

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

REGULAR MEETING

July 24, 2014

Chairman Fisher called the meeting to order at 9:03 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, Chairman
Cecile Murphy (rep. DEP Commissioner Martin)
Brian Schilling (rep. Executive Dean Goodman)
Tom Stanuikynas (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Alan A. Danser, Vice Chairman
Denis C. Germano, Esq.
Jane Brodhecker
Peter Johnson

Members Absent

James Waltman
Torrey Reade

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

Others present as recorded on the attendance sheet: Stefanie Miller, Brian Smith, Timothy Brill, Paul Burns, Dan Knox, Hope Gruzlovic, Jeffrey Everett, Gail Harrje, Cindy Roberts, Judy Andrejko, Steve Bruder, Charles Roohr, David Clapp, and Patricia Riccitello, SADC staff; Kerstin Sundstrom and Christopher Howard, Esq., Governor's Authorities Unit; Dan Pace, Mercer County

Agriculture Development Board; Nicole Kavanaugh, New Jersey Farm Bureau; Donna and Lori Rue, Rue Brothers Farm, Monmouth County; Earle Steeves, Max Spann Real Estate, Hunterdon County; Brian Wilson, Burlington County Agriculture Development Board; Rebecca Ziefle, Ocean County Planning Department; Jane Capasso, Consalo Farm, Atlantic County; Marty Bullock, landowner, Monmouth County; Vincent Consalo, landowner, Cumberland County; Al and Kathy Lombardi, Lombardi Farms, Atlantic County; Ann Vanttise, Rue Brothers Farm, Monmouth County; Brigitte Sherman, Cape May County Agriculture Development Board; Harriet Honigfeld, Monmouth County Agriculture Development Board; Tara Kenyon, Somerset County Agriculture Development Board; Maciej Maslonka, Ocean County Planning Department; Amy Hansen, landowner and New Jersey Conservation Foundation; and Casey Jansen, landowner, Monmouth County.

Minutes

A. SADC Regular Meeting of June 26, 2014 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Open Session minutes and the Closed Session minutes of the SADC regular meeting of June 26, 2014. The motion was approved. (Ms. Murphy abstained from the vote.)

REPORT OF THE CHAIRPERSON

Chairman Fisher made the following comments:

- Agriculture in Season

Chairman Fisher stated that now is the height of the growing season and noted that New Jersey grows about 100 varieties of crops. We always talk about the land and sometimes we lose sight of all the wonderful products we produce. He encourages everyone to visit New Jersey's farm markets, which number about 145.

- Various Legislative Bills

Chairman Fisher stated that the Legislature has passed a number of bills related to school gardens and farm to schools, including voluntary contributions for taxpayers on their income tax returns to promote farm to school and school gardens. That is an interesting development because it means that we will help

introduce the next generation of consumers. School gardens are very important because once those children get involved and start planting seeds and nurturing and harvesting them it does have a transformational effect. We are thrilled that the Legislature is interested in doing that.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- Senate Bill S837

Ms. Payne stated that S837, which allows for special occasion events on wineries located on preserved farms, was signed into law on July 6th after the Legislature approved changes recommended in the Governor's conditional veto. That bill is now in effect and has numerous provisions that are significant to county agriculture development board (CADB) members. Ms. Payne stated that she encourages CADBs to read the bill and contact the SADC if they have any questions. Under the bill, the CADBs are the agencies that decide what constitutes a special occasion event, so that is a county-by-county decision. If you have wineries in your county, the CADB is going to have to play a role in defining what is consistent with the Act through the eyes of the board. Ms. Payne stated that the bill also requires the SADC to conduct a pilot program, which expires at the end of 44 months unless renewed. In speaking with the Secretary of Agriculture, she would like to establish a subcommittee of the Committee to walk through this bill with staff and help identify what information we want to collect in order to be able to provide constructive advice on what worked well with the pilot program, what might not have worked as well, any obstacles, etc. Ms. Payne stated that Secretary Fisher has asked if Mr. Danser, Mr. Johnson and Mr. Schilling would be willing to participate in that subcommittee and they have all agreed to participate. Staff will schedule that subcommittee meeting in August if at all possible so we can go through the bill. As the subcommittee makes progress and can consolidate and solidify what our goals are, we can then communicate more on this with CADBs and the public.

- Dual Appraisal Provision

Ms. Payne stated that the dual appraisal provision of the Highlands Act expired on June 30th. The SADC did receive some additional applications by that deadline date but that provision now is not operable for any new applications coming to the SADC. We will look forward to the Legislature hopefully taking that issue up

soon to provide relief to the Highlands landowners.

- Riewerts/Santini Driveway Relocation Issue

Ms. Payne stated that at the last SADC meeting the Riewerts/Santini driveway relocation request was discussed, including that a resolution would be presented to the Committee this month. Mr. Riewerts and his wife Dr. Tribble have requested that formal action not be taken until they have had an opportunity to submit additional information to the Committee for consideration. Staff has approved that request. Therefore, the resolution for that issue is on hold until the landowners submit whatever information they want the Committee to review.

- Federal Farm and Ranch Lands Protection Program

Ms. Payne stated that the Federal Farm and Ranch Lands Protection Program under the 2013 Farm Bill has changed. It is now called the ALE Program or the Agricultural Land Easement Program. The program has been consolidated with a couple of similar programs. It will require new rules. Ms. Payne wanted to make the preservation community aware of a couple of changes that staff sees immediately. One is that the NRCS will not accept sod operations or bag and burlap operations into the federal program if that is the current operation on the ground. In conversation with NRCS staff, we asked what if a landowner is able to demonstrate that there is no negative impact to the soil of their operation. They said that conceivably it is possible that a sod or bag and burlap operation could demonstrate that under a farm conservation plan but it was by no stretch a guarantee. If you are using federal funds for preservation, this will be a big impact. The second big impact may be new deed of easement language, which is unfortunate because we spent quite a lot of time in the past few years getting the federal deed nailed down and clear so that landowners understood what it said. So there will be more to come on that issue as we do not know yet exactly what requirements will be made by that agency in order to get our deed into something that they will accept.

Chairman Fisher stated that regarding the winery bill, he would encourage the CADBs to help those in their county understand that this is not fully figured out in terms of exactly how this is going to play out. He knows there are operators who want to make huge investments so he would encourage the counties to make sure the landowners consult with their CADB staff.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.

PUBLIC COMMENT

The following members of the public addressed the Committee:

1. Marty Bullock stated that he is a lifetime farmer and is here today to address the Holland Greenhouse issue. He has lived in that area his whole life, owns the farm he is on now and is a neighbor of the Rue family. He has either farmed or been a customer on probably 90 percent of the farms in the community in the past 50 years. To his way of thinking, this is the perfect place for this type of operation. It is not prime ground, it is ground that basically was mined and reclaimed. It is fairly level and it is as level as you will find anywhere for the least soil disturbance. It is completely buffered and there is never going to be a neighbor problem. It has access within less than a mile of I-195 so the trucks are not going to bother anyone and there are no developments in the area. We are here trying to preserve all this land and then not letting people have a business that is going to thrive on the land. There is not enough ground for grain for everyone; we have to have these types of businesses on this land. These are site-specific projects and all the neighbors he has talked to support it. They think it is a great thing to have in the area.

Chairman Fisher noted that Mr. Bullock is a member of the New Jersey State Board of Agriculture but is speaking as an individual/neighbor.

2. Albert Lombardi stated that he is here today to speak on the proposed division of the premises request for the Consalo farm. Lombardi Farms has farmed the land in question since 1995. They double and triple crop that land and he is here today to speak about how that land can be a viable piece of ground. It is 14 acres of tillable land and he has farmed it for the past 20 years. They have been renting it from the Consalos and have farmed it two or three times. He tried to come up with some numbers for the SADC because he understands that in order for it to be viable it has to be able to sustain itself as a farm. They have grown cilantro, dill, arugula, parsley, a lot of herb crops, cabbage. It can grow a variety of crops. If you farm it three to four times a year you should be able to make a really nice income off of that piece of ground. It is self-sustainable and it has its own farm house and garage for equipment. It has its own 40-horse submersible electric well turbine and its own 6-inch mainline. It is a good piece of ground. He believes it is a viable piece of ground to be a farm on its own.

Ms. Payne stated that Mr. Lombardi's email summarizing his testimony has been provided to the Committee members in their meeting binders. Mr. Lombardi said that it is hard to come up with these numbers but he tried to do his best to come as close as possible with those figures as to what he thinks the farm can do.

Chairman Fisher asked the reason for the subdivision. Mr. Lombardi stated that he would like to purchase another plot across the street, which is an approximately 25 acre piece of land, so they want to divide it so that he can purchase that part and continue his farming on the larger parcel and they would also continue leasing the smaller parcel indefinitely as long as it is offered to him. Mr. Lombardi stated that they have been farming for more than 100 years and he is a fourth generation farmer. Ms. Payne noted that there is a 3 acre exception. Mr. Lombardi stated it is 15.9 acres total, 14 acres of tillable land and there are 2 acres of the farm house, the garage and the yard. Mr. Lombardi stated that if you grow herbs you can grow four crops a year and it could yield the equivalent of a 56-acre farm at that point, if you do the right things and put the right nutrients back in the ground. Mr. Lombardi stated that you can do greenhouses, nursery stock, potted plants, and Christmas trees. He has grown 5-6 acres of Christmas trees and has done very well with that. If someone made that their full-time job they could do pretty good with Christmas trees.

Mr. Lombardi stated that he wanted to make the point that the previous owner to Mr. Consalo farmed it and that was their farmstead. That was a few years back. It was Darpino farms in the 1950s or 1960s.

Ms. Payne stated that this is an agenda item for today's meeting. There is no resolution because staff wanted to give the Committee a chance to discuss the issue. It would be the smallest division subdivision approved by the Committee. Staff wanted to provide an opportunity for the Committee to have a conversation and provide some guidance before staff drafts a resolution.

