

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

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

**REGULAR MEETING**

**February 27, 2014**

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  
James Requa (rep. DCA Commissioner Constable)  
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)  
Cecile Murphy (rep. DEP Commissioner Martin)  
Brian Schilling (rep. Executive Dean Goodman)  
Denis C. Germano, Esq.  
James Waltman  
Peter Johnson  
Jane R. Brodhecker (via telephone conferencing – Left meeting at 10:02 a.m.)  
Torrey Reade

**Members Absent**

Alan A. Danser, Vice Chairman

---

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

---

**Others present as recorded on the attendance sheet:** Heidi Winzinger, Brian Smith, Timothy Brill, Chuck Roohr, Paul Burns, Dan Knox, Hope Gruzlovic, Jeffrey Everett, Dave Kimmel, Jill Gorman, Stefanie Miller, Cindy Roberts, Steve Bruder, Patricia Riccitello and Sandy Giambrone, SADC staff; Peter Simon, Esq., Governor's Authorities Unit (via telephone conferencing); Dan Pace, Mercer

County Agriculture Development Board; Nicole Kavanaugh, New Jersey Farm Bureau; Earle Steeves, Max Spann Auctions, Hunterdon County; Brigitte Sherman, Cape May County Agriculture Development Board; Frank McGovern, Township of Hampton, Sussex County; Harriet Honigfeld, Monmouth County Agriculture Development Board; Laurie Sobel, Middlesex County Agriculture Development Board; and Christine Bell and Mark Villinger, Ocean County Agriculture Development Board.

### **Minutes**

- A. SADC Regular Meeting of January 23, 2014 (Open and Closed Sessions)
- B. SADC Special Meeting of January 31, 2014 (Open Session Only)

Ms. Payne stated that at the bottom of Page 6 of the Closed Session minutes of January 23<sup>rd</sup>, under Item "B" – Right to Farm – Proposed OAL Final Decision regarding the Brodhecker farm, it needs to reflect that Ms. Brodhecker had recused herself from any discussion/action pertaining to this agenda item and left the room prior to any discussion taking place. She stated that staff will make the necessary correction to the minutes to reflect this. Also, for the Open Session minutes of January 23<sup>rd</sup>, under "Action as a Result of Closed Session," Ms. Brodhecker did not return to the meeting; therefore, any items that the Committee took action on at that point should reflect that Ms. Brodhecker was absent for the vote. She stated that staff would make the necessary corrections to the votes taken beginning on Page 13 through Page 15.

It was moved by Mr. Requa and seconded by Ms. Reade to approve the Open Session minutes and the Closed Session minutes of the SADC regular meeting of January 23, 2014 with the above noted corrections, and the Open Session minutes of the SADC special meeting of January 31, 2014. The motion was approved (Mr. Germano and Ms. Murphy abstained from the vote.)

### **REPORT OF THE CHAIRPERSON**

Chairman Fisher made the following comments:

- New Jersey Agriculture Magazine

Chairman Fisher shared with the Committee copies of New Jersey Agriculture Magazine, which spotlights the state's agricultural industry. He stated that the company that published it does this type of magazine across the country, but New Jersey is the first northeastern state to produce such a magazine. It is all done through private enterprise and there is no government money involved. The magazine provided the opportunity to tell the story about the many facets of agriculture in this state. It is a huge and multi-faceted business. He hopes to attract more advertisers next year so there will be opportunity to talk about more topics. The size of the magazine is tied to how many people actually participate.

- Census of Agriculture

Chairman Fisher stated that preliminary data was released from the Census of Agriculture for 2007 to 2012. He said that the number of farms was down 12 percent, noting that the Census counts a farm as having \$1,000 in sales. However, the land, which is what the SADC is interested in mostly, only went down 3 percent. It went from 733,000 acres to 717,000 acres. He noted that a consolidation of farms has been occurring both in New Jersey and nationwide where there are increases in productivity and efficiencies and scaling up of operations that are successful. The average farm size went from 71 acres to now 79 acres. The biggest loss of farms was 24 percent for farms 1-9 acres. The biggest gain in farms was for those 50-179 acres, which increased 7 percent.

- Department of Agriculture Budget

Chairman Fisher stated that the Governor's proposed budget for the N.J. Department of Agriculture for this year is flat, which is good news.

- State Board of Agriculture Convention

Chairman Fisher stated that the State Board of Agriculture's convention, held in conjunction with the Vegetable Growers conference and some other groups, was very good this year. There is a great deal of interest in influencing and understanding what legislators think farms should and shouldn't be doing. He noted ongoing discussions related to many issues, for example, bio-engineered or GMO (genetically modified organism) crops, which have been the source of a great deal of controversy nationally. Another issue being wrestled with is the definition of "locally grown." That can be defined in many different ways. For

instance, local could mean anything grown in New Jersey but it also could mean within a 30-mile radius. The definition also could be what the State Board settled on, which is that if you use "locally" you have to say where it comes from, e.g., New Jersey or Maryland. Agriculture is definitely at the forefront these days because people love their farms, they love the ideal of local, but at the same time there are a host of issues that come up day in and day out. He also noted that farmland preservation – in that there is a sustainable funding source -- was the number one listed priority at the convention.

Mr. Johnson asked for an update on the microenterprise debate. Chairman Fisher stated that there was a lively debate at the convention and when all was said and done the delegation passed it. The bill addresses a lot of concerns but not all and just like any bill it couldn't make everyone totally happy, but in the end it was approved.

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

Ms. Payne made the following comments:

- State Board of Agriculture Convention

Ms. Payne reiterated Secretary Fisher's statement regarding convention-goers rating farmland preservation as the top priority, explaining that when the convention is over the delegates have the opportunity to rank various issues in order of importance. Farmland preservation was ranked as the #1 issue of importance and Right-to-Farm as the #2 issue. From this, the Committee can appreciate how much the agricultural community is dependent on, and pays attention, to the SADC's work. It was a great convention.

- Soil Disturbance

Ms. Payne stated that staff received preliminary results from Rowan University and is expecting final results tomorrow. Following staff review of those results, the subcommittee is expected to be reconvened for a March meeting.

- Farmland Preservation Conference in May 2014

Ms. Payne turned the floor over to Mr. Schilling regarding this conference. Mr. Schilling stated that he reported a month ago regarding the conference, which will

be held on May 12<sup>th</sup> and May 13<sup>th</sup> in Hershey, PA. Registration is now open and staff will circulate that information to its many partners. He stated that the conference is oriented toward those who administer farmland preservation programs. The Under Secretary of the USDA will be attending, along with Tom Daniels, a professor at the University of Pennsylvania who is very well known in the agricultural field and will be the keynote speaker in the morning. Much of the conference is focused on policy and practice, and farmland affordability, which the SADC wrestled with back in 2004-05. Administrators from Vermont and Massachusetts will speak about some of their programs that have been in existence for a few years. Stewardship will be a big issue, and many people are looking to New Jersey to learn how we wrestle with issues like solar, renewable energy, soil disturbance and deed of easement interpretation issues. Mr. Schilling encouraged everyone to try to attend the event.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She referred the Committee to the SADC Newsletter. She stated that staff is trying to keep communications open, not just with CADB administrators and nonprofit partners but also directly with landowners. She stated that if CADBs had email addresses for their landowners, staff would be happy to communicate directly with the landowners. Staff also is open to suggestions from the CADBs on what is the best way to reach property owners. This is a general newsletter aimed at everyone. We do want to go in the direction of creating a newsletter specifically aimed at property owners enrolled in the Farmland Preservation Program to get a little more stewardship-specific this year. Staff is trying to build that database and would encourage CADBs to forward landowner email addresses or contact information if landowners are willing to share that information.

Ms. Payne stated that there is also a good article in the packet regarding Chesterfield Township. Chesterfield Township adopted a comprehensive TDR program in 1998 and has really embraced new urbanism design in its receiving area. It was a very well designed neo-traditional community. The interesting statistic here is that Chesterfield Township has the second highest median sales price of a home in Burlington County, second only to Moorestown. That is a big change. To her, that speaks to the value of the design. They have built about 1,000 units on about 500 acres and did a really great job. It is a success story here for TDR and new urbanist design.

**PUBLIC COMMENT**

Nicole Kavanaugh from the New Jersey Farm Bureau stated that regarding the microenterprise bill, she wanted to stress that there were some concerns expressed at the agriculture convention. She also knows that the Farm Bureau has some concerns about the bill that was proposed in the last legislative session. She stated that the delegates, she thought, voted to leave it open to make a few changes and adjustments here and there. So although the idea is to support it, there are some things that they would like to have worked out.

Casey Jansen from Holland Greenhouses stated he was before the Committee a couple of months back regarding a greenhouse project he wants to do on his 93 acre farm. He has had great communication with Mr. Roohr and Ms. Payne regarding what he has to submit and they have asked for more details on his project. He believes he went beyond what he needed to get done. He obtained engineering plans and is already \$20,000 into the project. His last communication from Mr. Roohr was that he would have to wait six months in order for legislation to be passed due to the litigation in which the State is involved. He is getting a lot of pressure from the seller and he doesn't want to lose the farm. He would like to know where the State is on this. Ms. Payne stated that the last time that she and staff discussed it, she had asked if all of the information had been received so it can be reviewed at the staff level before staff sits down with Mr. Jansen again. She stated that she would meet with Mr. Roohr after today's meeting to make sure the SADC has received everything that was requested. Mr. Jansen stated that his understanding is that the SADC has everything now that it has requested. Ms. Payne stated that staff would be glad to meet with Mr. Jansen again, review that information and then bring it to the Committee. Mr. Jansen stated that he is frustrated because he submitted everything properly before he even put a shovel into the ground and he wants to follow the proper steps, not do it and ask for forgiveness later. He is in a growth stage with his current location and with every month that goes by his plan to have this new location open the market share is getting taken.

Mr. Roohr stated that regarding the new greenhouse that Mr. Jansen wants to build, the ultimate build-out would be 15 acres of structure under either plastic or glass. Because of the size of it, it definitely triggered with staff soil disturbance concerns and the concerns staff had with other large greenhouse operations and the denHollander case we have now.

Ms. Payne clarified that what we need to do is review all of the information. She understands that Mr. Jansen cannot wait until the promulgation of the rules but what she

was trying to get across to him was that we are going to be putting out a regulation regarding soil disturbance and that would help him understand definitively what the standards are going to be. Once that rule is promulgated, his risk is reduced because he could see exactly what is permitted and what is not. If he needs the Committee to decide prior to those rules being promulgated then the Committee will need to take that issue up. That is where we are. Chairman Fisher stated that you know the denHollander case and you know what the issue was. Mr. Jansen responded yes. Chairman Fisher said to take that into consideration with whatever it is that you'll be doing. Mr. Jansen responded that he has.

Ms. Payne commented that Mr. Jansen's proposal was to use the land as a growing medium. Mr. Jansen responded yes, outdoor and indoor. He stated that he sent the SADC videos of that. Ms. Payne stated that it is a very different type of proposal than a strict leveling of the ground for greenhouses. It will be the first one the Committee has had to consider so staff will bring it back to the Committee. We just need to look at all the documents at the staff level and analyze them to see that all the questions are answered and if they are, staff will be in a position to discuss it with the Committee. Mr. Jansen asked if he would still have to wait for a new law to be discussed. Ms. Payne responded that he would not. If he is asking the Committee for a determination on whether his proposal is compliant with the existing deed of easement, he can ask for that. That is how she interprets his question. Ms. Payne stated that if staff has everything that was asked for, we could bring it to the Committee next month.

Earl Steeves addressed the Committee. He stated that he is part owner of a 300-acre farm and he spent 40 years either financing or selling preserved farmland and farms. He is currently Vice President of Max Spann Real Estate and Auction Company and is working with Mr. Jansen on this project. What he is talking about is a state-of-the-art greenhouse operation. Today, controlled environment greenhouses are much more ecologically friendly than most traditional forms of agriculture. This is a wave of the future. He noted the focus on trying to establish new rules and regulations in light of the denHollander case. He suggested to the SADC that you have plenty of existing rules and regulations in place and the brains of some of the most talented people in agriculture on environmental issues in the State of New Jersey. There is enough brain power here that you can look at a project like Mr. Jansen's and make some kind of determination with existing rules and regulations. He stated that Mr. Jansen was before the Committee in August 2013, and being told to wait six months from December brings it to a one-year delay in trying to get approvals for his project. Mr. Jansen's project is very innovative and it is using soil inside a greenhouse as a growing medium and it is something that is very well recognized in Holland and you will see more of that happening in this country. He encourages the

Committee to help fast-track the project so that it can be a showpiece for New Jersey agriculture and also farmland preservation because here is someone who is willing to cross every "t" and dot every "i" to make sure the project is something that everyone would be proud of, so please give whatever attention you can.

Mr. Johnson asked if this project started at the CADB level. Harriet Honigfeld from the Monmouth County Agriculture Development Board stated that the CADB did what it calls a deed interpretation resolution last July. Their concern at this point is not about the proposed activities because they are pretty comfortable that they meet the intent of the deed and the stewardship needs of the soil and property. Rather, their concern is that this contract for sale has been extended and extended and the original owners of the farm passed away more than a year ago. They need their succession plan to be moving. From a legal perspective, she understands doing all the due diligence but at some point we have to deal with what is on the table now. She knows their initial phase of the project is much more modest.

### **NEW BUSINESS**

#### **A. Agricultural Mediation**

##### **1. Certification of New Agricultural Mediator – Michael J. Ennis**

Mr. Kimmel referred the Committee to Resolution FY2014R2(1) for a request to certify Michael J. Ennis as a new agricultural mediator and add him to the list of approved mediators pursuant to N.J.A.C. 2:76-18.3. Mr. Kimmel reviewed the specifics of the request as outlined in said resolution and stated staff recommendation is to approve Mr. Ennis as an agricultural mediator.

It was moved by Ms. Reade and seconded by Ms. Murphy to approve Resolution FY2014R2(1) certifying Michael J. Ennis as an agricultural mediator, pursuant to N.J.A.C. 2:76-18.3, as presented and discussed and subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2014R2(1) is attached to and is a part of these minutes.)

#### **B. Resolution of Final Approval: Municipal Planning Incentive Grant Program**

##### **1. James and Elmira Smith, Marlboro Township, Monmouth County**

Mr. Knox referred the Committee to Resolution FY2014R2(2) for a request for final approval under the Municipal Planning Incentive Grant Program. He reviewed the specifics of the request with the Committee and stated staff recommendation is to grant



final approval.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2014R2(2) granting final approval to the following application under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolution:

1. James and Elmira Smith, SADC # 13-0443-PG  
Block 171, Lot 52.02, Marlboro Township, Monmouth County, 28 Net Easement Acres  
State cost share of \$8,400 per acre (60% of the certified easement value) for a total grant need of approximately \$235,200, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."

Discussion: The property includes a 3-acre nonseverable exception area for equine service activities (including riding arenas, riding lessons and competitions) and is restricted to non-residential use. An equine map and a specialized "Equine Schedule B" will be recorded with the Deed of Easement in order to clearly define equine service and production activities.

The motion was unanimously approved. (A copy of Resolution FY2014R2(2) is attached to and is a part of these minutes.)

