

STATE AGRICULTURE DEVELOPMENT COMMITTEE
Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625

REGULAR MEETING

January 23, 2014

Chairman Fisher called the meeting to order at 9:10 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) (Left at 12:49 p.m.)
Brian Schilling (rep. Executive Dean Goodman)
Alan A. Danser, Vice Chairman
James Waltman
Peter Johnson
Jane R. Brodhecker
Torrey Reade (via telephone conferencing)

Members Absent

Fawn McGee (rep. DEP Commissioner Martin)
Denis C. Germano, Esq.

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, Judy Andrejko, Hope Gruzlovic, Jeffery Everett, Dave Kimmel, Jill Gorman, Patricia Riccitello and Sandy Giambrone, SADC staff; Kerstin Sundstrom, Esq., Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Nicole

Kavanaugh, New Jersey Farm Bureau; Brian Wilson and Tim Wilmott, Burlington County Agriculture Development Board; Todd Eagleson, Burlington County Engineer's Office; Jason Simmons, Passaic County Planning Department; Monica LaRue and Rick LaRue, LaRue Farm, Monmouth County; Carl Buck, County of Burlington, and Amanda Brockwell, Monmouth County Agriculture Development Board.

Minutes

Note: Vice Chairman Danser chaired the meeting at this point.

- A. SADC Regular Meeting of December 12, 2013 (Open and Closed Sessions)

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve the open session minutes and the closed session minutes of the SADC regular meeting of December 12, 2013. The motion was approved. (Mr. Johnson abstained.)

REPORT OF THE CHAIRPERSON

None at this time.

REPORT OF THE EXECUTIVE DIRECTOR

- Funding Proposals

Ms. Payne stated that none of the funding proposals in the Legislature made it through in the past session. Senator Smith has re-introduced in the current session his proposal for a constitutional dedication of sales tax to fund farmland and open space preservation.

- Soil Disturbance Subcommittee

Ms. Payne stated that Rowan University requested an extension to complete its work. An extension was granted until February 15th. All of the data is expected in at that time and as soon as staff has an opportunity to review it, the Soil Disturbance Subcommittee will be reconvened.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. The first item in the packet is a letter from Passaic County. Staff has been working with Passaic and Bergen Counties over the past couple of years to try to assist them in identifying and targeting properties that meet the State criteria so that they can spend their funds. There is still a high level of frustration in Passaic County, and the upshot is there are not sufficient farmland-assessed properties that meet the SADC's criteria to allow them to expeditiously spend their funds. Staff is going to take a hard look at this question in the first half of this year and develop some ideas for the Committee to consider. She stated it is on the front burner and she thinks some policy decisions will need to be made.

PUBLIC COMMENT

None

OLD BUSINESS

A. Right to Farm Resolution of Final Approval: On Farm Direct Marketing Agricultural Management Practice

Ms. Payne asked that this item be held as staff was awaiting authority from the Governor's Office to move forward. She stated that staff was hoping to hear something within the next hour or so and requested that the item be moved until later in the meeting.

NEW BUSINESS

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

Ms. Payne referred the Committee to the 8-Year Program Summary Report showing two renewals of eight-year programs as follows:

1. Miller Farm, SADC # 0332-09F-01/03-0034-8F
Shamong Township, Burlington County, 27 Acres
Soil and Water Conservation Cost Share Grant Eligibility: \$16,200
2. Rake Pond Farms, SADC #0329-08F-01/03-0032-8F

Pemberton Township, Burlington County, 38 Acres
Soil and Water Conservation Cost Share Grant Eligibility: \$22,800

Note: The eight-year program renewal resolutions will state that the Grantor acknowledges that there is no current soil and water conservation cost-share funding available at this time.

Ms. Payne stated that there are three terminations of eight-year programs as follows:

1. Wilk Farm, SADC # 0335-04F-01/03-0002-8F
Tabernacle Township, Burlington Township, 25 Acres
Funds remaining at the time of termination: \$9,235.75 (\$5,764.25 expended)

Note: It is noted that this farm is now permanently preserved.

2. Mascaro Farm, SADC #08-0002-8F/08-0002-8F
East Greenwich Township, Gloucester County, 7 Acres
Funds remaining at the time of termination: \$4,200.00 (no funds expended)
3. Martinelli Farm, SADC #01-0108-8F/0113-31F-01
Town of Hammonton, Atlantic County, 46 Acres
Funds remaining at the time of termination: \$27,600.00 (no funds expended)

There were no withdrawals of eight-year programs. Ms. Payne indicated that no action was needed by the Committee.

B. Stewardship

Mr. Everett referred the Committee to a draft resolution regarding a request to replace a single-family residence on Heatherwood Farms II, LLC, located in South Harrison Township, Gloucester County, comprising 116.98 acres. He stated that Trent Cole, Jr., is the contract purchaser of this property, contingent upon the ability to replace the existing residence. The SADC received a request to replace an existing single-family residence on December 29, 2013. Mr. Cole plans to replace the existing residence with a new one for himself and his family. It will be built in the same general yard area of the existing home within approximately 50 feet of the existing house and it will utilize the existing driveway. Mr. Cole proposes to build a two-story house with approximately 5,500 square feet of heated living space to replace the original farmhouse, which is approximately 3,500 square feet. Mr. Cole intends to remove the existing residence and fill, grade and

re-seed the area. Staff has verified that the existing house was not included on the N.J. Register of Historic Places as of the date the development easement was conveyed. Staff recommendation is to approve the request.

It was moved by Mr. Siegel and seconded by Mr. Requa to approve Resolution FY2014R1(1) granting a request by Trent Cole, Jr., contract purchaser of Block 5, Lot 6, in South Harrison Township, Gloucester County, comprising 116.98 acres, to construct a single-family residence consisting of approximately 5,500 square feet of heated living space in the location shown in Schedule "A" of said Resolution, to replace the single-family residence that currently exists on the Property. The existing residence shall be removed and the area restored prior to or within 30 days of receipt of the Certificate of Occupancy on the new residence. This approval is valid for a period of three years from the date of this Resolution and is non-transferable. The construction of the new residence is subject to all applicable local, State and federal regulations. This approval is subject to any other conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2014R1(1) is attached to and is a part of these minutes.)

