden on the property owner to demonstrate that to put this in a nonproduction area is not practical or not financially feasible. That is the conversation we are going to get into with every applicant who proposes to put this on a prime flat piece of farmland.

Ms. Reade asked if she could get clarification as to why they didn't put it on the existing parking lot. Mr. Minami stated because of the trees and the orientation, they would have had to put them in a more southern orientation, which they always want actually.

Mr. Siegel asked Mr. Germano if he was satisfied that the alternative site test was dealt with adequately. Mr. Germano stated that the short answer is yes. This is not the way that we should be doing this – we are doing it after the fact, relying on the testimony of the people who have a huge financial stake in the outcome rather than having our own staff evaluate these alternative sites in depth. He stated he is satisfied that they met the test.

Ms. Payne suggested that a roll call vote be taken. Chairman Fisher stated that if he cannot figure out what the voice vote is then he will do a roll call vote.

Mr. Waltman stated that since the Committee is still in the discussion phase of the vote, he would like to say that he thinks it was the right thing for this Committee to do in conveying to JCP&L its preference that they not make the connection because he thinks it was a painful financial impact on these guys and he hopes that is the deterrent for others to not do this in the future and come to the SADC. He doesn't want there to be a suggestion based on which way he votes that he would be in favor of clearing trees because he thinks that is a better place to put solar panels, than to put them on a field that has been mowed.

Chairman Fisher asked if there was anyone uncomfortable in taking this vote. Mr. Siegel stated he would like a roll call vote. Chairman Fisher stated he already announced that he is going to do a voice call vote. He stated that there is a motion and a second in favor of the application as presented. All those in favor please vote.

The motion was unanimously approved. The motion carries. Chairman Fisher stated if anyone has any other comments to please make them at this point. Ms. Payne stated before we go to comments, with the approval of the project, staff is going to interpret that, unless directed otherwise, JCP&L will be notified that the SADC has approved the project and they can lift the moratorium. She asked if that was the consensus of the Committee. The Committee responded yes.



Chairman Fisher stated that he doesn't think that anyone is thrilled with how they voted but they understand that the realities of some of the confusion and heartaches and at the same time do not want to set a precedent for anyone who thinks that, given this set of circumstances and now that there are rules, that this could ever happen again. Mr. Schilling stated that this occurred at a special moment in time where something was being contemplated – the will of the public, through the Legislature said we want this to happen. We were in that gray area where this was merging in terms of policy. There is no second use of that argument to be clear. For him it isn't precedent, there is not going to be a second chance at saying "we didn't know." He stated that some of the discussion today, he is not favorable about moving forward with trying to make this more prescriptive, more black and white because it only gets more gray. The point here is that if the process were adhered to more properly, there would have been an application and a significant amount of consultative discussions back and forth, saying why didn't you pick that, and we may very well have arrived at that conclusion. Chairman Fisher asked the applicant to be incredibly detailed in terms of when this gets turned on and how the SADC notifies the BPU, whatever that is, because if they come back to the Committee with something else and say we didn't know, he doesn't think it would be looked upon favorably by the Committee.

Mr. Siegel wanted to comment for the record that had this application come in before it was built in this form and with the rules we have now, he would have opposed this application because of the construction of this canopy. He doesn't see the need for this thing, he doesn't know why they follow this practice, why you needed this structure, except that your answers seem to imply that you have done this before, this is what you do, you put up canopies with solar arrays on them. That would have been a no vote. The fact is that it is in place, the facility is being wasted, and it would cause even more damage to tear it out. He would not have approved the application coming in cold. We contemplate with ground-mounted solar arrays that another farmer can buy the land and take them out because he doesn't want them, because he wants to actually farm the land. That is part of the idea that the things the Committee approves can be removed. The solar arrays all over Ocean County on the ground seemed to have survived the hurricane just fine. That is his opinion, not the opinion of the Committee, but that would be his recommendation to the Treasury on how to respond to these issues in the future.

#### **D. Delegation of Solar Reviews**

Ms. Payne referred the Committee to Resolution FY2014R9(5) for a request to delegate

approval of certain applications for solar energy generation facilities on existing buildings or structures on preserved farmland to the SADC Executive Director. She stated that this is an attempt to have as few of these applications coming to the Committee as possible. When we adopted the solar regulations there was a provision in the regulations that allows the SADC to delegate review of certain solar projects to the staff and approval to the Executive Director. What is before the Committee is a resolution accomplishing that delegation.

Ms. Payne stated that the regulations have two requirements for any delegated project. One is that if the easement is owned by the county or a nonprofit, that they have not submitted any negative comments regarding the project. If they weigh in and say they are not comfortable with it, that project would come to the Committee. The second requirement is that this is only a delegation of projects that don't require any new impervious cover. This means roof-mounted requests, which are the majority of what we see. So those are the two regulatory provisions. There is an additional provision in the regulations that says that it can only be a net-metered project that cannot produce more electricity than what they require, otherwise it goes to the Committee. It is a very limited scope and it is going to handle a majority of the applications. Mr. Siegel asked what if staff turns one down? Ms. Payne responded that the applicant has the right to come to the Committee. It's an automatic appeal to be heard by the full Committee. Mr. Siegel asked couldn't we make it an automatic thing that staff briefs the Committee on the turn-downs? His concern is giving the staff cover that if they have turned one down, the Board should at least be briefed that it was turned down. Ms. Payne stated that it does have a requirement that the notification of all such approvals and denials shall be provided to the SADC at its regular monthly meetings, so staff would be reporting to the Committee once a month regarding what was reviewed/approved. She stated that the applicant has this standing right to request that the issue be heard by the Committee, should an application be denied.

Chairman Fisher stated that this was something that he had asked staff for and it is a way for the Committee to not have to do something that is essentially automatic. He is trying to take some of the burden off the Committee to have to deliberate something that essentially doesn't need to be deliberated. There are safeguards in place in case the applicant feels they want it heard before the Committee should it be denied by staff. It is also a part of the Christie administration's guidelines, which seek to streamline the regulatory process whenever possible.

Mr. Siegel stated that the benefit is that the applicant doesn't have to wait for an SADC meeting to get a rapid judgment. His concern is that, even with an applicant who gets told

no by staff, he thinks the Committee should act on this, in some manner, so that the rejections become an action of the SADC, not the staff. Ms. Murphy felt that the Committee shouldn't automatically have to review the rejections. Mr. Danser stated that you could put your report into the minutes of the meeting and that way the Committee will have at least voted on it. He stated that the Executive Director will provide a report each month to the Committee. If that report gets incorporated into the minutes of that meeting, when the Committee votes on the minutes, it is voting on that report and at least will have acknowledged it.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2014R9(6) granting authority to the Executive Director to review and approve, approve with conditions, or deny applications for solar energy generation facilities on existing buildings or structures on preserved farmland provided that : 1) no new impervious cover is created from the installation of the solar energy generation facilities, structures and equipment, and 2) the system supplies power through "net metering" as defined in N.J.A.C. 2:76-24.3 or supplies power or heat directly to the farm outside the meter. Such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director, and notification of all such approvals shall be provided to the SADC at its regular monthly meetings in the form of a written report submitted by the Executive Director and will be incorporated as part of the minutes. The motion was unanimously approved. (A copy of Resolution FY2014R9(6) is attached to and is a part of these minutes.)

**E. Resolutions for Final Approval: Municipal Planning Incentive Grant Program**

Ms. Winzinger referred the Committee to six requests for final approval under the Municipal Planning Incentive Grant Program. She reviewed the specifics of each application with the Committee and stated staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Danser to grant final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolutions:

1. P.E. Kramme, Inc. SADC #17-0113-PG, (Resolution FY2014R9(7))  
Block 16, Lot 1; Block 17, Lot 1; Block 18, Lot 14  
Upper Pittsgrove Township, Salem County, 33 Net Easement Acres  
State cost share of \$4,200 per acre, for a total grant need of approximately

\$138,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

2. Robert and Deborah Schmid, SADC #17-0108-PG, (Resolution FY2014R9(8))  
Block 48, Lot 5, Upper Pittsgrove Township, Salem County 23 Net Easement Acres  
State cost share of \$3,900 per acre (65% of the certified easement value), for a total grant need of approximately \$89,700 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Scheduled "C."
3. Leon C. Lewis and Joanne M. Lewis, SADC #17-0111-PG, (Resolution FY2014R9(9))  
Block 48, Lot 5.01, Upper Pittsgrove Township, Salem County, totaling approximately 19 Net Easement Acres  
State cost share of \$3,925 per acre (64.88% of the certified value) for a total grant need of approximately \$74,575 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."
4. George and Barbara Madosky, SADC #17-0112-PG, (Resolution FY2014R9(10))  
Block 16, Lot 6, Upper Pittsgrove Township, Salem County, 16 Net Easement Acres  
State cost share of \$3,900 per acre (65%) for a total grant need of approximately \$62,400 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property includes a 1.5-acre nonseverable exception for an existing fertilizer business and single-family residence. Approximately .7 acres of ground is covered with seven seasonal hoop houses used for container nursery stock and seedlings to be planted in the field or containers.

5. Brian and Dorothy Kargman #2, SADC #08-0138-PG, (Resolution FY2014R9(11))  
Block 7102, Lots 11 and 12, Franklin Township, Gloucester County, totaling 9.582 Surveyed Acres  
State cost share of \$4,650 per acre for a total grant need of approximately \$44,556.30 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."
6. Brian and Dorothy Kargman, #4, SADC #08-040-PG (Resolution FY2014R9(12))

Block 7102, Lot 18, Franklin Township, Gloucester County, totaling 7.283  
Surveyed Acres  
State cost share of \$5,400 per acre for a total grant need of approximately  
\$39,328.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in  
Schedule "C."

The motion was unanimously approved. (Copies of Resolution FY2014R9(7) through  
Resolution FY2014R9(12) are attached to and are a part of these minutes.)

**E. Resolutions for Final Approval – County Planning Incentive Grant Program**

Ms. Winzinger referred the Committee to twelve requests for final approval under the  
County Planning Incentive Grant Program. She reviewed the specifics with the  
Committee and stated that the recommendation is to grant final approval as presented and  
discussed. **Mr. Johnson asked that the Committee take action on the first five  
requests for final approval separately since they deal with Burlington County and  
he is a member of the Burlington County Agriculture Development Board and  
would need to recuse.**

It was moved by Ms. Brodhecker and seconded by Mr. Danser to grant final approval to  
the following five applications under the County Planning Incentive Grant Program for  
Burlington County, as presented and discussed, subject to any conditions of said  
Resolutions:

1. Judy S. Church (Simons Berry Farm, LLC), SADC #03-0380-PG, (Resolution  
FY2014R9(13))  
Block 2001, Lots 14, 15, 17, 18 and 19; Block 2002, Lots 6 and 7, Tabernacle  
Township, Burlington County, totaling approximately 266 Acres  
State cost share of \$1,307.50 per acre (75.8% of the purchase price) for a total  
grant need of \$358,228.85 pursuant to N.J.A.C. 2:76-6.11 and the conditions  
contained in Schedule "C."

Discussion: The property has a one-acre nonseverable exception area for future  
flexibility and no residential opportunity and a 3-acre nonseverable exception for one  
existing single-family residence. Pinelands Commission Letter of Interpretation #s 1462,  
1463 and 1468 state that there are 6.75 Pinelands Development Credits (PDCs) allocated  
to the property. Subsequent to the LOIs, the landowner requested a structure on the farm  
be recognized as a year-round agricultural labor unit, thereby requiring retention of an  
additional .25 credit and issuance of an updated LOI. In January 2013, the SADC and

CADB staff finalized the Pinelands Valuation Formula values that assumed two housing opportunities – the existing house on the three-acre nonseverable exception and the permanent agricultural labor unit, conditioned upon issuance of an updated LOI. After certification and acceptance of the Formula valuation, the landowner withdrew the request for a year-round agricultural labor unit, which resulted in only one residential opportunity for the property. As a result of the landowner's request not to consider the structure a year-round agricultural labor unit, the SADC review appraiser indicated that the elimination of one housing opportunity would likely increase the per-acre easement value from \$978 to \$1,015, which is still below the \$1,725 per acre that the owner accepted. As a result of only one housing opportunity, the Formula valuation with 10% impervious coverage would have increased slightly to \$1,757.27, however, in the interest of time, the landowner agreed to proceed with the original value. As a result of the conveyance of the deed of easement to the County, 6.75 PDCs will be retired. The County is also requesting to use an additional three percent buffer for possible surveyed acreage increases; therefore, the SADC cost share shall be based on 273.98 acres.

Currently the County has zero base grant funding and zero FY2011 competitive funding available, but is eligible for up to \$3,058,829.83 in FY2013 competitive grant funding subject to available funds.

2. Peter B. and Monica Chung, SADC #03-0377-PG, (Resolution FY2014R9(14)) Block 15.01, Lot 7.01, Shamong Township, Burlington County, totaling approximately 91 Acres  
State cost share of \$2,554 per acre (71.14% of the certified value and 61.32% of the purchase price) for a total grant need of \$239,386.42 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property has a 2-acre nonseverable exception area for a future single-family residence. According to Pinelands Commission Amended Letter of Interpretation (LOI) # 2080, there are 4.25 Pinelands Development Credits (PDCs) allocated to the property. Since the landowner is reserving .25 PDCs to construct one dwelling on the lot, there is a balance of 4 PDCs, which will be retired as a result of the conveyance of the deed of easement to the County. The Pinelands Valuation Formula was finalized between the SADC and CADB staff for this property. The County is also requesting to use an additional 3% buffer for possible surveyed acreage increases; therefore, the SADC cost shall be based on 93.73 acres. The County is requesting its remaining base grant funding, its remaining eligibility from the FY2011 competitive funds and FY2013 competitive funds for the acquisition of this property.

3. Frederick W. Wright and Mary-Ann Thompson, Goose Pond Farm, SADC #03-0383-PG, (Resolution FY2014R9(15))  
Block 1601, Lot 4.01, Tabernacle Township, Burlington County, totaling approximately 620 Acres  
State cost share of \$1,894.79 per acre (73.9% of \$2,563.99 Pinelands valuation without impervious coverage restriction) for a total grant need of \$1,210,012.89 pursuant to N.J.A.C. 6:11 and the conditions contained in Schedule "C."

Discussion: The property has two 3-acre nonseverable exceptions areas, each for one future single-family residence. The County assured the SADC that the landowners understand the exception areas are possibly within wetland buffer areas (as per DEP wetlands data), however they do not wish to relocate their exceptions. According to Pinelands Commission Amended Letter of Interpretation (LOI) # 2089, there are 21.5 Pinelands Development Credits (PDCs) allocated to the property. As a result of the conveyance of the deed of easement to the County, 21.0 of the PDCs will be retired, and 0.5 PDCs will be retained by the landowner to accommodate the two housing opportunities in the exception areas. In January 2013, a Pinelands Valuation Formula was finalized between the SADC and CADB staff. The owner accepted an offer from the County to purchase a development easement for \$2,564 per acre (the Pinelands formula without 10% impervious coverage, rounded by a penny). The County is also requesting to use the additional 3% buffer for possible surveyed acreage increases; therefore, the SADC cost share shall be based on 638.60 acres. Currently the County has zero base grant funding available and zero available from the FY2011 competitive grant, and is eligible for FY2013 competitive grant funding, subject to available funds.

4. Frederick W. Wright and Mary-Ann Thompson (Thompson-Peach Farm), SADC #03-0383-PG, (Resolution FY2014R9(16))  
Block 702, Lots 4 and 6, Tabernacle Township; Block 102, Lots 10.01 and 10.02, Woodland Township, Burlington County, totaling approximately 224 Net Acres  
State cost share of \$2,138.28 per acre (73.43% of the purchase price) for a total grant need of \$493,343.96 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property has a 2-acre nonseverable exception area for an existing single-family residence. According to Pinelands Commission Amended Letter of Interpretation (LOI) # 2089, there are 8.0 Pinelands Development Credits (PDCs) allocated to the property. As a result of the conveyance of the deed of easement to the County, all of the PDCs will be retired. In January 2013, a Pinelands Valuation Formula was finalized between the SADC and CADB staff. The owner accepted an offer from the County to

purchase a development easement (the Pinelands Formula with 10% impervious coverage rounded by .17 cents). The County is also requesting to use the additional 3% buffer for possible surveyed acreage increases. Therefore, the SADC cost share shall be based on 230.72 acres. The County has zero base grant funding available and zero FY2011 competitive funding eligibility, and is eligible for FY2013 competitive funding, subject to available funds. The County is requesting FY2013 competitive grant funding to cover the SADC cost share.

5. Thompson-Vincentown Farm, SADC #03-0378-PG, (Resolution FY2014R9(17)) Block 903, Lot 11, Southampton Township, Burlington County, totaling approximately 25 Acres  
State cost share of \$4,600 per acre (62.16% of the purchase price) for a total grant need of \$123,188 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property has a 2-acre nonseverable exception area restricted to one single-family residence. The county is requesting to use an additional 3% buffer for possible surveyed acreage increases; therefore, the SADC cost share shall be based on 26.78 acres. The County has zero base grant funding and zero FY2011 competitive grant funding available, and is eligible for FY2013 competitive grant funding, subject to available funds. The County is requesting FY2013 competitive grant funding for this acquisition.

The motion was approved. (Mr. Johnson recused himself from the vote.) (Copies of Resolution FY2014R9(13) through Resolution FY2014R9(17) are attached to and are a part of these minutes.)

It was moved by Mr. Siegel and seconded by Mr. Germano to grant final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolutions:

6. Associated Tree Movers, Inc., SADC #10-0310-PG, (Resolution FY2014R9(18)) Block 15, Lot 27, Alexandria Township, Hunterdon County, totaling approximately 48 Net Easement Acres  
State cost share of \$5,000 per acre (60.98% of the certified value and purchase price) for a total grant need of \$247,200 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."



Discussion: The property has one 3-acre nonseverable exception area for a future single-family residence; future driveway placement, which will be conditioned upon CADB and SADC approval in accordance with SADC Policy P-41 (Access to Exception Areas). The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 49.44 acres will be utilized to calculate the SADC grant need.

7. Aram Papazian, SADC #10-0311-PG, (Resolution FY2014R9(19))  
Block 15, Lot 27.01, Alexandria Township, Hunterdon County, totaling approximately 44 Net Easement Acres  
State cost share of \$5,580 per acre (60% of the purchase price), for a total grant need of \$275,875.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: Ms. Winzinger stated that there is a correction to the resolution in the third Whereas on Page One; it lists the acreage as 48 acres when it is 44 net acres. Staff will make the correction to the resolution. She stated that this cost share needs to get adjusted and what it is going to do is impact the spreadsheet balances for the next three resolutions for Hunterdon County. The property has one 6.8-acre nonseverable exception area with an existing single-family residence. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 45.32 acres will be utilized to calculate the SADC grant need. The County will utilize FY2011 competitive grant funding to cover the SADC cost share.

8. KJA Holdings LLC, SADC #10-0315-PG, (Resolution FY2014R9(20))  
Block 25, Lot 34, Holland Township, Hunterdon County, totaling approximately 68 Net Easement Acres  
State cost share of \$5,400 per acre (60% of the certified value and purchase price) for a total grant need of \$378,216 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "E."

Discussion: The property has a 0.5-acre nonseverable exception area for and restricted to an existing single-family residence and a 2.5-acre nonseverable exception for and restricted to an existing single-family residence. The majority of the property is currently in equine production with approximately 29.1 acres utilized for breeding, training and pasturing. Approximately 12.7 acres are devoted to equine service (boarding services, riding lessons, training, and equine summer camp). The equine map (Schedule "B") and specialized "Equine Schedule B" (Schedule "C") will be recorded with the deed of easement. The County has requested to encumber an additional 3% buffer for possible

final surveyed acreage increases; therefore, 70.04 acres will be utilized to calculate the SADC grant need. The County will utilize FY2011 competitive grant funding to cover the SADC cost share. It is noted that the landowner has waived the right to a current zoning valuation.

9. Gerald J. Helmer, SADC #10-0330-PG, (Resolution FY2014R9(21))  
Block 2, Lot 5, Kingwood Township, Hunterdon County, totaling approximately 50 Net Easement Acres  
State cost share of \$4,800 per acre for a total grant need of \$247,200 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The \$247,200 SADC cost share represents the maximum grant need, which may be reduced by federal funds remaining after the County and municipal cost shares have been covered.

Discussion: The property has a 5-acre nonseverable exception area restricted to one existing single-family residence. A parcel application was submitted by the Hunterdon Land Trust to the USDA, NRCS Federal Farm and Ranch Lands Protection Program. The NRCS has determined that the property and landowner qualified for federal grant funds. At this time, the federal-approved current easement value has not been finalized; therefore, the federal grant will be calculated based on the estimated federal current easement value of \$8,200 per acre (highest of the two appraisals) equating to a federal grant of \$4,100 per acre (50% of \$8,200) or approximately \$211,150 in total federal funds. The landowner has agreed to the additional restrictions associated with the federal grant, including a 5.67% maximum impervious coverage restriction (approximately 2.84 acres) for the construction of agricultural infrastructure on the property outside of the exception areas, which is the maximum allowable for this property through the federal program at this time. The SADC and Hunterdon County have agreed to first cover the Township's cost share (19.23% of the easement purchase) with the federal funding and then, with the remaining funds, cover the County's cost share and reduce the SADC's cost share. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 51.5 acres will be utilized to calculate the SADC grant need. The entire SADC grant need will be encumbered from the County's competitive grant.

10. Donald and Jill Zander (Farm # 1), SADC #10-0339-PG, (Resolution FY2014R9(22))  
Block 22, Lot 26, Alexandria Township, Hunterdon County, totaling approximately 27 Net Easement Acres  
State cost share of \$4,600 per acre (62.16% of the purchase price) for a total grant

need of \$127,926 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."

Discussion: The property has one 3-acre nonseverable exception area for and restricted to a future single-family residence. The certification of value was contingent upon a 50-foot wide access easement being provided to the subject farm in the 0.5-acre northeasterly nonseverable exception area on Kingwood Block 5, Lot 3 (Zander # 2). However, it was already in place, recorded in Deed Book 2083, Page 278 on February 11, 2004 within the location as shown in Schedule "B." The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 27.81 acres will be utilized to calculate the SADC grant need. The County is requesting the use of FY2011 competitive grant funds for this property.

12. Betsy S. Michel (Farm # 2), SADC #14-0108-PG, (Resolution FY2014R9(24)) Block 7, Lot 15, Chester Township, Morris County, totaling approximately 97 Net Easement Acres  
State cost share of \$12,600 per acre (55.91% of the purchase price and 60% of the certified value) for a total grant need of approximately \$1,258,866 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."

Discussion: The property has one 3-acre nonseverable exception area restricted to one future single-family residence. At the time of application and final approval, the landowner permits landscaping vehicle storage in an area on the property of +/-0.5 acre. This activity will be delineated on the survey and restricted as a pre-existing nonagricultural use by the terms of the deed of easement. The property includes an existing 16.5-foot wide trail easement for a segment of Morris County Park System's Patriot's Path, which is currently unimproved. The Morris County Park Commission acquired the easement for the continuation of Patriot's Path in September 1997. The trail easement acquisition deed contains indemnification language protecting the "owner" against suits, claims, demands, other actions, and damages and expenses resulting from property damage and/or personal injuries associated with Patriot's Path. The County is requesting to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 99.91 acres will be utilized to calculate the SADC grant need. Currently, the County has zero base grant funding available and is eligible for FY2011 competitive funding and FY2013 competitive grant funding, subject to available funds. The County will utilize FY2011 competitive grant funding to cover the SADC cost share. Chester Township approved the application in March 2012 but is not participating financially.

The motion was unanimously approved. (Copies of Resolution FY2014R9(18) through Resolution FY2014R9(22) and Resolution FY2014R9(24) are attached to and are a part of these minutes.)

11. Betsy S. Michel (Farm # 1), SADC #14-0109-PG, (Resolution FY2014R9(23))  
Block 7, Lot 44.02, Chester Township, Morris County, totaling approximately  
111 Net Easement Acres  
State cost share of \$21,900 per acre for a total grant need of approximately  
\$2,503,827 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in  
Schedule "D."