#### **C. Resolution of Final Approval – State Acquisition Program**

**Note: Mr. Johnson recused himself from any discussion/action pertaining to the request for final approval for Mill Creek Farm, LLC to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.**

SADC staff referred the Committee to four requests for final approval under the State Acquisition Program. Staff reviewed the specifics of each request with the Committee and stated that staff recommendation is to grant final approval as presented and discussed. Chairman Fisher suggested that the Committee take action on the Mill Creek Farm application first and then take action on the remaining requests as a group.

It was moved by Mr. Requa and seconded by Mr. Siegel to approve Resolution FY2014R2(3) granting final approval to the following application under the State Acquisition Program, as presented and discussed, subject to any conditions of said

Resolution:

1. Mill Creek Farm, LLC, SADC # 03-0027-DE  
Block 304.01, Lot 99, Medford Township  
Block 46, Lot 13, Lumberton Township  
Burlington County, 99 Net Easement Acres  
Direct acquisition of the development easement at a value of \$19,600 per acre for a total of approximately \$1,940,400.00, based on 99 acres, subject to the conditions contained in Schedule "B."

Discussion: The property to be preserved has one single-family residence, one recreational cabin to be limited to personal recreational use and not to be recognized as a single-family residence, zero agricultural labor units and no pre-existing nonagricultural uses. The owner has requested a one-acre nonseverable exception area restricted to zero single-family residences.

The motion was approved. (Mr. Johnson recused himself from the vote.) (A copy of Resolution FY2014R3 is attached to and is a part of these minutes.)

**Ms. Payne stated that she wanted to note for the record that Ms. Brodhecker was present at today's meeting via telephone conferencing. Ms. Brodhecker stated that she has been on the conference call since the beginning of the meeting.**

It was moved by Mr. Schilling and seconded by Mr. Germano to approve Resolution FY2014R2(4) through Resolution FY2014R2(6) granting final approval to the following applications under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolutions and subject to the condition on the Donald and Nancy Johnson application that final approval is conditioned upon receipt by the SADC of the signed offer acceptance letter from the landowners:

2. Barry Black/BKB Properties, SADC #11-0039-DE (Resolution FY2014R2(4))  
Block 2713, Lots 32, 34, Hamilton Township, Mercer County, 62 Easement Acres  
Acquisition of the development easement at a value of \$10,000 per acre for a total of approximately \$620,000 subject to the conditions contained in Schedule "B."
3. MaryBeth Hamorski & Jeffrey Salatiello, SADC #10-0215-DE (Resolution FY2014R2(5))

Block 18, Lot 28, Lebanon Township, Hunterdon County, 65 Net Easement Acres  
Direct acquisition of the development easement at a value of \$6,000 per acre for a total of approximately \$390,000, subject to the conditions contained in Schedule "D."

Discussion: The property is located in the Highlands Preservation Area and will be utilizing 2006 Highlands Preservation appropriation funds. It has one single-family residence and zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. The owners have requested a 2.5-acre nonseverable exception area restricted to one single-family residence. The owners understand that the property is subject to enhanced environmental restrictions outlined in the New Jersey Department of Environmental Protection's Highlands Water Protection and Planning Act rules, N.J.A.C. 7:38 et. seq., which may restrict building on the farm within and outside of the exception area. The majority of the property is currently in equine production with approximately 18.6 acres utilized for breeding, training for sale, raising and pasturing in addition to hay production, and approximately 2.2 acres are devoted to equine service (boarding services, riding lessons and training). An equine map and specialized "Equine Schedule "B" will be recorded with the Deed of Easement in order to clearly define equine service and production activities.

4. Donald and Nancy Johnson, SADC # 06-0071-DE (Resolution FY2014R2(6))  
Block 201, Lot 3 (approximately 80 Acres), Upper Deerfield Township,  
Cumberland County  
Block 1403, Lot 1 (approximately 13 Acres), Pittsgrove Township, Salem County  
92 Net Easement Acres  
Acquisition of the development easement at a value of \$6,400 per acre for a total of approximately \$588,800 subject to the conditions contained in Schedule "B."  
**Final approval is conditioned upon receipt by the SADC of the signed offer acceptance letter from the landowners.**

Discussion: The property includes a 1-acre nonseverable exception area restricted to one single-family residence. It is noted that the landowners have verbally agreed to the SADC's offer to purchase the development easement on the property for \$6,400 per acre. They had just left for vacation and staff has not received the signed offer acceptance letter but has been advised that it is in the mail. Chairman Fisher suggested that granting of final approval be conditioned upon receipt of the signed offer acceptance letter by SADC staff.

The motion was unanimously approved. (Copies of Resolution FY2014R2(4) through

Resolution FY2014R2(6) are attached to and are a part of these minutes)

**D. Right to Farm – Proposed OAL Final Decision**  
**1. Hampton Township and Pierson v. Sussex CADB and Brodhecker Farm, LLC**

**Note: Ms. Payne stated that Ms. Brodhecker indicated to her that for this agenda item, she did not want to be present for any discussion/action to avoid the appearance of a conflict of interest and would leave the meeting at this point. Ms. Brodhecker is the owner of the farm in question and she also is the Chairperson of the Sussex County Agriculture Development Board. Ms. Payne asked if anyone else was still on the phone line such as Mr. Simon from the Governor's Authorities Unit. Mr. Simon was still present on the phone line. Ms. Payne asked Ms. Brodhecker to disconnect from the phone line as it was not possible to mute the phone line without removing the ability of Mr. Simon to still attend the meeting. Ms. Brodhecker stated that was fine and that she was leaving the meeting and disconnected herself from the phone line.**

Mr. Smith referred the Committee to the draft final decision regarding the OAL case of Hampton Township and David Pierson, Petitioners, vs. Sussex County Agriculture Development Board and Brodhecker Farm, LLC, Respondents. He stated that staff already discussed this at length with the Committee in two Executive Sessions. There has been one staff report and then one combination staff report and request for Committee guidance. He thought that most of what is in the draft final decision should already be familiar to the Committee. He moved into the conclusions provided in the draft final decision.

Mr. Smith briefly reviewed the information and staff recommendations with the Committee. One of the objections that the Township of Hampton raised was that the Board was improperly constituted due to the presence of a couple of public members who were, according to Hampton, in reality farmer members, in violation of the part of the statute that creates CADBs. He stated that we are adopting the Administrative Law Judge's (ALJ) opinion that the two members at issue were in fact public members. That would be Lori Day and Joan Snook-Smith. The second objection, procedurally, is that the Board had conflicts of interest and bias and we reject that claim by Hampton, basically on the grounds that conflicts of interest were disposed of and decided upon at the Local Finance Board (LFB), as a result of inquiries that had been made by the Board through its attorney to the LFB. The bias claim was raised because a couple of board members several years ago made some statements, which while they may sound unfortunate in the

context of the case, were made without the benefit of the facts in the case, and we do not find that that rises to the level of what the Township calls "extreme bias." So we are adopting the ALJ's finding on that issue as well.

Mr. Smith stated that the site-specific agricultural management practice (SSAMP) application itself was filed in February 2009 and it was not provided to the Township within 10 days, as required by law. However, that application was given to the Township at the May 18, 2009 meeting. The ALJ found, and we adopt, the finding that the technical violation of Section 2.3A did not prejudice the Township.

**(Note – Governor's Authorities Unit Representative Peter Simon left the meeting at this point. The telephone conferencing was now disconnected so that no was listening or could call in.)**

Mr. Smith stated that there was also a site visit conducted by an agricultural team comprised of a couple of agriculture extension agents from Sussex County and Hunterdon County. No notice of the site visit was provided to Hampton Township. That was objected to as well as the fact that no one from Hampton Township was present at the site visit. He stated that we again adopt the ALJ's finding that our policy P-3 does not require that municipal representatives be present when a site inspection is conducted. We are modifying the Initial Decision because the ALJ did not affirmatively find that Brodhecker operated a commercial farm. We so find, based on the record below.

The other procedural issue was the ALJ was citing to a prior SADC case called Casola vs. Monmouth County, in which the issue was who had the burden of proof at the OAL after an SSAMP has been granted by a CADB. The Initial Decision cited Casola and actually used a quote from the Casola case but did not follow through with the complete citation, which basically says that a CADB's decision is entitled to a presumption of validity unless the contrary is proven. Also, the Initial Decision cited a case that the SADC had cited in our Casola case called "Lyons Farms," which talks about administrative agency decisions, the presumption of validity and when that presumption is lost. The ALJ did not get into that, which is significant. Our decision modifies the Initial Decision by holding that a CADB decision is presumed valid and that the objector at the OAL has the initial burden to show that the decision by the CADB was improper. Once the objector makes that showing, the presumption of validity is lost and the burden switches to the commercial farmer in the OAL to prove that the SSAMP was properly issued by the CADB. There was also, in Casola, a subsidiary issue of whether the OAL case is de novo. It has been de novo since the late 1990s. The OAL always starts fresh with Right to Farm cases. We basically reaffirm that it is a de novo proceeding in the

OAL.

Mr. Smith stated that with respect to the Brodhecker farm market SSAMP, we will go right to the compliance with statutory criteria. He stated that 51% of the annual gross sales must come from the agricultural output of the farm. The Committee is aware of the profit and loss statements that were introduced into evidence both before the Board and before the OAL. There was a lot of discussion about what those percentages mean. SADC staff did their analysis and explained that analysis both in our prior memo in Executive Session and we lay it out again in the Final Decision. He stated that we are taking the agricultural output items sold at the farm market, and we're adding the nonagricultural output items sold at the farm market, to come up with a sum of percentages. Then we divide the agricultural output item percentages into the total percentage, and as it turns out for several years the Brodheckers did exceed the 51% threshold for agricultural output. The only year they didn't make it was 2006, when only 30% of their sales were their own agricultural output. Unfortunately, neither the Board nor the ALJ analyzed the profit and loss statements. Mr. Smith stated that the SADC modifies the Initial Decision, because the ALJ didn't get into it at all, by stating that Brodhecker was a farm market under the sales prong of the farm market definition. However, because percentages are something new that the agency hasn't dealt with, it could be subject to interpretation. We also modify the decision by requiring that for the 2008 and 2009 calendar years Brodhecker obtain what is called an attestation to review the data and to confirm that the 51% or more of the annual gross sales came from the farm's agricultural output, which were sold at retail from the farm market. The reason we picked 2008 was because it was the first full year prior to Brodhecker's application for the SSAMP, and 2009 was the full year in which the SSAMP was filed. The attestation must be performed by a certified public accountant (CPA).

The other prong of the farm market definition is that 51% of the sales area be devoted to the sale of the farm's agricultural output and, based on our prior review of the site plan that was introduced by Brodhecker, staff finds that only a couple of the buildings involved the sales of products in which customers physically enter the structure, that is the existing office building, which is building #6, and the steel building, which is building #1. Building #6 however, based on the photographs we saw does not contain agricultural output. That was the place that has muck boots, siding for sheds and some other items. Half of building #1 does have the farm's agricultural output and that is approximately 3,600 square feet. Again, with respect to sales area, neither the Board nor the ALJ did any meaningful analysis of the site plan and the SADC is rejecting, as we do with the annual gross sales burden, the Initial Decision, which put the burden on Hampton Township to prove Brodhecker's compliance or noncompliance with the farm

market definition. Based on staff's review, the farm market complex does not contain 51% or more sales area of the farm's agricultural output. Although we find that mixed use areas like livestock shelters, bulk product storage areas and product processing buildings are not sales areas as defined in the statute, we do know that it is a common practice for farmers to drive to the silo or barn and have hay thrown onto the pickup truck or for a livestock purchaser to walk out to a livestock pen and look at the animals prior to purchasing them or deciding whether to purchase. Although those are not sales areas under the statute, we are protecting those activities as generally accepted agricultural practices.

Mr. Smith stated that the "sales area" definition is in the proposed On-Farm Direct Marketing AMP. Mr. Johnson asked what we are actually working with today. Mr. Smith responded that there are two things, one is the use of the word "facility" in the farm market statute. Facility is a place devoted specifically to a particular purpose. Having said that, we are trying to use some common sense as to what a sales area actually is and what is a customary vendor/consumer transaction, where they take place, where the money is exchanged, where the cash register may be. That is a common sense notion that is actually reinforced in the proposed AMP, which is going to be published probably in early April. We do recognize that areas that are mixed use to store things, you have your hay and then on the second floor of your barn it gets brought down to a truck, that is sort of a hybrid that we are protecting as a generally accepted practice but we are not calling it a sales area under our understanding of the farm market, the statutory definition of farm market. Mr. Johnson asked if we have a definition of sales area for farm markets. Mr. Smith responded that other than the definition in the proposed On-Farm Direct Marketing AMP there is none.

Mr. Johnson stated that he was uncomfortable when the Committee was talking about this the last time and he sees it as it's not going to make it as sales area because we were sort of willy-nilly and what is your opinion on this spot and he feels it needs work. He stated that he has been through that document a few times and he can see this coming back pretty quick for something like this. He asked whether we do a pretty good job in the AMP as far as getting more specific. He stated that he read some things before where an outdoor display doesn't count and an indoor display does count so there is something somewhere from which they are working. Ms. Payne stated that the proposed AMP, and it is adopted, it is just not published yet, is clear. If we applied that standard to Brodhecker we would come to no different conclusion. Also, as Mr. Smith related, it wasn't quite willy-nilly, we were just saying that we looked at this entire complex and discussed with the Committee all of these buildings, one of which was a hay barn, and we asked ourselves, is a hay barn sales area? What we looked at was the predominant use of

these buildings and spaces, and if the predominant use of the buildings and spaces was not a customer transaction, we didn't consider it as sales area. The plan submitted things like grain bins, characterizing them as sales area. We didn't think that passed a common sense test of what the Right to Farm Act was written to protect. It is definitely a judgment call the Committee makes when it does so. Mr. Johnson stated it is a judgment call and we need to be sensitive to a specific type of operation and he feels that Brodhecker is an example of where hay barns and grain bins are places where retail business is done.

Ms. Payne stated that she understands what Mr. Johnson is saying and this is the first time that we have had this big of a farmstead complex that was involved in retail marketing. She stated that she and Mr. Smith inspected the property personally and the common sense understanding when you are on that site is you go back into a building and this is where they mix grain and there is equipment stored and everything else in there. It seems to her that 90% of the time that building is used for production processing and maybe one or two percent or five percent of the time someone pulls up and fills up their truck with this kind of grain. We could not find that to be enough of a use for that building to be counted as sales area. That is the rationale that is embedded in this decision.

Mr. Johnson stated that there is an old feed mill in our town and a very large portion of their under-roof retail facility is bales of hay, bales of straw, grain in bulk that you can get bagged and it is sold to the type of customer. He hasn't been to Brodheckers but he is just trying to make sure we don't just run right over this and say that is the rule forever more. He hopes we can be case sensitive as time goes on.

Mr. Germano stated that he read the decision as really stacking up this operation against the definition of sales area that is in the new AMP and that is why he was comfortable with it. We have a firm definition of what a sales area is and the decision seems to analyze the different places against that. Mr. Smith stated that it does but the Committee also needs to be mindful that we recognize that commercial transactions do occur sometimes at these mixed use places and they are protected, they are just not called sales areas. Mr. Germano stated that the reason it is being looked at under this analysis is just to see if it qualifies as a farm market under the sales area test. Ms. Payne stated that is correct.