C. Resolution of Final Approval: Municipal Planning Incentive Grant Program

1. Walburn Farm, White Township, Warren County (Highlands)

Ms. Winzinger stated that there was one request for final approval under the Municipal Planning Incentive Grant program. She reviewed the specifics of the request with the Committee and stated staff recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Mr. Schilling to approve Resolution FY2014R1(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. John J. Walburn, Jr., SADC #21-0525-PG
Block 13, Lot 22, White Township, Warren County, 26 Net Easement Acres
State cost share of \$3,850/acre (65.25% of the certified market value), for an estimated total grant need of \$100,100 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

The motion was unanimously approved. (A copy of Resolution FY2014R1(2) is attached to and is a part of these minutes.)

D. Resolution of Final Approval – State Acquisition Program

1. Kenneth S. Wentzell and Wayne K. Wentzell, Pilesgrove Township, Salem County

Ms. Winzinger stated there was one request for final approval under the State Acquisition Program. She reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Mr. Schilling to approve Resolution FY2014R1(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. Kenneth S. Wentzell and Wayne K. Wentzell, SADC # 17-0251-DE
Block 79, Lot 2; Block 81, Lot 5
Pilesgrove Township, Salem County, 102 Easement Acres
Acquisition of the development easement at a value of \$7,550 per acre for a total of approximately \$770,100, subject to conditions contained in Schedule "B."

The motion was unanimously approved. (A copy of Resolution FY2014R1(3) is attached to and is a part of these minutes)

E. Review of a Non-Agricultural Development Project in an Agricultural Development Area

1. **Burlington County Bridge Repair Project – Georgetown-Chesterfield Road over Black's Creek-Chesterfield Township, Burlington County**

Note: Chairman Fisher arrived at this point and presided over the meeting.

Mr. Brill referred the Committee to Resolution FY2014R1(4) pertaining to Burlington County's proposed bridge rehabilitation project for a small bridge in Chesterfield Township. This is a County bridge on a municipal road in an agricultural development area (ADA) and there is a small area of impact on a preserved farm. This particular area is in the heart of Burlington County's northern project area. The area is very rural in character but it still carries a fair amount of traffic at approximately 5,500 cars per day.

As part of a recent routine inspection process, it was determined that this bridge is not only functionally obsolete but also structurally deficient in a number of ways. There is visible structural deterioration associated with the bridge. Mr. Brill reviewed various photos showing the deficiencies to the bridge, including a gap in the bridge's structure

that has resulted in the closure of the road. This project is scheduled to take place in the Fall of 2014. There are immediate repairs that the County is planning in the next month or so that would allow the reopening of this segment of road. The Notice of Intent (NOI) looks at a more substantial rehabilitation project that will buy at least another 20 years or so of useful life associated with the existing bridge. The impact to the preserved farm is in a corner of an unusually configured property with very little road frontage. The property runs to the center line of Black's Creek. The County is proposing to condemn a 1,100 square foot area, less than 0.026 of an acre of land, to establish a permanent bridge maintenance easement that would allow them to do their construction work. The work is concentrated in an area that used to be part of an abutment for a pond associated with a mill on the property to the north.

Mr. Brill stated that staff did work with the N.J. Department of Environmental Protection's Historic Preservation Office to determine that while the National Register Chesterfield Historic District comes right to the center line of Black's Creek, the property that is preserved is just outside of the historic district. There are elements of the farmstead that exist on the preserved farmland that have been entered onto the State Register of Historic Places but they are well removed from the impact of this particular project. Staff has worked with the NJ DEP to determine that the historic features on this property are at least 1,000 feet away from the proposed bridge project, and the tillable acreage associated with this preserved farm is at least 650 feet away from the proposed project. Therefore, there are little or no impacts to the farm operation. Mr. Brill showed a report that is associated with the bridge project that states the bridge itself is not eligible for historic preservation status.

Mr. Brill stated that the landowners have requested, and the County has agreed, that if at some point in time it is possible for the landowners to acquire an additional access point to the preserved farm (in a location that does not appear very feasible with wetlands and floodplain limitations associated with the area), the County has agreed to configure the guardrail and access situation to allow an additional driveway if permits can be obtained for that particular location. Ms. Payne stated that the only useable access that the property currently has is one single driveway. The Committee may remember that this was subject to a Right to Farm decision. The landowners are saying that because the access is so limited on the property, if there is ever a way to get a second access by the bridge, they want to reserve that right.

Mr. Brill stated that there were four alternatives considered as part of the NOI, including a no-build scenario, existing culvert rehabilitation, bridge replacement on the existing alignment and then a bridge replacement proposal on a new alignment. The preferred

alternative, largely for costs reasons, has been determined to be the existing culvert rehabilitation project, and that is the project that is being advanced as part of this review process. The Burlington CADB at its November meeting determined that the project is for a legitimate public health, safety and welfare purpose and it is necessary to address the structural deficiencies of the bridge in immediate need of repair. The Burlington CADB also determined that there are no materially adverse impacts to the preserved farmland, the ADA or State agricultural preservation and development policies. Mr. Brill stated that he reviewed the proposal, met with the landowners, visited the site and worked with the County Engineer's Office, and the staff recommendation at this time is to concur with Burlington County's conclusion on this project and to make that recommendation to the Governor. The SADC needs to recommend to the Governor that this action is necessary for public health, safety and welfare purposes and that there is no immediately apparent feasible alternative. He commended Burlington County for their work to not only meticulously document the project but to also try to minimize the environmental, historic and agricultural impacts associated with this project.

Mr. Brill stated that Todd Eagleson, the bridge engineer, and Carl Buck are present today representing the County, should the Committee have any questions. Chairman Fisher inquired about the traffic studies that indicated how much traffic goes over the bridge each day. Mr. Brill stated that Burlington County has a program for traffic counts at bridges and other locations at various points on a periodic basis. There are 5,500 or so cars as of the last traffic count, which was in 2010. He stated it is a relatively busy road in that area. Chairman Fisher commented that it looks like the road was recently paved and questioned if they paved it and then did the traffic study. Mr. Eagleson stated that it is a County bridge on a municipal road. The municipality paved the road within the last couple of years; he is not exactly sure when. He stated that his office initiated the rehabilitation project for this bridge in 2009 and they have applied for and received partial funding from the N.J. Department of Transportation to rehabilitate the bridge. He stated that they did a traffic count on this road, not a traffic study.