3. Vincent Consalo stated that he wanted to add to Mr. Lombardi's comments. Back in the early 1950s that farm was purchased as a stand-alone farm. It was their primary farm for many years before they expanded it to the neighboring ground. The farm does sit right in the middle of a growing area and is surrounded by farms, including the Lombardis and the Bellviews, so the ground is going to be farmed forever. It has a well, two buildings and a house so it is set to go. Mr. Siegel asked if Mr. Consalo owned the farm at the time of preservation. Mr. Consalo responded yes. Mr. Siegel asked if he didn't anticipate at the time that this would happen. Mr. Consalo stated no, that he did not

at the time. He understood that as long as the ground was farmed that was one of the requirements for farmland preservation. He didn't understand about subdividing at the time. He just thought they would be allowed to as long as it was being farmed. It has passed the viability test and hopefully he will be able to subdivide it.

OLD BUSINESS

A. Review of Activities –Holland Greenhouses Project; Rue Farm, Upper Freehold Township, Monmouth County – Requested time for presentation by Ms. Rue (landowner)

Ms. Payne stated that the Committee addressed this issue at its May meeting. The question here is the proposed 15-acre greenhouse proposal. Staff had reviewed that proposal and provided the Committee with a memo summarizing what staff could anticipate as to the impacts of that proposal on the farm and the soils. At that meeting Mr. Jansen, who is also present today and is the contract purchaser, and Ms. Rue, who will be making a presentation to the Committee, had talked about the fact that the property had been substantially mined by the Department of Transportation for the construction of I-195. At the June meeting, Ms. Rue asked for some time to make a presentation to the Committee providing additional information. That is where we are today.

Donna Rue stated that she is here today representing Rue Brothers, along with her sister Lori. Ms. Rue stated that a year ago they came and asked for a subdivision of their 300-acre preserved farm. She reviewed aerial maps of their farm with the Committee showing what portion of the farm she is discussing.

Ms. Rue stated that the Committee provided permission to subdivide the 79-acre preserved property. The flag lot above that is 13 ½ acres and is not preserved. Mr. Jansen is proposing to purchase this land to put three 5-acre greenhouses on it. There has been discussion regarding having to level some of the ground to construct greenhouses and the major issue that surfaced in the past few months had to do with a large disturbance of soil and the potential for continued agriculture. Ms. Rue stated that what she will be talking about is the disturbance of the soil. The SADC did a study and had a subcommittee back in 2010 looking at soil disturbance. In that study there was limited literature information and you didn't have any site-specific examples. Ms. Rue stated that they have 30 years of site-specific farming and mining examples on this particular 79-acre parcel so they thought this information would be useful to the Committee.

Ms. Rue stated that her farm, Rue Brothers farm, was purchased in 1825 by the family.

Her father was a fourth-generation farmer and he placed the farm in farmland preservation in 1996 to prevent development and provide good stewardship to the land. The point she wants to make today is that deliberate engineering of the soil from their site-specific example of more than 30 years shows that even though soil was substantially disturbed through mining, the re-engineering and ongoing farming practices demonstrate that the soil quality was not compromised. Ms. Rue reviewed a slide showing a 1963 view of the farm. She stated that you can see the overlay of the road; I-195 was constructed that area. It also showed Rue's Road and she pointed out the various areas where they have property. Ms. Rue stated that Harmony Hill Road is indicated on the slides but for some reason the mapping puts the road in the wrong area. She showed the Committee the correction location of Harmony Hill Road as it related to her parcels.

Ms. Rue showed the Committee a 1968 topography map. This map was to show the Committee that this parcel has lots of elevation levels; it was terraced and very hilly. That is the earliest picture she could find. Ms. Rue showed the Committee a 1974 aerial view showing construction of I-195, which occurred during the 1960s and 1970s. The Department of Transportation purchased a portion of their property in 1968. There was some excavating done to the road bed and the entrance onto Rue's Road. There was a road that was just a dirt lane and there were field lanes to go out. She showed the flag lot and then Route 524. When they did the mining, the trucks used that particular road as she showed on the mapping. She stated that there are cultivated fields on that mapping and another area she pointed out was a terrace, which is very steep. They had alfalfa and grass planted on there for erosion purposes and they had grains and some alfalfa in another area. She showed another area of red pine and Christmas trees.

Ms. Rue provided a 1981 aerial view showing more of the mining area and the terrace field, along with the road that the trucks used for the dirt load, coming out onto Route 524. They didn't use Rue's Road because there is a big wetlands and the trucks would have destroyed the culvert passage way. She showed the area of the Christmas trees that they had. In the past before I-195 went in, that area used to be grazing fields and they had a dairy and potato farm that was the predominant profit for her father. They had close to 200 acres in potatoes in that area. The cows used to come and graze there but when they put I-195 in they would then cut the grass and bring the grass back around to feed the cows. Ms. Rue stated that they had some cultivated fields in a small area shown on the mapping. But the rest of it was mined and had serious problems as far as drainage and steepness.

Ms. Rue showed a map from 1985. There was some mining done in the 1970s but they don't have any information on how much they took out or the process they used because

the person who did it has since passed away and his business is closed. In 1985 the mapping showed the permit and plans for mining that were received and approved by the New Jersey Soil Conservation and Upper Freehold Township. From 1985 to 1982 the area was all mined. She pointed out on the mapping where the steep slope was, the terrace area, Rue's Road, the culvert and wetland, and where they come in with tractors. As far as the trucking and gravel that was taken out, they went out on a particular road as shown on the mapping and went across the flag lot onto Route 524. The mining was for the gravel. Mr. Siegel asked what they did with the topsoil. Ms. Rue stated that the process for this and what the permit allowed was to do 10 acres at a time, taking the topsoil off and setting it aside. As they completed each five acres, they put the topsoil back and reseeded it so that they never had more than five acres open at a time. It was a 10-acre area but they did five acres of active mining. They came and took soil out of the entire area shown on the mapping. Mr. Germano asked her whether it was soil or gravel that they took. Ms. Rue stated gravel. The contractor took the topsoil and pushed it off to the side and took the gravel out. The gravel left and the topsoil stayed.

Ms. Rue showed another map from early on that showed I-195 and also the 300 acres and the elevations and striations of the land. The black marks on the picture are the current elevations and it went down to 152, 154, and 160. It was just to demonstrate the amount of excavation. Ms. Rue showed a current aerial view taken in 2011 and it shows the footprint of the property now. It shows the terrace field and the forestry and Christmas tree area. They now have increased that footprint so that this is all planted and cultivated fields now. It showed the flag lot also. Ms. Rue stated that they have soybeans and grains and still have some alfalfa in that particular area.

Ms. Rue showed another picture showing topography again on the current area, indicating where they have excavated out and that it is more level now than it was. She thought the highest elevation was 164, but most of it is 152, 154 to 164. So they have increased their footprint as far as tillable soil now. This makes much improved access for agricultural use.

Ms. Rue stated that another slide shows what a field of soybeans looks like right now. The picture was taken just last week, so you can see that the field is fairly level and it is secluded. It has 300-foot berms around it and 300-foot areas between I-195 and the field.

Ms. Rue stated their point is that while the soil is disturbed – but done with planned conservation and sound agricultural practices – agricultural use was increased in crop production, in more tillable acreage. Land did not become impermeable and there was less erosion and runoff and better topsoil distribution, resulting in better production

through intentional engineering. There has been no increase in need of fertilizer or water usage. Their point is that disturbance doesn't mean destruction.

Ms. Rue stated that when she had the 1985 map on the screen and she was speaking about the actual mining, she forgot to say that there was more than a million cubic yards of gravel removed between 1985 and 1992. It took it down approximately 40 feet.

Chairman Fisher asked regarding the project that is being considered, does that disturbance not mean destruction too. Ms. Rue stated that the disturbance is leveling, not removing anything. She stated that before it was mining so you did remove gravel but all you are talking about now is the fact that you are leveling down so that your greenhouses sit level. You are just moving about 2-3 feet down to 9 or 10 inches to make it level. Chairman Fisher asked if that land could be put back into production after that project. Ms. Rue personally felt that you could and that Mother Nature recovers things all the time. You see fields, you see roads and a lot of things that have been neglected and totally abandoned and when you put a little effort into it, when you replace the water or you replace organic material and you tend to the soil, you get good soil. That is what land stewardship is all about.

Chairman Fisher thanked Ms. Rue for her presentation to the Committee.

B. Resolution of Amended Final Approval: County Planning Incentive Grant Program

1. Robert Smith Farm, Washington Township, Morris County

Mr. Brill referred the Committee to Resolution FY2014R7(1) for a request for an amended final review and conditional approval of a planning incentive grant to Morris County on the property of Robert W. Smith, known as Block 12, Lot 14, in Washington Township, Morris County. The SADC granted conditional final approval on June 24, 2010 to provide a cost-share grant to Morris County for the purchase of a development easement on this property, conditioned on the results of a condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm.

Mr. Brill stated that in 2007 the WTMUA had a water crisis and ran dry in their water system. The wells were not able to keep up with the demands related to the filling of swimming pools primarily but there was a health, safety and welfare concern associated with the system being able to keep up with not only the human uses of water but also the fire protection aspect, which was considered very serious. After extensive geological

studies the WTMUA determined that the Smith farm was the best location for the new well. In the meantime, Morris County is continuing the process for Mr. Smith's application for preservation. The well proposed was in an important production area of the farm and in taking a closer look at N.J. Department of Environmental Protection (DEP) regulations, it was determined that it could potentially involve a significant area of a little more than 18 acres with possible limitations on the type of agricultural uses that could occur on that portion of the property, as well as implications for future water use on the farm. The WTMUA went ahead and drilled a well and also put in a series of monitoring wells. They determined there were private wells in the area that could be impacted by this new public well. Public wells, at times, can take a significant amount of water from the area. This is located in the Highlands Preservation Area and it is also in a sub-water area that was determined to be in a deficit situation in terms of recharge versus existing use of water. The WTMUA conducted a 72-hour stress test, pumping water continuously to look at the impacts on the ground water conditions in proximity to the test well and determined that there was a significant area of potential influence. They negotiated with the school system, the adjacent property owner, to provide a means of access to the well location on the Smith farm and they are also looking at a small well house to monitor conditions on the water coming off the Smith farm property.