Discussion: The property has one 3-acre nonseverable exception restricted to one single-family residence. Ms. Winzinger stated there is a borrow pit on the property. Normally how we handle them is we figure out if they are just using it for on-site things and if that is all they do, then it is just part of the farm. It is not an nonagricultural use unless they were selling it. The property includes an existing 16.5-foot wide trail easement for a segment of Morris County Park System's Patriot's Path, which is currently unimproved. The Morris County Park Commission acquired the easement for the continuation of Patriot's Path in September 1997. The trail easement acquisition deed contains indemnification language protecting the "owner" against suits, claims, demands, other actions, and damages and expenses resulting from property damage and/or personal injuries associated with Patriot's Path. The County is requesting to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 114.33 acres will be utilized to calculate the SADC grant need. The County will utilize base grant funding and FY2011 competitive grant funding to cover the SADC cost share. Chester Township approved the application in March 2012 but is not participating financially.

Ms. Payne stated that at the bottom of Page One there is language regarding the borrow pit, and staff has wrestled with the language somewhat. She stated that the language states "there is a 40 foot by 50 foot (~2,000 square foot) "borrow pit" located on the western edge of the property; the sand and gravel obtained from the pit is exclusively used to maintain the farm roads on the Premises and, as such, is consistent with the deed of easement and considered an agricultural use. Ms. Payne stated she would like the language to stop after deed of easement and not say "and considered an agricultural use" because she doesn't know that it is. She stated there was discussion within the staff but not within the Attorney General's Office. She is aware that DAG Stypinski has been in

trial so she isn't sure if staff ever got a response back from the Attorney General's Office as yet.

Katherine Coyle from the Morris County Agriculture Development Board stated that the landowners have requested that this be considered as a pre-existing nonagricultural use. Ms. Payne stated that lets it continue but it doesn't let it expand. Ms. Coyle stated the landowners are fine with that limitation but they want to be sure that they can continue using that borrow pit. She stated that it is only used for improvements on the roads. Ms. Payne stated that would be a good change to the resolution. She stated that the last Whereas on the bottom of Page One would say "... the sand and gravel obtained from the pit is exclusively used to maintain the farm roads on the Premises and will be identified in the deed of easement as a pre-existing nonagricultural use." Mr. Schilling asked if that was making a decision on the fly whether it is or isn't an agricultural use. Ms. Payne stated that we could table the resolution if the Committee would like. Ms. Murphy stated that maybe you could put in the resolution "at the request of the landowner, it is being added as a nonagricultural use" and that way it is identified as at the landowner's request and we are not deciding whether it is agricultural or nonagricultural. Chairman Fisher stated he would be uncomfortable with that.

Mr. Schilling stated that the implication is if it is grandfathered in as a nonagricultural use, someone already said that it could continue but not change in scope or scale. Chairman Fisher asked why couldn't you just say "used to maintain the farm roads on the premises." Ms. Payne stated that the question would be consistency with the deed of easement. The issue is, we don't want to be interpreted here or in future cases that you are allowed to excavate the farm as long as you keep it on the premises – that it's a permitted use. Obviously that is not the case. The SADC is very sensitive to issues having to do with removal and use of soil resources. Mr. Danser stated that if you are going to say it is a nonagricultural use, that is fine but do we also want to say that it is consistent with the deed of easement? It seems contradictory. Ms. Payne responded no, we would take that out of the resolution, so if it says "used to maintain the farm roads on the premises and at the request of the landowner, the borrow pit would be considered a pre-existing nonagricultural use in the deed of easement," would that satisfy the County? Ms. Coyle stated yes, it was a long discussion point with the landowner. It is very important to the landowner, and in a sense listing it as a nonagricultural use puts more restrictions on it because it then cannot expand. Ms. Reynolds stated she would agree with Secretary Fisher and that she didn't know if she would be comfortable with letting a landowner dictate what is a nonagricultural use. Ms. Payne stated that when something gets designated a pre-existing nonagricultural use, that comes with certain automatic restrictions that it cannot be expanded and if it stops, it cannot be restarted. If a

landowner is willing to take something we have questions about and put that label on it, then it removes the SADC from having to regulate it further. We have done this with things in the past.

Mr. Schilling stated that this is pre-existing, it is generally consistent with normal agricultural operations. He just doesn't know about 1) who defines what agricultural and nonagricultural use is and 2) making a determination in fact, if it is or isn't an nonagricultural use at the Board level. Ms. Payne stated that it has to be a deed restriction, it has to be addressed in the deed and if it isn't addressed as a pre-existing nonagricultural use and it is on the farm, the question is going to come up post-closing, are they allowed to expand it, what are they allowed to do with it? It is a way of locking in the understanding at closing. Ms. Winzinger stated that perhaps if the landowners are interested in restricting this, you could just say to survey it out and this is the size of it forever. Ms. Payne stated that it is either an exception area, which they don't get paid on and then we don't generally care, or it is a pre-existing nonagricultural use, which there are limits on, or it is permitted under the deed of easement.

Mr. Schilling stated that we don't know and we haven't made a decision as a Committee or gotten an interpretation as to whether that borrow pit is considered an agricultural use or not. Ms. Payne stated that we have not gone there and will not be going there. She stated that she would never seek advice that says a borrow pit is an agricultural use. Ms. Coyle stated that is the landowner's concern that there is no definitive guideline right now that it is an agricultural use or a nonagricultural use. They are concerned that five years down the road a different Committee will say that they don't think it's an agricultural use and won't let them do it anymore. Ms. Payne stated that it all depends on the scale. She stated that denHollander could have made the same argument and basically did: that there was an agricultural use – moving all that soil around and compacting it and making it flat was permitted under the deed of easement to support agricultural production. She stated that at her level we don't acknowledge excavation of materials on site, like a borrow pit, as a permitted use under the deed. She stated that the fact of the matter is, at 2,000 square feet we don't care but at 20 acres we do. That is what we don't want to kick open in this resolution. Mr. Waltman stated if the landowner is willing to cap the scope and scale of this, we should take him up on it. The question is how to do it. Mr. Siegel stated that this is site-specific, it's a specific easement, a specific project and either our staff or the landowner himself identifies a nonagricultural use on the property and we build that into when we are making the acquisition. The landowner wants it identified as a nonagricultural use so we let him keep doing it but we get the promise that it won't be expanded. It is not agricultural to conduct a gravel mining operation so it is a nonagricultural use; he is gravel mining but he is doing it for himself

to fix his roads. He felt that Ms. Payne's denHollander analogy is right on point. Gravel mining on preserved farms is also a huge issue in Maryland. Mr. Waltman asked if you could condone it without calling it nonagricultural -- do a site-specific determination that we know it is on-going and the owner has agreed to not expand it. Ms. Payne stated it has to be in the deed if it is going to stick. The question is how does it get into the deed?

Ms. Murphy asked what about house restrictions? We have house restrictions in the deed and they can be house size restrictions. It is like an extra restriction. She asked if we could do it with that type of model. Ms. Payne responded that conceivably she thought we could but she doesn't know why we would set the precedent of starting to tailor deeds of easement to every case. Mr. Danser stated that if this is something the landowner requested and has been incorporated into the contract with the County, this is new information that allows us to do it, given the fact that it is the most restrictive and gives this board the most protection. Mr. Siegel stated that he can see Ms. Payne's point regarding expanding but owners have the prerogative of self-identifying nonagricultural uses; even if it is not that nonagricultural, he is choosing to do that and we should allow him to. Mr. Waltman agreed.

Chairman Fisher asked what the language would be. Ms. Payne stated that the third line of the last Whereas on Page One would read "used to maintain the farm roads on the premises and, at the request of the landowner, the borrow pit be considered a pre-existing nonagricultural use under the deed of easement." Mr. Siegel felt the sentence was fine as long as you take the clause out "at the request of the landowner." Ms. Payne stated she doesn't agree. She felt that we would need to go into closed session to discuss denHollander impacts and deed of easement interpretation issues. She felt that "at the request of the landowner" helps us understand historically that this landowner asked for this borrow pit to be identified as that and the Committee said yes, and it doesn't say that every borrow pit on every other farming operation is going to be considered a nonagricultural use. It says for this case this is how it is being treated. She doesn't want to get into the bigger question of how big does it have to be before it is a violation of the deed. Ms. Coyle noted the time the Committee has spent today discussing this issue. This is exactly what the landowner is concerned about five years down the road. At that point they have no protection -- it is just up to this Committee to decide and interpret the deed of easement.

Mr. Schilling stated that isn't how he is looking at it at all. Defining whatever is going on in the appropriate manner is what we want to achieve. He is not a fan of policy-making on the fly where by virtue of something that we have memorialized, it can be construed in the future as precedential or policy-oriented. He felt that this is fine and it should be

granted but he just isn't sure of the mechanism on how to do it. Mr. Waltman stated that if you don't like the phrase "at the request of the landowner," what if you stated "in this instance is considered a pre-existing nonagricultural activity." Ms. Payne stated that the burden then is on the SADC to explain in the future why it decided that here versus why we decided something differently on a different farm.

Ms. Payne stated that the Committee can pull this agenda item and discuss it further with the Attorney General's Office. This came up on her radar in the last couple of weeks and we have been trying to be sure we are all on the same page but she doesn't think that it ever came back to her from the Attorney General's Office. Ms. Payne stated that to her, this is a way to move forward without any potential precedential damage to the program and not delay the application. If you want to stop and debate this and what is and isn't consistent it could take months to walk through. Ms. Murphy asked if the landowners were asked if they would like to take an exception for the area. Ms. Coyle stated they haven't discussed that but they have a 3-acre exception and that is all they wanted. Ms. Winzinger stated that maybe we could leave that open that if they did want to take an exception area, nonseverable. Mr. Siegel suggested that the Committee vote on this one separately and let staff continue with the remaining requests for final approval. It was the consensus of the Committee to vote on this item separately.

It was moved by Mr. Siegel to move the Michel Farm #1 with the language Ms. Payne recited on the bottom of Page One of the draft resolution.

Chairman Fisher stated that before the motion is seconded he would like to discuss some of this in closed session and then come back to open session and make the second.

It was moved by Mr. Siegel and seconded by Ms. Reade to discuss the implications of these options in light of the litigation the SADC is currently in, in closed session. Ms. Payne stated that it is the attorney's discretion but she thinks there has to be a motion to table Mr. Siegel's first motion until after closed session.

It was moved by Mr. Germano and seconded by Mr. Siegel to table action on the Betsy S. Michel Farm (#1) until after the closed session discussion on the issues pertaining to that farm. The motion was unanimously approved.

- F. Resolution for Final Approval: State Acquisition Program**  
1. Anderson Farm, Sparta Township, Sussex County



**Ms. Brodhecker recused herself from any discussion/action pertaining to this agenda item to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.**

Ms. Winzinger referred the Committee to one request for final approval under the State Acquisition Program. She reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to grant final approval to the following application under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolution:

1. Tor C. Anderson, SADC #19-0017-DE  
Block 19, Lot 109; Block 19.06, Lots 62 and 64  
Sparta Township, Sussex County, 13 Net Easement Acres  
Direct acquisition of the development easement at a value of \$12,500 per acre for a total of approximately \$162,500, subject to the conditions contained in Schedule "B."

Discussion: The property has two single-family residences. The owner operates a farm market used to sell agricultural products produced from the subject parcel and from the owner's larger agricultural operation. At the time of application and SADC preliminary approval, the owner requested a 0.5-acre nonseverable exception area for flexibility of use around the existing barns. Subsequently, the owner requested a 0.6-acre nonseverable exception around the existing farm market location and requested to enlarge the original nonseverable exception around the existing barns to 0.6 acres. It is the opinion of both independent appraisers and the SADC appraisal manager that the reconfiguration and addition of a second exception area has no impact on the original valuation.

The motion was approved. (Ms. Brodhecker recused herself from the vote.) (A copy of Resolution FY2014R9(25) is attached to and is a part of these minutes.)

#### **G. Resolutions for Final Approval – Nonprofit Grant Program**

Ms. Winzinger referred the Committee to three requests for final approval under the Nonprofit Grant Program. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Germano to grant final approval to the following applications under the Nonprofit Grant Program, as presented and discussed, subject to any conditions of said Resolutions:

1. Hunterdon Land Trust/Mulligan Farm, SADC #10-0066-NP, (Resolution FY2014R9(26))  
Block 33, Lot 24, Kingwood Township, Hunterdon County, totaling approximately 63 Net Acres  
Cost share grant not to exceed \$3,350 per acre (total of approximately \$211,050 based on 63 acres) to the Hunterdon Land Trust for the development easement acquisition on this property, subject to available funds. The SADC approves the use of Hunterdon Land Trust's Federal Farm and Ranch Land Protection Program funds for the preservation of this farm, which will include an impervious coverage limitation of 5.33% (3.36 acres) and other restrictions required under the federal program. The application is subject to the conditions contained in Schedule "C."

Discussion: The property contains one 5-acre nonseverable exception area for the landowner's equine infrastructure and is limited to one single-family residence. The current equine production consists of breeding, raising, training and selling polo ponies and horses. There are no equine service activities occurring on the property to be preserved. A parcel application was submitted by the Hunterdon Land Trust to the USDA, NRCS Federal Farm and Ranch Lands Protection Program. The NRCS has determined that the property and landowner qualified for federal grant funds. The landowner has agreed to the additional restrictions associated with the federal grant, including a 5.33% maximum impervious coverage restriction (approximately 3.36 acres available for impervious cover) on the lands being preserved outside of the exception area. Should the federal funds exceed \$2,010 per acre, any additional funds shall be used to offset the County's grant.

2. New Jersey Conservation Foundation (NJCF)/McAlonan Farm, SADC #17-0047-NP, (Resolution FY2014R9(27))  
Block 30, Lot 17, Alloway Township, Salem County, totaling approximately 29 Acres  
Cost share grant not to exceed \$2,950 per acre (total of approximately \$85,550 based on 29 acres) to the NJCF for the development easement acquisition of this farm, subject to the availability of funds. The SADC approves the use of NJCF Federal Farm and Ranch Lands Protection Program funds for the preservation of this property, which will include an impervious coverage limitation of 6.33% and other restrictions required under the federal program. The application is subject to

the conditions contained in Schedule "C."

Discussion: The property has one 1-acre nonseverable exception area limited to one single-family residence. A parcel application was submitted by the NJCF to the USDA, NRCS Federal Farm and Ranch Lands Protection Program. It was determined that the property and landowner qualified for federal grant funds. The landowner has agreed to the additional restrictions associated with the use of federal grant funds, including a 6.33% maximum impervious coverage restriction (approximately 1.8 acres) on the lands being preserved outside of the exception area.

3. New Jersey Conservation Foundation (NJCF)/Matthews Farm, SADC #17-0045-NP, (Resolution FY2014R9(28))  
Block 33, Lot 2.01, Alloway Township, Salem County, totaling approximately 30 Acres  
Cost share grant not to exceed \$3,100 per acre (total of approximately \$93,000 based on 30 acres) to NJCF for the development easement acquisition on this property, subject to the availability of funds. The SADC approves the use of NJCF Federal Farm and Ranch Lands Protection Program funds for the preservation of this farm, which will include an impervious coverage limitation of 7.33% and other restrictions required under the federal program. The application is subject to the conditions contained in Schedule "C".

Discussion: The property contains one 4-acre nonseverable exception area limited to one single-family residence. A parcel application was submitted by the NJCF to the USDA, NRCS Federal Farm and Ranch Lands Protection Program. It was determined that the property and landowner qualified for federal grant funds. The landowner has agreed to the additional restrictions associated with the use of federal grant funds, including a 7.33% maximum impervious coverage restriction (approximately 2.2 acres available for impervious cover) on the lands being preserved outside of the exception area.

The motion was unanimously approved. (Copies of Resolution FY2014R9(26) through Resolution FY2014R9(28) are attached to and are a part of these minutes.)

#### **PUBLIC COMMENT**

Katherine Coyle from the Morris County Agriculture Development Board stated that the Michel Farm #1 and #2 are currently owned and operated by the same individual and they are being preserved as two farms. The owner has two children and she wishes to

have the ability to sell each of the farms separately. The borrow pit is used for the entire operation right now and since these are being preserved as two farms, doesn't that automatically make it a nonagricultural use because the material from the borrow pit is being used for the #2 farm as well? Mr. Danser stated that this is very complicated because it's not allowed to go off the premises. Ms. Payne stated that this needs to be clarified. She stated that if she is understanding Ms. Coyle correctly, Ms. Coyle wants to make sure that whatever the outcome of this is, that the materials are allowed to be used on both farms. Mr. Schilling stated that if that is the case it might make it, by definition, a nonagricultural use. Ms. Coyle stated that no one thought of this before because they didn't think it was an issue but it is one operation right now so the landowners in their minds didn't think it was an issue but it is being used on both farms.

Amy Hansen from the New Jersey Conservation Foundation stated she appreciates the Committee's approval of the NJCF properties. She is curious about the approval of the Laurita Winery solar application. There was a lawsuit regarding this. Did the landowner pay any fines? Ms. Payne stated that there is pending litigation between the Committee and the owner of Laurita Winery having to do with activities that are being conducted on the farm that are not consistent with the deed. The issue regarding the solar panels is a separate issue that the SADC is not in litigation on. The solar issue centered only on compliance with the regulations to meet our approval. The SADC has no authority to assess penalties or fines under the law. Ms. Hansen stated she is hopeful that no other preserved farmland owner will go forward and do the same thing.

Ms. Hansen stated she was wondering if the soil disturbance standards are in existence yet or where that process is. Ms. Payne stated that the subcommittee met in the summer and reviewed where we were on the proposal. The issue that arose for her afterward is we're trying to develop a standard, but we really need to understand the implications of that standard. She asked staff to do quite a bit of computer mapping to really look at the farms we have enrolled in the program. If the Committee is going to be asked to entertain a regulation that has that big of an impact then we need to understand how many farms it will affect. Absent of doing GIS mapping on every farm in the program, she doesn't know how to do that. Staff is endeavoring to enter into a contract with someone to help us do a lot of the GIS work to get that product done. We will then be in a better position to understand the implications and to explain those implications.

#### **TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, November 14, 2013, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium. **NOTE: The October and**

**November meetings are being combined and will be held on the second Thursday of the month due to the holiday season.**

#### **CLOSED SESSION**

At 12:50 p.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Ms. Reade and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, and attorney-client matters, pursuant to N.J.S.A. 10:4-12, the N.J. State Agriculture Development Committee declares the next one-half hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

#### **ACTION AS A RESULT OF CLOSED SESSION**

**A. Resolution for Final Approval – County Planning Incentive Grant Program**  
1. Betsy S. Michel (Farm # 1)

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve Resolution FY2014R9(23) granting final approval to the following landowner with amended language to the last Whereas on Page One recognizing a pre-existing nonagricultural use and recognizing the right of the property owner to use that borrow pit for the Premises and lands in the farm management unit of the owner.

1. Betsy S. Michel (Farm # 1), SADC #14-0109-PG, (Resolution FY2014R9(23)) Block 7, Lot 44.02, Chester Township, Morris County, totaling approximately 111 Net Easement Acres  
State cost share of \$21,900 per acre for a total grant need of approximately \$2,503,827 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule “D.”

The motion was approved. (Mr. Siegel was absent for this vote but related his yes vote earlier in the meeting. Mr. Johnson and Mr. Schilling were absent for the vote.) (A copy of Resolution FY2014R9(23) is attached to and is a part of these minutes.)

**A. Real Estate Matters - Certification of Values**

It was moved by Mr. Danser and seconded by Mr. Germano to certify the following

development easement values as presented and discussed in closed session:

**County Planning Incentive Grant Program**

1. Peter S. Watson (2), SADC # 06-0137-PG (**AMENDED CERTIFICATION**)  
Block 89, Lot 25, Hopewell Township, Cumberland County, 67.50 Acres
2. John Sorantino (#1), SADC # 06-0145-PG  
Block 42, Lots 16.01 and 16.02, Fairfield Township, Cumberland County, 35 Acres
3. John Sorantino (#2), SADC # 06-0146-PG  
Block 43, Lot 38, Fairfield Township, Cumberland County, 35 Acres
4. Harry W. McAllister, SADC # 06-0144-PG  
Block 18, Lot 7, Greenwich Township, Cumberland County, 29 Acres
5. Piersol Homes @ Country Bridge Estates LLC, SADC # 08-0171-PG  
Block 5, Lots 7.09, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28  
Block 5.01, Lots 1, 2, 3, 4, 5, 6  
**This certification of value is conditioned upon all utility, access, drainage, conservation and other easements associated with the subject's development approvals and no longer officially deemed necessary to the property, being vacated prior to closing.**
6. Holly Acres, LLC, SADC # 08-0168-PG  
Block 45, Lot 22, Elk Township, Gloucester County, 28 Acres  
**The Committee certified the development easement value conditioned upon access to the nonseverable exception being limited to the existing unpaved path along the subject property's easterly boundary.**
7. Mollie Ragusa, SADC # 08-0165-PG  
Block 801, Lot 36, Logan Township, Gloucester County, 50 Acres
8. Freedom Group LP/Pio Costa-Lahue, SADC # 21-0526-PG  
Block 1204, Lot 24, Mansfield Township, Warren County, 42 Acres

**Municipal Planning Incentive Grant Program**

1. Michael J. Ferrucci, Jr., Joseph M. Ferrucci and Kristen Sienna #1, SADC # 08-0160-PG  
Block 6602, Lot 1, Franklin Township, Gloucester County, 10.55 (Gross) –  
Appraisal Order Checklist
2. Diane McSwain, SADC # 08-158-PG  
Block 5702, Lot 83, Franklin Township, Gloucester County, 19.3 Acres –  
Appraisal Order Checklist
3. Frank Hahola Jr. and Margaret Hahola (North Farm), SADC #10-0343-PG  
Block 11, Lot 12, Alexandria Township, Hunterdon County, 46 Acres
4. Frank Hahola Jr. and Margaret Hahola (South Farm), SADC # 10-0347-PG  
Block 16, Lot 3, Alexandria Township, Hunterdon County, 13 Acres
5. Ronald Kappus, Kathleen L. Kappus/D. Breithoff/William Breithoff (#2), SADC  
#10-0342-PG  
Block 18, Lots 9.01 and 23, Alexandria Township, Hunterdon County, 118 Acres
6. Frank Zilic, Hillsborough Township, SADC # 18-0205-PG  
Block 169, Lot 5.06, Hillsborough Township, Somerset County, 27 Acres
7. Apgar Cider Press/Alan and Joan Apgar, SADC # 21-0251-PG  
Block 21, Lot 6, Harmony Township, Warren County, 18.5 Acres
8. Donald and Patricia Schanzlin, SADC #21-0528-PG  
Block 20, Lot 4, Harmony Township, Warren County, 83 Acres
9. Waters and Schanzlin (Ruby Farm), SADC # 21-05240-PG  
Block 20, Lot 4.01, Harmony Township, Warren County, 24 Acres

**State Acquisition Program**

1. Dr. Dante Greco c/o Mark Rodrick, SADC #06-0069-DE  
Block 12, Lots 2, 3, 5; Block 4, Lots 1, 3  
Stow Creek Township, Cumberland County, 228 Acres
2. Sarah, Edward, Mary and Virginia Perkovich, SADC #10-0214-DE

Block 3, Lots 5 and 6, East Amwell Township, Hunterdon County, 73 Acres

3. Marve Farms, Inc., SADC # 10-0216-DE  
Block 29, Lot 52, Franklin Township, Hunterdon County, 242 Acres

The motion was approved (Mr. Siegel, Mr. Johnson and Mr. Schilling were absent for the vote). (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

There being no further business, it was moved by Mr. Germano and seconded by Ms. Reade and unanimously approved to adjourn the meeting at 3:35 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments



STATE OF NEW JERSEY  
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY2014R9(1)

REQUEST FOR EXTENSION OF PROJECT APPROVAL

HUNTERDON COUNTY

MELICK CLINTON, LLC FARM

SEPTEMBER 26, 2013

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **Melick Clinton, LLC Farm, SADC ID#08-0078-FS**, concerning the parcel of land located in Clinton/Lebanon Townships, County of Hunterdon; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and that the application is part of a larger conservation system being installed on this property, which includes conservation practices funded by the USDA, NRCS. Delays occurred while installing the NRCS funded conservation practices, which had to be completed prior to determining where the remaining mainline and four inch tile drainage could be located for installation. The NRCS funded projects have been completed and the remaining components of this application can be installed. It is anticipated that the remaining components of the project will be installed prior to 2014 spring planting time, as stated by the landowner, and on September 9, 2013, the SSCC approved the request for extension of twelve months for installation of previously approved projects pursuant to N.J.A.C. 2:76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowner, pursuant to 2:76-5.4(d)2; and

WHEREAS, on September 26, 2013, the SADC approved a soil and water state cost-share grant in the amount of \$20,087.50, for approved projects submitted by the above landowner (at 50% cost share); and

WHEREAS, the landowner has expended the amount of \$12,606.50 to date and has requested the balance in the amount of \$20,087.50 to be extended until July 22, 2014; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2:76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$20,087.50 until July 22, 2014, with no further extension for **Melick Clinton, LLC, SADC ID#08-0078-FS**, Townships of Clinton/Lebanon, County of Hunterdon, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by July 22, 2014.