Mr. Brill referred the Committee to a one-page document that is a list of issues that the landowners asked to be presented to the Committee. It involves an additional analysis component associated with the no-build alternative, recommending that the notion of permanently closing the bridge and removing that crossing from the highway network in the area be considered as part of the alternatives analysis. Based on information from the Township and the County, the permanent closing of this road segment is not a feasible option in our opinion for this location. Staff does not believe that this request needs to delay the project further to be formally presented in the NOI.

Mr. Waltman stated that the Committee has approved a number of these kinds of projects but when he sees this kind of resolution he thinks this Board is fairly qualified to pass judgment on most of the statements in the resolution but clearly unqualified to make other assertions. Mr. Waltman called attention to five bulleted statements on Page 3 of the resolution. The last three say that the project has been designed to minimize impacts to the preserved farm, the County has evaluated all the options and the project will not negatively impact the existing farming operation. Those findings, he feels, are within the SADC's qualifications and expertise. However, on the first two points – that the proposed project is necessary to rehabilitate the bridge and that the project is a legitimate public purpose necessary for the public health, safety and welfare – he feels less qualified to make that judgment. He stated that we have done this on other matters such as pipelines and power lines, but questioned whether there was another way to do it. Mr. Schilling stated that he thought for this Board to find in the favor of the condemnation, it has to determine that it is for a legitimate public purpose necessary for the public health, safety and welfare. He felt that this Committee ultimately has to be the one that determines whether that is true or false.

Ms. Reade wanted to clarify that the landowners are on board with some reservations. Mr. Brill stated that they obviously would prefer not to have part of their land condemned for this purpose. However, the existing wingwall associated with this bridge is on their preserved farmland. When the farm was preserved, the land was not fully surveyed. There was a deed plotting to determine the precise acreage but the County and the landowners at that time did not realize that this wingwall was actually on the preserved farmland. It is just a small portion of the structure that encroaches on the preserved farmland. As a result of the meeting staff had with the landowners, the County Preservation Office and the County Engineering Office, the landowners have come to accept that this is a necessary project for this particular location. As indicated in their list of concerns, the landowners would prefer to have the road blocked off to slow traffic even further at the entrance to their property. However, Mr. Brill thinks they understand that in the public interest it is important to put this bridge back into service as quickly as possible. He felt they were OK with the proposal as presented and they also realize, based on the survey associated with the project, that the likelihood of getting another driveway in this location is very remote. Mr. Brill stated that the meeting at the site ended with an understanding that the landowners were not vehemently opposed to this bridge rehabilitation project.

Mr. Schilling stated he is trying to understand the landowners' concerns as listed in the one-page document, under item #1 where it says "Laissez-faire is not a necessary part of the NBA" (no-build alternative). Mr. Brill stated he thought they wanted the County to go

through a more rigorous analysis of actually removing the crossing and permanently closing the bridge. That has occurred in a few very lightly traveled locations. There have been bridges that have been discontinued and removed in certain locations in New Jersey, but this is not one of those locations where that would be a viable alternative. The County did analyze an NBA that would have the structure continuing to deteriorate and cause further problems. You cannot just walk away from a bridge, as the County Engineer's Office has stated. There are obligations to maintain the stream flow in a certain way in a certain location, so it would be environmentally complicated to open this crossing back up and restore natural conditions in this location. There would be hydrologic consequences, both upstream and downstream, if this box culvert were to be removed. He stated that there have been occasions where flooding has occurred in this location from the existing stream bed 15 or more feet to actually have water flow over this bridge crossing at times, washing out the roadway. Therefore, there can be characteristics of extreme water flow in this location. The rehabilitation project is probably the lightest treatment for this particular location, the least cost and, to their credit the County did submit more detailed information on the rehabilitation characteristics associated with this project that allowed him as a professional planner to make this recommendation as a part of the resolution. Mr. Brill stated that he is fairly comfortable with this kind of project and he has been responsible for transportation planning in his previous position with Cumberland County.

Ms. Reade asked what the impact would be on the traffic component of the landowners' Right to Farm case. Ms. Payne stated that the Right to Farm case basically found that the landowners need to address the safety issues of the traffic coming up the hill and wanting to enter into their driveway. Obviously, if the bridge was not repaired and the road was closed, that would be a positive benefit from a traffic safety standard for that property owner. Ms. Reade stated that this does not actually further the resolution of the traffic component of their Right to Farm problem. Ms. Payne responded that the bridge project would not address the Right to Farm issue. Mr. Brill stated that the one thing that has changed since the SADC addressed the Right to Farm complaint is that the Township has slowed the speed limit in this vicinity from 45 miles per hour to 35 miles per hour, which would affect the traffic conditions at their driveway entrance. Mr. Brill stated that the bridge is closed for the immediate problem that will be addressed prior to the construction work associated with the request that is before the SADC. Mr. Waltman asked how long it was closed and about the traffic impacts to the town. Mr. Eagleson stated that the bridge was closed since October 29th of this year. The sinkhole on the side of the road developed due to the holes in the side of the culvert. The Township does have a posted detour that goes east on Route 528 and then on Chesterfield-Sykesville Road to Estelle Road and then comes back to Chesterfield-Georgetown Road. Mr. Eagleson

stated that they have not done additional traffic counts on those other roads to see what the new traffic volumes are. Mr. Brill indicated that the detour has not created any traffic nightmares in Chesterfield Township to his knowledge. Mr. Eagleson stated it is primarily local traffic up in that area. Some people are using the detours and some are choosing other routes depending on their end destination.

Chairman Fisher stated that 5,500 cars a day is a lot of cars for a local road so that tells him that if you cannot go over that crossing you still have to find a way to get where you are going, so it is significant to the people in that community. Mr. Eagleson stated it is but he cannot tell the Committee what the specific traffic increases are on the surrounding roads. Again, it depends on their destinations as to what roads they are taking.