Mr. Smith stated that regarding the products that are sold, there is agricultural output and then products that contribute to farm income. He stated that we review those items using the complementary and supplementary rubrics that we started with in the Hopewell Valley Vineyards decision. The Sussex CADB did identify complementary and



supplementary products but then failed to apply those standards to each of the products. The ALJ had the Hopewell Valley decision and an old 1994 draft AMP, which discussed complementary and supplementary, and even though the ALJ had that material in front of her, she didn't analyze the products either. Instead what the ALJ did was put the burden again on Hampton to prove the items were not complementary or supplementary and that finding is rejected for the same reason we rejected the other burden shifting.

Mr. Smith stated that items protected because they are agricultural output are the following:

- Animal Feed
- Crops
- Livestock
- Seed

Conditionally protected because of their nexus to the sale of farm-raised livestock are:

- Livestock shelters
- Livestock supplies
- Livestock feeders
- Waterers; watering equipment
- Fences, fencing supplies
- Gates

These items are conditionally protected because the size of those items needs to be commensurate with the livestock that is sold.

Items not protected because there is no relationship between the items and the farm-grown agricultural output are:

- Gazebos
- Sheds
- Related equipment, which we didn't protect because there was no evidence of what that actually means.
- Tractors and trailers because the phrase "products that contribute to farm income" does not contemplate the commercial farmer being a sales dealer of agricultural motor vehicles.
- Fertilizer and lime because there was no evidence that it was produced from the agricultural output and it was not complementary or supplementary.

Hay wagons  
Manure spreaders  
Cat and dog food  
Ice melt  
Muck books  
Rock salt  
Wood pellets

Chairman Fisher stated that a township can, under its zoning and laws, say to the landowners that you can sell these things on your farm but you just won't get Right to Farm protection, is that correct? Ms. Payne responded yes, that is correct.

Ms. Payne stated that if a township gives a farmer a variance to run a retail operation with a whole variety of items not protected out of their farm market they can do it. However, those items will be counting against them accomplishing the income threshold. It decreases the ratio.

Mr. Smith stated that Pages 32 and 33 of the draft final decision summarizes what he just discussed with the Committee but there were a couple of other important issues – one was customer parking and traffic impacts. He stated that there was no meaningful analysis by the Board or the ALJ. We reject the ALJ's finding that the burden was on Hampton to prove that Brodhecker did not pose a direct threat to public health and safety, consistent with the SADC's holdings in the Holloway Land and Feinberg cases. Brodhecker, in order to get Right to Farm protection for the farm market, must comply with the statutory requirement that the parking areas be in conformance with municipal standards and that traffic impacts need to be addressed. Building uses and Uniform Construction Code (UCC) classifications are at the very end because Right to Farm protection can be afforded only if the commercial farmer is compliance with State law. The UCC is a State law so to the extent that any of these buildings are covered by the UCC they must comply with that code. Again, there was a burden shifting improperly by the ALJ and we reject that.

Mr. Germano stated that regarding these two issues, compliance with municipal standards for parking and the UCC, the CADB still makes the call, they don't not have to go to the locality to see if the parking lot and the buildings comply with municipal standards. Mr. Smith stated there are two pieces to that. Regarding the parking, the statute says it only has to be in conformance with municipal standards. A commercial farmer can go to the CADB, show the municipal standards and show the parking lot and composition and get that blessed. They do not have to go to the town to get permission to install the parking

lot. The construction just needs to be in conformance with municipal standards. With regard to UCC, that is a State law with which compliance is required. If the commercial farmer wants to obtain State permits and the only way to do that is through the town – the town has its own officer who issues permits or they have the State person whom they hire – the farmer would have to go there. He doesn't see why you would want to go back to the CADB because you already would have your State permits. Mr. Germano stated that very often the permit goes through the zoning officer and if they don't like this farm market, you won't get a building permit. Ms. Payne stated that to her Right to Farm is very much a zoning approval when it comes to uses and setbacks. So the zoning issues have been resolved. It is incumbent on the township, legally, to recognize it as such and then the building inspector reviews that building and determines if it is in compliance with the UCC and, if so, issues the permit. We cannot issue a permit; the SADC doesn't have that authority. If a town refuses to recognize this then the SADC, and we haven't done this yet but we have thought about it enough, would seek the Division of Community Affairs' assistance to either force the township to act or to issue the permit itself. Those are the fights we would have to have if a township is trying to ignore what this means.

Ms. Reade stated that the upside of not having certain areas designated as sales areas because staff believes they are production is that they would not have to comply with the UCC because they wouldn't be considered areas where the public was. Therefore, they wouldn't have to get the township building inspector to pass them. She asked if she was correct in that understanding. Ms. Payne stated that this decision notes that there are two parts of the farm, two buildings that we and the Brodheckers agree are sales areas. As such, to us, those sales areas certainly need to comply with the UCC. If the public is being invited in the building it has to be in compliance. The point you are raising is if all of the other buildings that were identified as sales areas actually are sales area, what does that mean for UCC compliance? She stated that she thought that would support that position. Ms. Reade stated that they would all have to be UCC compliant but if they are all actually considered agricultural production areas and not a sales area then they would be exempt. Ms. Payne responded correct.

Mr. Smith stated that staff recommendation is to approve the draft Final Decision.

Mr. Siegel stated that he was impressed by the amount of work and time that staff and the Committee put into this issue. He believes the discussions and issues have been well-balanced. He remains concerned that the financial documents that were submitted are not acceptable financial documents. He doesn't think the Committee should give a conditional approval dependent on the condition that the landowner provides credible

financial documents. He believes the Committee needs the documents to verify that this farm is legitimately protected. Chairman Fisher asked why we can't say the decision is "subject to"? Ms. Payne stated that this decision does say that. Mr. Smith stated that the attestation comes back to the Committee. The decision requires that it be filed with the CADB, the SADC and Hampton Township. Mr. Siegel stated that nevertheless, it seems orderly to him to say that we want to see the attestations before we have a sentence in a legal document that says this is a Right to Farm-protected farm. Chairman Fisher asked, had the attestations come in first would you then be prepared to vote? Mr. Siegel responded yes. He stated that he is not convinced, by the preliminary information provided, that proper documents are possible. He believes there is a huge gap between what is required and what they have indicated they have. Ms. Payne stated that the Committee's other option when we get an ALJ decision is to remand it. After five years of litigation on this case, our goal at the staff level was to try to conclude the matter, to be clear about what the Committee thinks. In this case, this attestation is creating new ground. We have never had a case before that had percentages and not numbers so we are trying to find a way forward that doesn't just kick it back to the ALJ for another two years. At some point this case has to be brought to conclusion.

Mr. Waltman wanted to know what the Committee is being asked to do. Ms. Payne stated this is a final agency decision. Mr. Waltman asked what the implications are. If it is a final agency decision that is contingent on something that hasn't occurred yet, what does that do to the plaintiffs in this case? Ms. Payne stated that as a practical matter everyone receives the copy of this decision and the property owners are going to know that they need to hire a CPA to get this done and to submit it so that they can finish their engineering work related to their parking and go back to the CADB for approvals to get the parking approved and deal with the traffic issues. This case is not finished because they didn't deal with those issues the first time. They have to go back to the CADB anyway to actually have their market protected, and between the day this is issued and then, they will produce this attestation. Chairman Fisher asked if we should put a timeframe on when that is due back. Mr. Smith stated that they don't have Right to Farm protection unless the attestation is submitted so they have their own self-imposed time limit because if they wait too long they invite enforcement by the township. Mr. Waltman asked if the attestation comes in and there are concerns by the Committee about its validity, what happens at that point? If we adopt this are we creating a higher burden of proof on the Board to reject that in the however unlikely event that occurs or is it a neutral situation, do we have to take an action to accept that? Mr. Smith stated that he would think the Committee needs to review it and accept or reject it and then notify the parties. Mr. Schilling stated that if the attestation doesn't come in at the appropriate level of 51% or higher, then the Committee's action is very clear. The area that he thinks is

still sticky is the determination of what are or are not appropriate items. He stated that whether or not a silo or barn or what have you is sales area or not is going to be highly variable. The one area he thinks is sticky is some of the determinations on the specific items that would or would not contribute, but he thinks, for him, there are a lot of procedural issues here that we had to respond to and he feels the document does a good job in satisfying those. The attestation is the big issue – is this farm eligible and what proofs are needed to come forward. This helps clarify that and that is a big step forward. He feels what is still murky is some of the minutiae – muck books and specific determinations on that. However, he is prepared to move forward.

It was moved by Mr. Germano and seconded by Mr. Requa to adopt the Final Decision in the matter of Hampton Township and David Pierson, Petitioners, vs. Sussex County Agriculture Development Board and Brodhecker Farm, LLC, as presented and discussed. The motion was approved. (Ms. Brodhecker recused herself from any discussion/action pertaining to this agenda item and had left the meeting before this discussion. Mr. Siegel abstained.) (A copy of the Final Decision is attached to and is a part of these minutes.)

#### **PUBLIC COMMENT**

Frank McGovern stated that he represented Hampton Township. He stated that it was obvious that the SADC put a lot of time and dedication into focusing on this issue and they appreciate it. There is one other issue that does not appear to be addressed and he is not frankly asking for it to be addressed. It is more of a general concern. They have spent a lot of time over the years focusing on this one case and they also spent a lot of time looking through the various drafts of the AMP, which sounds like it is about to become final, dealing with direct marketing. He is very impressed with all the work and feedback that went into that as well. One thing that seems to not be addressed is the question of implementation. When an SSAMP gets approved by a CADB and becomes final and there is a determination that, let's say under the retail sales market definition, at that time they meet those standards. Now we are three years later, the farm market is in operation and things start to change. A farm is a changing type of enterprise. Now let's say the income starts deviating and particularly the reason it comes up is because in the Brodhecker case there are a number of years where that 51/49% is just on the line and from year to year it changes and for good reason. So we get three years out but it appears that nobody is monitoring whether or not there is continued compliance over time. There doesn't appear to be a mechanism for that. He stated that they made a suggestion in their submission, which probably was not addressed in the Final Decision, which was perhaps there should be some type of an annual submission, not complicated, but something where the retail operator or farmer submits something to the local board and to the town

and to the SADC, a simple filing of what the income formula is for that particular year. It is something to consider and it was something that was bothering him over the last couple of years in reviewing it. Chairman Fisher stated that at the same time, the almost duress of having to be involved with this does keep an operator on their toes in that who would want to go through this after 3 to 5 years. He appreciated that Mr. McGovern brought it up and this has been discussed but the Committee is just not ready to render anything because we are going to wait and see what we encounter.

Dave Pierson from Hampton Township, Sussex County, stated that he lives across the street from the Brodhecker farm and was one of the plaintiffs in the case. He wanted to say that up to today he was very disgruntled with the whole system. This is the first time that he heard dialogue that seemed like it was impartial and was really thought out, looking at all benefits. There were a couple things he would like to bring up. Building #1 is not qualified according to the UCC. Brodhecker can't show you the CO to operate Building #1 as a mercantile building, which it is. He doesn't have the fire stuff in, he doesn't have the septic because it is year round; he has none of those things but the CADB approved him all the way through. He should have been stopped at that time and told that this building doesn't count until you have met that. He has been operating, selling all these products and running that business when the public was really at risk because that building is not qualified as a safe building. He cannot believe it was approved all the way to this level and he hasn't met any of those standards. When he asked for the soil erosion plan at the CADB they said he has it. When he asked to see it, they said no. Two years later, he saw that the plan was for the swamp in the back; it had nothing to do with the new building. So again, they said it's too late, the building is already up. He stated that he asked about construction where rats were under his property, Brodhecker said he didn't need permits and the town said he needs permits but he did all the work anyway and nothing happened. As a neighbor across the street, he is frustrated and it is not that he is anti-farmer. He used to babysit Brodhecker's children. This barn that we are taking about, Building # 1, he was told it was a storage barn. The permit is for a barn, not for a mercantile building. That is why none of the codes are met. He is concerned with the standard and something being put in Right to Farm that stops that immediately. It shouldn't move forward. The safety of people is at risk if we are going to allow them not to meet fire codes and all the other codes. Mr. Pierson stated his other concern that he didn't hear addressed was his rights. He is looking at 23 sheds and 10 hay wagons from his property. His 14<sup>th</sup> Amendment right is violated. Still the OAL judge said they recommended moving them to the back. That is all he asked for, move them to the back so he doesn't have to see all this every single day. He has company coming and it looks like a Home Depot. He stated that the judge recommends it but Mr. Smith didn't address that. Ms. Payne stated that Mr. Smith did discuss the fact that the decision does

not protect the sale of sheds and it does not protect the sale of hay wagons so if the Brodheckers are going to seek permission to sell those things they will have to get that permission through the Township.

Mr. Waltman explained that the SADC only decides what the town can or cannot regulate under the Right to Farm Act. It is protection from the town. If we are not protecting an activity then it is the municipality's decision on how it is going to regulate it. Mr. Germano stated that people are allowed to go into his hay barn and buy hay. You heard Mr. Smith say that some sales out of some of these buildings are protected. Mr. Pierson stated that he isn't saying he can't bring people in to purchase items, he is saying he can't use that as his 51% building to show this enormous space that he is going to do. That is what he is trying to get to. The sales area right now that he has is just outside of an acre. How big can that go, can it go to 5 acres, 10 acres? He's got 2,000 feet of frontage of road there, can he line up everything? He stated that he didn't hear any limits on that. That was another thing he wanted the SADC to think about. He appreciates the SADC looking at the receipts because he asked for receipts so he could do an analysis but he got none of those receipts. He would say we should look at this like they would a pizzeria where you have to show your inventory compared to your sales. He has his own business and he can give his receipts to you, pull the receipts out that are products that I don't want you to know and give you receipts and still hide stuff. So you still need to do an analysis of the inventory that he is buying compared to what he is selling. There should be a correlation and a good accountant would know whether something is wrong or something is right. So he would ask the Committee to do a little bit further investigation on that. He also stated that Brodhecker buys corn from other farms, trucks it in and creates feed to sell as his product. He doesn't know if that should count as his sales receipts toward the 51% because he isn't growing it. Some of it comes from Pennsylvania and it gets added to his grain. He stated he also had questions about a statement in a Rutgers Extension program report stating that the buildings did meet code and Brodhecker was able to sell all these items. He stated the Rutgers agency has no qualifications to make that statement in the report.

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

SADC Regular Meeting: Thursday, March 27, 2014, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

#### **CLOSED SESSION**

At 11:04 a.m., Mr. Germano moved the following resolution to go into Closed Session.