Mr. Brill stated that in September of last year the WTMUA petitioned the DEP and the Highlands Council for an exemption under the Highlands regulations. The DEP denied that exemption under the Highlands Act and required that the WTMUA prepare a formal application for Highlands approval. In the meantime, Morris County, at the request of Mr. Smith, went ahead and pre-acquired the development rights to the property, paying 100 percent of the easement cost out of its County trust fund. That was as of December 26, 2013. In February 2014, the WTMUA met with the DEP and Highlands representatives to review the application process for the Highlands permit and determined that it was going to be a much more comprehensive review, requiring significant additional engineering work. Earlier this month, Morris County requested a 12-month extension based on discussions with DEP staff. Staff is recommending a 24-month extension, just to make sure we are not going to be back to the Committee this time next year. Staff recommendation is to approve the 24-month extension.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2015R7(1) finding that the County has made significant progress in addressing all outstanding issues and has provided supporting documentation highlighting sufficient reasons to warrant an extension of 24 months until July 28, 2016. Upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after"

valuations, upon which the SADC relied to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained. The SADC will continue to encumber \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8. Should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this property. The provisions of the SADC's June 24, 2010 conditional approval, the SADC's July 28, 2011 amended and conditional final approval, the June 28, 2012 amended and conditional final approval, the January 24, 2013 amended and conditional final approval and the June 27, 2013 amended and conditional final approval to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length.

Mr. Danser asked what we are looking for or waiting for, or expecting to learn over the next two years. Ms. Payne stated that staff concern was that when this was proposed no one could tell us the impact on the ability to develop houses on the property or their ability to get wells, which affects appraisal values. Secondly, they couldn't tell us the impact on the landowner being able to obtain an irrigation permit. Those are the two basic questions that were asked that needed answers because if it was such that the location of this caused the whole farm not to be developed for residential development, then there is not much value to the development easement. It sounds like they are getting to the end of this. Mr. Danser asked whether the SADC's easement values would differ from the ones that the County just used to purchase the rights. Ms. Payne stated that it could. If the County proceeded and acquired the easement and then it turns out that the permit prohibits development of the property, then the County is going to have paid more than what it is worth. Hopefully that doesn't happen.

The motion was unanimously approved. (A copy of Resolution FY2015R7(1) is attached to and is a part of these minutes.)

NEW BUSINESS

- A. Reorganization**
 - 1. Appointment of Vice Chairman**

Chairman Fisher called for nominations for Vice Chair of the Committee.

It was moved by Mr. Germano and seconded by Ms. Brodhecker to nominate Alan Danser to serve as Vice Chair of the Committee. The motion was unanimously approved.

There were no other nominations for Vice Chair of the Committee. Chairman Fisher closed the nominations.

Chairman Fisher called for a motion to approve Alan Danser as Vice Chair of the Committee.

It was moved by Mr. Germano and seconded by Mr. Schilling to appoint Alan Danser as the Vice Chair of the State Agriculture Development Committee. The motion was unanimously approved.

2. August 2014 to July 2015 Meeting Dates

Ms. Payne referred the Committee to the Regular Meeting Dates for the SADC from August 2014 through July 2015. She stated that the months of October and November are combined for meeting purposes, and that the Committee will meet the second Thursday in November and December due to the holiday season. Ms. Payne indicated that the meeting date for the month of August 2014 is just a reservation date should the Committee have a need to hold a meeting. Typically, the SADC does not hold a meeting in August. It is also noted that the April 2015 meeting will be held on a Friday (the 24th), due to Take Your Child to Work Day on Thursday the 23th.

It was moved by Mr. Siegel and seconded by Ms. Murphy to accept the FY2014-2015 SADC meeting dates from August 2014 through July 2015. The motion was unanimously approved. (A copy of the SADC Meeting Dates - August 2014 through July 2015 is attached to and is a part of these minutes.)

3. Program Deadline Dates – 2014/15

Ms. Payne referred the Committee to a list of County Planning Incentive Grant Program deadline dates for FY2014/2015. She stated that this is being provided to the Committee as informational only and that no action is required by the Committee. She stated that when counties come in for final approval, the SADC has to set certain deadline dates for submission of all materials in order for an application to be considered on a subsequent

SADC agenda. This gives staff sufficient time to make sure documentation is in place and also if there is competition for funds in the competitive pot, it gives staff the opportunity to rank and evaluate. This information will be sent out to all of the SADC's program participants so they are well aware of the process.

B. Eight Year Farmland Preservation Program –Termination

1. Kenco Land, Liberty Township, Warren County

Ms. Payne reported one termination of an eight-year farmland preservation program as follows:

Kenco Land, A Partnership, SADC # 2114-04F-01/21-0016-8F
Liberty Township, Warren County, 17 Acres
Funding expended at the time of termination: \$0.00 (Eligibility amount was \$10,200.00)

Ms. Payne stated that this agenda item is for the Committee's information and no action is needed.

C. Stewardship – Division of the Premises Requests

1. Consalo Farms, Buena Borough, Atlantic County

Mr. Roohr stated that this is a 40-acre preserved property in Buena Borough, Atlantic County. The property comprises 21 ½ acres preserved with a 2-acre exception area around a storage building and then a 12-acre preserved area with a 3-acre nonseverable exception around the farmstead, which includes the house and a couple of buildings. The reason for the request is that they are looking to divide the premises into the two existing lots. Lombardi Farms is adjacent to the preserved farm and is not preserved but they are the long-term tenant on this property. As Mr. Lombardi mentioned earlier, they have been farming in this area for generations. They have rented both of these parcels for 10+ years and would like to purchase the one piece comprising 21 ½ acres. Staff acknowledges that this area of the state and this ground have some of the most ideal growing conditions in the state. This is a very highly productive farm, as Mr. Lombardi stated. Staff's concern is that the piece that they would like to create is 12 acres. Although soil and growing conditions are ideal, it is hard to make the argument that 12 acres is viable as a stand-alone property from its own output, which is one of the two tests for a division. The other test of agricultural purpose, staff doesn't question that at all.

Mr. Roohr stated that staff went back and looked at all the divisions that were approved

and did a statistical analysis. The SADC has approved nine divisions over the years that have been 20 acres or less. Of those nine, seven had a condition that the acreage be merged with an adjacent preserved farm, making it a bigger overall piece of property. Of the two that didn't have conditions, in one we created a 17 and 18 acre parcel in Vineland, right next door to this, and the other one was a 15-acre farm in Salem that was 15 acres of preserved ground with a 3-acre nonseverable exception for a total of 18 acres. So if you take the 15 acre one as the smallest, this at 12 acres is still 20 percent smaller than the smallest one the SADC has approved to date. That is why staff didn't come with a resolution for flat-out approval because it would set that precedent.

Mr. Roohr stated that Mr. Lombardi did provide some information on his experience on this property, the number of packages that his family has been able to produce, and some very fair values on package costs etc. They look at the fact that you can easily double crop, sometimes triple crop and he does mention that on a rare occasion he does quadruple crop this property. Therefore, they don't look at it as necessarily a 12-acre farm but rather as maybe a 24- or 36-acre and on occasion a 48-acre farm in terms of production capability. By that logic, it is much more acreage in production. Staff has never looked at it that way. Staff has always looked at it as the overall acreage you have. With that, staff does have the concern that 12 acres may be too small to be considered viable as its own parcel but that is why we are here today. Mr. Lombardi, the tenant farmer, and Mr. Consalo, the owner, are here today if the Committee has any questions. Mr. Roohr provided some photos to the Committee for its review.

Chairman Fisher stated that the concern is the 12 acres. You know it is prime soil and it can be double, triple and even quadruple cropped and maybe every farm in the state cannot be. This one can and has demonstrated that over the years and that it always has. Mr. Roohr stated that Mr. Lombardi has demonstrated or testified to that. Mr. Siegel stated that there is a second issue and that is that in 2009 if there was a 22-acre and a 12-acre farm that came in separately as applications, would they get funded and approved? He would expect that the answer would be the 12-acre one would not and the 22-acre one would be we'll see. It came in as a 33- or 35-acre farm for preservation five years ago, not 25 years ago, under the premise that it was a single farm. Maybe it wouldn't have been funded if it were two separate farms. Mr. Germano stated that he wouldn't disagree with that thought but he thinks that you have two standards for divisions and one of them is not would this have been admitted separately. Mr. Siegel agreed but that is how he looks at these issues as to what the taxpayers have paid for. These are two lots and the landowner said he was not made aware of the fact that he wasn't allowed to do this when he preserved. That is a big ball being dropped because this came in as a single farm and the question is about the taxpayers being misled at the time these properties were

preserved. He doesn't believe that is the case here and he doesn't have any reason to not take him at his word that they didn't intend to do this but nonetheless the taxpayer has to be protected on their investment and there is another farm that maybe didn't get preserved because this one did. That is what he always has in the back of his mind.

Mr. Roohr stated that staff was looking to have a discussion today on the issue, let the landowner and tenant explain their positions on it and then come back in September with a resolution one way or the other.

Mr. Roohr stated that Parcel "B" is 11.9 acres of preserved ground with a 3.17-acre nonseverable exception for a total of close to 15 acres. Roughly 14 acres are being cropped. Mr. Schilling stated that everyone has heard his concerns regarding these tests. Viability is not defined and frankly, if you look at some of the numbers, you said these numbers are not unreasonable. When you look at New Jersey agriculture, those revenue figures are twice what the average farm would produce, if not more on a revenue basis to put it in context. In terms of size, a quarter of our farms are 10 acres or smaller, so we know what New Jersey agriculture looks like. He doesn't see this as being all that dissimilar from the landscape out there. You did the analysis of nine divisions that are 20 acres or less. To the point that Mr. Siegel was making, he recalls preserving some farms that were probably in the size range in the last couple of years so he is always troubled with what our test actually is and what is viable. He isn't going to be convinced that the revenue currently being produced off of this farm is not respectable in the context of New Jersey agriculture. Mr. Danser stated that he is concerned that there is potentially an application out there that didn't get considered or approved or funded because this one did. We have no idea as to where in the county or state that may have been.