Ms. Reade stated she is still concerned about the Right to Farm part of this. If the traffic component of this Right to Farm issue has not been resolved, it seems like an opportunity to use the repair commission as leverage to get the Right to Farm part of it fixed. Ms. Payne asked Burlington CADB Administrator Brian Wilson to address the question on the status of the Right to Farm matter. Mr. Wilson stated that the Township was supposed to work with the landowners and work things out on their own. Whether or not they ever did formally with any kind of written agreement the CADB is unsure, but it was in their hands and it never was pursued at this level or back to the CADB level. During the review of this project, the CADB was very deliberate. The Right to Farm matter is different than what they were charged to do in this review. Furthermore, the CADB was very deliberate in reviewing the impacts to the ADA, which is what the Board is supposed to do, not the impacts to the individual farm. They certainly took the landowners' concerns into consideration but they really looked at the impacts to the whole ADA, and shutting down the bridge really has negative impacts to the whole ADA, even though it may or may not help this one landowner. Mr. Waltman stated that in Hopewell Township, Mercer County, they have been really aggressive in reducing speed limits down to 25 miles per hour in places that have a lot of public activity, including some farms that have farm stands. He doesn't know if that is what Ms. Reade is getting at but is there a question of whether 35 miles per hour is slow enough? If he remembered correctly, that was one of the issues that the town was concerned about – the amount of traffic in and out of this farm and the ensuing dangerous conditions on the municipal road. Ms. Reade stated that also sight lines were at issue. If she recalled, the landowners were supposed to produce a traffic study and it sounds to her that if the road has been shut down or detours have been in place since October 29th that coincided with the timing of the Right to Farm problems. She was wondering if the traffic component of the Right to Farm problem was going to come back up and whether there is a way to resolve it gracefully for all parties. The fact that the landowners have submitted these

reservations makes her wonder whether or not it is something that is still lurking in the background. Mr. Wilson reiterated that the County considered all of this and was very deliberate in following the law as they interpreted it to keep these issues completely separate. Chairman Fisher stated that he didn't think that "leverage" as mentioned by Ms. Reade was appropriate to incorporate into the review of this kind of project. Ms. Reade stated that she appreciates that it does have an impact on the whole ADA.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2014R1(4) finding that the proposed condemnation of a 0.026 acre portion of the subject property, known as Holloway Land, LLC, Block 600, Lot 26, in Chesterfield Township, Burlington County, would not cause unreasonably adverse effects on the preserved farm, ADA or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 and N.J.S.A. 4:1C-25, for the reasons stated on Page 3 of said Resolution. The SADC agrees with the Burlington CADB's determination that there are no other immediately apparent feasible alternatives to correct the structural deficiencies of County Bridge F2.28 and that the proposed taking and use of the 0.026 acre portion of the subject property by the Burlington County Department of Engineering will not cause unreasonably adverse effects on the ADA, or State agricultural preservation and development policies. The SADC recommends that the Governor declare the action necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative. The County is directed to work with the SADC to ensure the condemnation is properly valued and approved by the Committee, and that the net proceeds of the condemnation award be distributed pursuant to paragraph 23 of N.J.A.C. 2:76-6.15. The motion was approved. (Mr. Johnson and Mr. Waltman abstained.) (A copy of Resolution FY2014R1(4) is attached to and is a part of these minutes.)

PUBLIC COMMENT

Monica LaRue, a landowner from Monmouth County, addressed the Committee concerning her Right to Farm matter that the Committee will be discussing in closed session. Ms. LaRue provided a written copy of her comments at the meeting, which will be attached to these minutes for reference. Chairman Fisher stated this item will be discussed in closed session. When the Committee comes out of closed session, it will have some discussion on the matter.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, February 27, 2014, beginning at 9 a.m. Location:

Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:02 a.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser 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. Danser 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. Daniel and Bernice Ferrari, SADC # 06-0140-PG
Block 6602, Lot 17, City of Vineland, Cumberland County, 19 Acres
2. Still Run Properties, LLC # 3 (Block 4), SADC # 08-017-PG
Block 4, Lot 7, Mantua Township, Gloucester County, 49 Acres
3. Still Run Properties, LLC # 4 (Block 1), SADC # 08-0173-PG
Block 1, Lot 3 and 5, Mantua Township, Gloucester County, 44 Acres
4. Jeanette Austin, SADC # 08-0172-PG
Block 702, Lot 12 and 12.02, Logan Township, Gloucester County, 44.32 Acres
5. The Land Conservancy of NJ/Beaver Brook Farm, SADC # 21-0534-PG
Block 3400, Lot 400 and 1400
Block 3401, Lot 40
Hope Township, Warren County, 136.82 Acres

Municipal Planning Incentive Grant Program

1. Benjamin Robbins, Jr. and John Robbins, SADC # 17-0126-PG
Block 86, Lot 2, Pilesgrove Township, Salem County, 71 Acres
2. Scot and Norma Stern/Farley Acres, SADC # 21-0529-PG
Block 33, Lot 47, Harmony Township, Warren County, 106 Acres
Certification of Value is contingent upon a nonseverable exception area being taken encompassing the entirety of Slater Lane, with the final width to be determined after survey and title.
3. DeLuca Lot Investors, LP, SADC # 08-0178-PG
Block 38, Lot 4; Block 39, Lot 5, Woolwich Township, Gloucester County, 83 Acres

Nonprofit Easement Purchase Program – 10% Rule

1. New Jersey Conservation Foundation/Perozzi Farm, SADC # 17-0044NP
Block 80, Lot 10, Pilesgrove Twp., Salem County, Approximately 74 Net Acres

Direct Easement Purchase Program

Since the Gerickont farm is in the Direct Easement Purchase Program, it is not necessary for Mr. Johnson to recuse himself from any discussion/action pertaining to this item. The CADB does not act on Direct Easement acquisitions.