The motion was seconded by Mr. Requa 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. Real Estate Matters - Certification of Values**

It was moved by Mr. Siegel and seconded by Mr. Waltman to certify the following development easement values as presented and discussed in Closed Session:

#### **County Planning Incentive Grant Program**

1. Frederick, Marie and Judith Quick, SADC #18-0208-PG  
Block 147, Lot 9, Hillsborough Township, Somerset County, 39 Acres
2. Amwell Chase, Inc., SADC # 10-0350-PG  
Block 5, Lot 24 and 24.01, W. Amwell Township, Hunterdon County, 205 Acres

#### **Direct Easement Purchase Program**

1. George and James Ballinger, SADC # 08-0033-DE  
Block 263.01, Lot 4.03; Block 273, Lot 20, Mantua Township, Gloucester County, 150.47 Net Acres
2. Gaetano and Angelina Grasso # 1, SADC #08-0032-DE  
Block 42, Lots 7, 9, 18, Elk Township, Gloucester County, 57.5 Acres
3. Robert and Sarah Santini, SADC # 21-0067-DE  
Block 94, Lot 22; Block 97, Lot 1, Lopatcong Township  
Block 5, Lot 1, Greenwich Township  
Warren County, 94 Acres



The motion was approved. (Ms. Brodhecker was absent for the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

**B. Attorney/Client Matters**

None

**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 11:45 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**Attachments**

S:\MINUTES\2014\Reg Feb 27 2014.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R2(1)

Certification of Agricultural Mediation Program Mediator

February 27, 2014

WHEREAS, the State Agriculture Development Committee (SADC) coordinates the New Jersey Agricultural Mediation Program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(a), persons interested in becoming certified agricultural mediators shall contact the SADC in writing; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(b), in order to be qualified as an agricultural mediator, each mediator shall be certified as having satisfied the requirements of a Committee-approved agricultural mediation training session, which shall be a minimum of 18 hours of core mediator knowledge and skills training, including role-play simulations of mediated disputes, as provided by the Committee; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(c), the SADC shall certify each mediator who has satisfactorily completed these requirements; and

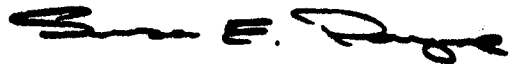
WHEREAS, Michael J. Ennis has satisfied the requirements of N.J.A.C. 2:76-18.3(a) and (b), as he has contacted the SADC in writing to express his interests in becoming a certified agricultural mediator and has satisfactorily completed a 40-hour mediation training course offered by the Center for Alternative Dispute Resolution;

WHEREAS, Mr. Ennis' experience and background includes being a certified mental health counselor since 2001 and being certified in property and casualty insurance since 2010 (including but not limited to crop insurance, inland marine insurance and ocean marine insurance, and earthquake/flood/catastrophic claims) working with the New Jersey Manufacturers Insurance Company;

NOW THEREFORE BE IT RESOLVED, the SADC certifies Michael J. Ennis as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3.

2/27/14

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

To: SADC Members  
From: David Kimmel  
Date: February 27, 2014  
Subject: New Jersey Agricultural Mediation Program: Request by Michael J. Ennis to be certified as new agricultural mediator

The SADC periodically receives inquiries from individuals interested in becoming mediators with the Agricultural Mediation Program. The SADC has the ability to add these individuals to the agency's roster of mediators if they meet the program's certification requirements outlined in N.J.A.C. 2:76-18.3. In order to join the roster as a new mediator, a person must complete an appropriate 18-hour mediation training course and then be certified by the SADC.

In January 2014, Michael J. Ennis contacted the SADC to express his interest in joining the program's roster of mediators. In December 2013, Mr. Ennis completed a 40-hour mediation training course offered by the Center for Alternative Dispute Resolution.

Mr. Ennis's experience and background includes being a certified mental health counselor since 2001 and being certified in property and casualty insurance since 2010 (including but not limited to crop insurance, inland marine insurance and ocean marine insurance, and earthquake/flood/catastrophic claims) working with the New Jersey Manufacturers Insurance Company.

→ Staff recommends that Michael J. Ennis be certified as an Agricultural Mediation Program mediator.

**Michael J. Ennis, M.A.**  
**Counselor and Mediator**  
20 Nassau Street, Suite 118  
Princeton, NJ 08542  
(O) (609) 963-7121  
(C) (267) 897-0252  
Email: princetonadr@gmail.com

VIA ELECTRONIC MAIL

January 17, 2014

Mr. David Kimmel  
Agricultural Resource Specialist  
State Agriculture Development Committee  
John Fitch Plaza  
P.O. Box 330  
Trenton, NJ 08625  
ph: 609-984-2504  
fax: 609-633-2004  
david.kimmel@ag.state.nj.us

Re: Letter Expressing Interest to Become an NJ Agricultural Mediator and Resume

Dear Mr. Kimmel:

I am writing to express interest in becoming an NJ Agricultural Mediator.

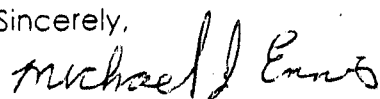
I have been a certified mental health counselor since 2001, certified in property and casualty insurance (including but not limited to crop insurance, inland marine insurance and ocean marine insurance, and earthquake/flood/catastrophic claims) since 2010 through NJ Manufacturer American Insurance Institute, and completed 40 hours of mediation training through the Center for Alternate Dispute Resolution (copy of 40 hours mediation training certificate enclosed, as requested).

I believe that my diverse professional background would be an asset to and round out the NJ agricultural mediator roster.

If you have any questions, please feel free to contact me.

Thank you in advance for your consideration.

Sincerely,



Michael J. Ennis, M.A.

Enclosures (2) - Resume and 40 hour mediation certificate

Michael J. Ennis, M.A.  
Counselor and Mediator  
20 Nassau Street, Suite 118  
Princeton NJ 08542  
(C) (267) 897-0252  
(O) (609) 963-7121  
princetonadr@gmail.com

## Michael J. Ennis

---

### Summary

Ethical professional experienced in counseling youth and adults, crisis counseling and management, basketball coaching (CYO youth leagues 12-18 year olds), review and audit insurance claims processing and data management (insurance records and medical records claims processing).

### Professional Experience

**New Jersey Manufacturer's Insurance Company, Trenton NJ 2008-2013**

#### *Document Processor Associate*

- Certified in property and casualty insurance claims (including but not limited to crop insurance, inland marine insurance, ocean marine insurance, and earthquake/flood/catastrophic claims)
- Audit Personal Lines, General Claims and Worker's Compensation Claims
- Conduct Quality Review
- Present Comprehensive Teamwork Training Program for NJ Manufacturer's
- Prepare Worker's Compensation Bills
- Create and validate electronic files of General Claims in KTM software and document review in Kofax software system.

**St. Francis / St Joseph Home for Boys / Bethanna Youth Services  
Bensalem PA / Southampton PA 2002-2007**

#### *Mental Health Counselor*

- Evaluate and assess client behavior outcomes using CBT methods
- Oversee and supervise direct support staff for 2 group homes
- Draft reports regarding client progression/regression in light of overall treatment goals (including clients diagnosed with special needs and autism)
- Develop, design and maintain 20 hour wrap around program providing life skill sessions and educational opportunities for clients enrolled in programs
- Counsel clients under program / facility care
- Coordinate client care for patients in residential setting

Catholic Diocese of Baltimore, Baltimore MD 1999-2002

*Counselor*

- Mentor and work with inner city gang and drug population and inner city youth
- Present educational programs to at risk youth
- Author and present annual reports and case management reports
- Research, develop and design educational programs for Maryland Juvenile program
- Prepare social and vocational plans for young men for release/social re-entry

State of New Jersey -- Division of Taxation, Trenton NJ 1985-1999

*Railroad Tax Engineer, Property Administration and Policy Section*

- Oversee Mercer County re-evaluations regarding railroad taxes
- Liaison with state legislators on pending tax laws
- Research and analyze tax laws regarding impact of county tax assessments for railroads and different railroad tracks in each county in state of NJ
- Research, prepare and assist with [implement] property assessments and improve tax tabulation methods
- Review and analyze all county tax maps assigned for re-evaluations and implemented adjustments accordingly

**Education**

Holy Family University, Philadelphia PA B.A. 2000  
*B.A. Humanities, with Minor in Religious Studies*  
*Graduated with honors*

Washington Theological Union, Washington DC 1999-2000  
*Graduate studies in Philosophy and Theology*

Mount St. Mary's Seminary, Emmitsburg, MD 2000-2001  
*Masters of Divinity*

**Professional Memberships**

Association of Accredited CYO Basketball Coaches 1989 - present

Member of Chapel of Four Chaplains 1995 - present

Knights of Columbus (St. Ignatius Chapter) 1989 - present

- 3d Degree Knight 1999 - present

**Language**

Spanish reading fluency and basic spoken Spanish

**Extracurricular  
Activities**

**St. Ignatius CYO Head Basketball Coach, Yardley, PA 1988-2012**

- 19 play off appearances (1988, 2002-2005, 2009-2012)
- 18 championships
- 2 state tournament appearances
- 1 state championship (2003)

**Penn Ryn Head Basketball Coach, Fairless Hills PA 2002**

**St. Raymond 's Varsity Girls Head Basketball Coach, Wildwood, NJ 1999**

- NJ State Champion Runner Up

**Certifications**

Property and Casualty Insurance Certification, NJ Manufacturers Insurance Institute 2010

Mental Health Worker Certification, Archdiocese of Philadelphia

Therapeutic Staff Support meeting all PA-MA Bulletin 01-01-05 of the  
Department of Public Welfare State of PA-Medical Assistants-Bulletin 3-01

Therapeutic Crisis Intervention Training (Completed at Foundations Behavioral  
Health)

Certified C.C.D. Teacher, Archdiocese of Philadelphia

Certified Religious Instructor, Diocese of Camden 2001

**Awards received**

Chapel of Four Chaplain's Award 1995, nominated by Congressman Michael Fitzpatrick

Knights of Columbus Service Award 2012

Archdiocese of Philadelphia CYO Sports Program Award 2012, for "26 years of dedication  
to Youth Basketball and Being a Role Model for Young Men of Our Community"

**References**

Available upon request.



*The Center for Alternative Dispute Resolution*

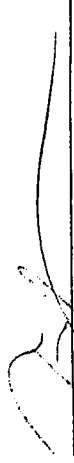
This certificate certifies that

*Michael Ennis*

has satisfactorily completed forty hours of

Mediation Training

on this thirteenth day of December, two thousand thirteen.



Training Registrar

December 13, 2013

Date

# Center for Alternative Dispute Resolution

About Us

Programs

Contact Us



---

## About Us

The Center for Alternative Dispute Resolution was founded in 1986 by Associate Professor and Director, Marvin E. Johnson. Its mission is to promote and provide education and comprehensive approaches to dispute resolution that constructively serve the needs of our culturally diverse society. The Center began as a self-sustaining entity of Bowie State University and was the first and only Dispute Resolution Center at a Historically Black College or University.

Under Professor Johnson's direction, the Center grew from being a leader in the Washington, DC/Baltimore, MD area to being recognized and respected throughout the Nation.

The Center focuses primarily on the practical application of ADR principles. It offers a wide variety of dispute resolution education and professional development programs. It has a continuing commitment to enhancing the skills and abilities of current ADR practitioners and users, and to developing more cultural diversity within the dispute resolution field.

In September 2000, the Center initiated new affiliations with Salisbury State University's Center for Conflict Resolution, the Cooperative Consortium for Dispute Resolution, and the University of the District of Columbia and ended its fifteen-year relationship with Bowie State University.

Updated: 20 September 2013  
Created by PERfixx Solutions  
© 2005 The Center for Alternative Dispute Resolution

<http://www.natctr4adr.org/about.html>

# Center for Alternative Dispute Resolution

Home

About Us

Programs

Publications

Testimonials

Upcoming Events

Announcements

Contact Us



## Mediation Training

### Program Goal

This 40-hour training, designed to teach participants to apply sound mediation practices and principles while managing/resolving disputes, meets the requirements of Maryland Rule 17-106. Participants will learn to utilize a full range of effective mediation skills, techniques, and strategies.

### Program Overview

The contents of this training revolve around the mediation process, the mediator's role, and the understanding and application of mediation theory and practice.

The participants will learn how to use mediation to resolve disputes within their fields of expertise. In addition, participants will learn how the mediation process is used to resolve conflicts in a variety of complex disputes involving multiple parties, differing power balances, interests, values, and contexts. Participants will develop the necessary analytical skills to understand and shape the mediation process to accommodate any dispute.

### Training Objectives

**Knowledge:**

Participants will learn the stages of the mediation process and the applicable theories.

**Skills:**

Participants will learn specific mediation techniques and a systematic method of utilizing them at each stage of the mediation process.

- Abilities:** Participants will learn and understand how the mediation model works for all types of disputes, and will learn how to apply his or her professional and personal knowledge and abilities to enhance the process.
- Confidence:** Through practice, experience, knowledge, and positive feedback, the participants will acquire the confidence to utilize their mediation skills in a variety of conflicts.
- Growth:** Participants will experience personal and professional growth.

#### **Training Includes...**

**Short Lectures** - brief oral presentations used as precursors to an exercise, a group discussion or a role play.

**Exercises** - short experiential activities designed to focus on specific skills or to realize specific personal characteristics.

**Role Plays** - simulated scenarios devised for learning and practicing mediation techniques.

**Group Discussions** - an exchange of ideas, experiences, or an analysis of a topic, exercise or role play.

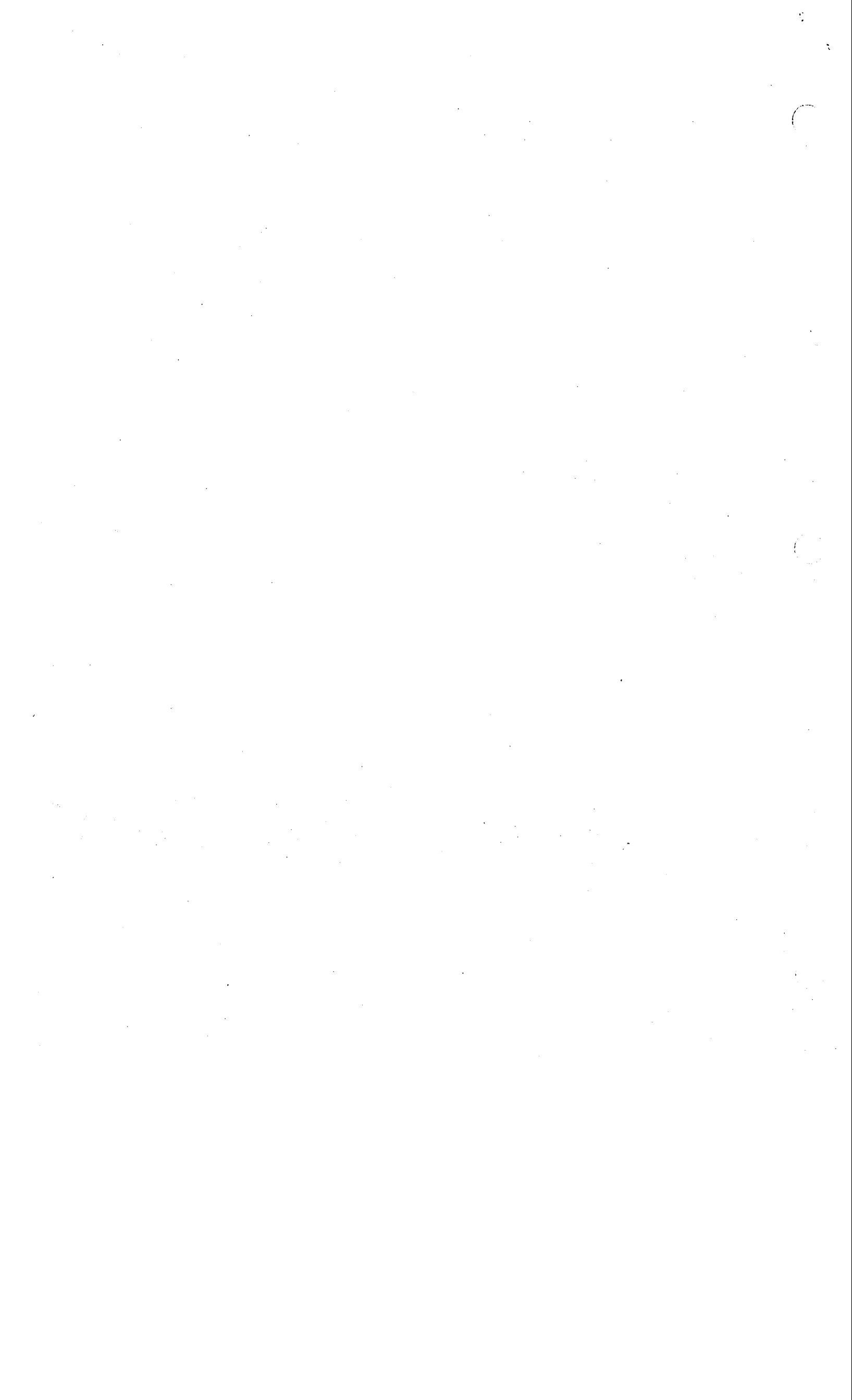
**Videos** - for technique demonstration and reinforcement.