Ms. Murphy stated that her concern is that when you have a property like this and you create two smaller ones, the top one there is no house on it yet but if you are creating a stand-alone piece of 12 acres of ground, that to her would look like a really nice estate. She understands that this is not in a part of the state where estates are very big but that is right now. When New Jersey gets built out she thinks that as a program we should be a farmland preservation program that supports agriculture, not a farmland preservation program that supports the creation of little mini estates throughout the state to subsidize the lifestyle of the wealthy.

Ms. Payne stated that if the Committee is supportive of the application, the testimony by the farmer, Mr. Lombardi, to her was important. Triple-cropped, high intensity and a demonstration of that history and that capability, is important if we are going to approve the subdivision. An 11-acre property in Warren County may not have that same

agricultural potential. We have identified this multiple cropping before when the Committee approved the two that it has approved, or at least one of them. She is trying to look at this from a precedent standpoint. The precedent that this sets is that this is 11.9 acres of deed restricted farmland so that would be the smallest that we have ever approved. She wants to make sure the Committee is clear on what the conditions are that support that, if that is the direction that the Committee wants to go in, so that our record can be clear. Her goal here is to understand what points are important to the Committee in either supporting or not supporting this application.

Mr. Schilling stated that he will be very clear – it is a small piece of property with good soils with a demonstration of intensity of use that is producing significant farm revenue. It is not the case where the plan is to put a dozen sheep on this property and raise them. Mr. Germano stated that documented history is what matters. Mr. Schilling stated that it is documented history but the future isn't predictable. It could be grown into an estate, it could be left fallow.

Chairman Fisher stated that he would like to provide a perspective that possibly the Committee didn't think about. He has people approach him all the time where they want to be in farming and there are many times that they are not going to be able to purchase a 200-acre farm or a 50-acre farm. Some of them are first generation farmers so you may think that ultimately it could be an estate and maybe it could be, but also you need to think that it could be someone's gateway farm in terms of opportunity. There are pluses and minuses.

Mr. Johnson stated that he thought that this particular neck of the woods has demonstrated historically that farmers can make a living off these smaller pieces. That is the farm belt where 10- or 15-acre farms are and have been common for generations. This one is ideally set up, especially with the house and the irrigation to intensively farm.

Ms. Payne stated that the agricultural community knows that you cannot submit a subdivision request here and just get a blanket approval. It goes through the process. To some extent, the rigor that the SADC and staff have applied to the tests, the impact it is having in the field is people put in smaller pieces to begin with because they do not want to go through the subdivision test. That is what she sees out there to some extent and that those with multiple big pieces are saying, "well we'll put this one in separately from that one etc." Then they all have to qualify for funding on their own merits. She doesn't think that there are a lot of people out there preserving farms with an assumption that they are going to be able to get subdivision approval two years later.

Mr. Danser stated that he has one comment that he feels should be addressed. This parcel is being farmed by a fairly large entity, not someone who is just farming 10 or 12 acres. He has no idea whether the same profits can be accomplished by somebody just working on 12 acres. The fact that those numbers have been created or generated by a larger entity should be at least looked at and addressed when we are talking about precedential things down the road.

Ms. Payne stated that staff's understanding is that a resolution will be prepared in support of this subdivision based on the conversation today. She stated to Mr. Lombardi and Mr. Consalo that staff would want some documentation to reinforce the testimony that they provided today. Staff will work with them to accomplish that.

2. Garrison Farm, Pittsgrove/Upper Pittsgrove Twps., Salem County

Mr. Roohr referred the Committee to Resolution FY2015R7(2) for a request for a division of the premises on the Garrison Farm, known as Block 1405, Lot 23 (Parcel "B"), in Pittsgrove Township, Salem County, and Block 49, Lot 1 (Parcel "A"), in Upper Pittsgrove Township, Salem County, approximately 75.76 total acres. The property was preserved in 2002.

Mr. Roohr stated that the two parcels are located in separate townships, approximately 8 miles from each other. In January 2003, Florence Garrison transferred ownership of the southern portion, Parcel "B," to her niece, Linda Garrison Parkell, without having obtained CADB or SADC approval for the division of the premises. Ms. Parkell owns the adjacent lots all around that parcel, which are not preserved. Florence Garrison died in March 2006. In October 2006, her estate transferred ownership of Parcel "A" to Gordon and Ruth Baker without having obtained CADB or SADC approval for the division of the premises.

Mr. Roohr stated that in the process of the Bakers' attempting to sell Parcel "A" to Dubois Farms, it was determined that this parcel was associated with Parcel "B" and that a formal division of the premises had never been approved. The owners of both parcels together propose to divide the premises as shown in Schedule "A" in order to rectify the prior unauthorized division in a manner that would bring the properties back into compliance with the deed of easement and SADC regulations. The Bakers intend to transfer ownership of Parcel "A" to Dubois Farms and Linda Garrison Parkell intends to transfer Parcel "B" to her brother, Donald Garrison, who owns a preserved farm close to this parcel.

Mr. Roohr stated that Parcel "A" would result in a 59.14+/- acre property and would include one existing single-family residential unit as well as several barns and outbuildings. Parcel "B" would result in a 16.62+/- acre property with no improvements and is land-locked. As part of this transaction, Linda Garrison Parkell has agreed to grant a formal access easement across an unpreserved parcel that she owns to permanently connect Parcel "B" to Donald Garrison's preserved farm, Block 1403, Lot 3; Block 1404, Lot 4; Block 1405, Lots 25, 29, 31, 32; Block 1406, Lots 1 and 2 in Pittsgrove Township and Block 9, Lots 4 and 5; Block 8, Lot 5; and Block 19, Lots 4.01 and 4.02, in Upper Deerfield Township, Cumberland County, hereinafter known as Parcel "C," thereby having the effect of increasing the size of Donald Garrison's preserved farm through the addition of 16.62 acres of woodland.

Mr. Roohr stated that staff recommendation is that the division is for an agricultural purpose and that Parcel "A" is agriculturally viable and capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output. However, Parcel "B" consisting of 16.62 acres of wooded land is not deemed to be agriculturally viable as an independent parcel. Staff further recommends that when Parcel "B" is merged with Donald Garrison's existing 206-acre preserved farm, the division results in the creation of a 222-acre parcel and is agriculturally viable, capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions and that Ms. Parkell formally grant an access easement through her other property to get to this property. Mr. Roohr stated that everyone involved has agreed to those terms and Ms. Parkell's attorney has already provided a draft document of both the transfer deed and the access easement, which meet with Mr. Smith's approval. With that, staff recommends approval of this subdivision under those specific conditions.

It was moved by Mr. Danser and seconded by Mr. Germano to approve Resolution FY2015R7(2) finding that the division of the premises is for an agricultural purpose. Parcel "A" is agriculturally viable and is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output. However, Parcel "B," consisting of 16.62 acres of wooded land, is not deemed to be agriculturally viable as an independent parcel. The SADC finds that when Parcel "B" is merged with Donald Garrison's existing 206-acre preserved farm, the division will result in the creation of a 222-acre parcel with 98 percent prime soils, which is 79 percent (174 acres) tillable and is an agriculturally viable parcel capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions. This approval is conditioned on the following:

1. The transfer of Parcel "B" to Donald Garrison;
2. a recorded access easement through Linda Parkell's unpreserved land, Block 1405, Lot 33, in Pittsgrove Township, Salem County, providing permanent required access to Parcel "B" from Donald Garrison's preserved farm, Parcel "C"; and
3. recording of deed language prohibiting the sale of Parcels "B" and "C" separate from one another.

This approval is conditioned on SADC review and approval of transfer deeds and easement prior to their recording. The SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution with the Salem County Clerk's office. This approval is valid for a period of three years from the date of approval and is not transferrable to parties other than Dubois Farms for Parcel "A" and Donald Garrison for Parcel "B." This approval is a considered final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R7(2) is attached to and is a part of these minutes.)

3. Allen Farm, Southampton/Lumberton Twps., Burlington County

Note: Mr. Johnson recused himself from any discussion/action pertaining to this agenda item to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

Mr. Roohr stated that this is a division of the premises request from Richard Allen, current owner of Block 902, Lot 2, and Block 903, Lot 5, in Southampton Township, Burlington County, and Block 51, Lot 9, in Lumberton Township, Burlington County, comprising approximately 220+ acres. Mr. Allen inherited the property but does not farm himself. His neighbors Edward and Kathy Allen are farmers. The Allens own a preserved farm in the area and would like to purchase a piece of the farm that is adjacent to their farm, which would be approximately 45 acres. Mr. Allen would like to divide the northernmost field to sell to the Allens. He stated that staff feels that the 45-acre piece is viable on its own and that the agricultural purpose of selling to a neighbor who wishes to expand their operation meets the agricultural purpose test.

Mr. Roohr stated that the issue staff has is that the configuration of the lot as requested results in the 45-acre tract not having any road frontage or legal access. Staff proposed a configuration that included an access lane from the 45-acre tract out to Landing Street but the owner is not in favor of the access lane. The Burlington CADB approved the request

with a condition that the 45-acre tract be permanently associated with Ed and Kathy Allen's home farm, which is preserved by the County without SADC cost sharing and has ample frontage. Staff concurs that the permanent association of the 45-acre tract with the Allen's 128-acre home farm would resolve the access issue. However, this creates a situation where two government entities have jurisdiction over different parts of the same farm. For long-term enforcement and other action items, staff felt that would be difficult. Mr. Roohr stated that as a condition of the SADC's approval, staff recommends that the CADB enroll the Allen farm in the SADC's program. The framework for the SADC to accept property into the State program that has been preserved by a county without SADC cost sharing already exists in N.J.A.C. 2:76-6.19. By enrolling the property in the State program, both parcels will come under the same joint County and State authority for future requests and/or enforcement actions, thereby eliminating future jurisdictional issues. Staff also is seeking the Committee's input and opinion on this proposal prior to moving forward with the process into the State program.

Mr. Siegel asked why the County didn't come in for cost sharing. Ms. Payne stated that they did. The County acquired the property a long time ago, approximately 10 years ago. The regulations say that when the public entity acquires an easement or a property, they have three years to make application to the SADC. She believes that was the basis of the SADC's denial of that application being eligible for that program because of the cost-share issue. That same issue is not raised in a donation so we think that this can be accomplished. Ms. Payne stated that by enrolling the farm in the program, the County would continue to hold the easement but now the State would have its interests in the property. It would be like the County donating an easement to our program and enrolling it.