1. Joseph, Rosemary and George Gerickont, SADC # 03-0028-DE
Block 701, Lot 1, Southampton Township, Burlington County, 141 Acres
2. Duane A. and Lois H. Cruzan, SADC # 06-0066-DE
Block 11, Lot 10, Hopewell Township, Cumberland County
Block 2, Lot 9, Stow Creek Township, Cumberland County
115 Total Acres
3. Donald and Nancy Johnson, SADC # 06-0071-DE
Block 201, Lot 3, Upper Deerfield Township, Cumberland County
Block 1403, Lot 1, Pittsgrove Township, Salem County
92 Total Acres

4. Barry Black and BKB Properties, SADC # 11-0039-DE
Block 2713, Lots 32 and 34, Hamilton Township, Mercer County, 62 Acres
5. Howell Wentzell, SADC # 17-0268-DE
Block 69, Lots 6 and 7; Block 70, Lot 8.02
Upper Pittsgrove Township, Salem County, 109 Acres
6. Salvatore F. and Benvenuta Vasta, SADC # 17-0210-DE
Block 268, Lot 4, Carneys Point Township, Salem County, 143 Total Acres

The motion was approved. (Mr. Siegel 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

A. Litigation

1. Right to Farm – Proposed OAL Final Decision – LaRue v. Monmouth CADB

Ms. Payne stated that the SADC has drafted a proposed Final Decision in the LaRue v. Monmouth CADB decision. It basically affirms the decision of the Administrative Law Judge and adds to it the SADC's finding that the CADB did not improperly hear the matter as the LaRues have contested. Ms. Payne asked for a motion to approve the Draft Final Decision as presented and discussed in closed session.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve the Final Decision in the LaRue v. Monmouth CADB Right to Farm matter, as presented and discussed in closed session. The motion was approved. (Mr. Siegel was absent for the vote.) (A copy of the Final Decision is attached to and is a part of the closed session minutes.)

C. Old Business

**1. Right to Farm – Resolution of Final Approval
On-Farm Direct Marketing Agricultural Management Practice**

Ms. Payne stated that the Committee tabled this agenda item until further in the meeting until staff could hear from the Governor's Office regarding the review and approval of this agenda item by their office. Staff has been advised that the Proposed Rules website has not completed its review as yet and so the SADC has made clear the urgency of that

taking place. If the review is completed shortly and approval is received, staff may reach out to the Committee to have a special meeting to approve the AMP for publication in the New Jersey Register for adoption.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Danser and seconded by Mr. Waltman and unanimously approved to adjourn the meeting at 1:00 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

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STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R1(1)

Request to Replace a Single Family Residence

**Heatherwood Farms II L.L.C.
Trent Cole Jr. - Contract Purchaser**

January 23, 2014

Subject Property: Block 5, Lot 6
South Harrison Township, Gloucester County
116.98 - Acres

WHEREAS, the Heatherwood Farms II L.L.C., hereinafter "Owner", is the record owner of Block 5, Lot 6 in South Harrison Township, Gloucester County, by Deed dated December 30, 2005, and recorded in the Gloucester County Clerk's Office in Book 4225, Page 243, totaling approximately 116.98 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Gloucester, by Deed dated June 27, 1997 and recorded in the Gloucester County Clerk's Office in Book 2777, Page 128, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Trust Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, Trent Cole Jr., hereinafter, "Contract Purchaser", is under contract, dated December 23, 2013, to purchase the Premises, contingent upon the ability to replace the existing residence; and

WHEREAS, on December 29, 2013 the SADC received a request to replace an existing single family residence on the Premises from the Contract Purchaser; and

WHEREAS, the Deed of Easement identifies one single-family residence on the Premises, one 1.8-acre non-severable exception area, no agricultural labor residential units and no RDSOs; and

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

WHEREAS, on January 8, 2014, SADC staff visited the site; and

WHEREAS, the Premises had been an equine operation but more recently had approximately 25-acres converted to nursery stock; and

WHEREAS, the Premises has not been intensely utilized in the previous two years; and

WHEREAS, the Contract Purchaser intends to further develop and intensify the nursery operation while converting the existing unused pastures into grain crops; and

WHEREAS, the Contract Purchaser proposes to replace the existing residence on the premises with a new residence for himself and his family; and

WHEREAS, the proposed new house will be built on the opposite side of the driveway from the existing home approximately 175 feet southwest of the of the existing house, as shown on Schedule "A"; and

WHEREAS, the new house will utilize the existing driveway; and

WHEREAS, the Owner proposes to build a two-story house with approximately 5,500 sq./ft. of heated living space to replace the original farmhouse which is approximately 3,500 sq./ft.; and

WHEREAS, the Deed of Easement for the Premises does not specify a house size limitation; and

WHEREAS, the Contract Purchaser intends to remove the existing residence, fill, grade and reseed the area; and

WHEREAS, SADC staff have verified that the existing house was not included on the NJ Register of Historic Places as of the date the development easement was conveyed; and

WHEREAS, on January 16, 2014 the Gloucester CADB reviewed and approved the replacement of the existing residence on the Premises; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of a single-family residence on the Premises will have a positive impact on the continued agricultural operations of this farm by replacing the deteriorated residence with a new residence which shall serve as the primary residence for the Contract Purchaser and his family; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 5,500 sq./ft. heated living space, in

the location shown in Schedule "A", to replace the single family residence which currently exists on the Premises; and

BE IT FURTHER RESOLVED, that the existing residence shall be removed and the area restored prior to or within 30 days of receipt of the certificate of occupancy on the new residence; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution; and

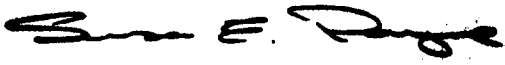
BE IT FURTHER RESOLVED, that this approval is non-transferable; and

BE IT FURTHER RESOLVED, that the construction of the new residence is subject to all applicable local, State and Federal regulations; and

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

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

1-23-14
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE TO BE RECORDED AS FOLLOWS:

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

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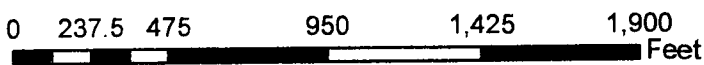
Schedule "A"

u:/county_state/project_name.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Heatherwood Farm (formerly Cain)
Block 5, Lot 6
South Harrison Township, Gloucester County
117 - Acres



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

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

month/day/year

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R1(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**WHITE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
John J. Walburn, Jr. ("Owner")
White Township, Warren County**