**A Training Manual** - for delineation of the mediation process and mediation techniques.

**A Certificate of Completion** - will be provided to those who complete the 40-hour training.

Updated: 20 September 2013  
Created by PERfixx Solutions  
© 2005 The Center for Alternative Dispute Resolution

<http://www.natctr4adr.org/overview-mt.html>



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R2(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MARLBORO TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
James and Elmira Smith ("Owners")  
Marlboro Township, Monmouth County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 13-0443-PG

February 27, 2014

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 Marlboro Township, Monmouth County; and

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

WHEREAS, on October 3, 2012, the SADC received an individual application for the sale of a development easement from Marlboro Township for the Smith Farm identified as Block 171, Lot 52.02, Marlboro Township, Monmouth County, totaling approximately 28 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 outside of any exception area(s); and

WHEREAS, the Property includes a 3-acre non-severable exception area for equine service activities (including riding arenas, riding lessons and competitions) and is restricted to non-residential use; and

WHEREAS, the Property is currently an equine operation with approximately 17 acres in production as pasture (Schedule B); and

WHEREAS, approximately 0.6 acres are devoted to stables which includes equine service; and

WHEREAS, the Property also includes other production activities including breeding and training horses for sale; and

WHEREAS, an equine map (see draft as Schedule B) and a specialized "*Equine Schedule B*" will be recorded with the Deed of Easement in order to clearly define equine service and production activities; 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 May 8, 2013 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 November 13, 2013 the SADC certified a development easement value of \$14,000 per acre based on the current zoning and environmental regulations in place as of May 2013; and

WHEREAS, the Township has contracted with the landowner for \$18,500 per acre, which is equal to the highest appraised value; 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 Marlboro Township has expended \$0 of its SADC grant funds and encumbered \$168,000, leaving a cumulative balance of \$1,582,000 (Schedule C); and

WHEREAS, Marlboro Township has one other project currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 5, 2013, the Marlboro Township Committee approved the application and a funding commitment for an estimated \$6,740 per acre; and

WHEREAS, the Monmouth County Agriculture Development Board approved the application on December 4, 2013 and secured a commitment of funding for an estimated \$3,360 per acre from the Monmouth County Board of Chosen Freeholders for the required local match on December 19, 2013; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 28 net easement acres):

	<u>Total</u>	
SADC	\$235,200	(\$8,400 per acre)
Monmouth County	\$94,080	(\$3,360 per acre)
Marlboro Twp.	\$188,720	(\$6,740 per acre)
Total Easement Purchase	\$518,000	(\$18,500 per acre)

WHEREAS, the Township is requesting \$235,200 from the available municipal PIG funding, resulting in a balance of \$1,346,800; 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 Marlboro Township for the purchase of a development easement on the Property, comprising approximately 28 net easement acres, at a State cost share of \$8,400 per acre (60% of the certified easement value), for a total grant need of approximately \$235,200 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D); and

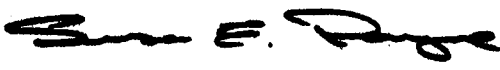
BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Monmouth County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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.

2/27/14  
Date

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



**VOTE WAS RECORDED AS FOLLOWS:**

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

# Schedule A



X:\counties\monco\projects\SmithJ2\_FWW.mxd

Application within the (PA2) Suburban Area

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

James and Elvira Smith  
Block 171 Lots P/O 52.02 (27.4 ac)  
& P/O 52.02-EN (non-severable exception - 3.0 ac)  
Gross Total = 30.4 ac  
Marlboro Twp., Monmouth County



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

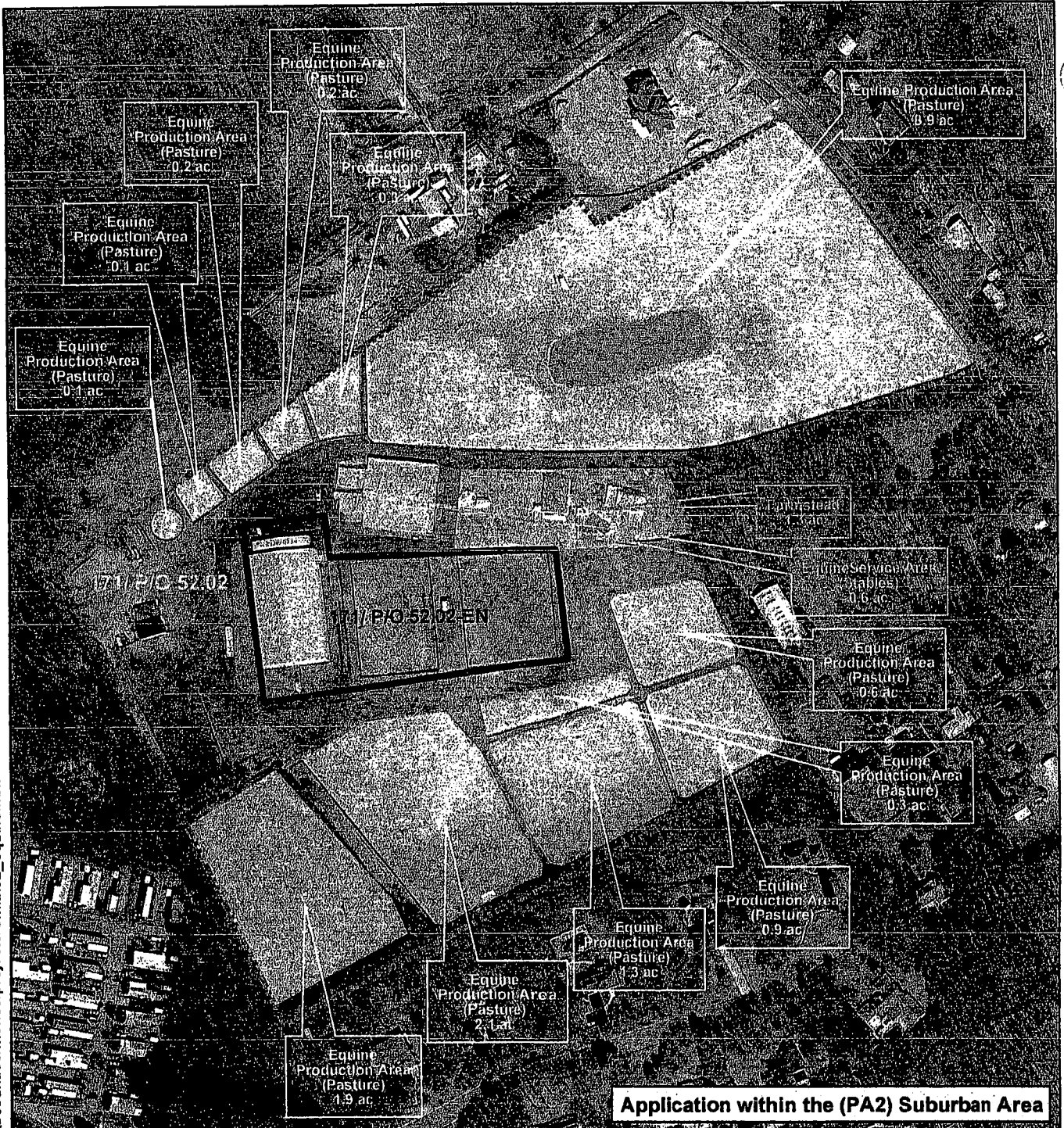
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and 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

Date: 1/24/2013

# Smith Farm - Equine Production vs. Equine Service Areas

x:\counties\monco\projects\Smith12\_equine.mxd



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

James and Elvira Smith  
 Block 171 Lots P/O 52.02 (27.4 ac)  
 & P/O 52.02-EN (non-severable exception - 3.0 ac)  
 Gross Total = 30.4 ac  
 Marlboro Twp., Monmouth County



**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The 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:

NJOIT/OGIS 2007/2008 Digital Aerial Image

February 28, 2013

Municipal Planning Incentive Grant  
Marlboro Township, Monmouth County

SADC ID#	Pay Acres	SADC GLA	SADC Cert	SADC File	Closing Refund	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant Per Acre	Establishment Consideration	SADC Cost Basis	SADC Code Share	SADC Federal Grant	SADC Encumbered	733 - GSPT Expended	Balance
Peppasaw Fresh LLC	14.000	07/06/10	05/29/11	09/22/11		20,000.00	22,500.00	12,000.00	60.00%	315,000.00	260,000.00	168,000.00		168,000.00		1,750,000.00
Smith (Baymar)	28.000	05/09/13	11/19/13			14,000.00	18,500.00	8,400.00	60.00%	518,000.00	392,000.00	235,200.00		235,200.00		1,582,000.00
Yost	16.500	05/09/13														1,346,800.00
withdrawn												WITHDRAWN				
Est. of Eckel	17.920	01/06/10														
												403,200.00		403,200.00		
Total Pending	50.500															
Total Encumbered	42,000															
Closed/Expended																
Total																
Reprogram Out																

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Baymar Farm  
13- 0443-PG  
PIG EP - Municipal 2007 Rule  
28 Acres

Block 171	Lot 52.02	Marlboro Twp.	Monmouth County	
<b>SOILS:</b>		Other	6% * 0	= .00
		Prime	1% * .15	= .15
		Statewide	93% * .1	= 9.30
				<b>SOIL SCORE: 9.45</b>
<b>TILLABLE SOILS:</b>		Cropland Pastured	66% * .15	= 9.90
		Other	34% * 0	= .00
				<b>TILLABLE SOILS SCORE: 9.90</b>
<b>FARM USE:</b>	Horse & Other Equine		30 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st three (3) acres for Flexibility around arenas
    - Exception is not to be severed from Premises
    - Exception is to be restricted to zero single family residential unit(s).
  - 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.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R2(3)

Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
Mill Creek Farm L.L.C. ("Owner")

February 27, 2014

Subject Property: Mill Creek Farm L.L.C.  
Block 304.01, Lot 99, Medford Township  
Block 46, Lot 13, Lumberton Township  
Burlington County  
SADC ID#: 03-0027-DE  
Approximately 99 Net Easement Acres

WHEREAS, on January 22, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Mill Creek Farm L.L.C., hereinafter "Owner," identified as Block 304.01, Lot 99, Medford Township and Block 46, Lot 13 Lumberton Township, Burlington County, hereinafter "Property," totaling approximately 99 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Burlington County (minimum acreage of 69 and minimum quality score of 58) because it is 99 acres and has a quality score of 73.25; and

WHEREAS, on the Property to be preserved there is one (1) single family residence, one recreational cabin to be limited to personal recreational use and not to be recognized as a single family residence; zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, the Owner has requested a 1-acre non-severable exception area restricted to zero single family residences; and

WHEREAS, at the time of application, the Property was devoted to corn, vegetables, and melon production; and

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

WHEREAS, on December 12, 2013, the SADC certified the development easement value of the Property at \$19,600 per acre based on current zoning and environmental conditions as of September 20, 2013; and

WHEREAS, on January 10, 2014 the Owner accepted the SADC's offer to purchase the development easement on the Property for \$19,600 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the direct acquisition of the development easement at a value of \$19,600 per acre for a total of approximately \$1,940,400.00, based on 99 acres subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

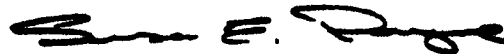
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

2/27/14

Date

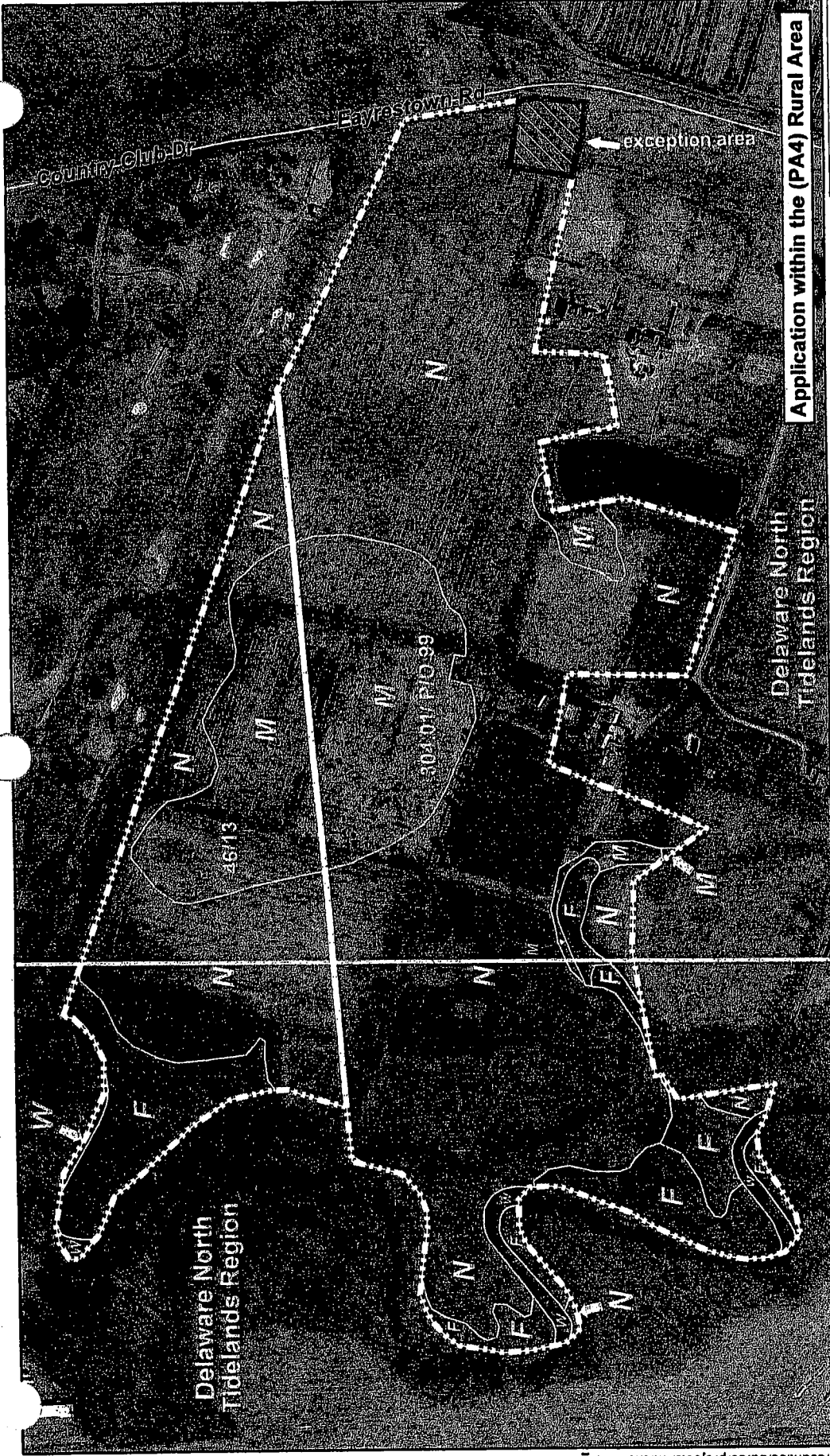


Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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