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/26/13

DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

#### VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

State Soil Conservation Committee  
 State Cost Share Program  
 Request for Extension of Project Approvals

(Note: Separate Request Required for Each Previously Approved Application)

County Hunterdon  
 Applicant Name Melicas Town Farm  
 State ID Number 10-0079-FS Application # 1

Original Approval Date 7/22/10 (From Block 15 of original Application Form)

Total of Cost Share Funds Approved \$ 37,087.50  
 Amount Expended to Date \$ 12,606.50 Amount Remaining \$ 24,481.00

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved application and revision forms).

A	B	C	D	E	F	G
Project Description	CPO Item #	Field #	Extent Originally Approved	Amount Originally Approved	Amt. to be Extended	Amount Approved (State Office)
<del>Beach</del>		3	1 ea	175.00	175	
4" tile		1,2	6875 ft	10,312.50	10,312.50	
Pipeline		1,2	3500 ft	9,600	9,600.00	
Total				20,087.50	20,087.50	20,087.50

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and relate to seasonal constraints or other unavoidable delays beyond the applicants control.

Delays in installation are ~~based on~~ concurrent NRCS contract for conservation practices on this farm. NRCS items have been addressed and state C/S items can now be installed around NRCS conservation practices.

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature [Signature] Date 5/20/13

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the requested projects will be provided.

Signature [Signature] Date 6/28/13  
District Conservationist

SCD Approval

The Durston Soil Conservation District has reviewed and approved this request at an official meeting held on 7/10/13 (date) and recommends extension for 12 months.

Signature [Signature] Date 7-10-13  
District Chairman

SSCC Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature [Signature] Date 9/9/13  
Title EXECUTIVE SECRETARY

SADC Approval

The SADC hereby extends funding authorization for the above listed projects. This approval will expire 7/22/2014.

Signature [Signature] Date 9-26-13  
Title EXECUTIVE DIRECTOR, SADC

NOTE: All requests for payment for projects completed by the extended date must be submitted for payment no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

**Soil And Water Conservation Project Cost Share Grants  
EXTENSION OF PROJECT APPROVALS SUMMARY**

SADC ID #	LANDOWNER/AGENT	MUNICIPALITY	COUNTY	OBLIGATION			EXTENSION REQUEST			8 YR EXPIRE DATE			
				FUND	#	ORIGINAL AMOUNT	LESS PAYMENTS	BALANCE	EXPIRATION DATE		AMOUNT	TIME	EXPIRATION DATE
08-0078-FS	Melick Clinton LLC	Clinton Twp/Lebanon/Hunterdon		1995 BF	1	37,087.50	12,606.50	24,481.00	07/22/13	20,087.50	12 months	07/22/14	09/14/15

50% Cost Share

Original project description: Installation of irrigation well at a depth of 400 feet, 3,500 feet of mainline, 1 back flow prevention, 1,500 feet of 4 inch tile drainage and 1,500 feet of drain fill

Three State Cost Share Program Project Revision Forms were approved by NRCS, Warren County Soil Conservation District and the State Soil Conservation Committee which deleted the 1,500 feet of drainage refill (\$9,750.00), adjusted the cost for 1,650 feet of 4 inch tile drainage (-562.50) and added 6,875 feet of 4 inch tile drainage for \$10,312.50

Received payments of \$12,606.50; \$1,687.50 for 1,650 feet of 4 inch tile drainage, \$5,279.00 for 2,900 feet of 4 inch tile drainage, and \$5,640.00 for irrigation well

Extension request is to complete the remaining components of the project: 1 back flow prevention for \$175.00, 3,500 feet of mainline for \$9,600.00 and 6,875 feet of 4 inch tile drainage for \$10,312.50  
This application is part of a larger conservation system being installed on this property, which includes conservation practices that funded by NRCS. Delays occurred while installing the NRCS funded conservation practices which had to be completed prior to determining where the remaining mainline and 4 inch tile drainage could be located for installation. The NRCS funded projects have been completed and the remaining components of this application can be installed. It is anticipated that the remaining components of the project will be installed prior to 2014 spring planting time.

Landowner formally initiated request for extension on May 20, 2013

NRCS reviewed and concurred with reasons for extension on June 28, 2013

Soil Conservation District approved request for extension on July 10, 2013

SSCC approved the Request for Extension on September 9, 2013 and recommends SADC approval of extension request

Funds are encumbered in 1995 Bond Fund



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R9(2)

CERTIFICATION OF THE AMENDED CRITERIA FOR  
AGRICULTURAL DEVELOPMENT AREAS

CUMBERLAND COUNTY

September 26, 2013

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas, herein ADA(s), by county agriculture development boards; and

WHEREAS, the State Agriculture Development Committee (SADC) granted certification of the Cumberland County Agriculture Development Board's (CCADB) criteria for voluntary ADA(s) on October 24, 1985; and

WHEREAS, the SADC granted certification of the CCADB criteria for designating ADA(s) on April 28, 1988; and

WHEREAS, the SADC most recently granted certification of the CCADB criteria for designating ADAs on May 27, 2004; and

WHEREAS, the CCADB adopted a Comprehensive Farmland Preservation Plan in December 2009 that used the ADA criteria and map as the foundation of the County's Planning Incentive Grant program; and

WHEREAS, the CCADB has recently reviewed the ADA criteria and geographic delineation and has determined that the ADA criteria and delineation is now based on outdated information; and

WHEREAS, a public hearing was held on July 10, 2013 by the CADB to consider public comments pursuant to N.J.A.C. 2:76-1.5 to amend its criteria for a designated ADA; and

WHEREAS, a resolution was passed by the CCADB on July 10, 2013, specifying that the CCADB amended the criteria and delineation of ADA throughout the county pursuant to N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.3 as follows:

1. The designated ADA encompass productive agricultural lands, which are currently in production or have a strong potential for future production in agriculture, and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a non-conforming use;
2. The ADA are reasonably free of suburban and conflicting commercial development; and
3. The ADA comprise not greater than 90 percent of the agricultural land mass of the county; and

WHEREAS, the CCADB also amended the criteria in the resolution to include other factors pursuant to N.J.A.C. 2:76-1.4 as follows:

4. The ADA comprise entire tax lots only, and if any part of a tax lot meets the criteria for the revised ADA, then the entire tax lot shall be included within the ADA;
5. The ADA shall only incorporate tax parcels that are eligible for Farmland Tax Assessment;
6. The ADA shall consist of those areas where a majority of the land has been classified by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) as prime soils or soils of statewide significance;
7. The ADA shall not include areas within designated existing sewer service nor within adopted Transfer of Development Rights receiving areas; and

WHEREAS, the CCADB has prepared a map dated July 2013, showing the general location of designated ADAs as defined by the application of the criteria (**Schedule A**); and

WHEREAS, the CCADB recognizes that the criteria listed herein supercedes any previous criteria for designating ADA(s) within Cumberland County; and

WHEREAS the CADB adopted the criteria listed herein as important in identifying ADA(s) eligible for farmland preservation programs; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the CADB has submitted to the SADC, copies of the approved minutes of the public hearing, a discussion of factors considered for arriving at the adopted ADA criteria, the amended ADA criteria, a resolution of adoption and a map dated July 2013 showing the general location of the ADA(s) as defined by the application of the criteria; and

WHEREAS, the CADB has requested the SADC's review and certification of the amended ADA criteria; and

WHEREAS, the SADC has reviewed the submission and has determined that the CADB's analysis of factors and resultant criteria is reasonable and consistent and in compliance with the provisions of N.J.A.C. 2:76-1 et seq.

NOW THEREFORE BE IT RESOLVED that the State Agriculture Development Committee certifies the amended Cumberland County ADA criteria, pursuant to N.J.A.C. 2:76-1.7.

BE IT FURTHER RESOLVED, the SADC certifies the CADB's designated Agricultural Development Area map showing the general location of ADA(s) as defined by the application of the criteria.



BE IT FURTHER RESOLVED that this approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9-26-13

DATE



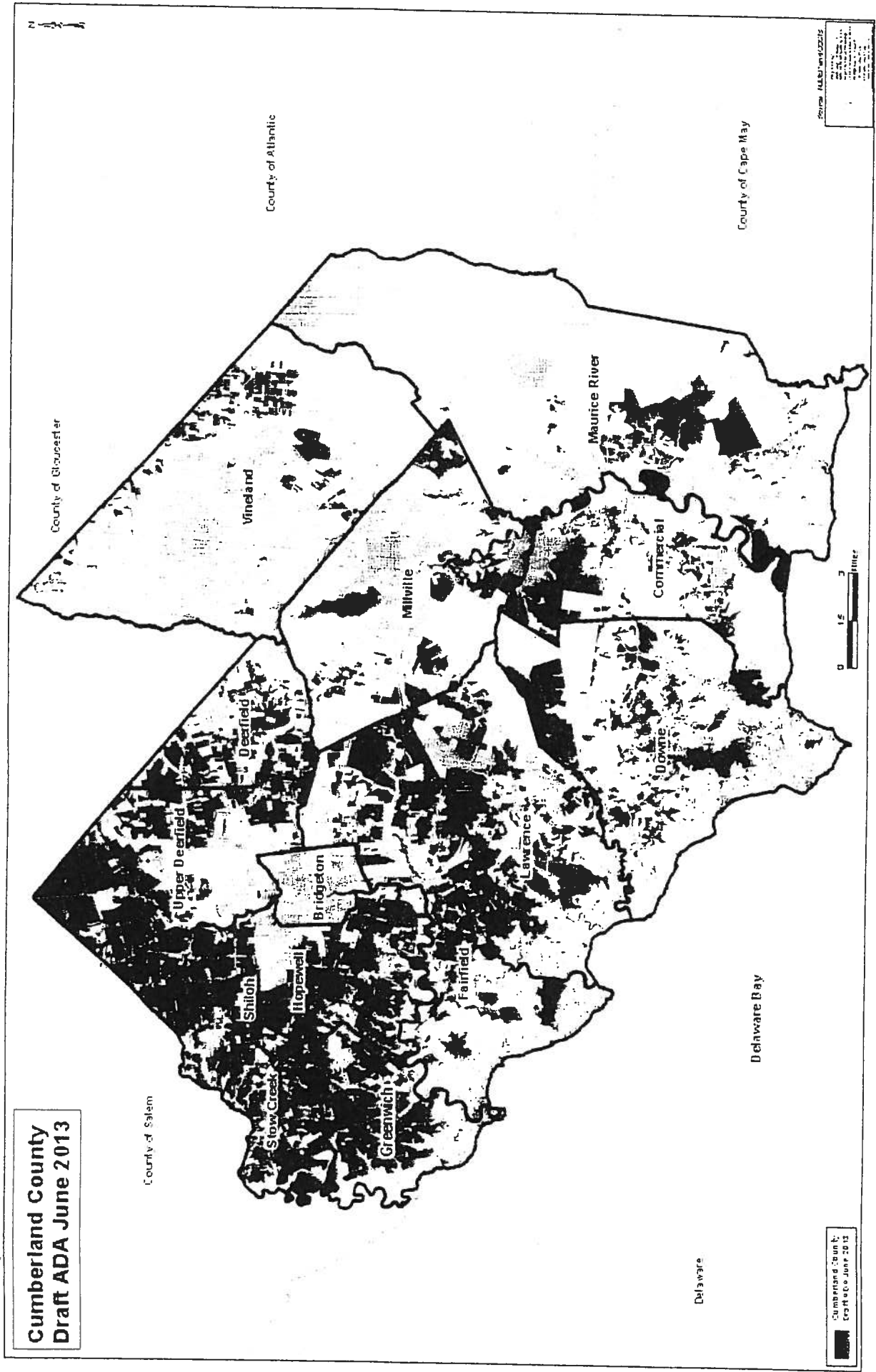
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan A. Danser, Vice Chairman	YES
Jane R. Brodhecker	YES
Denis C. Germano, Esquire	YES
Pete Johnson	YES
Torrey Reade	YES
James Waltman	YES

Schedule A

Cumberland County  
Draft ADA June 2013



Cumberland County  
Draft ADA June 2013

Source: GIS/Map Services  
June 2013

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R9(3)

Request for Division of Premises

September 26, 2013

**Subject Property:**

**Lee Brothers Inc.  
Block 20, Lot 1  
Block 15, Lot 7  
Block 18, Lot 1  
Washington Township, Burlington County  
688.84-acres**

WHEREAS, Lee Brothers Incorporated, hereinafter "Owner" is the record owner of Block 20, Lots 1, Block 15, Lot 7 and Block 18, Lot 1 in Washington Township, Burlington County, hereinafter referred to as the "Premises", by deeds dated December 27, 1956 and recorded in the Burlington County Clerk's office in Deed Book 1311, Page 275, August 21, 1967 and recorded in the Burlington County Clerk's office in Deed Book 1648, Page 1042 and April 23, 1998 and recorded in the Burlington County Clerk's office in Deed Book 5608, Page; and

WHEREAS, Abbott Lee and Stephen Lee III, are the principals of Lee Brothers Incorporated; and

WHEREAS, a development easement on the Premises was conveyed to the Burlington County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated December 10, 2007 and recorded in the Burlington County Clerk's Office in Deed Book 6546, Page 832; and

WHEREAS, the Deed of Easement references no existing residences, no agricultural labor residence, two (2) residual dwelling site opportunities (RDSDO's), four 5-acre severable exception areas, and one 2-acre non-severable exception area; and

WHEREAS, the four 5-acre severable exceptions areas are limited to one single family residence each, and may only be subdivided with approval of the Pinelands Commission; and

WHEREAS, the Owners propose to divide the Premises as shown in Schedule "A"; and

WHEREAS, the Premises has been operated by the Lee family for over 100 years as cranberry bogs; and

WHEREAS, according to the Owners the entire forested portion of the Premises is managed as part of a Department of Environmental Protection (DEP) and Pinelands Commission approved forestry management plan; and

WHEREAS, the Premises currently consists of approximately 128-acre of cranberry bogs, approximately 205-acres of managed, replanted pine forest; approximately 11-acres of indoor and outdoor plant propagation area with the remaining acreage in a forest management program; and

WHEREAS, Stephen Lee is the primary manager of the cranberry bogs for berry production; and

WHEREAS, in 2004 Abbott Lee created the cranberry plant propagation business on the Premises known as Integrity Propagation; and

WHEREAS, Integrity Propagation has the exclusive rights to commercially propagate new cultivars of cranberry plants developed by Rutgers University and to sell those new varieties to the industry; and

WHEREAS, Integrity Propagation sells and ships its plant stock to every commercial cranberry growing state in the U.S. and in to Canada; and

WHEREAS, the propagation business produced and sold over 150,000 flats of new cranberry plant stock last year; and

WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the joint approval in writing of the Grantee and the SADC; and

WHEREAS, in order to grant approval, the Grantee and the SADC must find that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

WHEREAS, because the Premises is located in the Pinelands National Reserve, and in the Special Agricultural Production Area within the Pinelands, it has certain additional restrictions unique to farms in this area; and

WHEREAS, paragraph 2i, of the Deed of Easement, states that "Agricultural activities shall be limited to those associated with berry agriculture, horticulture of native Pinelands plants, forestry, beekeeping and fish and wildlife management."; and

WHEREAS, the resulting Parcel-A would result in a 76+/- acre property that consists of approximately 11 acres of specialized cranberry stock propagation area and 55 acres of actively managed forestry production of which approximately 35 acres is replanted native and improved pine forest managed for timber production; and

WHEREAS, the resulting Parcel-A would include two (2) five-acre severable exceptions; and

WHEREAS, Parcel-A is improved with multiple irrigation wells and underground mains over the existing propagation areas, three new barns, several hoopouses and outdoor grow areas; and

WHEREAS, the resulting Parcel-B would result in an 612+/- acre property that consists of approximately 128 acres of active cranberry bogs in production and approximately 484 acres of wetland and managed forest, of which 170 acres is replanted native and improved pine forest for timber production; and

WHEREAS, the resulting Parcel-B includes two 5-acre severable exception areas and one 2-acre non-severable exception containing the cranberry packing facilities and an agricultural labor unit; and

WHEREAS, Parcel-B is improved with multiple irrigation ponds and pumping systems throughout the entire bog production acreage; and

WHEREAS, the two RDSO's associated with the Premises shall be assigned to Parcel B; and

WHEREAS, on September 3, 2013, SADC staff visited the site and found all of the tillable acres on Premises production; and

WHEREAS, the primary outputs of the Premises have historically been cranberries and more recently cranberry plant stock; and

WHEREAS, by resolution dated July 11, 2013, the CADB approved the request to divide the Premises into two (2) parcels as shown in Schedule "A":

**Parcel A** - p/o Block 15, Lot 7 (76 acres), in Washington Township

**Parcel B** - p/o Block 15, Lot 7 (230 acres), Block 18, lot 1 (350 acres) and Block 20, Lot 1 (32 acres) in Washington Township

WHEREAS, in support of its determination, the CADB found that the division of Premises was for an agricultural purpose as it will allow each brother to operate and expand the unique businesses developed on the Premises which are currently operated as independent businesses; and

WHEREAS, in support of its determination, the CADB found that the division of Premises resulted in two agriculturally viable parcels, with resulting parcels each able to maintain a variety of the agricultural activities permitted in the Pinelands Special Agricultural Production Area; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in agriculturally viable parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output:

- 1) Each parcel contains a significant acreage of soils capable of producing a variety of the crops permitted in the Pinelands Special Agricultural Production Area;
  - Parcel A, at 76 acres, has 11 acres in cranberry plant propagation area with 65 acres of managed forest, 35 acres of which are replanted pine forest for timber production;
  - Parcel B, at 612 acres, has 128 acres in cranberry production with approximately 484 acres of wetlands and managed forest, 170 acres of which are replanted pine forest for timber production; and

WHEREAS, the SADC makes the following findings related to its determination of whether this application meets the agricultural purpose test:

- 1) The division is being sought to facilitate the physical separation of two existing independently operated, agricultural production operations each requiring very intensive but unique management practices;
- 2) The division will allow the owner of Parcel A and the owner of Parcel B to invest in, and therefore expand, their own operations;
- 3) The Lee family agricultural operation has, over the past 50+ years, maintained a high degree of stewardship of the Premises.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in agriculturally viable parcels such that each parcel is capable of sustaining a variety of the agricultural operations permitted in the Pinelands Special Agricultural Production Area that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output due to the size of the two proposed parcels and the capabilities of the soils present on both parcels; and

BE IT FURTHER RESOLVED, that the Committee approves the division of the Premises as follows:

Parcel A - Block 15, p/o Lot 7 in Washington Township, (76 acres)

Parcel B - Block 15, p/o Lot 7, Block 18, Lot 1 and Block 20, Lot 1 in Washington Township (612 acres); and

BE IT FURTHER RESOLVED, that the two RDSO's associated with the Premises shall be assigned to Parcel B; and

BE IT FURTHER RESOLVED, that eligible funding for state soil and water conservation cost share practices shall be reallocated to the respective parcels; and

BE IT FURTHER RESOLVED, that the Owners shall provide a copy of the recorded deed, showing the transfer of ownership of Parcels A and B to the respective owners, to the CADB and the SADC; and

BE IT FURTHER RESOLVED, that the Owner shall provide the County and the SADC with a survey and metes and bounds description of the newly created parcel A as well as a metes and bounds description of Parcel B; and

BE IT FURTHER RESOLVED, that the SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution; and

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

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9-26-13

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSTAINED
Alan A. Danser, Vice Chairman	YES
Jane R. Brodhecker	YES
Denis C. Germano, Esquire	ABSTAINED
Pete Johnson	RECUSED
Torrey Reade	YES
James Waltman	YES

# Schedule "A"

Lee Brothers Inc.

Parcel A - 76 acres

Parcel B - 612 acres

u:/county\_state/project\_name.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Lee Brothers Inc  
Block 7, Lot 15  
Block 18, Lot 1  
Block 20, Lot 1  
Washington Township, Burlington County



0 500 1,000 2,000 3,000 4,000 Feet

### Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETED FARM
- INACTIVE APPLICATION
- NO CORRESPONDING DATA

- ### State Planning Areas
- (PA1) METRO
  - (PA2) SUBURBAN
  - (PA3) FRINGE
  - (PA4) RURAL
  - (PA4b) RURAL ENV SENS
  - (PA5) ENV SENS
  - (PA5b) ENV SENSITIVE BARRIER IS
  - (P10) PINELANDS
  - PARK
  - MILITARY
  - NEW JERSEY MEADOWLANDS
  - WATER
  - ELLIS ISLAND- NJ
  - ELLIS ISLAND- NY
- ### Base Map
- County Boundaries
  - Municipal Boundaries
  - Highlands Planning Area
  - Highlands Preservation Area
  - Pinelands Area
- Green Acres Preserved Easements

month/day/year



# RUTGERS VARIETIES

THE VARIETIES OF TODAY  
FOR THE GROWERS OF TOMORROW

The Science  
of

PURITY

The

VALUE

of Renovation

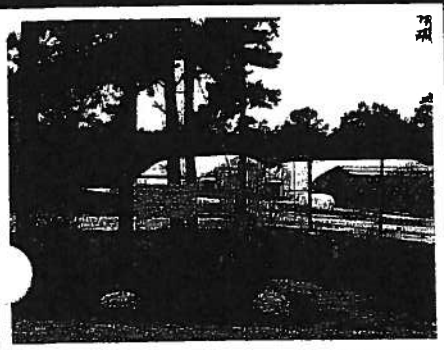
An Economic

Path to

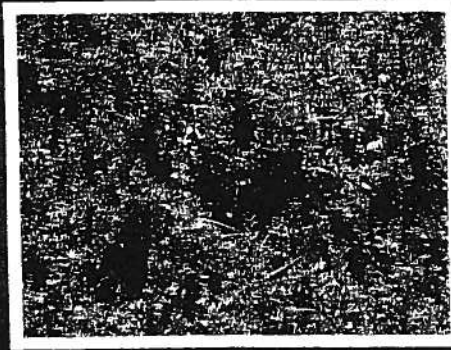
PROFITABILITY

## FEATURED INSIDE

- ◆ Grower reports reveal yields even higher than predicted
- ◆ *The Rooted Cutting Revolution: How Integrity Propagation cuts the cost of renovation*
- ◆ An exclusive first look at Rutgers' new fresh fruit variety:  
**Scarlet Knight**



Integrity Propagation  
"Purity is our Business"



Multiple record-breaking yields

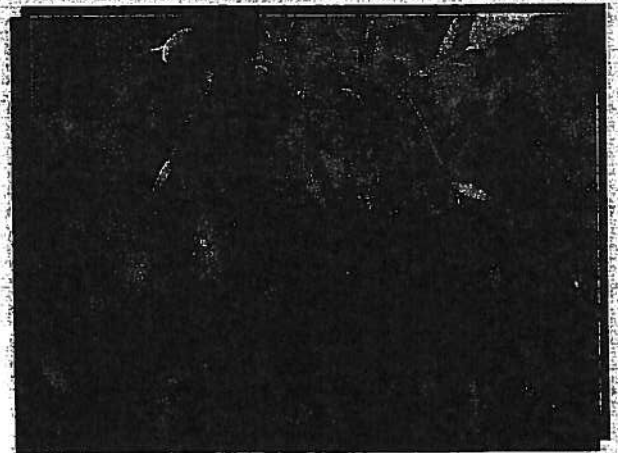


Dr. Nick Vorsa's  
monumental task

# CRIMSON QUEEN®

## Stevens x Ben Lear

*Crimson Queen is the result of a cross made in 1988 between Stevens and Ben Lear, and was named for its crimson color, and the tradition of Rutgers University's former name of "Queens College."*



- ◆ Dr. Vorsa evaluated this variety for eight years in multi-state replicated field trials before release in 2006.
- ◆ Crimson Queen is distinguished by high yields, early and good color, and fruit which are typically larger than Stevens and Ben Lear.