N.J.A.C. 2:76-17A

SADC ID# 21-0525-PG

January 23, 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") application from White Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to White Township's Farmland Preservation FY14 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on October 22, 2012, the SADC received an individual application for the sale of a development easement from White Township for the Walburn Farm, identified as Block 13, Lot 22, White Township, Warren County, totaling approximately 26 net easement acres (Schedule A); and

WHEREAS, the Walburn Farm is located in the Township's South Project Area and the Highlands Preservation Area; and

WHEREAS, the Property includes a 2.3-acre non-severable exception for an existing single family residence and improvements, to be restricted to one single family residence; and

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

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

WHEREAS, the owner has 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 January 10, 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 June 27, 2013 the SADC certified a development easement value of \$5,900 per acre based on zoning and environmental regulations in place as of 1/01/04 and \$100 per acre based on zoning and environmental regulations in place as of the current valuation date of April 2013; and

WHEREAS, the Township has contracted with the landowner at \$5,900 per acre for the development easement; and

WHEREAS, to date \$1,250,000 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 White Township has encumbered \$121,500 of its SADC grant funds for the preservation of the Erhardt Property leaving a cumulative balance of \$1,128,500 (Schedule B); and

WHEREAS, White Township has no other projects currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 9, 2013 the White Township Committee approved the application and a commitment of funding for their \$1,025/acre cost share; and

WHEREAS, the Warren County Agriculture Development Board approved the application on December 19, 2013 and secured a commitment of funding on January 8, 2014 from the Warren County Board of Chosen Freeholders for the required local match (\$1,025/acre); and

WHEREAS, the cost share breakdown is approximately as follows (based on 26 net acres):

	<u>Total</u>	
SADC	\$100,100	(\$3,850/acre)
Warren County	\$ 26,650	(\$1,025/acre)
<u>White Township</u>	<u>\$ 26,650</u>	<u>(\$1,025/acre)</u>
Total Easement Purchase	\$153,400	(\$5,900/acre)

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to White Township for the purchase of a development easement on the Walburn Farm by Warren County, comprising approximately 26 acres, at a State cost share of \$3,850/acre, (65.25% of certified market value), for an estimated total grant need of \$100,100 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); 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

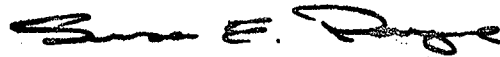
BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Warren County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that 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.

1-23-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

Application within the Highlands Preservation Area

x:/counties/warco/projects/walburn_fwv.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John Walburn Jr.
Block 13 Lots P/O 22 (24.3 ac)
& P/O 22-EN (non-severable exception - 2.3 ac)
Gross Total = 26.6 ac
White Twp., Warren County

250 125 0 250 500 Feet



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	300 ft Buffered Wetlands
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OIS & Recreation Easement



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

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

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

November 14, 2012

Schedule B

Municipal Planning Incentive Grant
White Township, Warren County

Schedule B

Farm	SADC ID#	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant% Per Acre	Easement Consideration	FRPP Grant	SADC			Federal Grant		
									Cost Basis	Cost Share	Federal Grant	SADC Federal Grant	Encumbered	Expended
Erhardt	21-0522-PG	27.000	7,200.00	7,200.00	4,500.00	62.50%	194,400.00	8,100.00	194,400.00	121,500.00	121,500.00	121,500.00	121,500.00	1,170,500.00
Walburn	21-0525-PG	26.000	5,900.00	5,900.00	3,850.00	65.25%	153,400.00		153,400.00	100,100.00	100,100.00	100,100.00	100,100.00	1,020,400.00
Total Pending	2	53.000							221,600.00					
Total Encumbered												221,600.00		
Closed/Expended													0.00	
Total														1,020,400.00
Reprogram Out														

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Walburn Farm
21- 0525-PG
PIG EP - Municipal 2007 Rule
26 Acres

Block 13	Lot 22	White Twp.	Warren County	
SOILS:		Prime	60% * .15	= 9.00
		Statewide	40% * .1	= 4.00
				SOIL SCORE: 13.00
TILLABLE SOILS:		Cropland Harvested	52% * .15	= 7.80
		Woodlands	48% * 0	= .00
				TILLABLE SOILS SCORE: 7.80
FARM USE:	Hay		13 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 (2.3) acres for Existing residence
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 #FY2014R(3)

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

**On the Property of
Kenneth S. Wentzell & Wayne K. Wentzell ("Owners")**

January 23, 2014

Subject Property: Kenneth S. Wentzell & Wayne K. Wentzell (Owners)
Block 79, Lot 2; Block 81, Lot 5
Pilesgrove Township, Salem County
SADC ID#: 17-0251-DE
Approximately 102 Easement Acres

WHEREAS, on December 24, 2012, the State Agriculture Development Committee ("SADC") received a development easement sale application from Kenneth S. Wentzell & Wayne K. Wentzell, hereinafter "Owner," identified as Block 79, Lot 2; Block 81, Lot 5, Pilesgrove Township, Salem County, hereinafter "Property," totaling approximately 102 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 Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 102 acres and has a quality score of 78.12; and

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

WHEREAS, at the time of application, the Property was devoted to corn, hay, sorghum, beef, and dairy production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises (standard and for non-contiguous parcels) and Non-agricultural uses; and

WHEREAS, on November 14, 2013, the SADC certified the development easement value of the Property at \$7,550 per acre based on current zoning and environmental conditions as of September 2013; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$7,550 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 \$7,550 per acre for a total of approximately \$770,100 subject to the conditions contained in (Schedule B); and

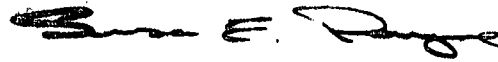
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

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.