- Property to Qualify**
- ER - (Non-Severable) Exception
  - ES - (Severable) Exception
  - Wetlands Disturbance
  - Priority - Limited Access
  - Federal or State Highways
  - County Roads
  - Municipal/Local Roads
  - Tidelands Boundary
  - Wetlands, County and Non-Perch
  - Preserved Open Space
  - State Owned Classification Assessment
  - State Owned OIB & Recreational Assessment

- Wetlands Legend:**
- L - Lowland Wetlands
  - U - Upland Wetlands
  - W - Wetlands Modified for Agriculture
  - W - Wetlands Modified for Agriculture
  - N - Non-Wetlands
  - B - 300' Buffer
  - W - Water



Application within the (PA4) Rural Area

Delaware North Tidelands Region

Delaware North Tidelands Region

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

Louis and Sandra Muckenfuss/Mill Creek Farm, LLC  
 Lumberton Twp. - Block 46 Lot 13 (24.9 ac)  
 Medford Twp. - Block 304.01 Lois P/O 99 (74.8 ac)  
 & P/O 99-EN (non-severable exception - 1.0 ac)  
 Gross Total = 100.7 ac  
 Burlington County



**TIDELANDS DISCLAIMER:**  
 The linear features depicted on this map were derived from the NDEP CO BGM series 1, sheets 4, 'Tidelands China Marsh'. These linear features are not an official NDEP map and should not be used as a general reference. Only NDEP Bureau of Tidelands Management can perform an official determination of Tidelands/Exception status.

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The user shall assume all responsibility for the accuracy and precision of the GIS data contained in this file and shall not be, nor is intended to be, relied upon in matters requiring professional engineering, architectural and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

x:\counlee\burco\projects\muckenfuss\_fm\3.mxd

Source:  
 NDEP Freshwater Wetlands Data  
 Green Acres Conservation Easement Data  
 NJDOTGIS 2012 Digital Aerial Image  
 July 24, 2013

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Mill Creek Farm/Muckenfuss, Louis  
State Acquisition  
Easement Purchase - SADC  
99 Acres

Block 304.01	Lot 99	Medford Twp.	Burlington County
Block 46	Lot 13	Lumberton Twp.	Burlington County
<b>SOILS:</b>		Other	13% * 0 = .00
		Prime	68% * .15 = 10.20
		Statewide	19% * .1 = 1.90
			<b>SOIL SCORE: 12.10</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	74% * .15 = 11.10
		Wetlands	10% * 0 = .00
		Woodlands	16% * 0 = .00
			<b>TILLABLE SOILS SCORE: 11.10</b>
<b>FARM USE:</b>	Corn-Cash Grain	54 acres	
	Field Crop Except Cash Grain	10 acres	
	Vegetable & Melons	4 acres	

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st one (1) acres for future flexibility in use
    - Exception is not to be severable from Premises
    - Exception has no housing opportunity
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Standard Single Family - sub-standard
    - Cabin - for personal recreational use - not a single family residence
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R2(4)

Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
Barry Black / BKB Properties ("Owners")

February 27, 2014

Subject Property: Barry Black / BKB Properties ("Owners")  
Block 2713, Lots 32 & 34  
Hamilton Township  
Mercer County  
SADC ID#: 11-0039-DE  
Approximately 62 Easement Acres

WHEREAS, on August 27, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from BKB Properties, hereinafter "Owners," identified as Block 2713, Lots 32 & 34, Hamilton Township, Mercer County, hereinafter "Property," totaling approximately 62 easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 25, 2013, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Mercer County (minimum acreage of 52 and minimum quality score of 63) because it is 62 acres and has a quality score of 71.06; and

WHEREAS, on the Property to be preserved there are 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 devoted to corn production; and

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

WHEREAS, on January 23, 2014, the SADC certified the development easement value of the Property at \$10,000 per acre based on current zoning and environmental conditions as of December 13, 2013; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement on the Property for \$10,000 per acre; and

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

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

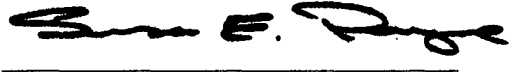
NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$10,000 per acre for a total of approximately \$620,000 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

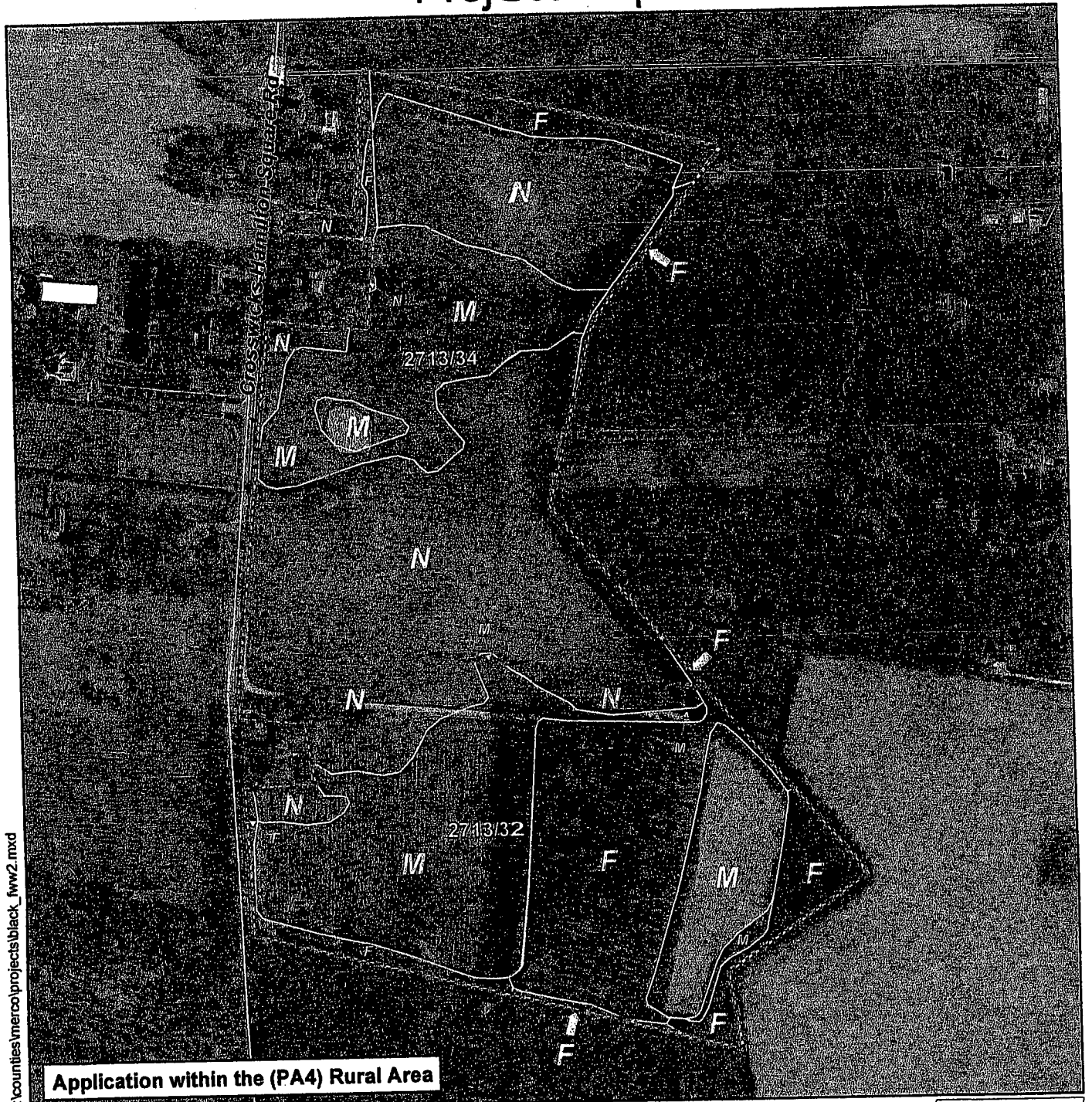
2/27/14  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Project Map



X:\counties\mercer\projects\black\_fwv2.mxd

**Application within the (PA4) Rural Area**

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

Barry Black/BKB Properties, LLC  
Block 2713 Lots 32 (30.8 ac); & 34 (31.6 ac)  
Gross Total = 62.4 ac  
Hamilton Twp., Mercer County



	Property in Question
	E1 - (Non-Removable) Exception
	E2 - (Removable) Exception
<b>Wetlands Boundaries</b>	
	Priority - Limited Access
	Forest or State Ways
	County Road
	Township/Local Road
	Municipal, County and Non-Profit Protected Open Space
	State Owned Conservation Easement
	State Owned O&B & 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 2012 Digital Aerial Image

August 29, 2013

JUN 10 1984

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Barry Black & BKB Properties  
State Acquisition  
Easement Purchase - SADC  
62 Acres

Block 2713	Lot 32	Hamilton Twp.	Mercer County		
Block 2713	Lot 34	Hamilton Twp.	Mercer County		
<b>SOILS:</b>		Other	19% * 0	=	.00
		Prime	44% * .15	=	6.60
		Statewide	37% * .1	=	3.70
					<b>SOIL SCORE: 10.30</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	69% * .15	=	10.35
		Wetlands	21% * 0	=	.00
		Woodlands	10% * 0	=	.00
					<b>TILLABLE SOILS SCORE: 10.35</b>
<b>FARM USE:</b>		Corn-Cash Grain	68 acres		

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of .0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R2(5)

Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
Mary Beth Hamorski & Jeffrey Salatiello ("Owners")

February 27, 2014

Subject Property: Mary Beth Hamorski & Jeffrey Salatiello (Owners)  
Block 18, Lot 28  
Lebanon Township  
Hunterdon County  
SADC ID#: 10-0215-DE  
Approximately 65 Net Easement Acres

WHEREAS, on March 4, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Mary Beth Hamorski & Jeffrey Salatiello, hereinafter "Owners," identified as Block 18, Lot 28, Lebanon Township, Hunterdon County, hereinafter "Property," totaling approximately 65 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy-Amended, which approves the use of Highlands Funds to support additional applications in all farmland preservation programs where demand for funding has outstripped other-wise approved SADC funding ("Highlands Funds")

WHEREAS, at this time there are sufficient Highlands Funding available for this project; and

WHEREAS, staff determined that the Property does not meet SADC's "Priority" category (minimum of 46 acres and minimum of 58 quality score points) for Hunterdon County because it has a quality score of 55, therefore, this farm is categorized as an "Alternate" farm requiring SADC preliminary approval; and

WHEREAS, on July 25, 2013, the SADC granted Preliminary Approval to this application (Schedule B); and



WHEREAS, the Property has one (1) single family residence and zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

WHEREAS, the Owners have requested a 2.5-acre non-severable exception area restricted to one single family residence; and

WHEREAS, the Owners understand that the Property is subject to enhanced environmental restrictions outlined in the New Jersey Department of Environmental Protection's Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38 et. seq. which may restrict building on the farm within and outside the exception area.

WHEREAS, the majority of the Property is currently in equine production with approximately 18.6 acres utilized for breeding, training for sale, raising and pasturing in addition to hay production (Schedule C); and

WHEREAS, approximately 2.2 acres, is devoted to equine service (boarding services, riding lessons, and training); and

WHEREAS, an equine map (see draft as Schedule C) and specialized "Equine Schedule B" will be recorded with the Deed of Easement in order to clearly define equine service and production activities; and

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

WHEREAS, on December 12, 2013, the SADC certified the development easement value of the Property at \$6,000 per acre based on January 1, 2004 zoning and environmental conditions and \$800 per acre based on current zoning and environmental conditions as of October, 2013; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement on the Property at the higher value of \$6,000 per acre; and

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

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

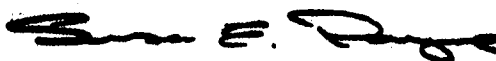
NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the direct acquisition of the development easement at a value of \$6,000 per acre for a total of approximately \$390,000 subject to the conditions contained in (Schedule D); and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

2/27/14  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Schedule A

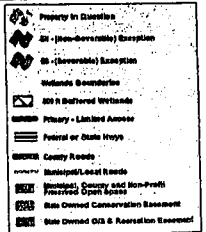
Application within the Highlands Preservation Area

x:\counties\hunco\projects\hamorski\_fwv.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC  
Block 18 Lots P/O 28 (64.4 ac)  
& P/O 28-EN (non-severable exception - 2.5 ac)  
Gross Total = 66.9 ac  
Lebanon Twp., Hunterdon County



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

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 Digital Aerial Image

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

March 8, 2013

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY14R7(3)

SADC EASEMENT ACQUISITION  
PRELIMINARY APPROVAL  
of an "ALTERNATE" FARM  
IN THE HIGHLANDS PRESERVATION AREA

JULY 25, 2013

Subject Farm: Mary Beth Hamorski & Jeffrey Salatiello  
Block 18, Lot 28  
Lebanon Township, Hunterdon County  
SADC ID# 10-0215-DE  
Approximately 65 net easement acres

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

WHEREAS, on March 4, 2013 the SADC received an SADC easement acquisition application from Mary Beth Hamorski & Jeffrey Salatiello for Property identified Block 18, Lot 28, Lebanon Township, Hunterdon County, totaling approximately 65 net acres as shown on (Schedule A); and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff finds that the Property, has a quality score of 54.76 and 65 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Hunterdon County minimum ranking criteria for the "Priority" category which requires a quality score of at least 58 combined with at least 46 acres, however it is higher than the minimum quality score of 45 and 34 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval (Schedule B); and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, the landowners purchased the farm in January 2010, but still qualifies for 01/01/04 zoning consideration in the appraisal because they meet the definition of a "farmer" pursuant to N.J.A.C. 13:20-1 et seq. and N.J.A.C. 13:8C-38j(1); and

WHEREAS, the landowner has provided evidence of breeding, raising, training and leasing Welsh ponies with lease income of greater than \$2,500 per year for calendar year 2012 and 2013 along with approximately \$3,800 imputed income from grazing; and

WHEREAS, the Property is within the County Agriculture Development Area and the County Planning Incentive Grant Northern project area; and

WHEREAS, the Property is located within the New Jersey State Plan-designated Environmentally Sensitive Area (PA5) and within the Highlands Agriculture Priority and Resource Areas as well as the Highlands Preservation Area's "Protection Zone" (Schedule C); and

WHEREAS, the Property has one (1) existing single family residence; and

WHEREAS, the landowner has requested a 2.5-acre non-severable exception area for a future residence with the understanding that the Property is subject to enhanced environmental restrictions outlined in the New Jersey Department of Environmental Protection's Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38 et. seq. which may restrict building; and

WHEREAS, the farm the majority of the farm's acreage is currently in hay and equine production; and

WHEREAS, the equine production consists of breeding, raising, and leasing Welsh ponies, pasturing horses and ponies and growing hay; and

WHEREAS, the landowner leases a portion of the farm for certain equine service activities, including: boarding, training and riding lessons which are conducted in an outdoor riding area of approximately one acre and within the indoor ring and barn encompassing approximately 1.2 acres (Schedule D); and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands funds to support *additional applications* in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding. The Property is a candidate for this funding source; and

WHEREAS, at this time there is approximately \$1.5 million available from the \$30 million originally designated as Highlands funding; and

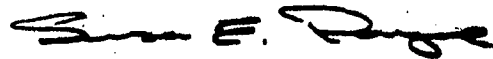
WHEREAS, pursuant to N.J.A.C. 2:76-11.6 there are no "Priority" or "Alternate" Ranked applications at this time in the Highlands Preservation Area which have not already been accepted for processing and have funding earmarked; and

NOW THEREFORE BE IT RESOLVED that the SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:

1. Enter into a 120 day option agreement.
2. Secure two independent appraisals to estimate the fair market value of the Property.
3. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC.