- ◆ Crimson Queen combines the runnering propensity found in Stevens, with early ripening season of Ben Lear. It has very aggressive vine growth resulting in rapid bed establishment, however it is best suited to well-drained beds.
- ◆ Growers have reported yields as high as 628 barrels to the acre for Crimson Queen in the third growing season.

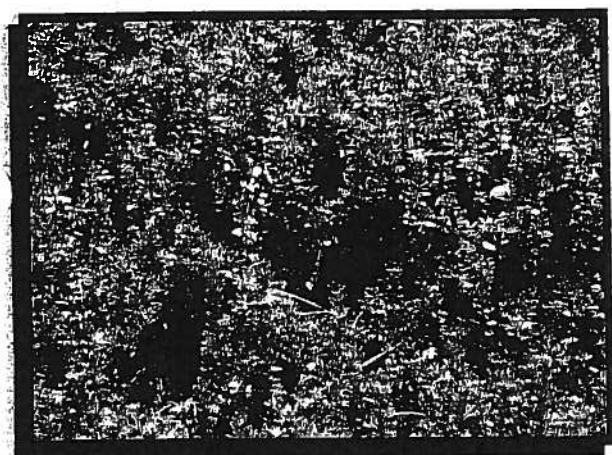




# DEMORANVILLE<sup>®</sup>

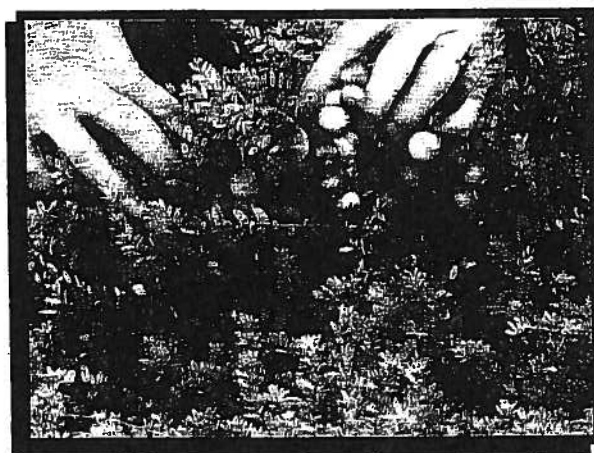
## Franklin x Ben Lear

*The Demoranville variety is the result of a 1988 cross made between Franklin and Ben Lear. This variety was named in honor of Dr. Irving Demoranville, former director of the Massachusetts Cranberry Experiment Station and developer of the Franklin variety.*



- ◆ Dr. Vorsa evaluated Demoranville for eight years in multi-state replicated field trials.
- ◆ Demoranville is distinguished by high yields, large fruit, and exceptionally early color.

- ◆ Demoranville combines the genes from Howes and Early Black, the parents of Franklin, with those of Ben Lear. Thus, its pedigree includes the two major early-ripening varieties, Early Black and Ben Lear. Demoranville fruit is larger than either parent, and yet still has higher TAcY than either of them.



- ◆ In 2010, growers reported yields of 584 barrels to the acre from a 3-year-old Demoranville bed.

# MULLICA QUEEN<sup>®</sup>

## Lemunyon x #35

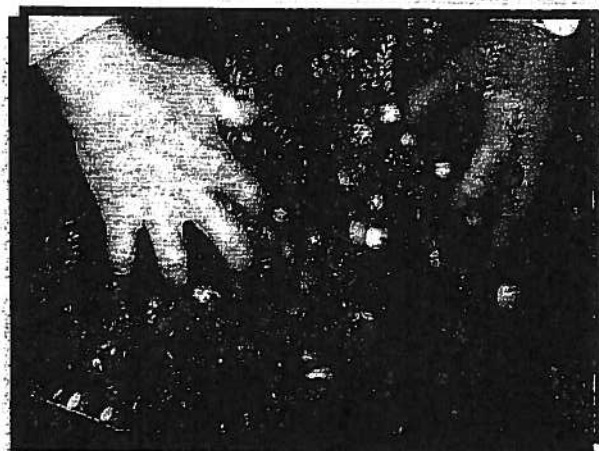
*Mullica Queen is the result of a 1997 cross between Lemunyon and #35, and was named after the watershed where the Lemunyon variety was selected, and the tradition of Rutgers University's former name of "Queens College".*



Photographed early August



- ◆ This variety offers a unique genetic background unrelated to Stevens or Ben Lear. One of its parents, #35, was derived from a Howes x Searles cross from the 1930's breeding program, and was the highest-yielding variety in Rutgers variety trials in the late 1980's, out-yielding Stevens. However, #35 was never named or released because of its poor color. The Mullica Queen variety is unique in that it has 'blood lines' from native cranberry varieties from three states: 'Howes from Massachusetts, and Searles from Wisconsin, yielded the variety #35, which was then crossed to Lemunyon from New Jersey.

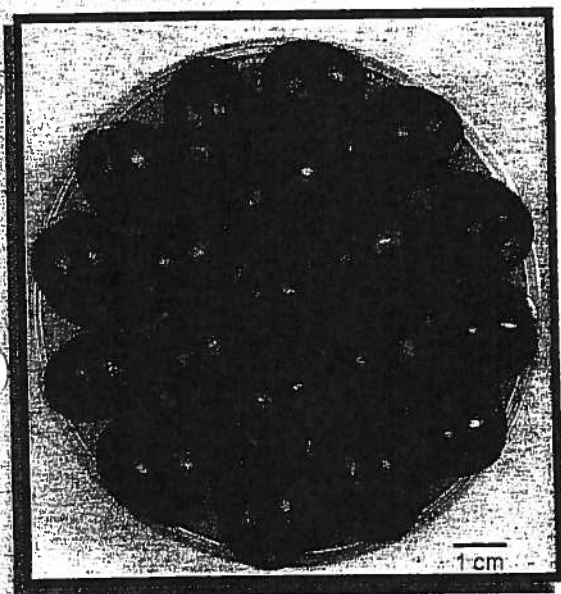
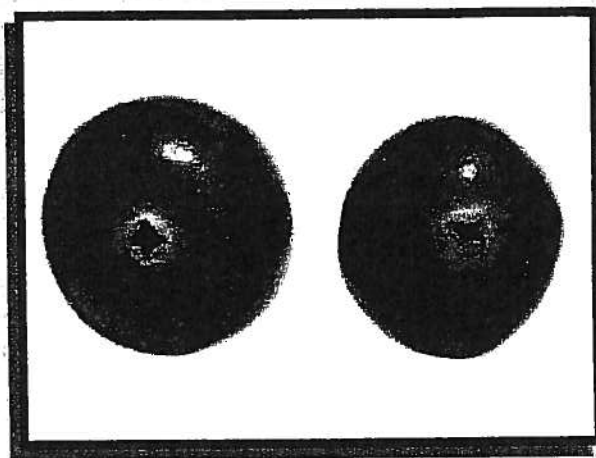


- ◆ Growers have reported yields of 635 barrels per acre in 2009.

# SCARLET KNIGHT™

## Stevens x (Franklin x Ben Lear)

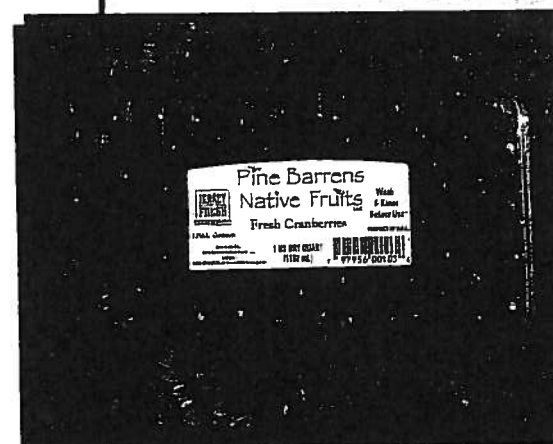
*Scarlet Knight is the result of a cross made in 1995 between Stevens and a Franklin X Ben Lear cross, and was named for the Rutgers University mascot.*



- ◆ Scarlet Knight is distinguished by its early, uniform dark fruit color and exceptionally high fruit TACY content.
- ◆ This variety consistently produced superior quality, early season fruit commanding premium pricing in the fresh fruit market.
- ◆ Scarlet Knights have exceptionally long shelf life when kept in cold storage.

*"The Scarlet Knight test plot had significantly lower rot numbers and very high color numbers (TACY from 53 to 91 in early Oct) compared to the other varieties. . . what we have found over the past three years is that they have great keeping quality and fantastic customer appeal. Overall yields have been similar to or just better than Stevens. Their round shape also lends itself to electronic sorters better than oblong berries due to the physics of movement through a system that relies on sensors and ejection jets. In short, these have been a great fresh fruit variety for us. We have planted 20 acres so that these can be our only fresh fruit variety."*

**-Joe Darlington and Brenda Conner  
J.J. White Incorporated**





*What makes these varieties so exceptional?  
The breeder that created them...*

# A BIT OF HISTORY

## DR. NICK VORSA AND A MONUMENTAL TASK



Fig. 1. ssRAPD DNA fragment profiles for 'Budd's Blues'.

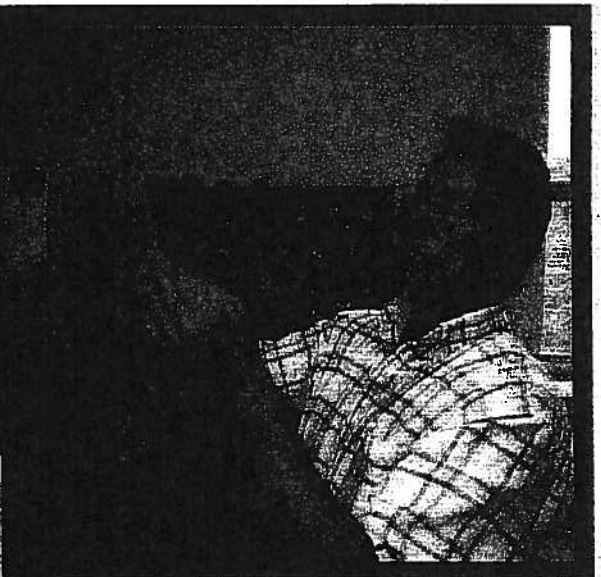
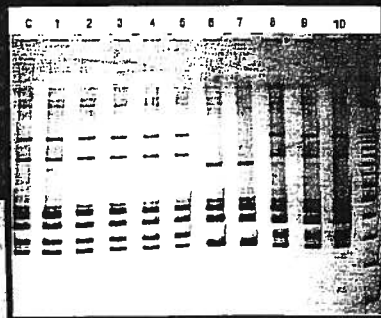
The Rutgers varieties are a product of the diligent and extraordinary career work of the breeder, Dr. Nicholi Vorsa, and his colleagues. Dr. Vorsa, a full professor at Rutgers, became the director of the Philip E. Marucci Center for Blueberry and Cranberry Research in 1991. He is a graduate of Rutgers University, and went on to University of Wisconsin to receive a Masters in 1978 in breeding and genetics. He later returned to Rutgers where he acquired a Doctorate, also in breeding and genetics, in 1985. Dr. Vorsa possesses numerous patents concerning health attributive qualities of the cranberry, including urinary tract infection prevention and anti-inflammatory characteristics.

The goal of Dr. Vorsa's breeding program has been to "identify superior parents of diverse genetic background, to produce superior progeny with improved traits."

It was within this aspirational framework that enhanced yield, fruit quality, and genetic diversity of the cranberry were to be achieved.

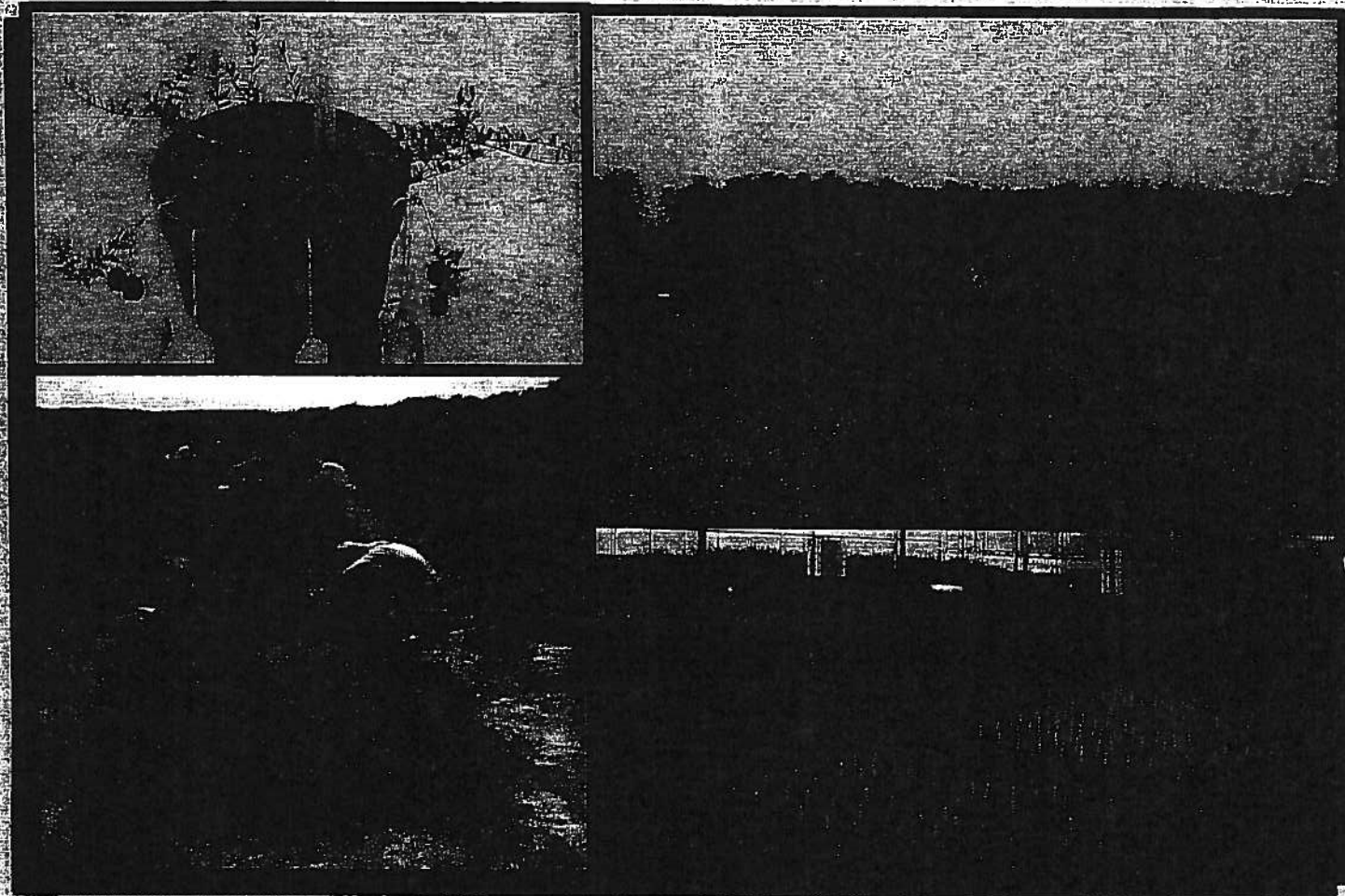
Dr. Vorsa determined that well-known varieties of cranberry were composed of genetically different individuals. Thus emerged the realization that utilizing existing germplasm plots for breeding, in their genetically impure form, would not lead to the maximum potential of the gene pool at hand. He decided to re-establish the germplasm plots from a single vine to ensure genetic purity of the variety in the plot.

- In 1991, Dr. Vorsa's lab develops the first DNA fingerprinting technology for cranberries
- Over 1000 varieties are isolated



*DNA fingerprinting technology enabled individual varieties to be readily distinguished, yet many years of work lie ahead to determine which individuals possessed valuable traits...*

## **BREEDING AND SELECTION...**



Once the germplasm was sorted out, many hundreds of controlled crosses were made in the greenhouse, their progeny evaluated in thousands of 5' x 5' field plots.

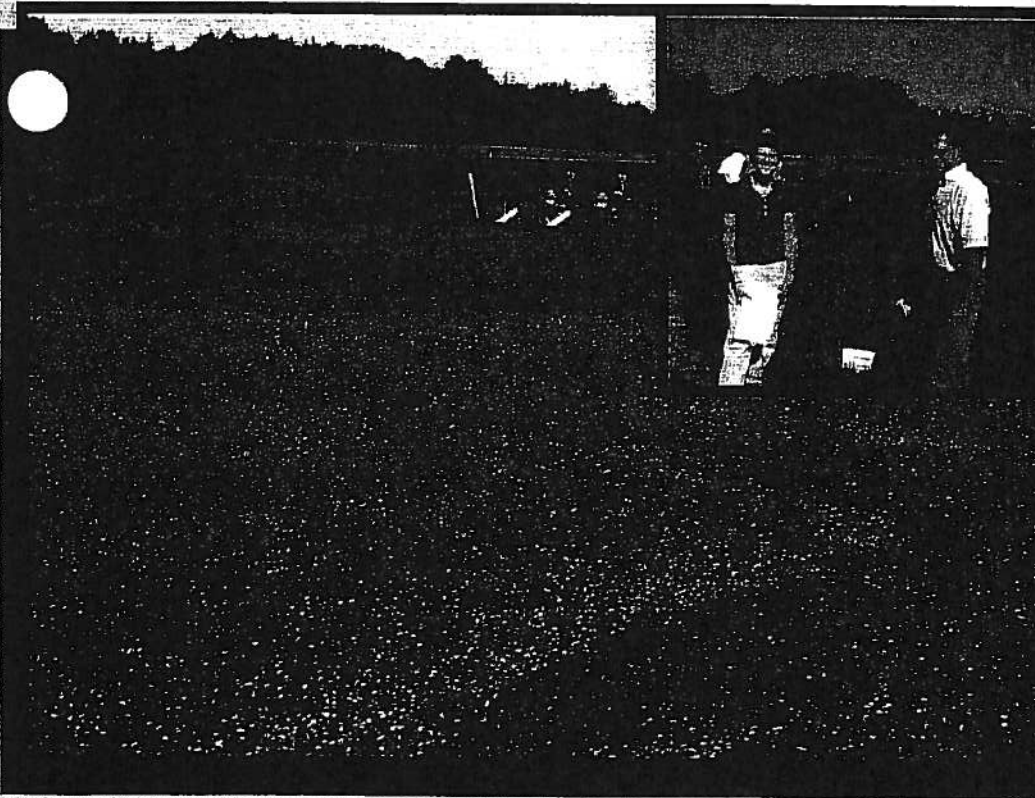
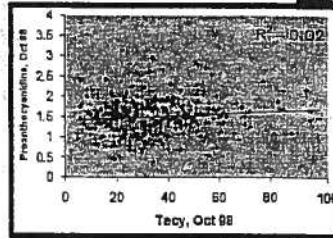
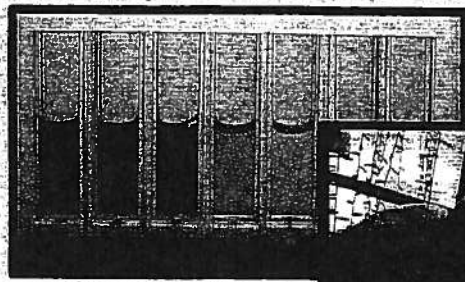
Dr. Vorsa began to discern which varieties had the greatest propensity to develop superior progeny, and these varieties became favored parents.

25 years of breeding effort, and 20,000 seedlings later, Dr. Vorsa introduces the first three varieties.



Traits such as yield, fruit size, percentage rotten fruit, TAcy, fruit chemistry, and plant vigor were all evaluated over multiple years. The best plants were selected and the process repeated; crosses, evaluation, selection.

Especially promising selections went into larger replicated trials, often at commercial cranberry growers and in several locations.



Throughout this endeavor, Dr. Vorsa's decisions were consistently guided by an unyielding desire to bring science to the art of breeding and conviction to act in accordance with what would be beneficial long term for the cranberry industry.

*No other cranberry breeding program in history has made such a patient and extraordinary effort to influence the success of its progeny.*

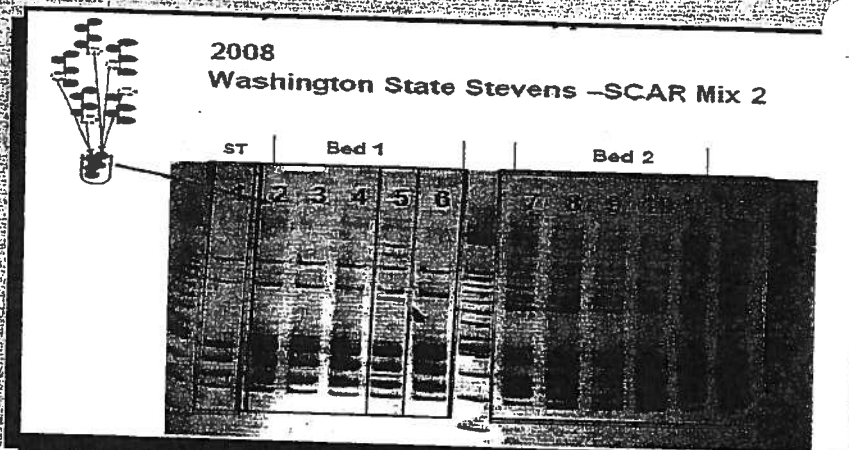
# WHY GENETIC PURITY IS CRITICAL

Here is an example of a fingerprinting gel with 12 samples.

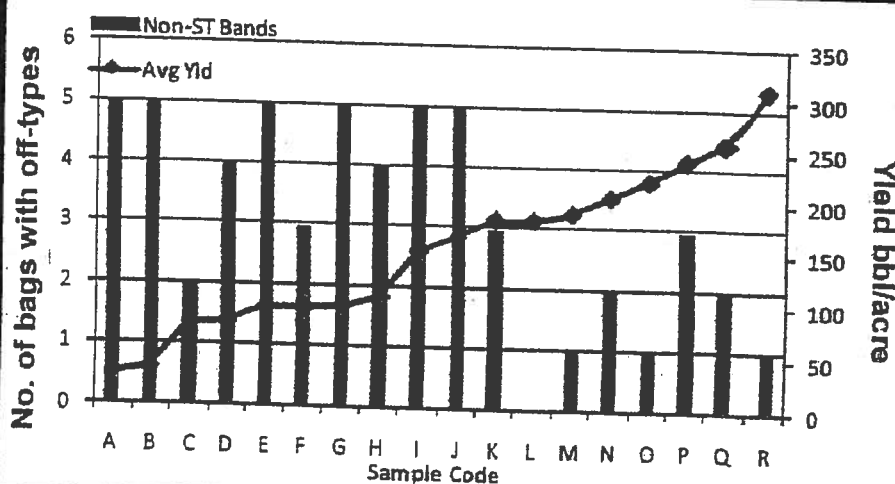
Lane 1 is the Stevens control fingerprint.

Lanes 2-6 represent five samples from a Stevens bed that is relatively pure.

Lanes 7-12 represent samples from a second bed exhibiting a high level of contamination.



- 17 Stevens beds surveyed
- Average bed productivity was 31-396 bbls/acre



**Stevens yield decreases as contamination increases**

The blue line in this graph represents a two year average yield in each of the 17 beds. The red bars represent the number of off-types in each of the 17 beds. Beds with a greater number of "non-Stevens" bands generally were lower yielding.

Genetic evidence strongly suggests that off-types contribute disproportionately to the subsequent bed when using conventional propagation techniques. A cranberry seed that germinated below the thatch of the bed, survives, and is able to compete with the existing vine to grow up through the canopy to sunlight, has likely demonstrated the principle of "survival of the fittest".

## SEVERE REPERCUSSIONS

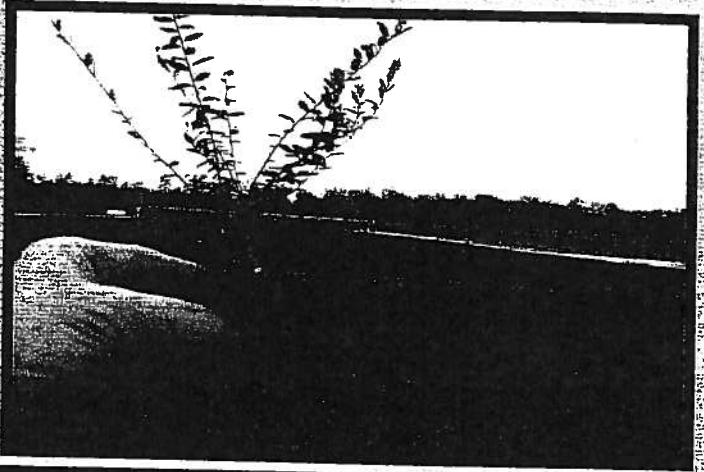
With conventional mowing and/or pruning, even if the source Stevens bed has 90% Stevens and is a "good" producing bed, the new bed that is established, after 5 or more year may have significantly less Stevens. Evidence suggests that the Stevens proportion can drop by 50%.