1-23-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



- Property in Question**
- EM - (Non-Severable) Easement
 - ES - (Severable) Easement
- Wetlands Boundaries**
- Primary - Limited Access
 - Federal or State Hwy
 - County Roads
 - Municipal/Local Roads
 - Municipal, County and Non-Prof
 - Preserved Open Space
 - State Owned Conservation Easement
 - State Owned GC & Recreation Easement
- Wetlands Legend:**
- F - Freshwater Wetlands
 - L - Linear Wetlands
 - T - Tidal Wetlands
 - N - Non-Wetlands
 - B - 300' Buffer
 - V - Vette

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 BING DigitalAerial Image

January 11, 2013

Application within the (PA4) Rural Area

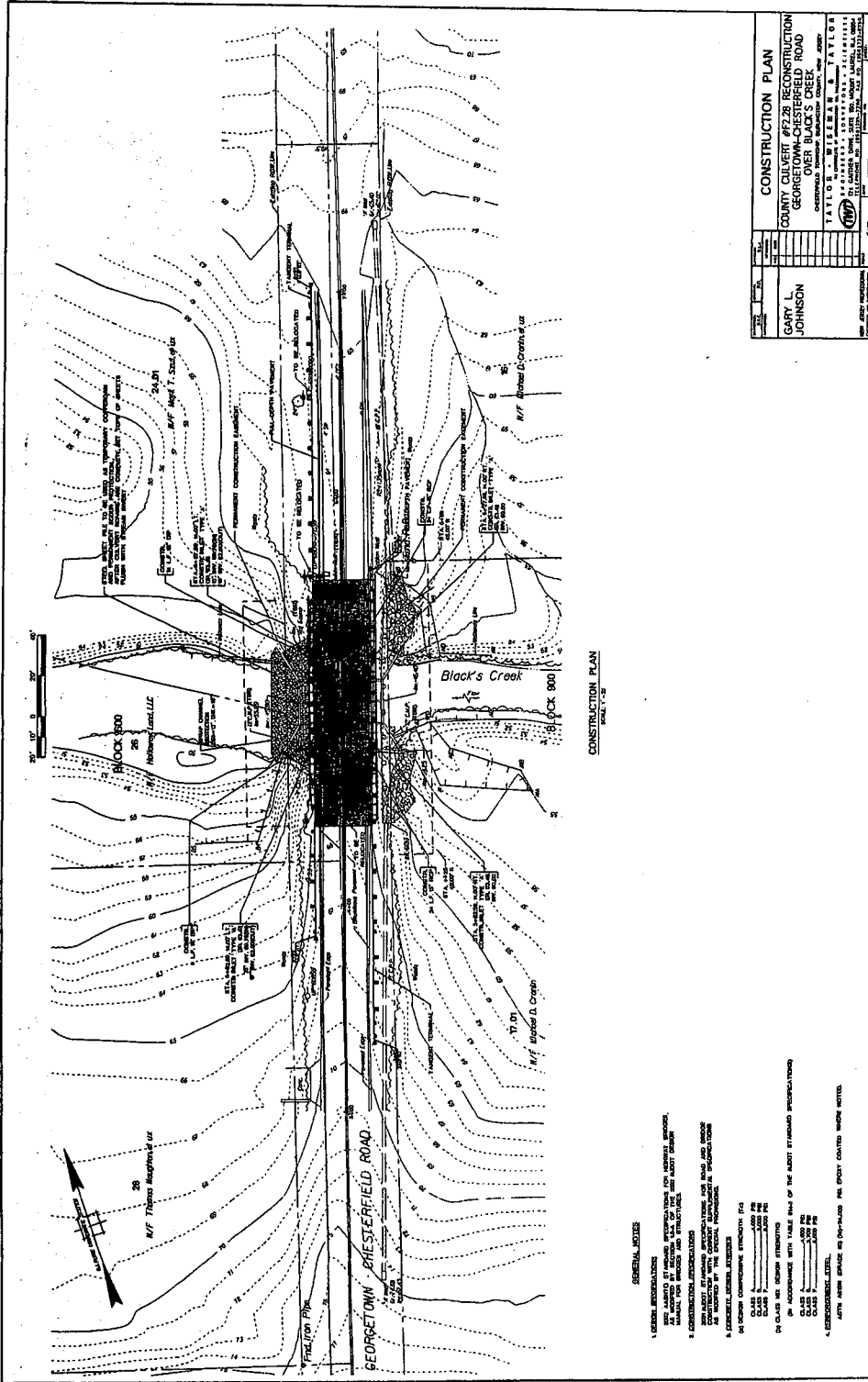
**FARMLAND PRESERVATION PROGRAM
 NJ State Agriculture Development Committee**

**Kenneth and Wayne Wentzell/Wentzell Brothers
 Block 79 Lot 2 (19.1 ac)
 & Block 81 Lot 5 (86.3ac)
 Gross Total = 105.4 ac
 Pilesgrove Twp., Salem County**



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The data contained in this file and map are 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 definition and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.





GENERAL NOTES

1. GENERAL DIMENSIONS
2. ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED
3. CONSTRUCTION SPECIFICATIONS
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CONSTRUCTION PLAN	
COUNTY CULVERT AND RECONSTRUCTION GEORGETOWN-CHESTERSFIELD ROAD OVER BLACK'S CREEK	
DESIGNED BY: GARY L. JOHNSON	
DRAWN BY: GARY L. JOHNSON	
CHECKED BY: GARY L. JOHNSON	
DATE: 10/15/2010	
SCALE: AS SHOWN	
PROJECT NO.: 10-00000000	
SHEET NO.: 1 OF 1	
TAYLOR ENGINEERING & SURVEYING, INC.	
21 GARDNER DRIVE, SUITE 200, MOOREHEAD, MS 38758	
TEL: 662-842-1111 FAX: 662-842-1112	
WWW.TAYLORENGINEERING.COM	

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN
AGRICULTURAL DEVELOPMENT AREA INCLUDING CONDEMNATION OF
PRESERVED FARMLAND**

**BURLINGTON COUNTY DIVISION OF ENGINEERING BRIDGE REHABILITATION
PROJECT ON GEORGETOWN-CHESTERFIELD ROAD OVER BLACKS CREEK
AND ON A PORTION OF HOLLOWAY LAND, LLC FARM**

CHESTERFIELD TOWNSHIP, BURLINGTON COUNTY

#FY2014R1(4)

January 23, 2014

WHEREAS, pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-19, et seq., any public body which intends to exercise the power of eminent domain within an Agricultural Development Area (ADA), shall file a Notice of Intent (NOI) with the County Agriculture Development Board (CADB) and the State Agriculture Development Committee (SADC) 30 days prior to the initiation of the action; and