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.

7/25/13  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

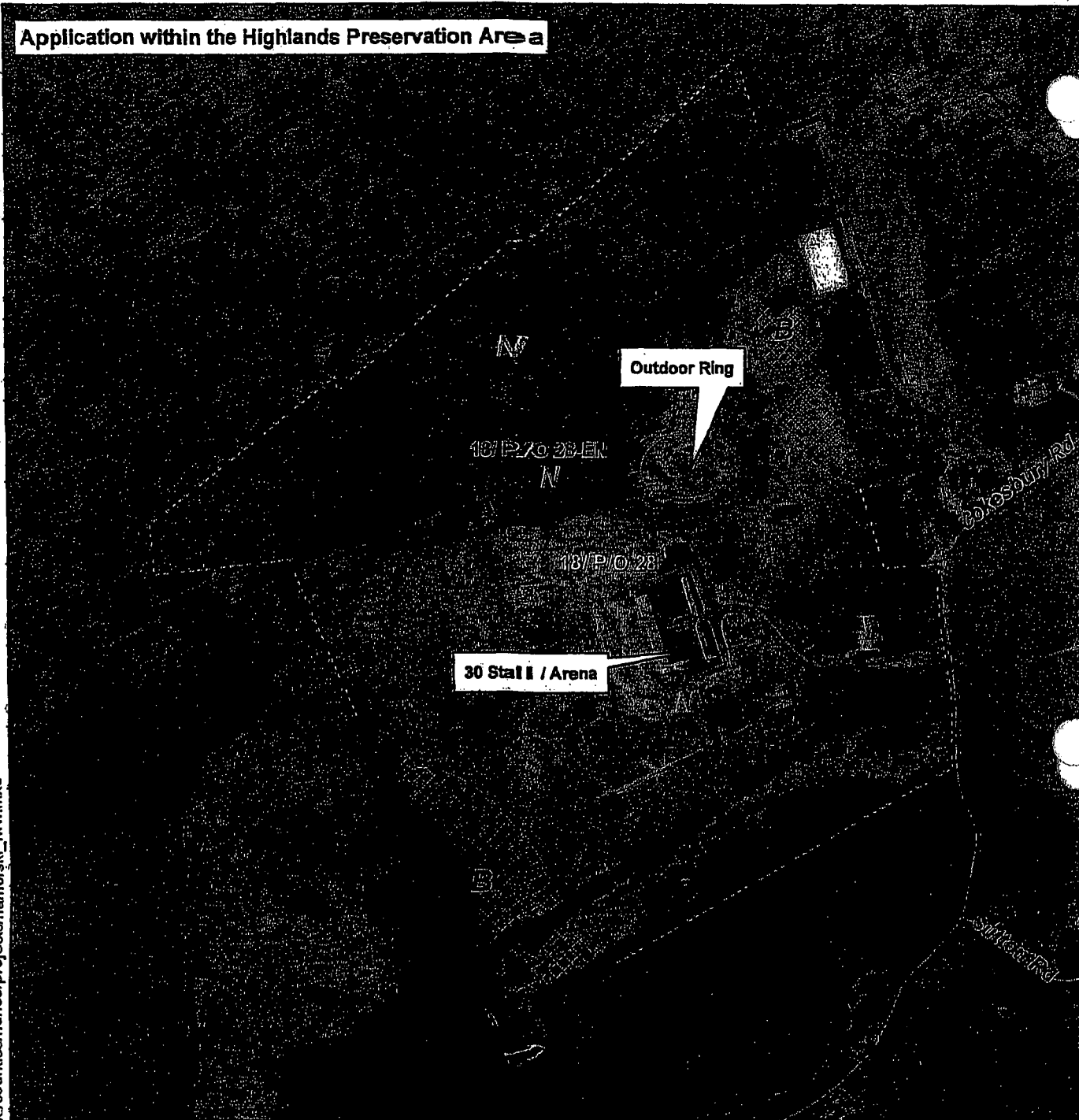
VOTE WAS RECORDED AS FOLLOWS:

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	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

# Schedule A

Application within the Highlands Preservation Area

x:\counties\hunco\projects\hamorski\_fwv.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC  
Block 18 Lots P/O 28 (64.4 ac)  
& P/O 28-EN (non-severable exception - 2.5 ac)  
Gross Total = 66.9 ac  
Lebanon Twp., Hunterdon County



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



**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300 Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 Digital Aerial Image

March 8, 2013

86

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

State Acquisition Easement Purchase - SADC Funding Round  
 April 30, 2013.

GENERAL INFORMATION

COUNTY OF Hunterdon Lebanon Twp. 1019  
 APPLICANT Hamorski, Mary Beth & Jeffrey Salatiello

Blocks and Lots

Lebanon Twp. 1019 Block 18 Lot 28 67.31 ACRES

Exceptions

Acres	Reason	Justification	Restrictions	Negative Impact	SADC Impact	Total Score
2.5	Flexibility and possible future residence	Flexibility and possible future residence			0	0

Location: Hun - Lebanon Twp. Block:18 Lot:28 - northern central area of lot

The Exception is Nonseverable.

NET ACRES 62

RESTRICTIONS NONE

USGS Grid Map Description:

HOUSING, BUILDINGS AND OTHER STRUCTURES

Structure	Aq Use	Leased	Notes
Standard Single Family	N	N	
Barn	Y	N	30 stall barn
Barn	Y	N	
Shed	N	N	

RDSO's

ELIGIBLE 0  
 SADC APPROVED 0

TYPE OF AGRICULTURAL OPERATION

Horse & Other Equine  
 Hay

SUBDIVISION OF THE PREMISES

Status	Preliminary	Final Approval	Scale	Notes
No Subdivisions are being Considered				

PRE-EXISTING NON-AG USES ON PREMISE

Type	Extent	Size	Aq Use
No Pre-Existing Uses Considered.			
Lessee	Business	Purpose	Frequency

EASEMENTS AND RIGHT OF WAYS

Type	Description	Dsc Notes
Telephone Lines	general telephone and electric	
Affect	Viability	

Additional Concerns:



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

GENERAL INFORMATION

COUNTY OF Hunterdon Lebanon Twp. 1019  
APPLICANT Hamorski, Mary Beth & Jeffrey Salatiello

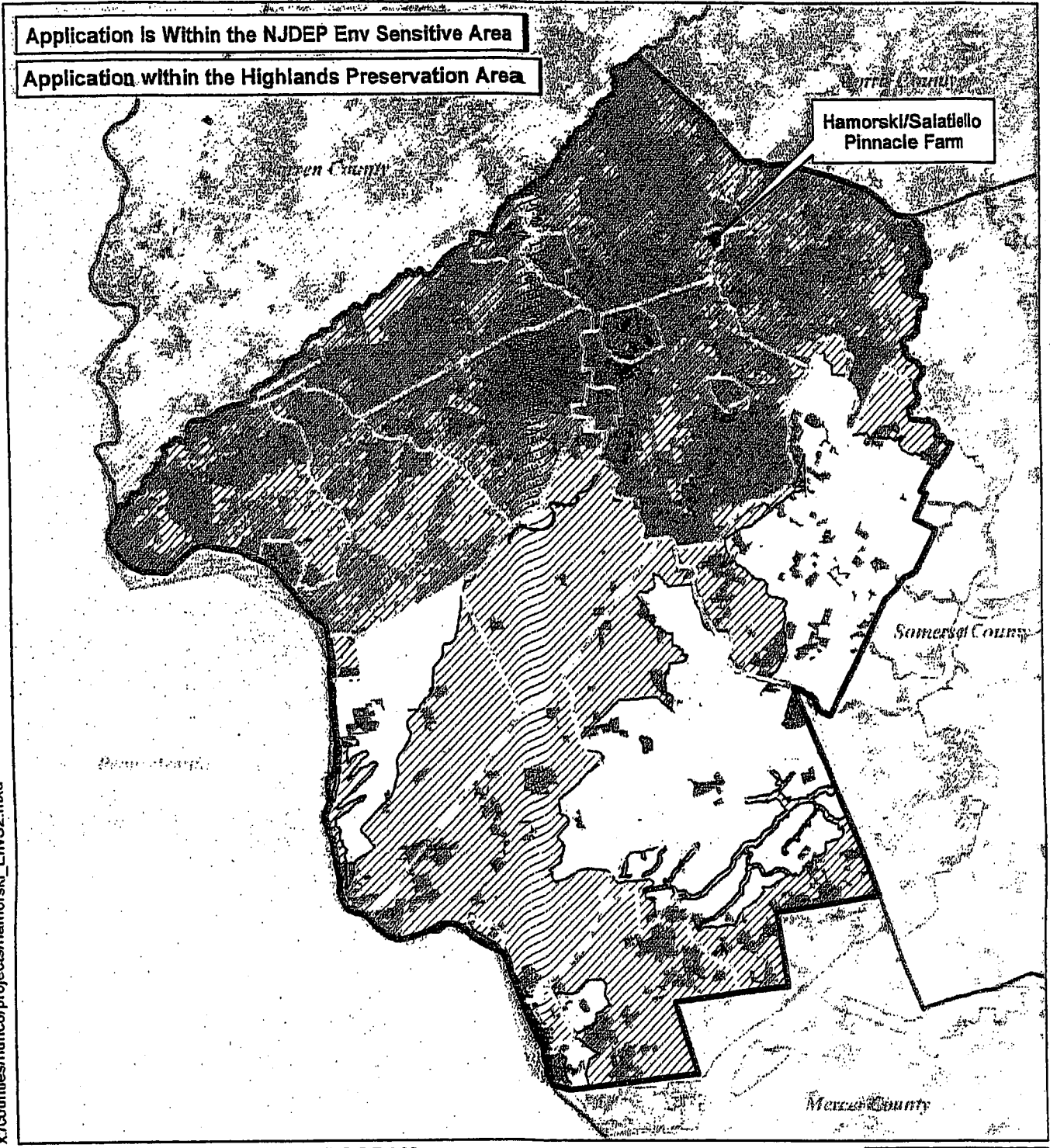
PRIORITIZATION SCORE

<b>SOILS:</b>		Other	82% *	0	=	.00	
		Prime	18% *	.15	=	2.70	
						<b>SOIL SCORE:</b>	<b>2.70</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	47% *	.15	=	7.05	
		Other	13% *	0	=	.00	
		Wetlands	1% *	0	=	.00	
		Woodlands	39% *	0	=	.00	
						<b>TILLABLE SOILS SCORE:</b>	<b>7.05</b>
<b>BOUNDARIES AND BUFFERS:</b>	Deed Restricted Farmland (Permanent)		34% *	.2	=	6.80	
	Farmland (Unrestricted)		15% *	.06	=	.90	
	Streams and Wetlands		8% *	.18	=	1.44	
	Woodlands		43% *	.06	=	2.58	
						<b>BOUNDARIES AND BUFFERS SCORE:</b>	<b>11.72</b>
<b>CONTIGUOUS PROPERTIES / DENSITY:</b>	Diana Estates	Restricted Farm or Current Application				2	
	Masefield	Restricted Farm or Current Application				2	
	Hamorski/Salatiello	Restricted Farm or Current Application				2	
						<b>DENSITY SCORE:</b>	<b>6.00</b>
<b>LOCAL COMMITMENT:</b>			100% *	20	=	20.00	
						<b>LOCAL COMMITMENT SCORE:</b>	<b>20.00</b>
<b>SIZE:</b>							<b>SIZE SCORE: 5.00</b>
<b>IMMIMENCE OF CHANGE:</b>	SADC Impact factor = 2.29						
						<b>IMMINENCE OF CHANGE SCORE:</b>	<b>2.29</b>
<b>COUNTY RANKING:</b>							
<b>EXCEPTIONS:</b>							<b>EXCEPTION SCORE: .00</b>
<b>TOTAL SCORE:</b>						<b>54.76</b>	

# Hamorski/Salatiello - Pinnacle Farm of Califon, LLC

Application is Within the NJDEP Env Sensitive Area

Application within the Highlands Preservation Area

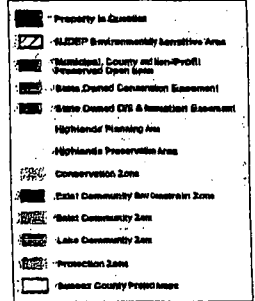


x:/counties/hunco/projects/hamorski\_EnvS2.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC  
Block 18 Lots P/D 28 (64.4 ac)  
& P/D 28-EN (non-severable exception - 2.5 ac)  
Gross Total = 66.9 ac  
Lebanon Twp., Hunterdon County