Mr. Wilson from the Burlington CADB stated that at the last CADB meeting it endorsed donating the easement to the SADC. When all of the easement documents were drafted for the Edward Allen farm, the County already contemplated enrolling it into the program so all of the necessary language is in the deed of easement.

Chairman Fisher commented that the property would be permanently preserved as part of that other farm or permanently associated with it. He asked if it was permanently associated whether someone in the future could subdivide it because it would then meet the criteria of having access roads and all of that. Ms. Payne stated that they could come back at a future date and seek to subdivide this piece off if they provided legal access to a road. We are not closing the opportunity for the Ed Allen property to ever come in and ask for a subdivision. We are just saying that as a condition of this subdivision request, we have to have legal access to a road. Mr. Danser stated that we used "associated" on

the last application because they were not contiguous and couldn't be merged. He thought it was said that these were going to be merged. He is confused by the association. Ms. Payne stated there is no actual merger that happens; it is not like we erase the original premises line and create a new one. That would be like a tax lot merger. We don't do that, we say Lot 1 is here, Lot 2 is here and we record something that says Lots 1 and 2 can no longer be sold separate and apart from one another, but the content and the conditions of those deeds of easement that were originally set down stay in place. We don't disturb the conditions of those original deeds of easement.

Mr. Roohr stated that this will involve some leg work, paperwork and time on both the County and staff's part so before we went through all of that, staff wanted to get the Committee's opinion on it. Chairman Fisher stated that what he has heard is that no one has registered any objections and if there are any they should be stated now. Ms. Payne stated that this will all go through legal review as well.

D. Right to Farm and Agricultural Mediation

1. Summary Report for State FY2014

Mr. Kimmel referred the Committee to the New Jersey Right to Farm and Agricultural Mediation Programs – FY 2014 Report on Program Activity overview packet. The SADC manages the Right to Farm Program in partnership with New Jersey's 18 County Agriculture Development Boards (CADBs). It also coordinates the State's Agricultural Mediation Program. The overview packet is designed to provide a synopsis of program activities for FY 2014 and to facilitate the renewal of the certificates of the Agricultural Mediation Program's roster of mediators, as the program's regulations require the SADC to renew the certificates annually.

Mr. Kimmel reviewed the specifics with the Committee as outlined in the overview packet as follows:

1. During FY 2014, the SADC issued formal Right to Farm decisions in four cases.
2. Seven Right to Farm cases have been appealed to the SADC and are currently pending before Administrative Law Judges (ALJs). After the ALJ issues an Initial Decision, the case is returned to the SADC for adoption of a Final Decision in which the SADC may accept, reject, or modify the ALJ's Initial Decision. Upon SADC's issuance of a Final Decision, any aggrieved party may appeal that decision to the Appellate Division of the Superior Court.

3. During FY 2014 (July 1, 2013 to June 30, 2014), SADC staff handled 85 new Right to Farm cases/inquiries. In addition to the 85 new records created during FY 2014, an additional 44 cases/inquiries (that had been created prior to FY 2014) had activity during FY 2014. That means that altogether, SADC staff worked on 129 Right to Farm cases/inquiries during the year. CADBs may also have handled additional, distinct cases/inquiries in which the SADC was not involved; therefore, they were not counted in the SADC's database.

Of the 129 active cases during FY 2014, 46 (36 percent) involved one or more of the following formal processes during the life of the case:

- a. A formal Site-Specific AMP (SSAMP) request (31 cases)
- b. A formal Right to Farm complaint (16 cases)
- c. A formal request for mediation (6 cases)

Mr. Kimmel also reviewed the specifics of the Agricultural Mediation Program, how it works, program outreach and program funding. Also reviewed was the number of mediations over time.

2. Renewal of Certification of Agricultural Mediation Program Mediators

Mr. Kimmel referred the Committee to Resolution FY2015R7(3) regarding the recertification of agricultural mediators under the Agricultural Mediation Program. Pursuant to the Agricultural Mediation Program's regulations, mediators' certificates are to be renewed annually, provided the mediators continue to satisfy the program regulations. In July 2013, the SADC recertified its existing roster of 11 mediators. Since that time, the SADC has added one new mediator to the roster, Michael J. Ennis. One mediator, Jim Wren, has decided to withdraw from the roster.

To update the program's roster of mediators, staff recommends that the following 11 individuals have their certifications renewed because they have continued to satisfy program requirements:

Katherine Buttolph
Liza Clancy
Gaetano DeSapio
Michael Ennis
Gordon Geiger

Melvin Henninger
Paul Massaro
John Paschal
Cari Rincker
Barbara Weisman
Loretta Yin

It was moved by Mr. Danser and seconded by Ms. Brodhecker to renew the certificates of the above listed certified mediators, pursuant to N.J.A.C. 2:76-18.10.

Discussion: Mr. Schilling asked if mediators are compensated. Ms. Payne responded yes. Mr. Schilling advised he would recuse himself from the vote due to the fact that one of the mediators is a Rutgers Cooperative Extension colleague.

The motion was approved. (Mr. Schilling recused himself from the vote.) (A copy of Resolution FY2015R7(3) is attached to and is a part of these minutes.)

E. Resolution for Final Approval – County Planning Incentive Grant Program

SADC staff referred the Committee to one request for final approval under the County Planning Incentive Grant Program. Staff discussed the application with the Committee and stated that staff recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2015R7(4) granting final approval to the following application under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolution:

1. Frederick and Marie Quick, SADC # 18-0208-PG
Block 147, Lot 9, Hillsborough Township, Somerset County, 39 acres
State cost share of \$10,200 per acre, (60% of the purchase price), for a total grant need of \$409,734 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 40.17 acres will be utilized to calculate the grant need. Base grant funding will be utilized for this property.

The motion was unanimously approved. (A copy of Resolution FY2014R7(4) is attached to and is a part of these minutes.)

F. Resolution for Final Approval – State Acquisition Program

SADC staff referred the Committee to two requests for final approval under the State Acquisition Program. Staff discussed the applications with the Committee and stated that staff recommendation is to grant final approval, as presented and discussed.

It was moved by Ms. Brodhecker and seconded by Mr. Danser to approve Resolution FY2015R7(5) granting final approval to the following application under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolution:

1. Jeffrey E. Harris, SDC # 17-0266-DE (Resolution FY 2015R7(5))
Block 6, Lot 2, Quinton Township, Salem County, 117 net easement acres
Acquisition of the development easement at a value of \$4,000 per acre for a total of approximately \$468,000, subject to the conditions contained in Schedule “B.” The property includes a 0.6-acre severable exception area limited to the existing cemetery; a one-acre nonseverable exception limited to zero single-family residences; a 2.8-acre severable exception limited to one single-family residence; zero single-family residences; zero agricultural labor units, and no preexisting nonagricultural uses on the area outside of the exception areas.

Discussion: As a result of a possible subdivision of the severable exceptions prior to closing, the remaining parcel may be re-designated with a new lot number and this re-designation will be reflected in the subsequent closing documents and deed of easement. Staff stated that the landowner showed a survey of the property that he had done and it showed a cemetery in the back of the property. The landowner stated that he didn't maintain it but that someone comes in once a month to maintain that area. Staff advised Mr. Harris to speak to the person who maintains the area to find out who employs him to do that. Mr. Harris believes it may be the local church. Staff felt the best way to deal with that was to make it a severable exception, should some point in the future he have the ability to sell it to the church. Rather than create an additional access to it, he is willing to accommodate access through this severable exception.

The motion was unanimously approved. (A copy of Resolution FY2015R7(5) is attached to and is a part of these minutes.)

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2015R7(6) granting final approval to the following application under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolution:

2. F. Sickler and Sons, LLC, SADC # 17-0272-DE (Resolution FY2015R7(6))
Block 39, Lots 5 and 6; Block 40, Lot 7, Upper Pittsgrove Township, Salem County, 153 net easement acres
Acquisition of the development easement at a value of \$5,600 per acre for a total of approximately \$856,800, subject to the conditions contained in Schedule "B." The property includes a 4-acre nonseverable exception area limited to one single-family residence. It has zero single-family residences, zero agricultural labor units and no pre-existing nonagricultural uses on the area outside of the exception area.

The motion was unanimously approved. (A copy of Resolution FY2015R7(6) is attached to and is a part of these minutes.)

Ms. Payne commented that this property has road frontage on three sides. Ms. Roberts stated that it has road frontage on Route 40 in the lower area where the wetlands are and the entire Lot 5 is surrounded by Route 77, Monroeville and Alderman Road. Ms. Payne stated that we need to be very careful with rights of way and what is getting held back. She has had this conversation with the planning staff many times with all of the condemnations that they have to deal with because people aren't looking hard enough at what they were going to need regarding rights of way, circles, drainage etc. With so many state highways we should make sure we take a hard look at this.

G. Minimum Standards for Acquisitions

1. **County Planning Incentive Grant Program**
2. **State Acquisition Program**

Mr. Knox referred the Committee to two resolutions for minimum standards for acquisitions under the 1) County Planning Incentive Grant Program (Resolution FY2015R7(7) and 2) the State Acquisition Program (Resolution FY2015R7(8)). Mr. Knox reviewed the specifics of each resolution with the Committee and stated that staff recommendation is to adopt the minimum standards for each program as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution

FY2015R7(7) adopting the Average Quality Scores for each county as identified on the Attached Schedule "A" for planning incentive grant applications. The SADC adopts the 70 percent average quality score values for determining an "eligible" farm pursuant to N.J.A.C. 2:76-17.2. The 70 percent of average quality scores for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2 shall be effective as of January 1, 2015, and shall apply to an application for the sale of a development easement that is approved by the SADC pursuant to N.J.A.C. 2:76-17.9 prior to December 31, 2015. The motion was unanimously approved. (A copy of Resolution FY2015R7(7) is attached to and is a part of these minutes.)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2015R7(8) adopting the Average Quality Scores for each county as identified on the attached Schedule "A" for State acquisitions. The SADC adopts the Average Acres for each county as identified on the attached Schedule "A." The SADC adopts the individual scores for determining a "priority farm" and an "alternate farm" as identified on the attached Schedule "A" for State acquisition programs pursuant to N.J.A.C. 2:76-8 and 11. The individual scores pursuant to N.J.A.C. 2:76-8 and 11 shall be effective as of July 1, 2014 for all applications that have not had option agreements authorized by that date. The standards established in this resolution and Schedule "A" shall remain in effect through June 30, 2015. The motion was unanimously approved. (A copy of Resolution FY2015R7(8) is attached to and is a part of these minutes.)