WHEREAS, pursuant to N.J.S.A. 4:1C-25, no public body shall exercise the power of eminent domain for the acquisition of land in a municipally approved farmland preservation program or from which a development easement has been conveyed, for the construction of dwellings, commercial facilities, transportation facilities, or water or sewer facilities to serve nonfarm structures unless the Governor declares that the action is necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative; and

WHEREAS, CADBs and the SADC are charged with the responsibility, pursuant to N.J.S.A. 4:1C-19, to review intended takings under the power of eminent domain by public bodies or public utilities on land in an ADA and the construction of certain facilities to serve nonfarm uses in order to determine the proposed action's effect upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and overall State agriculture preservation and development policies; and

WHEREAS, Burlington County Bridge F2.28 over Black's Creek on the Georgetown-Chesterfield Road, which road is under the jurisdiction of Chesterfield Township, and as shown on Schedule A, has been classified pursuant to Federal standards as structurally deficient and is in need of rehabilitation; and

WHEREAS, portions of the existing bridge, which was constructed circa 1928, including the downstream culvert wingwalls and footings extend beyond the existing right-of-way of the roadway and onto the lands owned by Holloway Land, LLC, Block 600, Lot 26 in Chesterfield Township (the "subject property"), as shown on Schedule B; and

WHEREAS, the subject property, permanently preserved by Burlington County on May 8, 1985, is in an Agricultural Development Area; and

WHEREAS, Georgetown-Chesterfield Road functions as a Rural Major Collector and is an important component of Burlington County's highway network, carrying more than 5,500 vehicles per day on average; and

WHEREAS, the Burlington County Division of Engineering (County) filed a Notice of Intent with the Burlington CADB and the SADC informing both agencies of the County's intent to condemn a 0.026 acre portion of the "subject property" in order to rehabilitate the existing twin cell concrete box culvert, headwall and wingwalls that are currently in poor condition, to stabilize the downstream stream channel to arrest ongoing erosion and to place a permanent bridge maintenance easement for the future maintenance and inspection needs of the bridge, as shown in Schedules C and D; and

WHEREAS, the County considered four alternatives to the proposed bridge replacement project, including a no build scenario, existing culvert rehabilitation, bridge replacement on existing alignment and bridge replacement on a new alignment, and determined that the rehabilitation of the existing culvert is the preferred alternative for the following reasons:

- The project will maintain the culvert's structural integrity with concrete repair work and a new roof slab.
- The project will preserve the water quality of Black's Creek as it runs through the subject property by stabilizing the current stream channel scour hole with rip rap stone.
- After construction is completed, the alternative maintains continuous use of the roadway by the public and emergency service vehicles as well as for farming operations and deliveries including safe passage of farm equipment.
- The proposed project will only require a temporary construction detour of approximately four (4) months.
- The project will minimize environmental impacts as well as impacts to the Recklesstown (Village of Chesterfield) National Register Historic District.
- The project's estimated cost of \$860,000 is significantly less than the \$1,800,000 cost of bridge replacement on the existing alignment and the \$2,750,000 cost to replace the bridge on a new alignment.

WHEREAS, the project is confined to the extreme southeastern portion of the subject property which is primarily wetlands and woodlands, at least 650 feet from lands currently in active agricultural use and more than 1,000 feet from the Holloway Farms Agricultural Preserve, as listed on the New Jersey State Register of Historic Places; and

WHEREAS, the Burlington CADB, at its meeting on November 21, 2013, determined that the bridge rehabilitation project is for a legitimate public purpose of the health, safety and welfare of the residents of the State of New Jersey and is necessary to address the classification of the bridge as structurally deficient and in immediate need of replacement

or rehabilitation with no materially adverse impact to the preserved farm, the ADA, or State agricultural preservation and development policies; and

WHEREAS, the BCADB, at the request of Holloway Land, LLC, agreed to incorporate language into the permanent bridge maintenance easement to allow for future access to the farm through the easement and the proposed guardrail where Lot 26 abuts the right-of-way of Georgetown-Chesterfield Road adjacent to bridge F2.28, including reconfiguration and/or relocation of the guardrail by the County at the County's expense, so long as the landowner has obtained any and all applicable permits and approvals for the construction and installation of said access; and

WHEREAS, the SADC has reviewed the Notice of Intent submitted by the County including all subsequent documentation, conducted a site visit, met with the landowner's representatives and determined that the County has adequately addressed all requirements and information about the project pursuant to N.J.S.A. 4:1C-19 and N.J.A.C. 2:76-7.1 et seq.

NOW, THEREFORE, BE IT RESOLVED that the SADC finds that the proposed condemnation of a 0.026 acre portion of the subject property would not cause unreasonably adverse effects on the preserved farm, ADA or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 and N.J.S.A. 4:1C-25 for the following reasons:

1. The proposed project is necessary in order to rehabilitate a bridge which has been classified as structurally deficient and in need of immediate replacement or rehabilitation according to National Bridge Inspection Standards;
2. The project is a legitimate public purpose necessary for the public health, safety and welfare;
3. The project has been designed to minimize impacts to the premises to the greatest extent possible;
4. The County has evaluated all options and determined that there is no immediately apparent feasible alternative to rehabilitation of the bridge on its existing alignment;
5. The project as proposed will not negatively impact the existing farming operation since the area to be condemned is not an actively used portion of the farm; and

BE IT FURTHER RESOLVED that the SADC agrees with the Burlington CADB's determination that there are no other immediately apparent feasible alternatives to correct the structural deficiencies of County Bridge F2.28 and that the proposed taking and use of the 0.026 acre portion of the subject property by the Burlington County Department of Engineering will not cause unreasonably adverse effects on the ADA, or State agricultural preservation and development policies; and

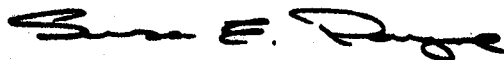
BE IT FURTHER RESOLVED that the SADC recommends that the Governor declare the action necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative; and

BE IT FURTHER RESOLVED that the County is directed to work with the SADC to insure the condemnation is properly valued and approved by the Committee, and that the net proceeds of the condemnation award be distributed pursuant to paragraph 23 of N.J.A.C. 2:76-6.15; 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.

1-23-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