25,000 12,500 0 25,000 50,000 Feet



**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.

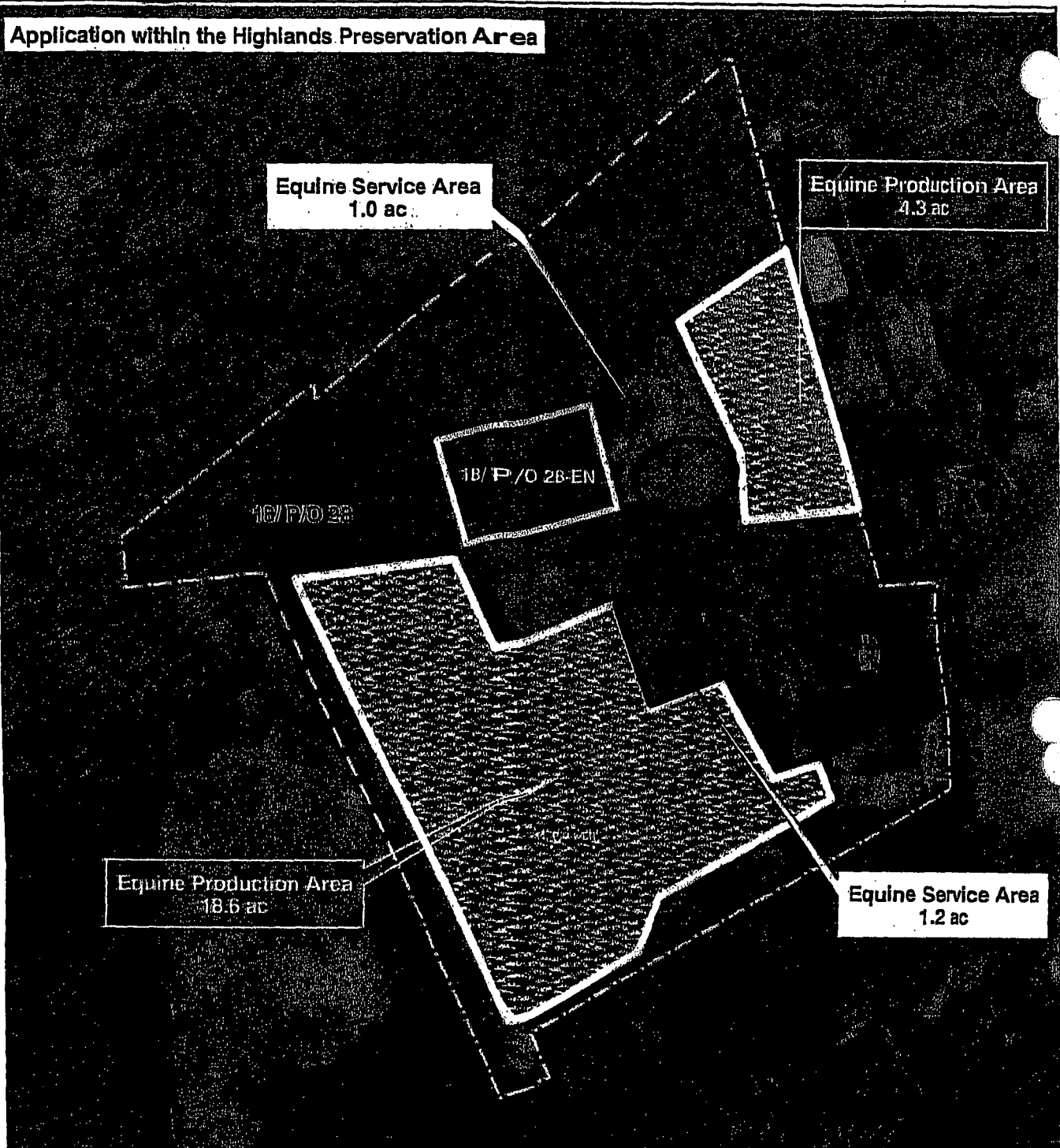
**Sources:**  
Green Acres Conservation Easement Data  
NJDEP Environmentally Sensitive Areas  
(pursuant to the Permit Extension Act of 2008)  
NJDEP Highlands Data

June 14, 2015

# Pinnacle/Hamorski Farm - Equine Production vs. Equine Service Areas

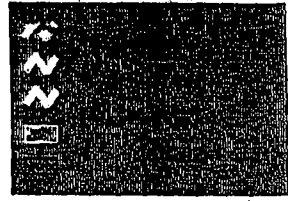
Application within the Highlands Preservation Area

x:\counties\hunco\projects\hamorski\_equine\_BW.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

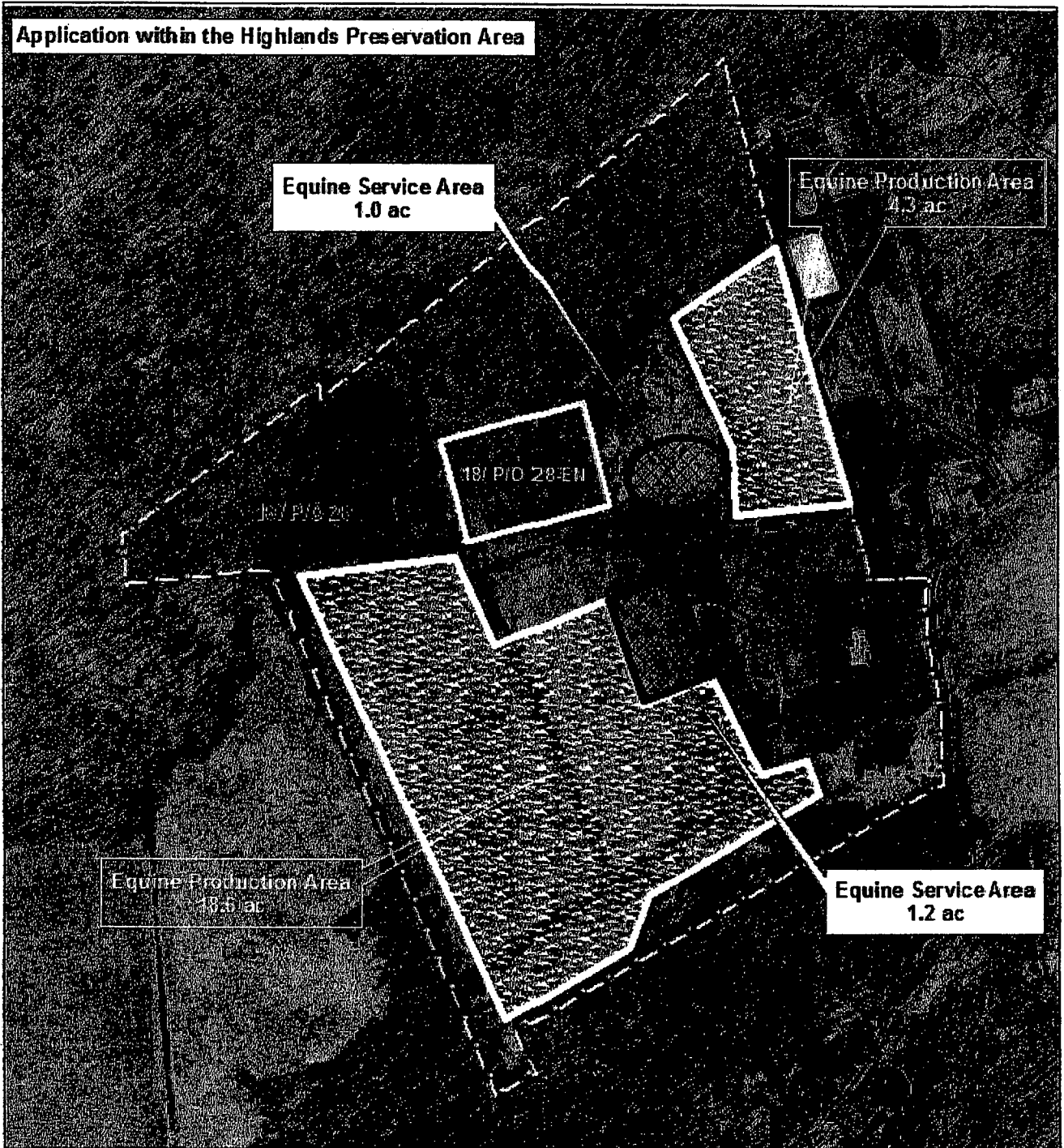
Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC  
 Block 18 Lots P/O 28 (64.4 ac)  
 & P/O 28-EN (non-severable exception - 2.5 ac)  
 Gross Total = 66.9 ac  
 Lebanon Twp., Hunterdon County



Sources:  
 NJOT/OGIS 2007/2008 Digital Aerial Imr

**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.

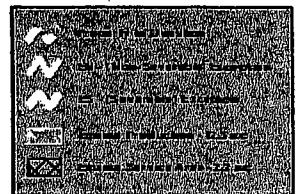
# Pinnacle/Hamorski Farm - Equine Production vs. Equine Service Areas



x:\counties\huncer/projects\hamorski\_equine\_BW.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC  
 Block 18 Lots P/O 28 (64.4 ac)  
 & P/O 28-EN (non-severable exception - 2.5 ac)  
 Gross Total = 66.9 ac  
 Lebanon Twp., Hunterdon County



**DISCLAIMER:** Any use of this product with respect to accuracy and or location shall be the sole responsibility of the user. The configuration and geo-reference and location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring precision 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:  
 NJOT/IOGS 2007/2008 Digital Aerial Image

June 14, 2013

SUNSHINE

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Hamorski, Mary Beth & Jeffrey Salatiello  
State Acquisition  
Easement Purchase - SADC  
65 Acres

Block 18	Lot 28	Lebanon Twp.	Hunterdon County	
<b>SOILS:</b>		Other	82% * 0	= .00
		Prime	18% * .15	= 2.70
				<b>SOIL SCORE: 2.70</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	47% * .15	= 7.05
		Other	13% * 0	= .00
		Wetlands	1% * 0	= .00
		Woodlands	39% * 0	= .00
				<b>TILLABLE SOILS SCORE: 7.05</b>
<b>FARM USE:</b>		Horse & Other Equine		acres
		Hay		acres

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (2.5) acres for Flexibility and possible future residence  
Exception is not to be severable from Premises
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R2(6)

Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
Donald and Nancy Johnson ("Owners")

February 27, 2014

Subject Property: Donald and Nancy Johnson ("Owners")  
Block 201, Lot 3 (approximately 80 acres)  
Upper Deerfield Township, Cumberland County  
Block 1403, Lot 1 (approximately 13 acres)  
Pittsgrove Township, Salem County  
SADC ID#: 06-0071-DE  
Approximately 92 Net Easement Acres

WHEREAS, on May 2, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Donald and Nancy Johnson, hereinafter "Owner," identified as Block 201, Lot 3, Upper Deerfield Township, Cumberland County Block 1403, Lot 1, Pittsgrove Township, Salem County, hereinafter "Property," totaling approximately 92 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Cumberland County (minimum acreage of 84 and minimum quality score of 53) because it is 92 acres and has a quality score of 82.92; and

WHEREAS, the Property includes a 1-acre non-severable exception area restricted to one single family residence; and

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

WHEREAS, at the time of application, the Property was devoted to sod production; and

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

WHEREAS, on January 23, 2014, the SADC certified the development easement value of the Property at \$6,400 per acre based on current zoning and environmental conditions as of November 2013; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$6,400 per acre; and

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

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

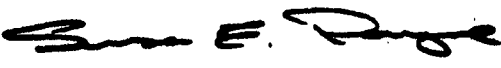
NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$6,400 per acre for a total of approximately \$588,800 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

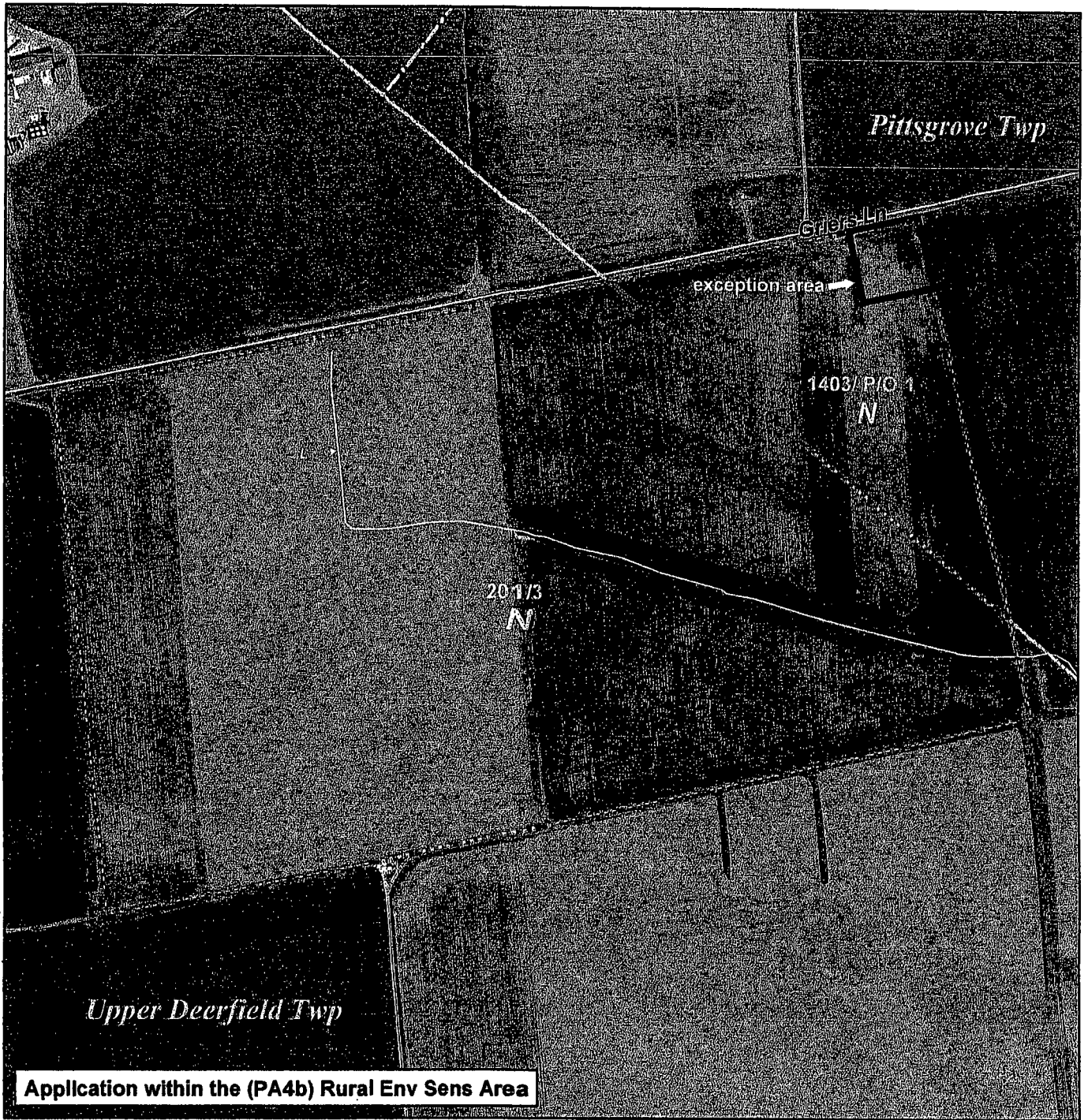
2/27/14  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Schedule A



x:\counties\cumco\projects\johnson\_fwv.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

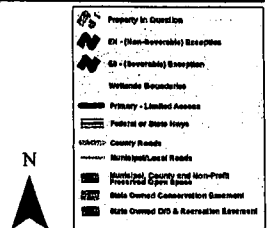
Donald and Nancy Johnson

Upper Deerfield Twp., Cumberland County  
Block 201 Lot 3 (80.4 ac)

Pittsgrove Twp., Salem County  
Block 1403 Lots P/O 1 (11.8 ac) & P/O 1-EN (non-severable exception - 1.0 ac)  
Gross Total = 93.3 ac

500 250 0 500 1,000 Feet

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



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

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 Digital Aerial Image

May 6, 2013



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Johnson Farm  
State Acquisition  
Easement Purchase - SADC  
92 Acres

Block 201            Lot 3            Upper Deerfield Twp. Cumberland County  
Block 1403        Lot 1            Pittsgrove Twp.        Salem County

<b>SOILS:</b>	Prime	94% * .15	=	14.10
	Statewide	6% * .1	=	.60
				<b>SOIL SCORE: 14.70</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested	100% * .15	=	15.00
				<b>TILLABLE SOILS SCORE: 15.00</b>
<b>FARM USE:</b>	Sod			88 acres

**This final approval is subject to the following:**

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