Ms. Murphy stated that there have been some issues with Passaic County and the eligibility criteria. She asked if that has been resolved. Mr. Knox stated that staff has received some applications and under the County program we do have a provision that says that we can waive this but we would have to take a very close look as to why. Ms. Payne stated that the bigger issue is Passaic and a couple other counties asking the SADC to lower its minimum criteria or change it. That is something staff is beginning to work on to get ideas together and bring them back to the Committee. It is her hope to work on it this summer or in the fall. We need to decide whether we are going to change the criteria and our minimum standards at all.

PUBLIC COMMENT

Casey Jansen from Holland Greenhouses stated that after the informative presentation earlier by Donna Rue regarding the history of the farm, he asks the Committee to be able to continue a dialogue in an effort to move forward with his project. He requested time on the September agenda to present counter statements to the ones raised in a staff memo that the Committee voted to accept in May. Chairman Fisher stated that if Mr. Jansen

would like to come back in September he could do that.

Nicole Kavanaugh from the New Jersey Farm Bureau stated that specifically in regard to the Holland Greenhouses' case, the New Jersey Farm Bureau has some concerns with the way that the process worked at the May meeting when the Committee discussed and voted on a memo that the parties in question hadn't seen. That is a concern. It is not how they expect the SADC to act. They were very disappointed to hear the way that took place. Mr. Jansen was sort of blindsided by some of the things stated in the memo and he couldn't respond to them. Ms. Kavanaugh stated she is happy to hear that the Committee will be hearing from him in September so that he can possibly address some of the SADC's concerns and hopefully move forward with his project.

Ms. Kavanaugh stated that at the May and June meetings, certain representations have been made by the Committee members, who are not soil scientists, that once soil is disturbed it can never be productive again and it is not going to be viable as productive farmland. That is being said with no soil scientist background and without a soil scientist here to talk about it. You have to be careful when you are making absolute statements because your determinations are impacting people's lives and farming. Ms. Kavanaugh stated that the Farm Bureau has some concerns with that sort of thing. She also stated that Committee members should be careful to avoid conveying personal feelings on what the deed restrictions should contain in addressing things like impervious cover and focus on what is in the deed and what the deed does or does not allow. The past two months have been a little disturbing with some of the discussions that were heard. Hopefully going forward we can be more farmer and agricultural viability friendly.

Amy Hansen, who is a farmer and also works for the New Jersey Conservation Foundation, stated that she is concerned about the application for 15 acres of greenhouses. She and her husband preserved their farm in 2004. They have 44 acres and a ½-acre allowance for impervious cover. She is just looking at the list of mediated problems that the SADC has had to deal with and several of them relate to greenhouse operations and extensive impervious cover, soil disturbance and water quality issues. Ms. Hansen stated that she is not a soil scientist but she does know something about soil and water quality. Putting 15 acres of greenhouses on a preserved farm that was mined – sure, but it just presents itself as a future problem and it also allows other people on other farms to cover soil with greenhouses. In this case it is specifically because the land was mined but she thinks that someone will come in and say they want 15 acres of greenhouses on their land, it hasn't been mined but those are really fuzzy lines. She urges the Committee to stick by its concerns and oppose this project. Chairman Fisher asked Ms. Hansen if she was speaking as an individual or on behalf of the New Jersey

Conservation Foundation. Ms. Hansen responded she was speaking as an individual, on behalf of her husband and herself, and on behalf of the New Jersey Conservation Foundation.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, September 25 2014, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium. **Note: There is no meeting scheduled for the month of August.**

CLOSED SESSION

At 11:20 a.m., Ms. Brodhecker 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. Siegel and seconded by Mr. Germano to certify the following development easement values as presented and discussed in Closed Session:

County Planning Incentive Grant Program

1. Nancy McPherson (Phillips), SADC # 05-0016-PG
Block 752.01, Lot 10.01, Lower Township, Cape May County, 19.229 acres
Certification is conditioned upon independent access of at least 50 feet in width connecting the premises to be preserved to the road being secured either directly or by an easement across the severable exception.
2. DeClement and Hogan, SADC # 08-0181-PG
Block 55, Lot 1, Elk Township, Gloucester County, 20 acres

3. Robert Cericola, SADC # 21-0546-PG
Block 58, Lots 8, 9, 12, 13, 13.01 and 15, Franklin Township, Warren County,
182 acres (AOC)
4. Robert A. and Sharon Santini (Heeres Farm), SADC #21-0536-PG
Block 45, Lot 26; Block 47, Lot 1, Harmony Township, Warren County, 75 acres

Direct Easement Purchase Program

1. Gaetano DeSapio Family Farm, SADC # 10-0223-DE
Block 6, Lot 12 and 13.01, Kingwood Township, Hunterdon County, 66.62 acres

The motion was unanimously approved. (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

**B. Attorney/Client Matters
Litigation**

- a. Right to Farm – Proposed OAL Final Decision – Ziemba v. Cape May
CADB and Natali Vineyards, LLC

Ms. Payne stated that staff has provided a draft final decision in the Ziemba v. Cape May CADB and Natali Vineyards, LLC case. Based on the amendments made during the Closed Session discussion, staff would like to request approval of the final decision so that it can be made public and be forwarded to the parties, with the changes to the one paragraph as discussed in Closed Session.

It was moved by Mr. Germano and seconded by Mr. Danser to approve the Proposed Final Decision in the case of Ziemba vs. the Cape May CADB and Natali Vineyards, LLC, with the amendments discussed in Closed Session. The motion was unanimously approved. A copy of the Proposed OAL Final Decision – Ziemba v. Cape May CADB and Natali Vineyards, LLC is attached to and is a part of the Closed Session minutes.

- b. Laurita Winery Litigation

It was moved by Mr. Germano and seconded by Mr. Danser to authorize the Office of the Attorney General to request that the Laurita Winery matter be dismissed without prejudice. The motion was approved. (Mr. Siegel abstained from the vote.)

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 12:50 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne".

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

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STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2015R7(1)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

July 24, 2014

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, on June 28, 2012 the SADC amended its July 28, 2011 final approval to provide a six (6) month extension of its conditional final approval until January 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule C); and

WHEREAS, in addition, the SADC resolved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserve the right, in the SADC's sole discretion, to rescind its conditional final approval for the

Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, the WTMUA completed a 72-hour aquifer well test on the new well on the Smith Farm in July 2012 and submitted incomplete reports on the test results to the SADC on December 5, 2012; and

WHEREAS, the NJDEP provided a letter indicating the adequacy of the 50-foot buffer around the new well on the Smith Farm in correspondence dated December 21, 2012; and

WHEREAS, on January 24, 2013 the SADC amended its June 28, 2012 final approval to provide an additional six (6) month extension of its conditional final approval until July 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule D); and

WHEREAS, on June 27, 2013 the SADC amended its January 24, 2013 final approval to provide an additional twelve (12) month extension of its conditional final approval until July 28, 2014, concluding that the County had made significant progress in addressing all outstanding issues (Schedule E); and

WHEREAS, SADC staff needs additional time to obtain and review full copies of the test well report, applications to the Highlands Council and NJDEP Bureau of Water Allocation and Well Permitting and other such information as may be necessary in order to make a recommendation to the SADC regarding the impacts of the proposed public water supply well on the Smith Farm as set forth in the SADC's prior resolutions on the matter, attached hereto and referred to as Schedules A, B, C, D and E; and

WHEREAS, Morris County has submitted a letter requesting a twelve month extension (Schedule E) based on significant progress in obtaining all necessary permits and approvals.

NOW THEREFORE BE IT RESOLVED that the SADC finds that the County has made significant progress in addressing all outstanding issues and has provided supporting documentation highlighting sufficient reasons to warrant an extension of twelve months until July 28, 2014; and

BE IT FURTHER RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval, the SADC's July 28, 2011 amended and conditional final approval, the June 30, 2012 amended and conditional final approval and the January 24, 2013 amended and conditional final approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

7-24-14

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
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	ABSENT

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Schedule "A"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY10R6(12)

FINAL REVIEW AND CONDITIONAL APPROVAL OF A PLANNING INCENTIVE
GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

June 24, 2010

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of Morris County's 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County for the Smith Farm, hereinafter referred to as "Owner", identified as Block 12 Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the Property is a targeted farm located in Morris County's Agriculture Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Property contains a 6.2+- acre conservation/drainage easement area servicing the neighboring school which the SADC may not provide a cost share towards due to its restriction on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of Intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well on the Property; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm on or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., on May 10 2010 and June 10, 2010, the MCADB conducted its review of the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, the SADC staff continues to review all information submitted by the WTMUA in order to determine whether the Notice of Intent is complete, with the most recent information having been submitted to the SADC by the WTMUA on June 8, 2010; and

WHEREAS, upon the SADC's determination that it has received a complete Notice of Intent, the SADC will have 30 days to issue findings regarding the effect of the proposed taking upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and upon overall State agricultural preservation and development policies; and

WHEREAS, since the return date of the order to show cause on the Smith Farm condemnation is scheduled for July 9, 2010, pursuant to NJSA 4:1C-19c., the Secretary of Agriculture has authorized the Office of the Attorney General to intervene in and to seek a postponement of those proceedings in order allow the SADC to issue its findings and conclusions related to this proposed taking of land in an ADA in accordance with N.J.S.A. 4:1C-19b., and

WHEREAS, to some extent, the preservation of the Smith Farm will be dependent upon a final judicial disposition of the proposed condemnation action which may, in turn, effect the final size and configuration of the Smith Farm; and