Off-type

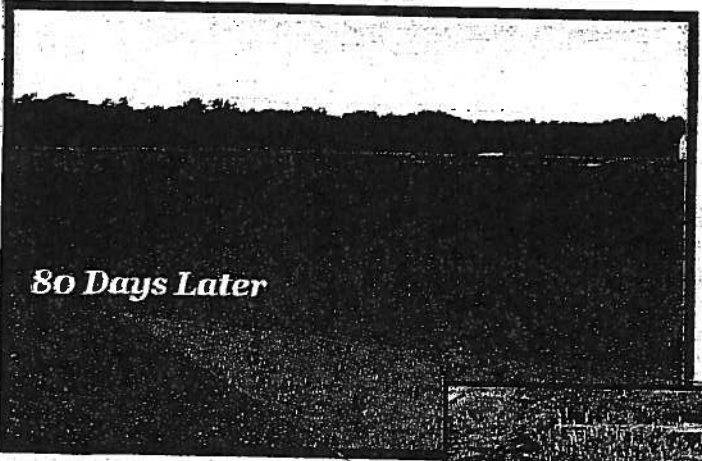
A single aggressive off-type can cause significant bed contamination.



The genetic purity research conducted with the widely-established Stevens variety provides a *valuable lesson* regarding bed establishment


*Vigorous plants with multiple branches are the key to rapid bed establishment.*  
*100% pure plant material is the key to establishing a pure canopy free of volunteers*

## PURITY'S IMMEDIATE ADVANTAGE, LONG-TERM SOLUTION



80 Days Later

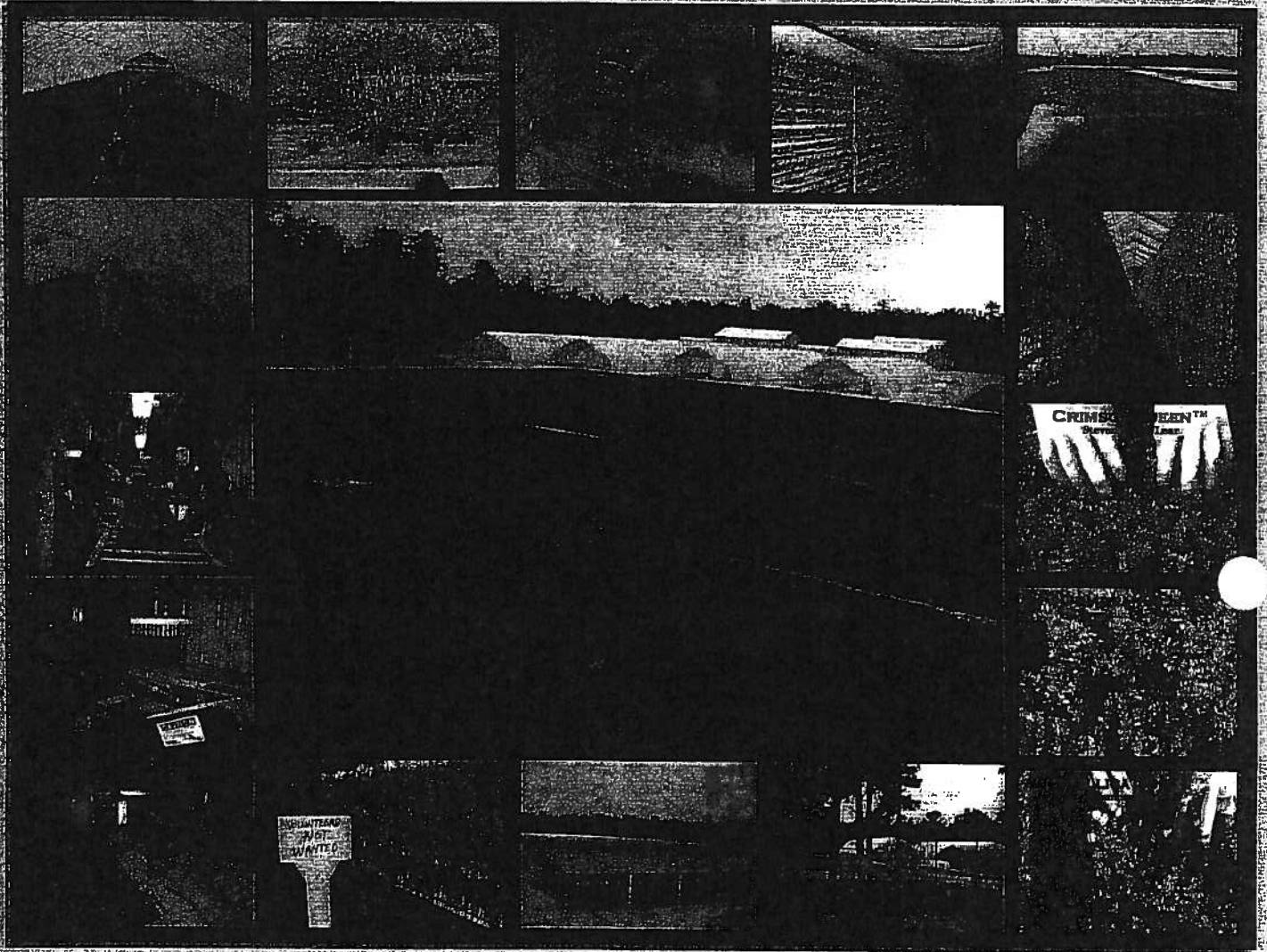
*Rapid bed establishment within the first growing season reduces survival of inevitable volunteer seedlings.*



It is impossible to predict the price of cranberries into the future. However, it is true that *high yielding, low cost producers in any industry are long-term producers.* It is important to be prepared—to be profitable regardless of market trends.

For the first time in history, cranberry growers have the ability to purchase plant material certified to be both 100% true to their variety and virus-tested.

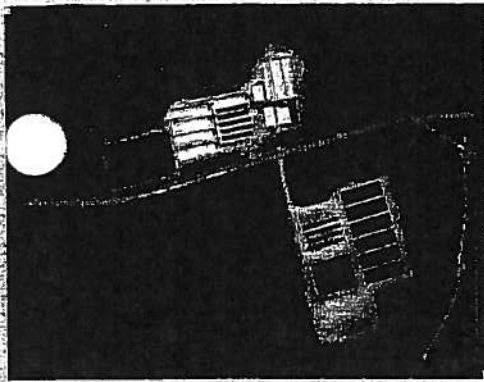
# INTEGRITY PROPAGATION



*“It is our goal to provide the cranberry industry with the same degree of plant material purity that exists in other horticultural and agronomic crops.”*

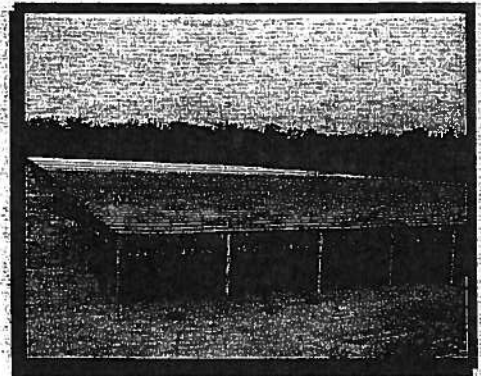
**-Abbott Lee  
Founder and Proprietor**



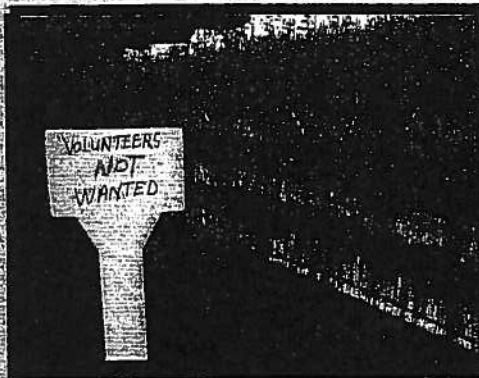


**Integrity Propagation covers 6 acres of greenhouses, cold frames, and irrigated open beds.**

**Our Mother Stock is raised in hanging baskets. 100% of the plant material we sell is derived from a vine that was DNA-fingerprinted.**



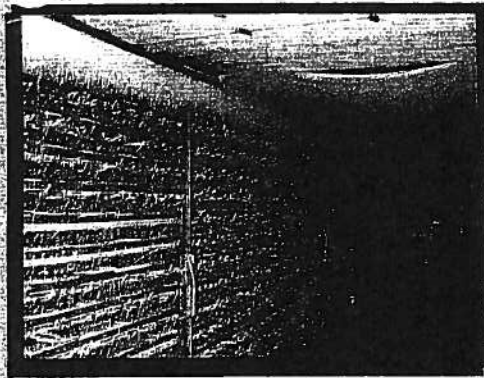
**In the summer, all flowers are removed from the Mother Stock to prevent volunteer cranberry seedlings.**



**The long vines are harvested and bundled, either for direct sale to growers or cut into 3" cuttings, ready for sticking.**

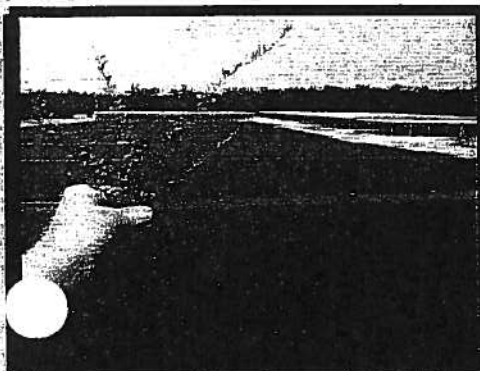


**The healthy vigorous cutting stock, along with intensive culture, rapidly produces a plant with multiple branches and dense roots.**



**When ready, the flats are loaded onto trucks and shipped to you, our customer, ready to plant.**

**Our shipping procedures allow the most economical solution — with our plants shipping across the entire North American continent.**

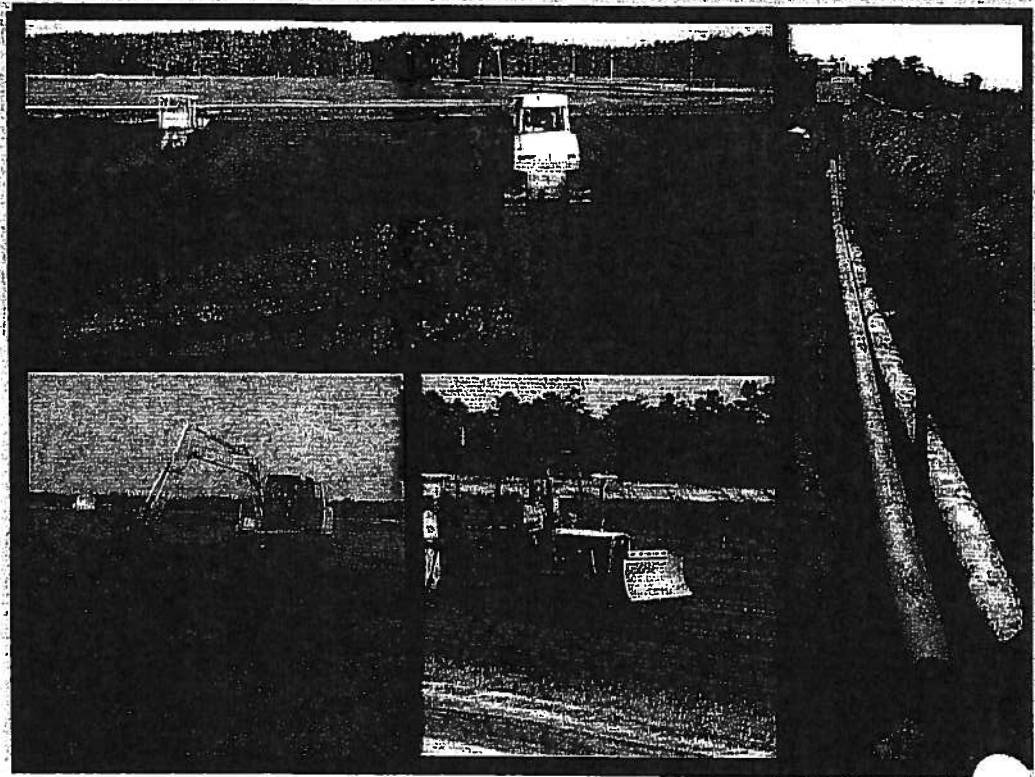


**Rutgers Varieties are not only the most productive varieties, but they are the only Cranberry varieties that are available as foundation level virus-indexed plant material. Without the achievements of Dr. Vorsa and his colleagues, IP would not have the technology necessary to produce pure plant material of these revolutionary new cranberry varieties.**

# RENOVATION: THE CASE FOR INTEGRITY PROPAGATION

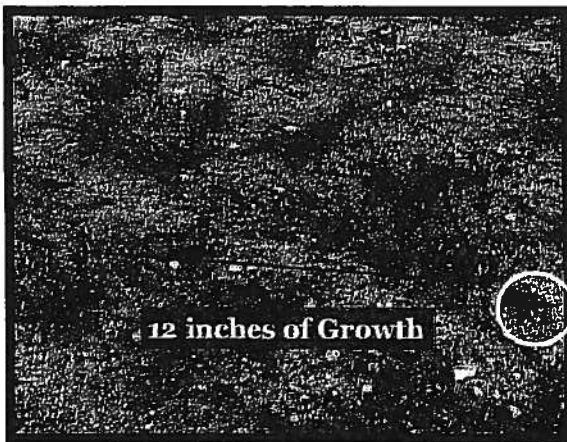
Considering the high cost to establish or renovate a cranberry bed, using foundation-level rooted cuttings assures that your bed will have the maximum potential that Rutgers varieties offer.

The cost of foundation-level virus-indexed plant material is about the same or less than non-certified mowings.



The cost to scrutinize mowings or prunings to a similar extent of that done by Integrity Propagation (*i.e. DNA and virus testing*) would probably exceed \$500,000 per ton. You may not like what you find...

## ROOTED CUTTING RESILIENCE



This rooted cutting was found about 48 days after this bed was planted. The plant had been dropped along the row, on top of the ground. Not only did it survive a period of extreme heat and intense sunlight, but it produced 12 inches of new growth.

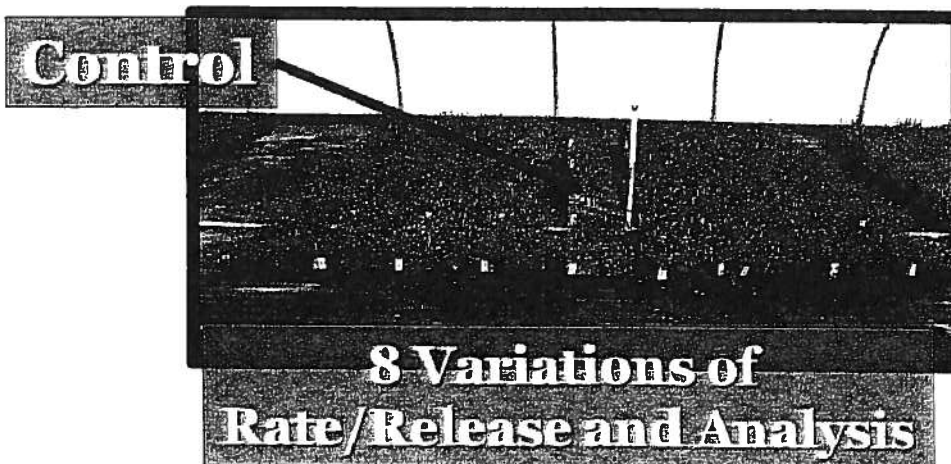
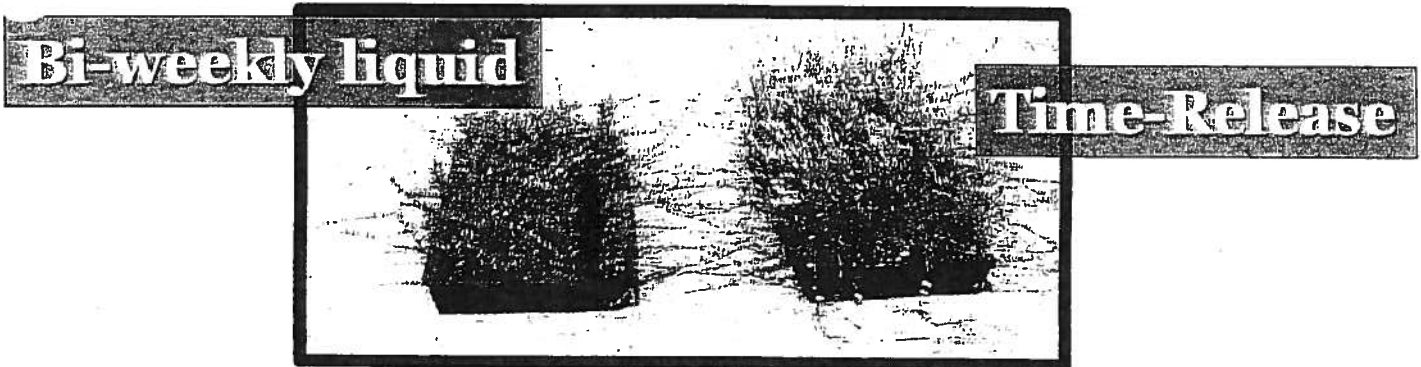
Here is an excellent example of the resilience advantage of rooted cuttings.

Rooted cuttings are planted with a physiological momentum, bringing on production sooner, with subsequently lower renovation costs.

# PHYSIOLOGICAL MOMENTUM OF ROOTED CUTTINGS

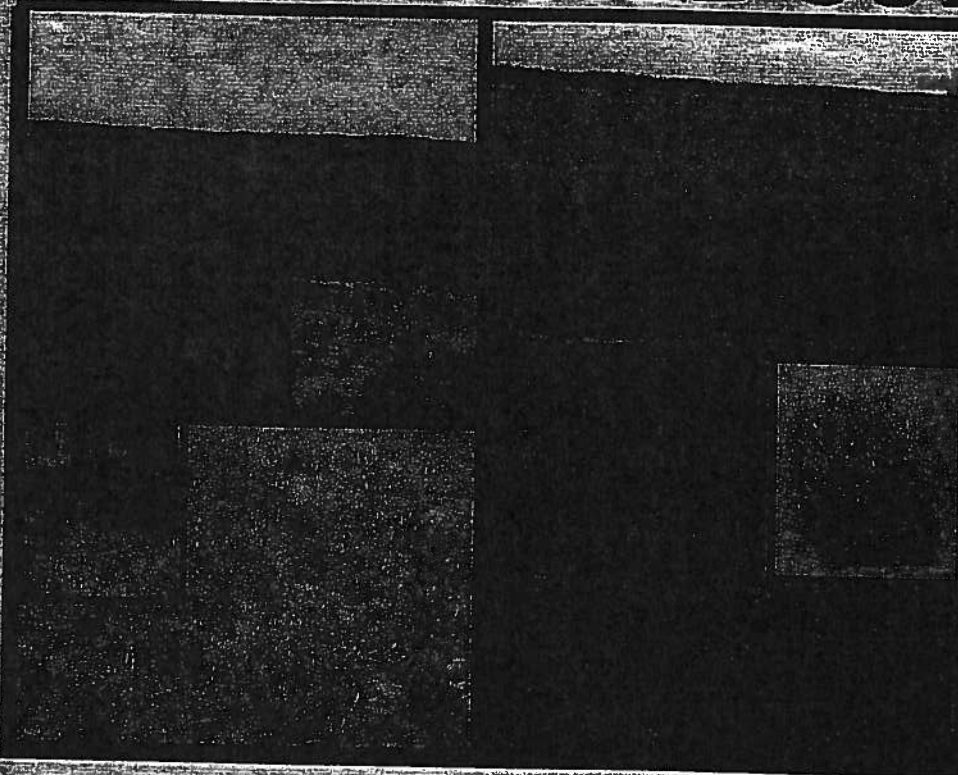
Integrity Propagation, in cooperation with Dr. Joan Davenport, has developed several nutritional regimens utilizing time-release fertilizer to further enhance the physiological momentum of our plants after transplanting into the bed. Integrity Propagation's nutritional regimens are individually designed to complement the customer's method and timing of transplanting.

*The photograph on top compares bi-weekly liquid fertilizer used in the flat on the left with the time-release fertilizer on the right. The photograph below compares eight variations of rate of release and analysis, to an unfertilized control in the center.*





# CONVENTIONAL PROPAGATION VS. ROOTED CUTTINGS

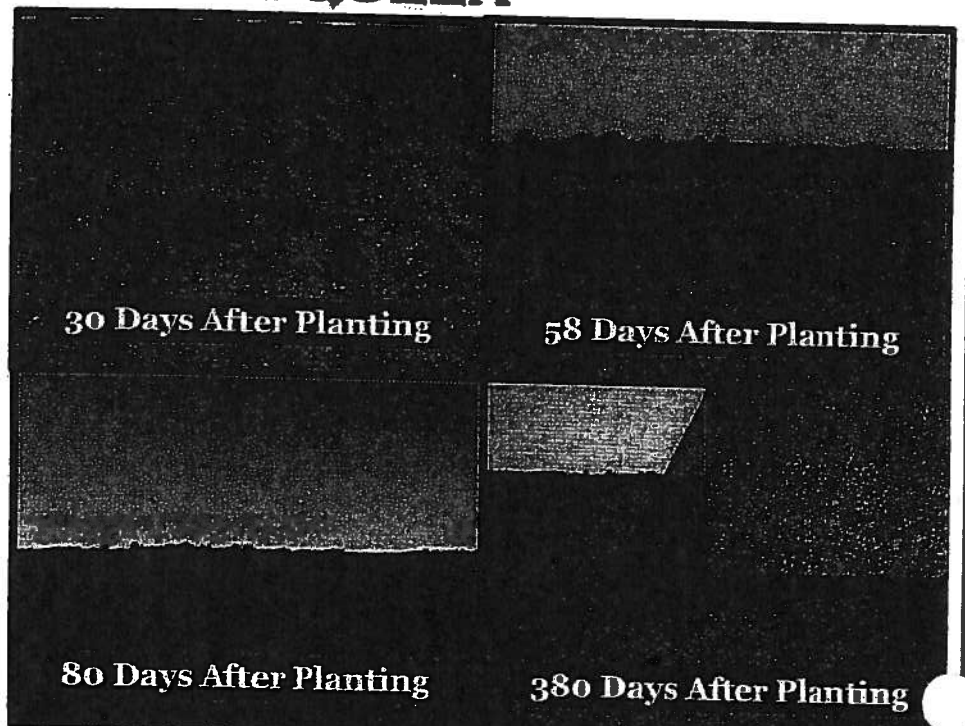


In this side-by-side comparison, the rooted cuttings here have established at least twice the ground cover. Rooted cuttings have well-established roots at the time of transplanting.

Therefore, the new planting is eligible for an herbicide program long before conventional propagation.

## FOUNDATION LEVEL ROOTED CUTTINGS CRIMSON QUEEN

Establishing a bed with rooted cuttings is more consistent and is better suited for aggressive herbicide and fertilization programs. This explains why they often come into production one year faster.