WHEREAS should the configuration of the Smith Farm change due to a successful taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, the Property includes a one (1) acre nonseverable exception area for a future single family home and zero (0) residences used for agricultural labor; and

WHEREAS, the Property includes a Garage/Barn, approximately 32'x130' and parking area for the storage and year round sale of antiques which will be noted and fully described as a pre-existing non-agricultural use in the Deed of Easement and final survey; and

WHEREAS, the Property has a rank score of 62.55 which exceeds the County's average quality score of 44, as determined by the SADC on July 24, 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on September 23, 2009 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. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 25, 2010 the SADC certified a development easement value of \$14,200 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$2,800 per acre based on zoning and environmental regulations in place as of the date of valuation June 30, 2009; and

WHEREAS, Morris County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 103.824 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner offered to sell the development easement to the County for \$14,350 per acre which is higher than the highest certified easement value, but not higher than the highest appraised value ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Washington Township Committee approved the Owner's application for the sale of a development easement on August 24, 2009, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Morris County Agriculture Development Board approved the application on April 1, 2010 and secured a commitment of funding for approximately 57% of the easement purchase price from the Morris County Board of Chosen Freeholders for the required local match on April 26, 2010; and

WHEREAS, Morris County has requested the SADC approve and encumber a reduced cost share for the Smith farm in order to preserve competitive grant funds which may be available for future projects; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d) and 17.14, on May 3, 2010 the County established a prioritization of farms and submitted a request to the SADC to conduct a final review of the application for the sale of a development easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8 and Resolution # FY08R9(33), adopted on July 26, 2007, the SADC authorized a FY09 funding allocation to provide eligible counties with a base grant of \$2,000,000.00 with the ability to obtain an additional competitive grant not to exceed \$3,000,000.00 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, and 17.14 Morris County is eligible to apply for an additional \$3,000,000.00 dollars of competitive grant funding for a maximum FY 2009 grant of \$5,000,000.00, subject to the availability of funds; and

WHEREAS, to date the County has closed the Cobb/Headly Farm and the Estate of Hansel/Greenway Flowers Farm expending \$1,903,206.60 of their \$2,000,000 base grant and requested final approval for the Farrand #5, Farrand #6, Lare and McLaughlin Farms encumbering the remaining base grant and leaving \$2,335,038.94 potentially available in FY09 competitive funding (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund (Schedule D); and

WHEREAS, Morris County is requesting to encumber \$646,823.52 from its available competitive funds for the purchase of development easements on the Smith Farm;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final conditional approval to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 103.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-6.11 at the request of Morris County; and

BE IT FURTHER RESOLVED, the SADC grants final approval based on the conditions contained in Schedule B and further conditioned upon the results of the condemnation action instituted against the Smith Farm by the WTMUA; and

BE IT FURTHER RESOLVED, that the SADC reserves the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

BE IT FURTHER RESOLVED, that based on the priority ranking of applications competing for competitive grant funds pursuant to N.J.A.C. 2:76-17.14 (e), and as identified in Schedule D, the subject Property qualifies for competitive grant funds; and

BE IT FURTHER RESOLVED, should the County require additional funds for the Property due to an increase in the final surveyed acreage the County may utilize unencumbered and available base grant funds to supplement the shortfall, however no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that any unused funds encumbered from either the base or competitive grant at the time of final approval shall be returned to its respective sources (base or competitive grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and 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, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and

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

BE IT FURTHER RESOLVED, that final authorization to provide a cost share grant to the County for the purchase of a development easement on the Property is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.

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-4f.

6/24/10

Date



Susan E. Craft, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSTAINED
Richard Boornazian (rep. DEP Commissioner Martin)	YES
Donna Rendeiro (rep. DCA Commissioner Grifa)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James R. Waltman	YES
Denis C. Germano	ABSENT
Jane Brodhecker	YES
Torrey Reade	YES
Alan A. Danser	YES
Dr. Stephen P. Dey	YES

Schedule
"B"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R7(33)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

July 28, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris County ("County") pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of the County's 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County on lands designated as Block 12, Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres ("Smith Farm"), as identified on the attached map (Schedule A); and

WHEREAS, the Smith Farm is a targeted farm located in Morris County's Agricultural Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Smith Farm contains a 6.2+- acre conservation/drainage easement area, servicing a neighboring elementary school, for which the SADC will not provide a cost share grant due to the easement's restrictions on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of Intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) as required by N.J.S.A. 4:1C-19a. regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well thereon; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm in or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., at meetings held on May 10 and June 10, 2010, the MCADB reviewed the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., the SADC completed its review of the Notice of Intent, conducted a public hearing on August 23, 2010, and approved by motion on September 17, 2010 a Summary of Findings and Recommendations Report concluding that the proposed condemnation will cause unreasonably adverse effects upon Morris County's ADA and State agriculture preservation and development policies, and recommended that:

1. The WTMUA should be required to exhaust all other water supply options prior to consideration of a new well on the Smith farm;
2. The ADA review process should be included in all pertinent NJ Department of Environmental Protection (NJDEP) permit procedures;
3. All parties involved should expedite the process so as to not unduly interfere with the permanent preservation of the Smith Farm; and

WHEREAS, on October 1, 2010, Superior Court Judge B. Theodore Bozonelis ruled that the WTMUA could proceed with its condemnation of a 0.72 acre easement on the Smith Farm to accommodate the new well, well housing and piping and provide for a 50-foot minimum buffer around the well; and

WHEREAS, the SADC recognized that, should the final size and configuration of the Smith Farm change due to a successful eminent domain taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 103.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-

6.11 at the request of Morris County; and

WHEREAS, the SADC's issuance of conditional final approval was based on the conditions contained in Schedule B and upon the results of the condemnation action instituted by the WTMUA against the Smith Farm; and

WHEREAS, the SADC reserved the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

WHEREAS, the SADC gathered additional information from the NJDEP, the WTMUA and Morris County staff on the potential impact of the proposed community well on the ability of current and future landowners to use the preserved farmland for a full range of agricultural activities and concluded that:

1. The ultimate size of the required buffer around the well is not yet known;
2. The potential limitations on agricultural activity, including the ability of a future farm operator to obtain an agricultural water use permit, are also unclear;
3. Depending on the ultimate impact of the public water supply well on the Smith Farm, the appraised easement value certified by the SADC pursuant to N.J.A.C. 2:76-17.11 on March 25, 2010 could be negatively impacted;
4. Preservation of the Smith Farm at this time could necessitate the WTMUA's condemnation of additional buffer area which in turn would require the SADC and the MCADB to proceed with the time consuming process of releasing an easement pursuant to N.J.S.A 4:1C-25, including an assessment of immediately apparent feasible alternatives and the Governor's declaration that the action is necessary for public health, safety and welfare; and

WHEREAS, the SADC evaluated various options regarding the timing of the closing on the development rights to the Smith Farm in relation to the approval of the community well on the Property at its June 23, 2010 meeting.

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, amends its June 24, 2010 conditional final approval of a planning incentive grant for the Smith Farm by establishing a one (1) year time limit during which the WTMUA shall apply for and secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council; and

BE IT FURTHER RESOLVED, as a result of securing all necessary permits and approvals the final extent, configuration and nature of the buffer necessitated by the well will be determined and its impact on the ability of current and future landowners to use the Smith Farm for a full range

of agricultural activities, including the ability to secure agricultural water use permits, will be established to the satisfaction of the Committee; and

BE IT FUTURE RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained;

BE IT FURTHER RESOLVED, that should updated appraisals be necessary the SADC will review the new appraisals and certify a new easement value pursuant to N.J.A.C. 2:76-17.10-17.11; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, that the WTMUA is encouraged to expedite the permit process and associated well tests in order to minimize the delay to the closing on the development rights to the Smith Farm; and

BE IT FURTHER RESOLVED that the one (1) year time limit of the conditional final approval of the planning incentive grant for the Smith Farm may be further extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

BE IT FURTHER RESOLVED, that upon expiration of the one (1) year time period, or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that any unused funds encumbered from either the County's base or competitive grant at the time of final approval shall be returned to its respective sources (base or competitive grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and 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, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and


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

BE IT FURTHER RESOLVED, that final authorization to provide a cost share grant to the County for the purchase of a development easement on the Smith Farm is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.; and

BE IT FURTHER RESOLVED that the provisions of the SADC's June 24, 2010 conditional approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

7/28/11
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	YES
Richard Boornazian (rep. DEP Commissioner Martin)	ABSENT
James Requa (rep. DCA Commissioner Grifa)	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	ABSENT
Torrey Reade	YES

Wetlands

Schedule A

Application within the Highlands Preservation Area



x:\counties\morco\projects\smith\10fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Smith
Block 12 Lots P/O 4 (100.8 ac) & P/O 4-EN (non-severable exception - 1.0 ac)
Gross Total = 101.8 ac
Washington Twp., Morris County



	Property ID location
	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 GIS & Recreation Easement
	Federal Land



- Wetlands Legend:**
- F - Freshwater Wetlands
 - L - Linear Wetlands
 - M - Wetlands Modified 1 - dture
 - 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 Dab
NJOT/OGIS 2007/2008 Digital/Aerial Image

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Willow Pond Farm
14- 0096-PG
FY 2009 County PIG Program
101 Acres

Block 12	Lot 4	Washington Twp.	Morris County	
SOILS:		Other	20.3% * 0	= .00
		Prime	75.5% * .15	= 11.33
		Statewide	4.2% * .1	= .42
				SOIL SCORE: 11.75
TILLABLE SOILS:		Cropland Harvested	54.6% * .15	= 8.19
		Permanent Pasture	8% * .02	= .16
		Wetlands	27.4% * 0	= .00
		Woodlands	10% * 0	= .00
				TILLABLE SOILS SCORE: 8.35
FARM USE:		Corn-Cash Grain	40 acres	
		Hay	15 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:
 - storage of antiques for sale year-round
 - b. Exceptions:
 - 1st one (1) acres for future dwelling
 - Exception is not to be severed from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to one single family residential unit(s)
 - Can not be further subdivided.
 - c. Additional Restrictions:
 1. can not be further subdivided
 - 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.