30 Days After Planting

58 Days After Planting

80 Days After Planting

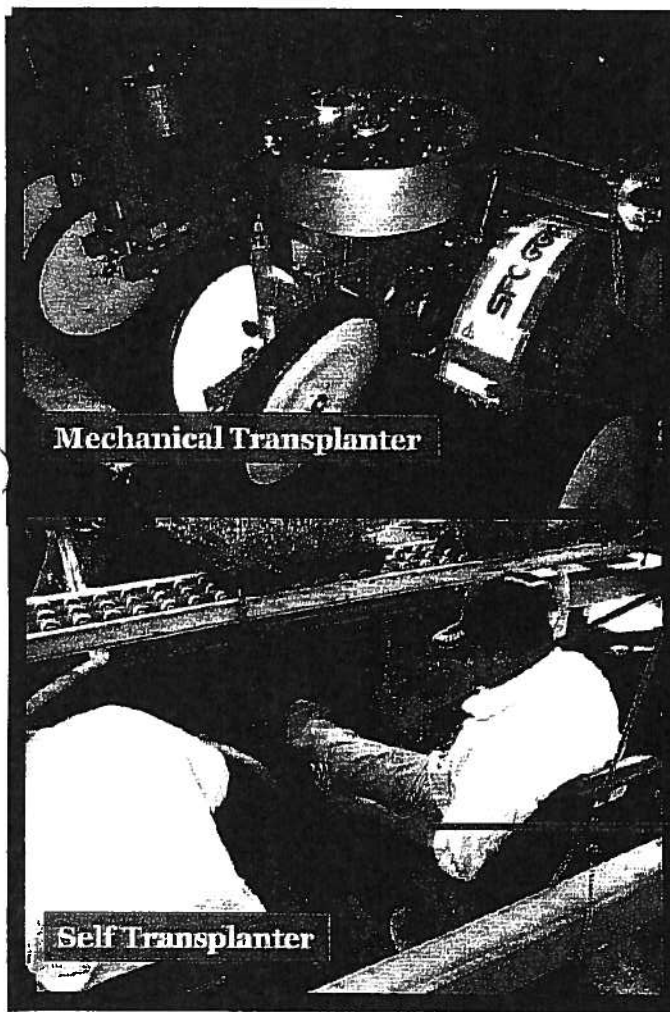
380 Days After Planting



# PLANTING ROOTED CUTTINGS

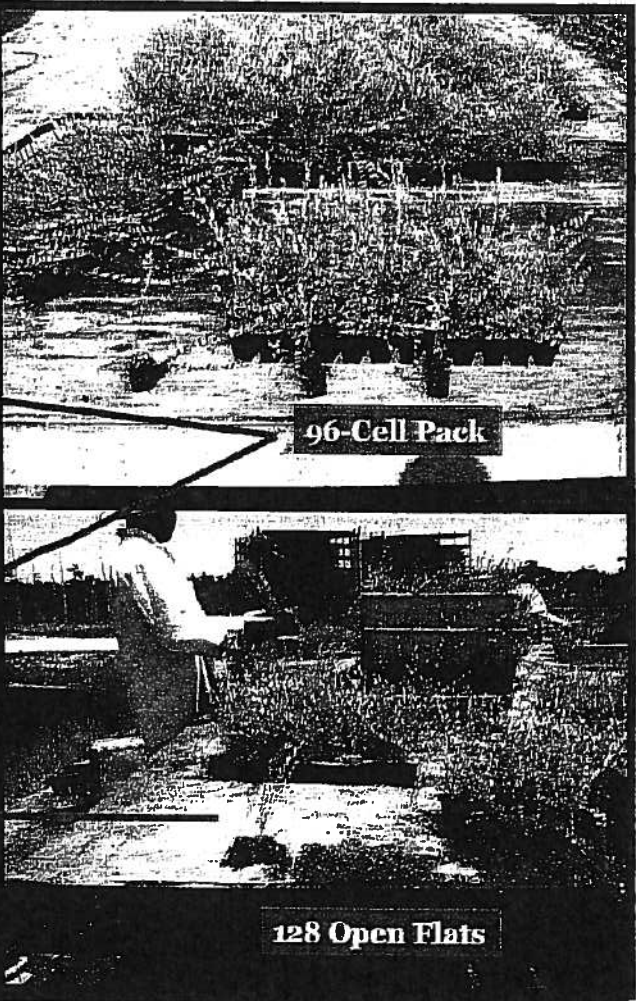
Cherry growers use a variety of machines to efficiently transplant rooted cuttings into their beds.

Here, in the upper-left-hand corner, a Sfoggia transplanter (or machines of a similar design) is one viable method. Each carousel being filled by a worker supplies plants to two rows simultaneously. Growers report that each worker riding the transplanter will plant up to 20,000 plants per day. These transplanters usually require tapered cell packs as shown in the photograph in the upper right.



Mechanical Transplanter

Self Transplanter



96-Cell Pack

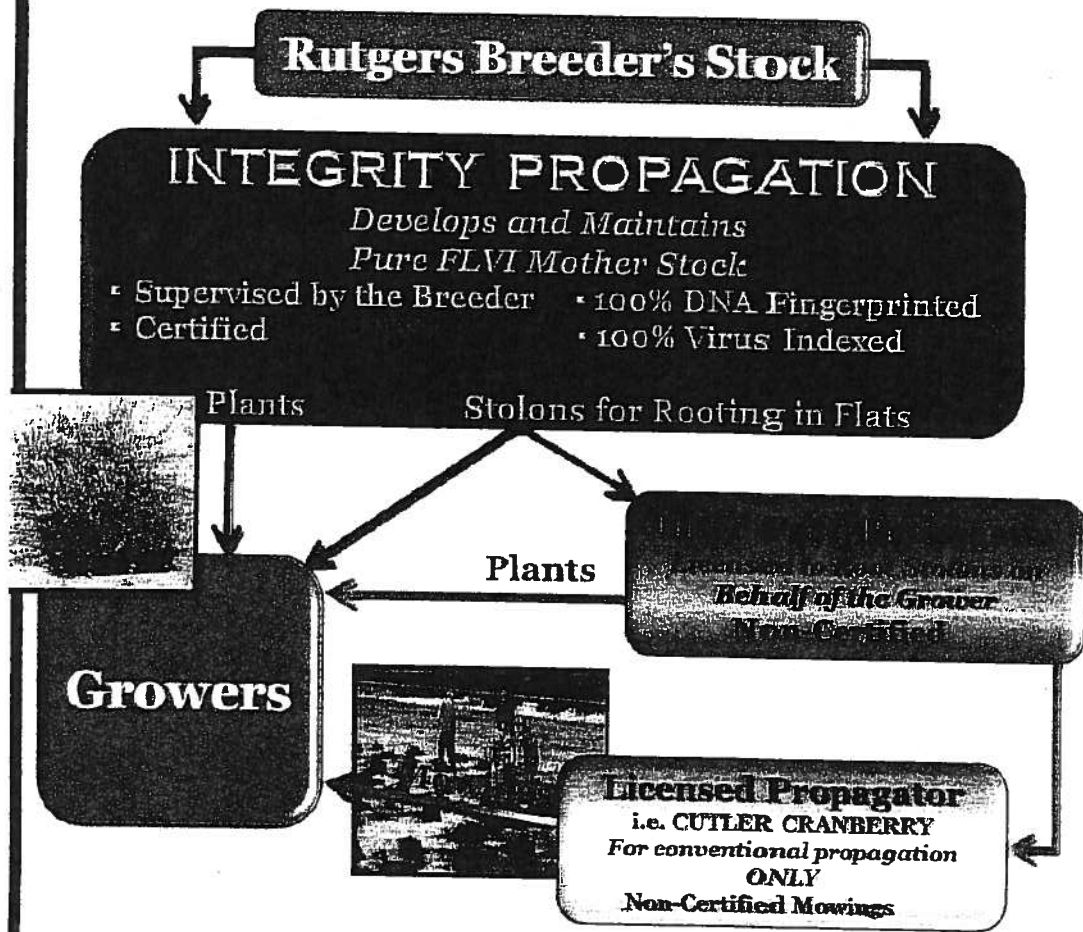
128 Open Flats

Alternatively, the lower-left-hand corner features a semi-automated “self transplanter”. Many growers have built transplanters similar to this one. Contained within each row is a worker, a planter shoe and two packer wheels. These transplanters will plant cells or larger irregular-shaped plants from open trays, as the lower-right-hand corner indicates.

These are just two of many transplanters used by growers – for more information regarding transplanters in your specific region, please contact Integrity Propagation at (609) 894-2042.

# OBTAINING RUTGERS VARIETIES

This chart illustrates the governance of the distribution and utilization of Rutgers varieties *Crimson Queen*<sup>®</sup>, *Mullica Queen*<sup>®</sup>, *Demoranville*<sup>®</sup> and *Scarlet Knight*<sup>™</sup>



The initial breeder's stock passes from Rutgers directly to Integrity Propagation. Under the supervision of Dr. Vorsa, Integrity Propagation has reproduced and is maintaining pure Foundation Level Virus-Indexed mother stock of these varieties.

This Foundation Level plant material is 100% DNA fingerprinted.

Integrity Propagation sells Foundation Level plants directly to growers establishing an Initial Field Planting.

Unrooted stolons are also sold to growers. These stolons are rooted in flats by the grower, either in greenhouses or outside during the growing season.

Growers may also contract with a licensed third party propagator to root stolons on their behalf. The minimum density for beds established by rooted cutting propagation is one plant per square foot.

Alternatively, growers may purchase non-certified mowings from Cutler Cranberry Co., a licensed conventional propagator. Beds established with these mowings are called "secondary field plantings" and must be established with a minimum of one ton of mowings per acre. *These mowings may not be used for rooted cutting propagation due to their potential to exponentially reproduce of -types inevitably found in mowings.*

Before purchasing Rutgers varieties, growers must obtain a license from Rutgers. At the time of planting each Initial or Secondary Field planting, a one time royalty is paid to Rutgers.

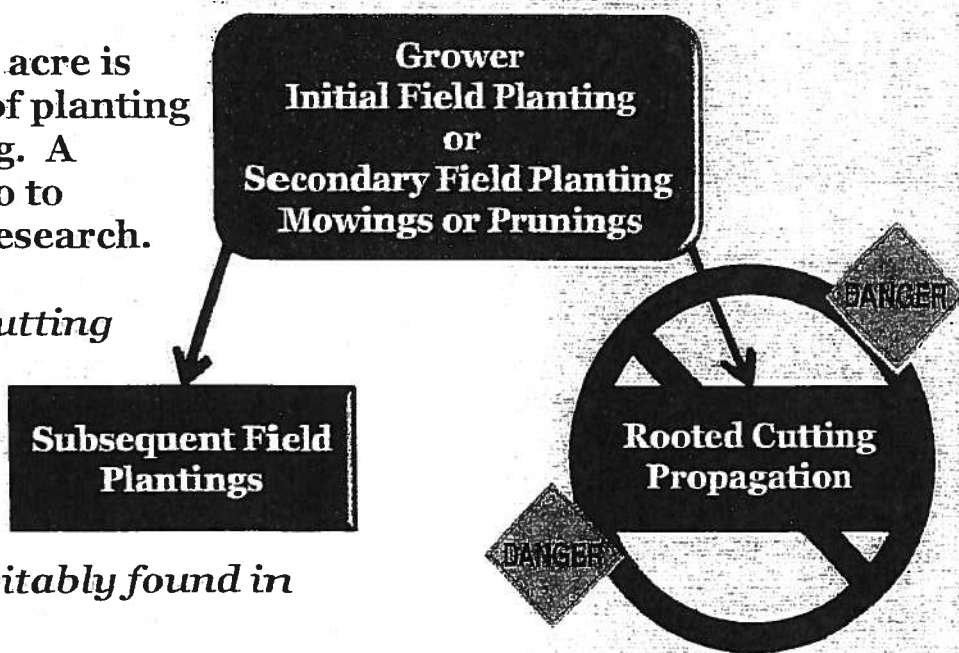
# SELF-PROPAGATION BY GROWER

In addition to fruit production, growers may produce, for their own propagation purposes, prunings and mowings from their initial field planting to plant secondary field plantings or even subsequent field plantings.

Rutgers does not regulate the density of conventional propagation of subsequent field plantings when growers are using mowings or prunings from their own beds. Rutgers does however recommend that growers always use a source of plant material as close as possible to the initial Foundation-Level plant material of Integrity Propagation.

A one-time royalty for each acre is due to Rutgers at the time of planting a Subsequent Field Planting. A portion of these royalties go to support future cranberry research.

Rutgers prohibits rooted cutting propagation with any plant material other than Foundation Level, due to the potential danger of exponentially reproducing off-types inevitably found in mowings.



Finally, self-propagation of the Scarlet Knight variety is not permitted.

For questions regarding the governance of Rutgers varieties, growers are encouraged to contact:

Leon Segal, PhD

Asst. Dir., Licensing and Technology

Office of Technology Commercialization | Rutgers, The State University of New Jersey

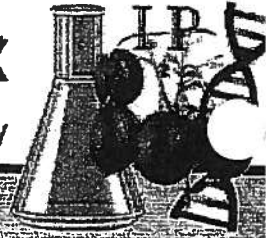
ASB III, 3 Rutgers Plaza | New Brunswick NJ 08901

☎ 848 932 4464 | ✉ segal@otc.rutgers.edu | 📠 Fax: 732-932-0146 |



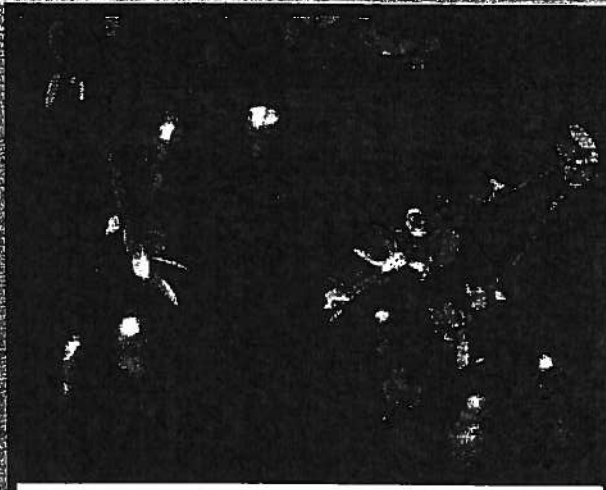
# INTEGRITY PROPAGATION LLC

The Cranberry Industry's first and only Foundation Level nursery



## ***Providing "DNA Fingerprinted" and virus tested plant material***

- ◆ *Using rooted plants to establish new beds can result in faster, more consistent rooting and earlier fruiting vs. conventional planting*
- ◆ *Integrity Propagation plants are certified by the NJ Department of Agriculture*

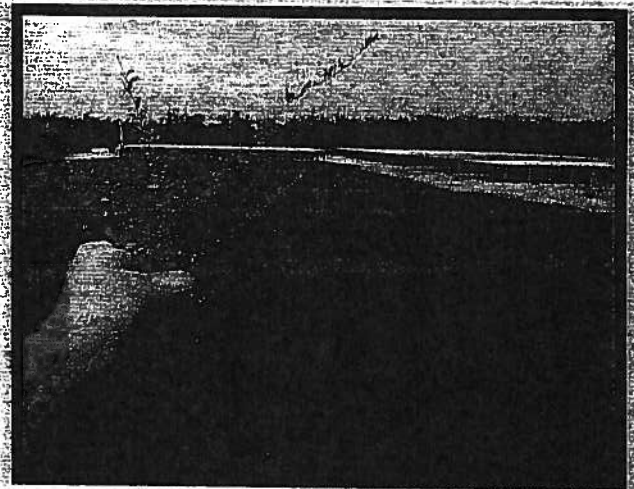


*Crimson Queen<sup>®</sup> on left, vs. Stevens*

## **The only source for Rutgers University**

### **Certified Plant Material**

*Crimson Queen<sup>®</sup> Mullica Queen<sup>®</sup>  
Demoranville<sup>®</sup> Scarlet Knight<sup>™</sup>*

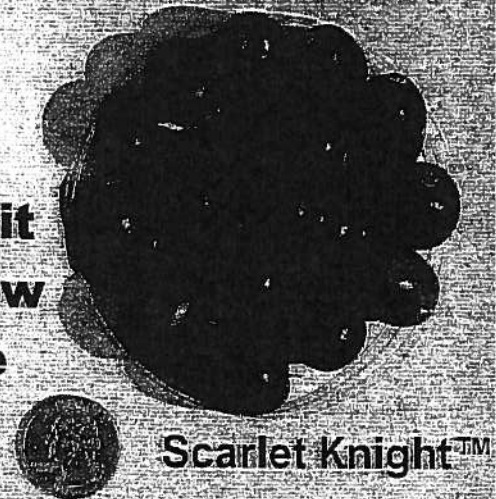


***Vigorous plants with multiple branches***



***Economical Shipping Options  
Across North America***

**Rutgers  
New  
Fresh Fruit  
Variety Now  
Available**



***Exceptional Keeping Quality***

Contact us at 609-997-0309, or [www.integritypropagation.com](http://www.integritypropagation.com)  
for product and pricing information.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R9(4)

Fernbrook Farm

September 26, 2013

**Installation of Solar Energy Generation Facility, Structures and Equipment on Two Existing Structures and One Ground Mount Array Located on a Preserved Farm**

Subject Property: Fernbrook Farm  
Block 800, Lots 1.03, 1.05 and p/o 1.01  
Chesterfield Township, Burlington County  
Block 6.01, Lots 10 and 11  
108.08-Acres

WHEREAS, Lawrence and Susan Kuser, and the Fernbrook Group, L.P., hereinafter "Owners", are the record owners of Block 800, Lots 1.01, 1.03 and 1.05, in the Township of Chesterfield and Block 6.01, Lots 10 and 11 in the Township of Mansfield, County of Burlington, by Deed dated April 4, 1991, and recorded in the Burlington County Clerk's Office in Deed Book 4189 Page 109, totaling approximately 108.08 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises, totaling 221.66 acres, was conveyed to Burlington County on October 8, 1998, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 5637, Page 435; and

WHEREAS, on April 26, 2007, the SADC approved a division of premises request dividing the original premises into two parcels; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm; and
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under subsection b. of this section, or alternatively at the option of the landowner (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation.
- (5) The person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to paragraph (2) of this subsection.

WHEREAS, August 6, 2013, the Owners "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" was deemed complete pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, N.J.A.C. 2:76-24.9, requires the Committee to approve, approve with conditions, or disapprove and application within 90 days of receipt of a complete application; and

WHEREAS, the Owners are seeking SADC approval for the construction of a photovoltaic solar energy generation facility on a portion of one roof top of an existing barn on the Premises (hereinafter Building 1), one rooftop of an existing barn on a non-severable exception area (hereinafter Building 2), and one ground mounted system on the non-severable exception area that is part of the overall farm, as shown on Schedule "A"; and

WHEREAS, the agricultural operation consists of a wholesale nursery and fruit and vegetable community supported agricultural (CSA) operation, with an education barn and bed & breakfast on the non-severable exception area; and

WHEREAS, Building 1 is a barn used for packaging, storage and sale of fruits and vegetables grown on the farm with a roof top area totaling approximately 2,100 square feet in size as identified on Schedule "A"; and

WHEREAS, the solar panels will take up approximately 400 sq./ft. of roof top area on Building 1; and

WHEREAS, the energy demand for Building 1 is primarily for the refrigeration of produce; and

WHEREAS, the energy demand for the previous calendar year for Building 1 is 5,880 kilowatt hours (kWh's) as confirmed by the Owner's submission 12 months of utility bills, and the rated capacity of the proposed solar energy generation facility on this rooftop is 5,804 kWh's per year as shown in Schedule "B"; and

WHEREAS, Building 2, located on the non-severable exception area, is a barn used for packaging and storage of the output of the farm, storage of farm equipment as well as an educational area with a roof top area totaling approximately 3,200 square feet in size as identified on Schedule "A"; and

WHEREAS, this system was installed in 2011, before the Owner was aware of the law requiring SADC approval; and

WHEREAS, the solar panels take up approximately 1,500 sq./ft. of roof top area; and

WHEREAS, the energy demand for this building comes from the packing, storage and educational activities that take place in the barn; and

WHEREAS, the energy demand for the previous calendar year for Building 2 is 22,698 kWh's as confirmed by the Owner's submission 12 months of utility bills, and the rated capacity of the proposed solar energy generation facility is 18,137 kWh's per year, as shown in Schedule "C"; and

WHEREAS, the land area on the non-severable exception area of the Premises that will support the ground mounted solar energy generation facility is the corner of a small field, adjacent to the main driveway, where the panels will take up an area approximately 1,600 square feet in size as identified on Schedule "A"; and

WHEREAS, the energy demand from this ground mounted unit is from the single family residence on this non-severable exception which is used as a bed and breakfast; and

WHEREAS, the energy demand for the previous calendar year for the residence is 25,577 kWh's as confirmed by the Owner's submission 12 months of utility bills, and the rated capacity of the proposed ground-mounted solar energy generation facility is 25,030 kWh's per year, as shown in Schedule "D"; and

WHEREAS, the two roof top mounted systems on Buildings 1 and 2 create no new impervious cover, and take no land out of production to accommodate their mounting; and

WHEREAS, the ground mounted array is located in the corner of a small field, near existing farm lanes within the non-severable exception area and has an occupied area of approximately 1,600 sq./ft. (0.03 acres); and

WHEREAS, the ground mounted array services the nonagricultural bed and breakfast use on the exception area and the entire non-severable exception area is considered prime soils; however, N.J.A.C. 2:76-24 states that "Facilities primarily servicing nonagricultural and or nonresidential uses in a nonseverable exception area shall be located entirely in the nonseverable exception area to the maximum extent practicable or financially feasible, therefore locating this array within the exception area is the preferred location; and

WHEREAS, the impervious cover created by the ground mound system consists of (4 sq./ft.), including the surface area of the upright support posts which will be driven or screwed into the soil without the use of concrete or other similar permanent footing; and



WHEREAS, the site disturbance for the ground mounted array consists of approximately (7,700 sq./ft), including the area immediately surrounding the panel array as well as an approximately 140ft by 12-inch trench connecting the array to the bed and breakfast; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; or

WHEREAS, the solar energy generation facilities will be owned by the Owners, as determined from review of the purchase agreement; and

WHEREAS, the Owners provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Owners provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, pursuant to N.J.S.A. 4:1C-32.4, the SADC forwarded a copy of the Owner's application to the Burlington County Agriculture Development Board, to provide comments concerning the installation, construction, operation and maintenance of the solar energy generation facility, structures and equipment; and

WHEREAS, on August 15, 2013, the Burlington CADB advised the SADC that it has no objections to the Fernbrook Farm solar applications;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owners have complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the three photovoltaic energy generation facilities, structures and equipment consisting of approximately 1,900 (400 & 1500) square feet of space located on the roof tops of Buildings 1 and 2 respectively, and approximately 1,600 square feet of space in the corner of a small field located within the exception area

and having a combined rated capacity of 49,000 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand of the three buildings that will be serviced by the solar arrays totals 54,155 kWh's annually; and

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

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A 4:1C-4f.

9-26-13

DATE.



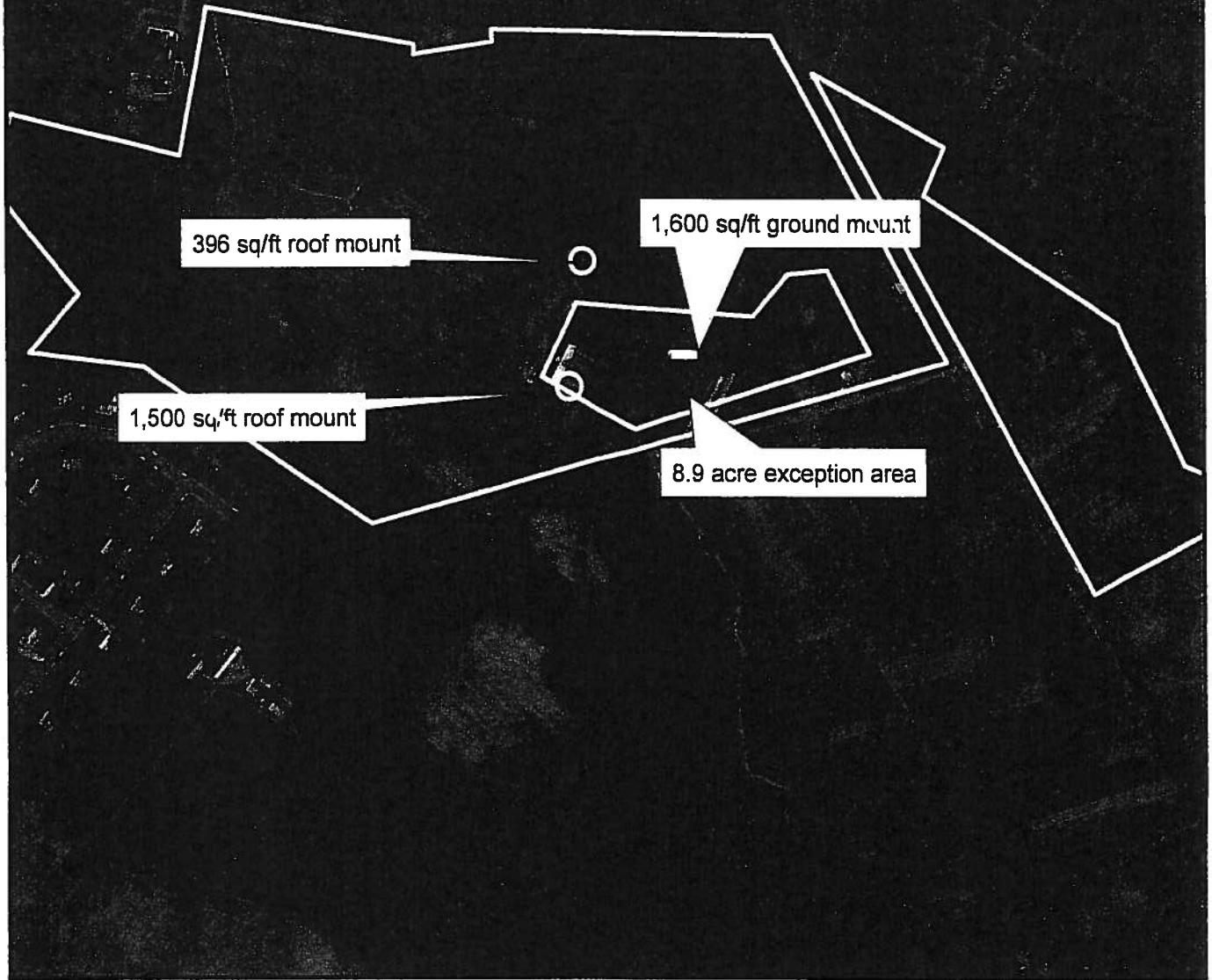
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	YES
Peter Johnson	RECUSED
Denis C. Germano	YES
Torrey Reade	YES

# Schedule "A"

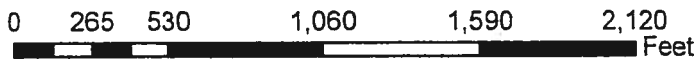
## Fernbrook Farm



u:/county\_state/project\_name.mxd

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Fernbrook Farm  
Block 800, Lots 1.03, 1.05 & p/o 1.01  
Chesterfield Township, Burlington County  
Block 6.01, Lot 9  
Mansfield Township, Burlington County



month/day/year

Farmland Preservation Program	
	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA-1) METRO
	(PA-2) SUBURBAN
	(PA-3) FRINGE
	(PA-4) RURAL
	(PA-4b) RURAL ENV SENS
	(PA-5) ENV SENS
	(PA-5b) ENV. SENSITIVE BARRIER IS
	(P10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
Green Acres Preserved Easements	

## Schedule "B"

<b>Project Name:</b> Kuser/Fernbrook Farm CSA Building		Date Received:	7/22/2013
<b>Owner Name:</b> Lawrence Kuser		Deemed Complete:	8/6/2013
<b>Preserved Farm:</b> Fernbrook Farm		Sent to County:	8/6/2013
<b>County:</b> Burlington		Committee Meeting:	9/26/2013
<b>Township:</b> Chesterfield		Occupied Area:	0.009 acres
<b>Installer Name:</b> 4 Best Solar		Impervious Cover:	N/A - roof mount
<b>System Type:</b> Solar		Disturbed Area:	N/A - roof mount
<b>Mouting Type:</b> Roof			
<b>System Size:</b> 5,804 kWh/annual (5.8kW)			
<b>Eligibility Criteria N.J.A.C. 2:76-24.4:</b>		<b>YES</b>	<b>NO</b>
1) Does the project interfere significantly with agricultural uses? <i>*See evaluation criteria for significant interference, N.J.A.C. 2:76-24.6, below.</i>			X
2) Are the facilities owned by the Landowner? & If no, will the facilities be owned by the Landowner upon conclusion of an agreement term no longer than 20 years?		X	
3) Will the facilities be used to provide power or heat, through net metering to the farm?		N/A	
4) Does the facility produce less than 110% of last years energy demand?		X	98%
5) Is the Occupied area less than or equal to 1% of the total land area of the farm? <i>*Map attached</i>		X	0.009 acre
6) Is the Occupied area less than 1 acre in size? <i>*Map attached</i>		X	
<p><b>Occupied Area - the total contiguous or noncontiguous areas supporting the solar energy systems and related infrastructure. The total area calculation shall include all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings or site amenities, deemed necessary for the production of solar energy on the farm. It shall also include the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm.</b></p>			

If yes, has an NRCS Farm Conservation been prepared?		N/A		
7) Does the facility create more than one acre of impervious cover?			X	
8) Is the system net metered?	X			
9) Is the land occupied by the facility eligible for farmland assessment?	X			
10) Is the Premises preserved with Federal Farm and Ranchland Protection Program Funds? If yes, has written approval from the NRCS for this project been provided?	N/A	X		
11) Is the facility located in the Pinelands? If yes, done the system comply with the Pinelands comprehensive management plan?	N/A	YES	NO	Notes
			X	
<b>Evaluation Criteria- N.J.A.C. 2:76-24.6</b>				
1) Detrimental Impacts to drainage, flood control, erosion and soil and water conservation:			X	Roof mount - No impact
2) During construction appropriate measures to be taken to control soil erosion:	X			Roof mount - No impact
3) During operation and maintenance of facility appropriate measures taken to address soil and water resources:	X			Roof mount - No impact
4) Does the presence of the facility interfere with the ability to use the area outside the occupied area for a variety of ag uses:		X		Roof mount - No impact
5) Does the presence of the facility interfere with access to the premises for ag purposes:		X		Roof mount - No impact
6) Does the facility provide power to off-farm uses:			X	
7) Is the system connected to a series of other energy generating systems:			X	
8) Are any easements required as part of facility construction, use or maintenance:			X	
9) Does the facility service a Severable exception area:			X	
10) If the system services a non-ag or non-residential use on a non-severable exception is the facility located on the non-severable exception (preferred):	X			
11) Is the system constructed on Prime Soils:	X			Roof mount - No impact
12) Is the system located on a field edge or non-production area:	X			Roof mount - No impact
13) Does the system location create an isolated or non viable farm field configuration:		X		Roof mount - No impact
14) Does the system utilize permanent footings (non permanent footings preferred):			X	Roof mount - No impact
15) Can the land be readily returned to agriculture production once the facility is removed:	X			Roof mount - No impact

16) Will site disturbance to construct facility exceed one-acre: * Site Disturbance - Includes, but is not limited to, grading, topsoil and subsoil removal, excavation and soil compaction.		X	Roof mount - No impact
17) Is gravel, stone, geotextile fabric or other barrier material proposed for the occupied area:		X	Roof mount - No impact
<b>Attachments N.J.A.C. 2:76-24.5:</b>			
1) Copy of ownership Deed:	X		
2) Site plan:	X		
3) Copy of farmland assessment form:	X		
4) Digital photos of site:	X		
5) Fully executed lease agreement if applicable:	N/A		
6) Documentation showing facility designed in accordance with net metering requirements:	X		
7) Copy of farms electric bills showing annual usage:	X		
8) Written confirmation of compliance from Pinelands Commission, if applicable:	N/A		
9) Farm Conservation Plan for projects with occupied area larger than 1-acre, if applicable:	N/A		
10) If the facility utilizes a permanent footings, a letter from an engineer explaining the need for permanent footings is required:	N/A		
<b>2:76-24.6 Evaluation Criteria:</b>			
<b>Factors for determining significant interference with the land for agricultural uses include:</b>			
1) No detrimental impact to drainage, flood control, water conservation, erosion control, or soil conservation;			
2) During construction and installation of facilities appropriate measures are taken to control soil and water erosion from wind and water which include, temporary stabilization using vegetative cover and mulch, the application of non-potable water to exposed areas and the utilization of barriers to control air current and minimize soil blowing;			
3) During operation and maintenance of solar facilities appropriate measures are taken to address soil and water conservation resource concerns;			
4) Solar facilities which occupy and area of more than 1-acre shall be constructed, installed, operated and maintained in accordance with a farm conservation plan that addresses soil and water resource concerns;			
5) The presence of the solar facility shall not negatively impact the ability to utilize any portion of the premises outside the occupied area for a variety of agricultural and horticultural purposes;			
6) The solar facilities shall not interfere with the ability to access the premises for agricultural or horticultural purposes;			

<p>7) Solar facilities shall not provide power to off-farm demands, shall not be interconnected to off farm consumers and shall not be interconnected to other generation facilities but may be connected directly to the electrical distribution system for producing wholesale power;</p>			
<p>8) Easements shall not be provided through the farm for the purpose of transmitting power generated from an off farm source of to provide roadways to service solar facilities;</p>			
<p>9) Solar facilities servicing a use in a severable exception shall be located entirely within the severable exception;</p>			
<p>10) Facilities servicing nonagricultural or non residential uses in a non severable exception shall be located entirely on the nonseverable exception to the extent practicable and financially feasible;</p>			
<p>11) Facilities shall configured to maximize use of the farm for agricultural purposes by not using prime farmland and locating structures on field edges when practicable and financially feasible; configuring installations to avoid dividing up larger fields and mounting solar panels on rooftops. Screw, pilings or similar non-permanent installations are preferred over concrete or other permanent mountings when practical and financially feasible.</p>			
<p>Treatment of the premises for purposes of constructing, installing, operating or maintaining the solar facilities shall be in accordance with the following standards to ensure the land can be readily returned to agricultural production. Site disturbance shall not exceed 1-acre, total site disturbance from all renewable energy generating devices shall not exceed 1-acre, excess topsoil shall not be removed from the premises, the use of geotextile fabrics is permitted only for agricultural production purposes. Concrete or asphalt is prohibited except for the mounting of inverters, transformers, control boxes and other system components, or the mounting of solar panels if deemed necessary by a licensed engineer. The placement of gravel or stone as a weed barrier is prohibited unless recommended as part of a farm conservation plan. New roadways shall be grass.</p>			
<p>When it is not practical to use the occupied area for agriculture the area shall be maintained in vegetative cover and areas beneath permitted buildings shall be maintained in a manner consistent with the use of the buildings or structures.</p>			
<p><b>Factors for determining if facilities are owned by the Owner:</b></p>			
<p>Copy of fully executed purchase or lease agreement identifying ownership, or ownership at the end of the lease term, which shall be no longer than 20 years and shall have an unconditional assignment to any subsequent owner.</p>			
<p><b>Factors for determining if power or heat is provided directly or indirectly:</b></p>			

Approved part one interconnection/application agreement form or documentation that the energy will be used to provide power or heat directly to the farm or approved PM interconnection service agreement.			
<b>Factors for determining that annual energy generation of solar facilities on the farm is limited to the farm's previous years energy demand plus 10 percent:</b>			
Annual energy generation is based on the monthly sum of the farms energy demand plus 10 percent by providing copies of the farms electric utility bills or other bills or documentation demonstrating the amount of electricity or fuel used to meet the farms energy demands.			
Owner shall provide documentation of the installation dates of facilities already on structures on the premises.			
<b>Factors for determining that the solar facilities on the farm are limited to no more than one percent of the area of the farm:</b>			
Applicant shall provide a site plan depicting the occupied area. Solar facilities installed prior to January 16, 2010 shall not be considered part of the occupied area.			
<b>Factors for determining that the person who owns the solar facility may only sell energy through net metering or as otherwise permitted:</b>			
For net metered systems the applicant shall provide an approved Part One Interconnection/Application Agreement form approved by the EDC.			
For systems connected directly to the electrical distribution system the applicant shall provide an approved PM Interconnection Service Agreement or an approved Part One Interconnection/Application Agreement form approved by the EDC, a copy of a fully executed purchase or lease purchase agreement identifying the who will own the system and the end of the term of the agreement and the length of the agreement.			
<b>Factors for determining that land occupied by solar facilities is eligible for farmland assessment:</b>			
Applicant shall supply a copy of the farmland assessment form approved by the local tax assessor.			
<b>Factors for determining that a solar facility located in the Pinehlands complies with all Pinehlands standards and the comprehensive management plan:</b>			



<p>Applicant shall provide correspondence from the Pinelands Commission confirming the solar facilities comply with all standards.</p>			
<p><b>Other limiting factors:</b></p>			
<p>Impervious cover associated with solar energy facilities shall not exceed one acre.</p>			
<p>Construction of solar facilities on farms preserved with USDA-NRCS funding requires advance notice and written approval from the NRCS.</p>			
<p>Compliance with all other applicable Federal or State laws or regulations including, but not limited to, Coastal Area Review Act, Highlands Water Protection Act and Stormwater Management is required.</p>			
<p><b>S/EP/99EPRnd/98 Eprnd/98 Eprnd/Kuser/Stewardship-Post Closing/Ground Mount Review</b></p>			

## Schedule "C"

<b>Project Name:</b> Kuser/Fernbrook Farm Education Barn		Date Received:	7/22/2013
<b>Owner Name:</b> Lawrence Kuser		Deemed Complete:	8/6/2013
<b>Preserved Farm:</b> Fernbrook Farm		Sent to County:	8/6/2013
<b>County:</b> Burlington		Committee Meeting:	9/26/2013
<b>Township:</b> Chesterfield			
<b>Installer Name:</b> 4 Best Solar		Occupied Area:	0.03 acres
<b>System Type:</b> Solar		Impervious Cover:	N/A - roof mount
<b>Mounting Type:</b> Roof *Constructed 2/2011		Disturbed Area:	N/A - roof mount
<b>System Size:</b> 18,137 KWh/annual (16.1kW)			
<b>Eligibility Criteria N.J.A.C. 2:76-24.4:</b>		<b>YES</b>	<b>NO</b>
1) Does the project interfere significantly with agricultural uses?			X
*See evaluation criteria for significant interference, N.J.A.C. 2:76-24.6, below.			
2) Are the facilities owned by the Landowner?		X	
If no, will the facilities be owned by the Landowner upon conclusion of an agreement term no longer than 20 years?		N/A	
3) Will the facilities be used to provide power or heat, through net metering to the farm?		X	Electricity
4) Does the facility produce less than 110% of last years energy demand?		X	80%
5) Is the Occupied area less than or equal to 1% of the total land area of the farm?		X	0.03 acre
*Map attached			
6) Is the Occupied area less than 1 acre in size?		X	
*Map attached			
*Occupied Area: The total area calculation shall include all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings or site amenities, deemed necessary for the production of solar energy on the farm. It shall also include the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm.			

If yes, has an NRCS Farm Conservation been prepared?	N/A		
7) Does the facility create more than one acre of impervious cover?		X	
8) Is the system net metered?	X		
9) Is the land occupied by the facility eligible for farmland assessment?	X		
10) Is the Premises preserved with Federal Farm and Ranchland Protection Program Funds? If yes, has written approval from the NRCS for this project been provided?	N/A	X	
11) Is the facility located in the Pinelands? If yes, done the system comply with the Pinelands comprehensive management plan?	N/A	X	
<b>Evaluation Criteria- N.J.A.C. 2:76-24.6</b>			
1) Detrimental impacts to drainage, flood control, erosion and soil and water conservation:		X	Roof mount - No impact
2) During construction appropriate measures to be taken to control soil erosion:	X		Roof mount - No impact
3) During operation and maintenance of facility appropriate measures taken to address soil and water resources:	X		Roof mount - No impact
4) Does the presence of the facility interfere with the ability to use the area outside the occupied area for a variety of ag uses:		X	Roof mount - No impact
5) Does the presence of the facility interfere with access to the premises for ag purposes:		X	Roof mount - No impact
6) Does the facility provide power to off-farm uses:		X	
7) Is the system connected to a series of other energy generating systems:		X	
8) Are any easements required as part of facility construction, use or maintenance:		X	
9) Does the facility service a Severable exception area:		X	
10) If the system services a non-ag or non-residential use on a non-severable exception is the facility located on the non-severable exception (preferred):	X		Roof mount - No impact
11) Is the system constructed on Prime Soils:	X		Roof mount - No impact
12) Is the system located on a field edge or non-production area:	X		Roof mount - No impact
13) Does the system location create an isolated or non viable farm field configuration:		X	Roof mount - No impact
14) Does the system utilize permanent footings (non permanent footings preferred):		X	Roof mount - No impact
15) Can the land be readily returned to agriculture production once the facility is removed:	X		Roof mount - No impact

16) Will site disturbance to construct facility exceed one-acre:		X	Roof mount - No impact
* Site Disturbance - Includes, but is not limited to, grading, topsoil and subsoil removal, excavation and soil compaction.			
17) Is gravel, stone, geotextile fabric or other barrier material proposed for the occupied area:		X	Roof mount - No impact
<b>Attachments N.J.A.C. 2:76-24.5:</b>			
1) Copy of ownership Deed:		X	
2) Site plan:		X	
3) Copy of farmland assessment form:		X	
4) Digital photos of site:		X	
5) Fully executed lease agreement if applicable:		N/A	
6) Documentation showing facility designed in accordance with net metering requirements:		X	
7) Copy of farms electric bills showing annual usage:		X	
8) Written confirmation of compliance from Pinelands Commission, if applicable:		N/A	
9) Farm Conservation Plan for projects with occupied area larger than 1-acre, if applicable:		N/A	
10) If the facility utilizes a permanent footings, a letter from an engineer explaining the need for permanent footings is required:		N/A	
<b>2:76-24.6 Evaluation Criteria:</b>			
<b>Factors for determining significant interference with the land for agricultural uses include:</b>			
1) No detrimental impact to drainage, flood control, water conservation, erosion control, or soil conservation;			
2) During construction and installation of facilities appropriate measures are taken to control soil and water erosion from wind and water which include, temporary stabilization using vegetative cover and mulch, the application of non-potable water to exposed areas and the utilization of barriers to control air current and minimize soil blowing;			
3) During operation and maintenance of solar facilities appropriate measures are taken to address soil and water conservation resource concerns;			
4) Solar facilities which occupy and area of more than 1-acre shall be constructed, installed, operated and maintained in accordance with a farm conservation plan that addresses soil and water resource concerns;			
5) The presence of the solar facility shall not negatively impact the ability to utilize any portion of the premises outside the occupied area for a variety of agricultural and horticultural purposes;			
6) The solar facilities shall not interfere with the ability to access the premises for agricultural or horticultural purposes;			

<p>7) Solar facilities shall not provide power to off-farm demands, shall not be interconnected to off-farm consumers and shall not be interconnected to other generation facilities but may be connected directly to the electrical distribution system for producing wholesale power;</p>			
<p>8) Easements shall not be provided through the farm for the purpose of transmitting power generated from an off-farm source of to provide roadways to service solar facilities;</p>			
<p>9) Solar facilities servicing a use in a severable exception shall be located entirely within the severable exception;</p>			
<p>10) Facilities servicing nonagricultural or non-residential uses in a non-severable exception shall be located entirely on the nonseverable exception to the extent practicable and financially feasible;</p>			
<p>11) Facilities shall be configured to maximize use of the farm for agricultural purposes by not using prime farmland and locating structures on field edges when practicable and financially feasible; configuring installations to avoid dividing up larger fields and mounting solar panels on rooftops. Screw, pilings or similar non-permanent installations are preferred over concrete or other permanent mountings when practical and financially feasible.</p>			
<p>Treatment of the premises for purposes of constructing, installing, operating or maintaining the solar facilities shall be in accordance with the following standards to ensure the land can be readily returned to agricultural production. Site disturbance shall not exceed 1-acre, total site disturbance from all renewable energy generating devices shall not exceed 1-acre, excess topsoil shall not be removed from the premises, the use of geotextile fabrics in permitted only for agricultural production purposes. Concrete or asphalt is prohibited except for the mounting of inverters, transformers, control boxes and other system components, or the mounting of solar panels if deemed necessary by a licensed engineer. The placement of gravel or stone as a weed barrier is prohibited unless recommended as part of a farm conservation plan. New roadways shall be grass.</p>			
<p>When it is not practical to use the occupied area for agriculture the area shall be maintained in vegetative cover and areas beneath permitted buildings shall be maintained in a manner consistent with the use of the buildings or structures.</p>			
<p><b>Factors for determining if facilities are owned by the Owner:</b></p>			
<p>Copy of fully executed purchase or lease agreement identifying ownership, or ownership at the end of the lease term, which shall be no longer than 20 Years and shall have an unconditional assignment to any subsequent owner.</p>			
<p><b>Factors for determining if power or heat is provided directly or indirectly:</b></p>			

Approved part one interconnection/application agreement form or documentation that the energy will be used to provide power or heat directly to the farm or approved PM interconnection service agreement.			
<b>Factors for determining that annual energy generation of solar facilities on the farm is limited to the farm's previous years energy demand plus 10 percent:</b>			
Annual energy generation is based on the monthly sum of the farms energy demand plus 10 percent by providing copies of the farms electric utility bills or other bills or documentation demonstrating the amount of electricity or fuel used to meet the farms energy demands.			
Owner shall provide documentation of the installation dates of facilities already on structures on the premises.			
<b>Factors for determining that the solar facilities on the farm are limited to no more than one percent of the area of the farm:</b>			
Applicant shall provide a site plan depicting the occupied area. Solar facilities installed prior to anuary 16, 2010 shall not be considered part of the occupied area.			
<b>Factors for determining that the person who owns the solar facility may only sell energy through net metering or as otherwise permitted:</b>			
For net metered systems the applicant shall provide an approved Part One Interconnection/Application Agreement form approved by the EDC.			
For systems connected directly to the electrical distribution system the applicant shall provide an approved PM Interconnection Service Agreement or an approved Part One Interconnection/Application Agreement form approved by the EDC, a copy of a fully executed purchase or lease purchase agreement identifying the who will own the system and the end of the term of the agreement and the length of the agreement.			
<b>Factors for determining that land occupied by solar facilities is eligible for farmland assessment:</b>			
Applicant shall supply a copy of the farmland assessment form approved by the local tax assessor.			
<b>Factors for determining that a solar facility located in the Pinelands complies with all Pinelands standards and the comprehensive management plan:</b>			



## Schedule "D"

<b>Project Name:</b> Kuser/Fernbrook Farm		Date Received:	7/22/2013
Owner Name: Lawrence Kuser		Deemed Complete:	8/6/2013
Preserved Farm: Fernbrook Farm		Sent to County:	8/6/2013
County: Burlington		Committee Meeting:	9/26/2013
Township: Chesterfield		Occupied Area:	0.03 acres
Installer Name: 4 Best Solar		Impervious Cover:	0.001 acres
System Type: Solar		Disturbed Area:	0.1 acres
Mounting Type: Ground			
System Size: 25,030kWh/annual (20kW)			
<b>Eligibility Criteria N.J.A.C. 2:76-24.4:</b>		<b>YES</b>	<b>NO</b>
1) Does the project interfere significantly with agricultural uses? <i>*See evaluation criteria for significant interference, N.J.A.C. 2:76-24.6, below.</i>			X
2) Are the facilities owned by the Landowner? If no, will the facilities be owned by the Landowner upon conclusion of an agreement term no longer than 20 years?		X	N/A
3) Will the facilities be used to provide power or heat, through net metering to the farm?		X	Electricity
4) Does the facility produce less than 110% of last years energy demand?		X	98%
5) Is the Occupied area less than or equal to 1% of the total land area of the farm? <i>*Map attached</i>		X	0.03 acre
6) Is the Occupied area less than 1 acre in size? <i>*Map attached</i>		X	
<p><b>Occupied Area - the total contiguous or noncontiguous areas supporting the solar energy generation infrastructure. The total area calculation shall include all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings or site amenities, deemed necessary for the production of solar energy on the farm. It shall also include the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm.</b></p>			





16) Will site disturbance to construct facility exceed one-acre:

\* Site Disturbance - Includes, but is not limited to, grading, topsoil and subsoil removal, excavation and soil compaction.

17) Is gravel, stone, geotextile fabric or other barrier material proposed for the occupied area:

**Attachments N.J.A.C. 2:76-24.5:**

1) Copy of ownership Deed:		X			
2) Site plan:		X			
3) Copy of farmland assessment form:		X			
4) Digital photos of site:		X			
5) Fully executed lease agreement if applicable:		N/A			
6) Documentation showing facility designed in accordance with net metering requirements:		X			
7) Copy of farms electric bills showing annual usage:		X			
8) Written confirmation of compliance from Pinelands Commission, if applicable:		N/A			
9) Farm Conservation Plan for projects with occupied area larger than 1-acre, if applicable:		N/A			
10) If the facility utilizes a permanent footings, a letter from an engineer explaining the need for permanent footings is required:		N/A			

**2:76-24.6 Evaluation Criteria:**

Factors for determining significant interference with the land for agricultural uses include:

1) No detrimental impact to drainage, flood control, water conservation, erosion control, or soil conservation;					
2) During construction and installation of facilities appropriate measures are taken to control soil and water erosion from wind and water which include, temporary stabilization using vegetative cover and mulch, the application of non-potable water to exposed areas and the utilization of barriers to control air current and minimize soil blowing;					
3) During operation and maintenance of solar facilities appropriate measures are taken to address soil and water conservation resource concerns;					
4) Solar facilities which occupy and area of more than 1-acre shall be constructed, installed, operated and maintained in accordance with a farm conservation plan that addresses soil and water resource concerns;					
5) The presence of the solar facility shall not negatively impact the ability to utilize any portion of the premises outside the occupied area for a variety of agricultural and horticultural purposes;					
6) The solar facilities shall not interfere with the ability to access the premises for agricultural or horticultural purposes;					

<p>7) Solar facilities shall not provide power to off-farm demands, shall not be interconnected to off farm consumers and shall not be interconnected to other generation facilities but may be connected directly to the electrical distribution system for producing wholesale power;</p>					
<p>8) Easements shall not be provided through the farm for the purpose of transmitting power generated from an off farm source of to provide roadways to service solar facilities;</p>					
<p>9) Solar facilities servicing a use in a severable exception shall be located entirely within the severable exception;</p>					
<p>10) Facilities servicing nonagricultural or non residential uses in a non severable exception shall be located entirely on the nonseverable exception to the extent practicable and financially feasible;</p>					
<p>11) Facilities shall configured to maximize use of the farm for agricultural purposes by not using prime farmland and locating structures on field edges when practicable and financially feasible; configuring installations to avoid dividing up larger fields and mounting solar panels on rooftops. Screw, pilings or similar non-permanent installations are preferred over concrete or other permanent mountings when practical and financially feasible.</p>					
<p>Treatment of the premises for purposes of constructing, installing, operating or maintaining the solar facilities shall be in accordance with the following standards to ensure the land can be readily returned to agricultural production. Site disturbance shall not exceed 1-acre, total site disturbance from all renewable energy generating devices shall not exceed 1-acre, excess topsoil shall not be removed from the premises, the use of geotextile fabrics is permitted only for agricultural production purposes. Concrete or asphalt is prohibited except for the mounting of inverters, transformers, control boxes and other system components, or the mounting of solar panels if deemed necessary by a licensed engineer. The placement of gravel or stone as a weed barrier is prohibited unless recommended as part of a farm conservation plan. New roadways shall be grass.</p>					
<p>When it is not practical to use the occupied area for agriculture the area shall be maintained in vegetative cover and areas beneath permitted buildings shall be maintained in a manner consistent with the use of the buildings or structures.</p>					
<p><b>Factors for determining if facilities are owned by the Owner:</b></p>					
<p>Copy of fully executed purchase or lease agreement identifying ownership, or ownership at the end of the lease term, which shall be no longer than 20 years and shall have an unconditional assignment to any subsequent owner.</p>					
<p><b>Factors for determining if power or heat is provided directly or indirectly:</b></p>					

Approved part one interconnection/application agreement form or documentation that the energy will be used to provide power or heat directly to the farm or approved PJM interconnection service agreement.				
Factors for determining that annual energy generation of solar facilities on the farm is limited to the farm's previous years energy demand plus 10 percent:				
Annual energy generation is based on the monthly sum of the farm's energy demand plus 10 percent by providing copies of the farm's electric utility bills or other bills or documentation demonstrating the amount of electricity or fuel used to meet the farm's energy demands.				
Owner shall provide documentation of the installation dates of facilities already on structures on the premises.				
Factors for determining that the solar facilities on the farm are limited to no more than one percent of the area of the farm:				
Applicant shall provide a site plan depicting the occupied area. Solar facilities installed prior to January 16, 2010 shall not be considered part of the occupied area.				
Factors for determining that the person who owns the solar facility may only sell energy through net metering or as otherwise permitted:				
For net metered systems the applicant shall provide an approved Part One Interconnection/Application Agreement form approved by the EDC.				
For systems connected directly to the electrical distribution system the applicant shall provide an approved PJM Interconnection Service Agreement or an approved Part One Interconnection/Application Agreement form approved by the EDC, a copy of a fully executed purchase or lease purchase agreement identifying the who will own the system and the end of the term of the agreement and the length of the agreement.				
Factors for determining that land occupied by solar facilities is eligible for farmland assessment:				
Applicant shall supply a copy of the farmland assessment form approved by the local tax assessor.				
Factors for determining that a solar facility located in the Pinelands complies with all Pinelands standards and the comprehensive management plan:				

Applicant shall provide correspondence from the Pinelands Commission confirming the solar facilities comply with all standards.

**Other limiting factors:**

Impervious cover associated with solar energy facilities shall not exceed one acre.

Construction of solar facilities on farms preserved with USDA-NRCS funding requires advance notice and written approval from the NRCS.

Compliance with all other applicable Federal or State laws or regulations including, but not limited to, Coastal Area Review Act, Highlands Water Protection Act and Stormwater Management is required.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R9(5)

Delegating Approval of Certain Applications for Solar Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland

WHEREAS, pursuant to N.J.A.C. 2:76-24.1 et seq., the SADC has established a protocol for the review of Applications for Solar Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, pursuant to N.J.A.C. 2:76-24.9(b), the Committee may delegate review and approval authority to the Executive Director pursuant to N.J.S.A. 4:1C-5e. and 5f. for applications for solar energy facilities where a board or nonprofit organization has not submitted comments concerning negative impacts from the application, the solar energy facilities will not result in any new impervious cover, and the application is in conformance with all provisions of N.J.S.A. 4:1C-32.4 and N.J.A.C. 2:76-24.1 et seq.; and

WHEREAS, pursuant to N.J.A.C. 2:76-24.9(b), the Executive Director shall not be precluded from bringing any application before the Committee for review and approval, if deemed appropriate; and

WHEREAS, at the request of the applicant, the Committee shall review an application that has been denied by the Executive Director and approve, approve with conditions, or disapprove the application, in accordance with N.J.A.C. 2:76-24.9(b); and

NOW, THEREFORE, BE IT RESOLVED that the SADC has determined that circumstances warrant the delegation of, and it so delegates, authority to the Executive Director to review and approve, approve with conditions, or deny Applications for Solar Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland provided that: (1) no new impervious cover is created from the installation of the solar energy generation facilities, structures and equipment; and (2) the system supplies power through "net metering" as defined in N.J.A.C. 2:76-24.3 or supplies power or heat directly to the farm outside the meter; and

BE IT FURTHER RESOLVED, that such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director, and notification of all such approvals shall be provided to the SADC at its regular monthly meetings in the form of a written report submitted by the Executive Director; and



BE IT FURTHER RESOLVED, that this Resolution shall not be effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9-26-13

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan A. Danser, Vice Chairman	YES
Jane R. Brodhecker	YES
Denis C. Germano, Esquire	YES
Pete Johnson	YES
Torrey Reade	YES
James Waltman	YES

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STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R9(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
UPPER PITTSBORO TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
P.E. Kramme, Inc. ("Owner")  
Upper Pittsgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 17-0113-PG

September 26, 2013

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Pittsgrove Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Upper Pittsgrove Township's 2014 PIG plan annual update on May 23, 2013 ; and

WHEREAS, on March 29, 2012, the SADC received an individual application for the sale of a development easement from Upper Pittsgrove Township for the P.E. Kramme, Inc. Farm identified as Block 16, Lot 1; Block 17, Lot 1; Block 18, Lot 14, Upper Pittsgrove Township, Salem County, totaling approximately 33 net easement acres hereinafter referred to as "Property" (Schedule A); and

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

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

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 30, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 27, 2012 the SADC certified a development easement value of \$6,600 per acre based on the current zoning and environmental regulations in place as of April 2012; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$6,600 per acre; and

WHEREAS, to date \$1,750,000 of FY09 - FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Upper Pittsgrove Township has expended \$411,796.60 of its SADC grant funds leaving a cumulative balance of \$1,199,603.40 (Schedule B); and

WHEREAS, Upper Pittsgrove Township has three other projects currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on April 9, 2013 the Upper Pittsgrove Township Committee approved the application and a funding commitment for an estimated \$1,200 per acre; and

WHEREAS, the Salem County Agriculture Development Board approved the application on August 28, 2013 secured a commitment of funding for an estimated \$1,200 per acre from the Salem County Board of Chosen Freeholders for the required local match on September 4, 2013; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 33 net easement acres):

	<u>Total</u>	
SADC	\$138,600	(\$4,200 per acre)
Salem County	\$ 39,600	(\$1,200 per acre)
Upper Pittsgrove Twp.	<u>\$ 39,600</u>	<u>(\$1,200 per acre)</u>
Total Easement Purchase	\$217,800	(\$6,600 per acre)

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Pittsgrove Township for the purchase of a development easement on the Property, comprising approximately 33 net easement acres, at a State cost share of \$4,200 per acre, for a total grant need of approximately \$138,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, 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); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County 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 or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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

9-26-13

Date



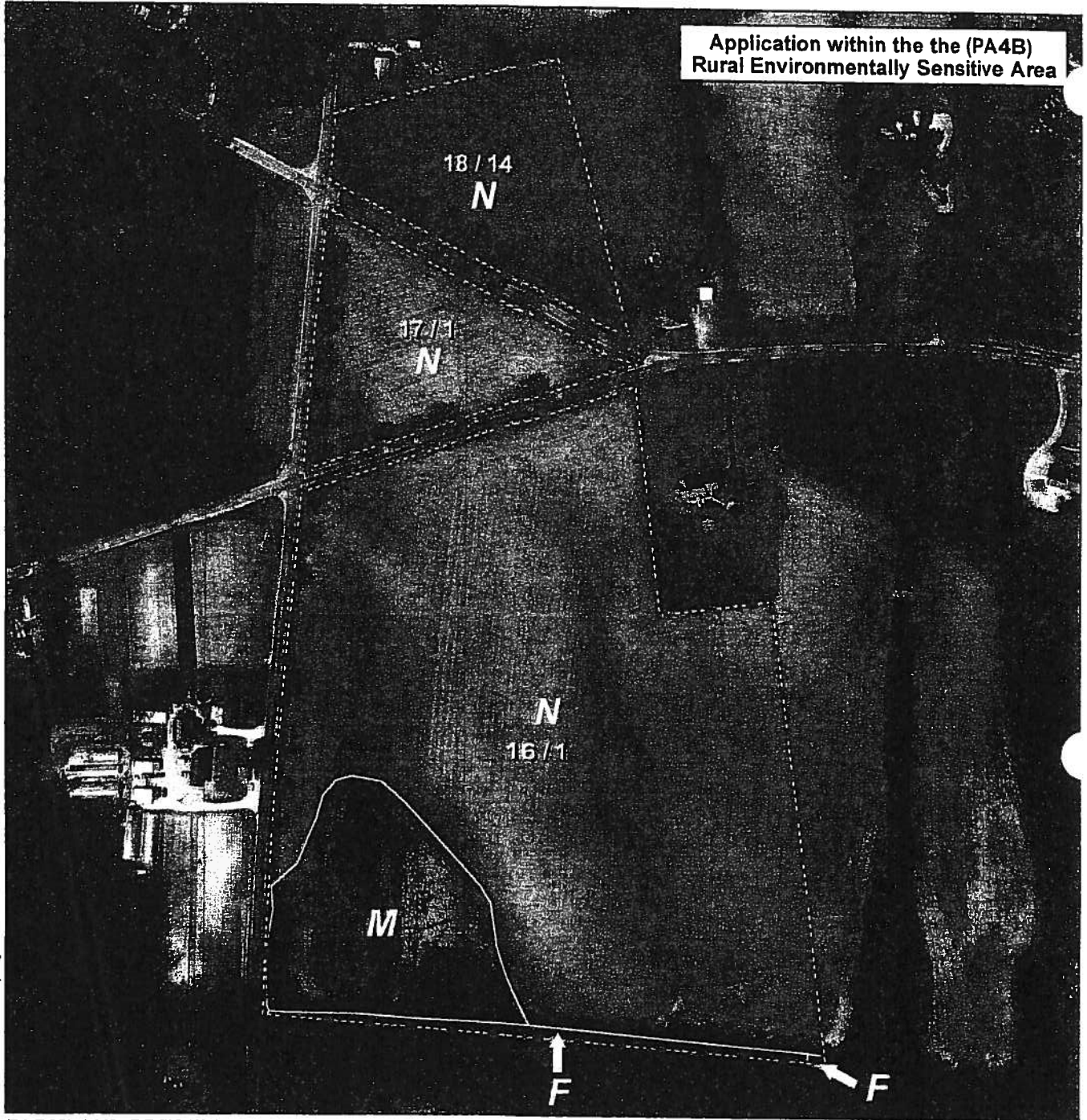
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan A. Danser, Vice Chairman	YES
Jane R. Brodhecker	YES
Denis C. Germano, Esquire	YES
Pete Johnson	YES
Torrey Reade	YES
James Waltman	YES

# Schedule A

Application within the the (PA4B)  
Rural Environmentally Sensitive Area



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kramme, Karl  
Block 16 Lot 1 (25.9 ac), Block 17 Lot 1 (3.73 ac)  
& Block 18 Lot 14 (3.87 ac)  
Gross Total = 33.5 ac  
Upper PittsgroveTwp., Salem County



	Property in Question
	DI - (Non-Severable) Exception
	DS - (Severable) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O&M & Recreation Easement

**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
W - Water

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

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement D  
NJOT/OGIS 2007/2008 DigitalAerialIma

Date 4/11/2012

Sched. B

Schedule B

Municipal Planning Incentive Grant  
Upper Pittsgrove Township, Salem County

Farm	SADC ID#	Acre	SADC		Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant% Per Acre	Easement Consideration	Federal Grant		733 - GSPT		Balance
			Certified Per Acre	Per Acre					Total Federal Grant	SADC Federal Grant	Encumbered	Expended	
Kernan	17-0096-PG	75.305	4,200.00	2,920.00		69.52%	316,281.00	219,890.60				219,890.60	1,750,000.00
Newkirk	17-0097-PG	59.622	6,500.00	4,150.00		63.85%	383,812.00	245,049.20	53,143.20	191,906.00	191,906.00	191,906.00	1,530,109.40
Kramme	17-0113-PG	33.000	6,600.00	4,200.00	6,600.00	63.64%	217,800.00	138,600.00			138,600.00		1,199,603.40
Schmid	17-0108-PG	23.000	6,000.00	3,900.00	6,000.00	65.00%	138,000.00	89,700.00					
Lewis	17-0111-PG	18.000	6,050.00	3,925.00	6,050.00	64.88%	108,900.00	70,650.00					
Madosky	17-0112-PG	18.000	6,000.00	3,900.00	6,000.00	65.00%	108,000.00	70,200.00					
Thomas	17-0114-PG	68.500											
Sottile	17-0120-PG	61.000											
<b>Total Pending</b>	<b>6</b>	<b>221.500</b>						<b>369,150.00</b>					
<b>Total Encumbered</b>	<b>3</b>	<b>167.927</b>										<b>411,796.60</b>	
<b>Closed/Expended</b>	<b>2</b>	<b>134.927</b>					<b>700,093.00</b>	<b>464,939.80</b>					<b>1,199,603.40</b>
<b>Total</b>													
Reprogram Out													





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R9(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER PITTSBORO TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Robert and Deborah Schmid ("Owner")  
Upper Pittsboro Township, Salem County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 17-0108-PG

September 26, 2013

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Pittsboro Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Upper Pittsboro Township's 2014 PIG plan annual update on May 23, 2013 ; and

WHEREAS, on March 29, 2012, the SADC received an individual application for the sale of a development easement from Upper Pittsboro Township for the Schmid Farm identified as Block 48, Lot 5, Upper Pittsboro Township, Salem County, totaling approximately 23 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property has one (1) single family residence, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 10, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on February 28, 2013 the SADC certified a development easement value of \$6,000 per acre based on the current zoning and environmental regulations in place as of April 2012; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$6,000 per acre; and

WHEREAS, to date \$1,750,000 of FY09 - FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Upper Pittsgrove Township has expended \$411,796.60 of its SADC grant funds and encumbered an additional \$138,600, leaving a cumulative balance of \$1,199,603.40 (Schedule B); and

WHEREAS, Upper Pittsgrove Township has two other projects currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on April 9, 2013 the Upper Pittsgrove Township Committee approved the application and a funding commitment for an estimated \$1,050 per acre; and

WHEREAS, the Salem County Agriculture Development Board approved the application on August 28, 2013 secured a commitment of funding for an estimated \$1,050 per acre from the Salem County Board of Chosen Freeholders for the required local match on September 4, 2013; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 23 net easement acres):

	<u>Total</u>	
SADC	\$ 89,700	(\$3,900 per acre)
Salem County	\$ 24,150	(\$1,050 per acre)
Upper Pittsgrove Twp.	\$ 24,150	(\$1,050 per acre)
Total Easement Purchase	\$138,000	(\$6,000 per acre)

WHEREAS, the Township is requesting \$89,700 from the available municipal PIG funding, resulting in a balance of \$1,109,903.40; and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Pittsgrove Township for the purchase of a development easement on the Schmid Property, comprising approximately 23 net easement acres, at a State cost share of \$3,900 per acre (65% of the certified easements value, for a total grant need of approximately \$89,700 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, 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); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County 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 or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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

9-26-13

Date

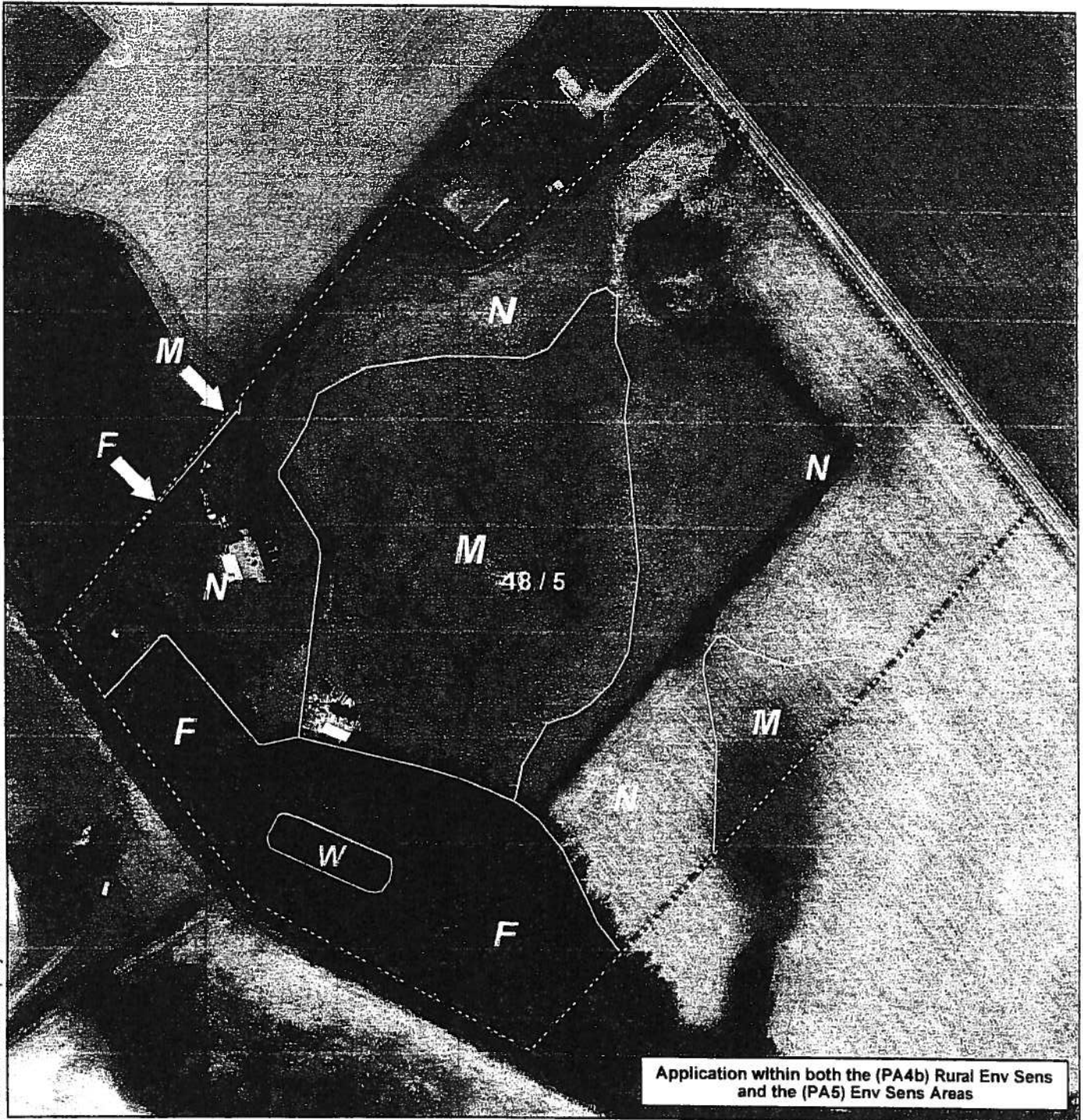


Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan A. Danser, Vice Chairman	YES
Jane R. Brodhecker	YES
Denis C. Germano, Esquire	YES
Pete Johnson	YES
Torrey Reade	YES
James Waltman	YES

# Schedule A



x:\counties\sai\co/projects/SchmidRD\fw.mxd

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

Schmid, Robert & Deborah  
Block 48 Lot 5 (22.85 ac)  
Gross Total = 22.85 ac  
Upper Pittsgrove Twp., Salem County



- Property in Question
- 30' (Non-Reversible) Exception
- 60' (Reversible) Exception
- Wetlands Boundaries
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned OS & Recreation Easement



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

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

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJOT/OGIS 2007/2008 DigitalAerial Image

Municipal Planning Incentive Grant  
Upper Pittsgrove Township, Salem County

*Sheedle B*

Farm	SADC ID#	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant% Per Acre	Easement Consideration	SADC		Federal Grant		Encumbered	793 - GSPT Expended	Balance
								Cost Share	Total Federal Grant	SADC Federal Grant				
Kernan	17-0096-PG	75.305	4,200.00		2,920.00	69.52%	316,281.00	219,890.60	191,906.00	53,143.20		219,890.60	1,750,000.00	
Newirk	17-0097-PG	59.622	6,500.00		4,150.00	63.85%	383,812.00	245,049.20	191,906.00	53,143.20		191,906.00	1,530,109.40	
Kramme	17-0113-PG	33.000	6,600.00	6,600.00	4,200.00	63.64%	217,800.00	138,600.00				138,600.00	1,199,603.40	
Schmid	17-0108-PG	23.000	6,000.00	6,000.00	3,900.00	65.00%	138,000.00	89,700.00				89,700.00	1,109,903.40	
Lewis	17-0111-PG	19.000	6,050.00	6,050.00	3,925.00	64.89%	114,950.00	74,575.00				74,575.00	1,035,328.40	
Madosky	17-0112-PG	16.000	6,000.00	6,000.00	3,900.00	65.00%	96,000.00	62,400.00				62,400.00	972,928.40	
<i>Pending final</i>														
Thomas	17-0114-PG	68.500												
Sotile	17-0120-PG	61.000												
<b>Total Pending</b>	<b>6</b>	<b>220.500</b>						<b>365,275.00</b>				<b>365,275.00</b>		
<b>Total Encumbered</b>	<b>4</b>	<b>91.000</b>										<b>365,275.00</b>		
<b>Closed/Expended</b>	<b>2</b>	<b>134.927</b>					<b>700,093.00</b>	<b>464,939.80</b>					<b>411,796.80</b>	
<b>Total</b>													<b>972,928.40</b>	
<b>Reprogram Out</b>														

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Schmid, Robert & Deborah  
17- 0108-PG  
PIG EP - Municipal 2007 Rule  
23 Acres

Block 48	Lot 5	Upper Pittsgrove Twp. Salem County		
<b>SOILS:</b>		Prime	66% * .15	= 9.90
		Statewide	34% * .1	= 3.40
				<b>SOIL SCORE: 13.30</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	83% * .15	= 12.45
		Woodlands	17% * 0	= .00
				<b>TILLABLE SOILS SCORE: 12.45</b>
<b>FARM USE:</b>	Field Crop Except Cash Grain	19 acres		corn & hay

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: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - 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. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