Schedule C

Morris County

New Jersey Farmland Preservation Program
 Preservation Program
 County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	Plus 3 Percent Acres	Preserve Acres	SADC		SADC Grant Per Acre	SADC		2,000,000			3,000,000			Cap Total	Cum Expend	Cum Encumbered	Balance subject to availability & approval
				Certified Per Acre	Negotiated & Approved Per Acre		Cost Share	Base Grant			Competitive Grant							
								Encumbered at Final	Expend	Balance	Encumbered at Final	Expend	Balance					
				Per Acre	Per Acre		Per Acre											
Cobb, W/Headly, C	Denville	21.630	21.1170	53,500.00	54,000.00	31,925.00	690,537.75	670,425.00	634,094.35	1,365,905.65				5,000,000.00	2,939,334.28	646,823.52	1,413,842.20	
Estate of Jack R. Hansell	Washington	26.780	24.8170	104,300.00	95,000.00	52,750.00	1,269,112.25	1,365,905.65	1,269,112.25	96,793.40	46,739.35		3,000,000.00					
Farrand Farm LP #5	Washington	26.2135	26.7570	11,500.00	11,500.00	6,184.19	109,825.03	96,793.40	96,793.40	0.00	65,315.86	13,031.63	2,986,968.37					
Farrand #6, Daniel	Washington	15.5118	14.6890	18,000.00	19,450.00	6,216.68	88,966.91	88,966.91			88,966.91	88,966.91	2,898,001.46					
Lare, William	Chester Twp	64.5604	62.9150	19,500.00	19,550.00	6,230.00	391,960.45				391,960.45	391,960.45	2,506,041.01					
McLaughlin, William & Helen	Washington	16.2122	16.7740	20,500.00	20,800.00	6,230.00	101,002.01				101,002.01	101,002.01	2,405,039.00					
Richard, Allen & Denise	Washington	38.0276	37.3390	11,100.00	12,050.00	6,242.82	233,100.66				237,399.46	233,100.66	2,171,938.34					
Terry, Edward	Washington	18.540	17.9600	24,000.00	24,000.00	6,195.58	111,272.62				111,272.62	111,272.62	2,060,665.72					
Smith, Robert W.	Washington	103.8240		14,200.00	14,200.00	6,230.00	646,823.52				646,823.52	646,823.52	1,413,842.20					
farms awaiting SADC final approval																		
McDemott, K & K	Washington	218.360		16,000.00														
Post, Deborah	Chester Twp	57.680																
Withdrawn																		
Wendover Farm Partners LP	Mendham Twp	40.170																
Harvestone Farms Inc.	Washington	139.555		11,000.00														
Rejected:																		
Hickey	Washington Twp.																	
Total Pending	14	787.064					3,642,601.19			96,793.40			3,000,000.00					
Total Encumbered	1	103.8240	0.0000				646,823.52					646,823.52					646,823.52	
Closed/Expended	8	227.4755	222.3680				2,995,777.67		2,000,000.00			939,334.28			2,939,334.28			1,413,842.20
Total	9	331.2995	222.3680															
Reprogram Out																		
							109825.0302											
							109825.03											
							13,031.63											

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2012R6(1)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

June 28, 2012

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, in addition the SADC reserved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, Morris County has submitted a letter requesting a six month extension (Schedule C) based on significant progress in obtaining all necessary permits and approvals outlined in a letter from the WTMUA dated May 9, 2012 (Schedule D)

NOW THEREFORE BE IT RESOLVED, the SADC finds that the County has made significant progress in addressing all outstanding issues and have provided supporting documentation highlighting sufficient reasons to warrant an extension of six months until January 28, 2013; and

BE IT FUTURE RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646, 823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

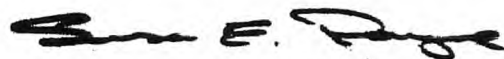
BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval and the SADC's July 28, 2011 amended and conditional final approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

6/28/12

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser	ABSENT
Denis Germano	YES
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

S:\Planning Incentive Grant -2007 rules County\Morris\Smith\2nd amended final conditional approval 6.28.12.docx

Schedule "D"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2013R1(1)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

January 24, 2013

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, on June 28, 2012 the SADC amended its July 28, 2011 final approval to provide a six (6) month extension of its conditional final approval until January 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule C); and

WHEREAS, in addition the SADC reserved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserves the

right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, the WTMUA completed a 72-hour aquifer well test on the new well on the Smith Farm in July 2012 and submitted incomplete reports on the test results to the SADC on December 5, 2012; and

WHEREAS, the NJDEP provided a letter indicating the adequacy of the 50-foot buffer around the new well on the Smith Farm in correspondence dated December 21, 2012; and

WHEREAS, SADC staff needs additional time to obtain and review full copies of the test well report and other such information as may be necessary in order to make a recommendation to the SADC regarding the impacts of the proposed public water supply well on the Smith Farm as set forth in the SADC's prior resolutions on the matter, attached hereto and referred to as Schedules A, B and C; and

WHEREAS, Morris County has submitted a letter requesting a six month extension (Schedule D) based on significant progress in obtaining all necessary permits and approvals as outlined in the December 21, 2012 letter from NJDEP.

NOW THEREFORE BE IT RESOLVED that the SADC finds that the County has made significant progress in addressing all outstanding issues and have provided supporting documentation highlighting sufficient reasons to warrant an extension of six months until July 28, 2013; and

BE IT FURTHER RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646, 823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval, the SADC's July 28, 2011 amended and conditional final approval and the June 30, 2012 amended and conditional final approval to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

1-24-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	ABSENT FOR VOTE
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	YES

Schedule
" E "

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2013R6(1)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

June 27, 2013

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, on June 28, 2012 the SADC amended its July 28, 2011 final approval to provide a six (6) month extension of its conditional final approval until January 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule C); and

WHEREAS, in addition, the SADC resolved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserve the right, in the SADC's sole discretion, to rescind its conditional final approval for the

Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, the WTMUA completed a 72-hour aquifer well test on the new well on the Smith Farm in July 2012 and submitted incomplete reports on the test results to the SADC on December 5, 2012; and

WHEREAS, the NJDEP provided a letter indicating the adequacy of the 50-foot buffer around the new well on the Smith Farm in correspondence dated December 21, 2012; and

WHEREAS, on January 24, 2013 the SADC amended its June 28, 2012 final approval to provide an additional six (6) month extension of its conditional final approval until July 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule D); and

WHEREAS, SADC staff needs additional time to obtain and review full copies of the test well report, applications to the Highlands Council and NJDEP Bureau of Water Allocation and Well Permitting and other such information as may be necessary in order to make a recommendation to the SADC regarding the impacts of the proposed public water supply well on the Smith Farm as set forth in the SADC's prior resolutions on the matter, attached hereto and referred to as Schedules A, B, C and D; and

WHEREAS, Morris County has submitted a letter requesting a twelve month extension (Schedule E) based on significant progress in obtaining all necessary permits and approvals.

NOW THEREFORE BE IT RESOLVED that the SADC finds that the County has made significant progress in addressing all outstanding issues and has provided supporting documentation highlighting sufficient reasons to warrant an extension of twelve months until July 28, 2014; and

BE IT FURTHER RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval, the SADC's July 28, 2011 amended and conditional final approval, the June 30, 2012 amended and conditional final approval and the January 24, 2013 amended and conditional final approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

6-27-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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



Schedule "7"

MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

P.O. Box 900 Morristown, NJ 07963-0900

(973) 829-8120 • FAX (973) 326-9025 • WEBSITE: <http://morrisplanning.org/divisions/prestrust/>

Office located at: 30 Schuyler Place, Morristown, NJ

July 3, 2014

Ms. Susan Payne, Executive Director
State Agriculture Development Committee
CN-330
Trenton, NJ 08625-0330

Re: **Robert Smith Farm, Washington Township**

Dear Ms. Payne:

The SADC's Resolution dated June 27, 2013, *Amended Final Review and Conditional Approval, for the preservation of the Robert W. Smith Farm in Washington Township, Morris County*, established a time limit during which the WTMUA shall apply for and secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council. The established time limit will expire on July 28, 2014.

In light of the impending expiration of the time limit set by the SADC, the Morris CADB hereby requests the SADC to grant a twelve-month extension.

As you know, Morris County pre-acquired the development easement on the Robert W. Smith Farm on December 26, 2013 with funding from the Morris County Preservation Trust Fund.

Morris County is hopeful that once the WTMUA has satisfactorily addressed all SADC requirements, the SADC will approve the release of funding to the County.

If you have any questions, please contact me.

Sincerely,

Katherine Coyle
Director

Cc: Deena Leary, Director, Morris County Department of Planning and Public Works
Christine Marion, Director, Morris County Division of Planning and Preservation
W. Randall Bush, Esq., Assistant County Counsel

OFFICERS: Gregory Keller, *Chairman* • Kenneth Wightman, *Vice Chairman* • Aimee Ashley Myers, *Secretary*

MEMBERS: Dale Davis III • Louise Davis • Rick Desiderio • Harvey Ort, Jr.

STAFF: Katherine Coyle, *Director*

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R7(2)

Request for Division of Premises
Garrison Farm

July 24, 2014

Subject Property:

Garrison Farm
Block 1405, Lot 23
Pittsgrove Township, Salem County
Block 49, Lots 1
Upper Pittsgrove Township, Salem County

WHEREAS, Todd, Gordon and Ruth Baker and Linda Garrison Parkell, hereinafter "Owners" are the record owners of Block 49, Lot 1 in Upper Pittsgrove Township, Salem County, hereinafter "Parcel-A", and Block 1405, Lot 23, in Pittsgrove Township, Salem County, hereinafter Parcel-B, together referred to as the "Premises", by deed dated January 28, 2003, and recorded in the Salem County Clerk's Office in Deed Book 01121, Page 265 (Garrison to Parkell) and by deed dated October 27, 2006, and recorded in the Salem County Clerk's Office in Deed Book 01257, Page 306 (Estate of Garrison to Baker); and

WHEREAS, a development easement on the Premises was conveyed to the County of Salem by the former owner, Florence Garrison, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated May 13, 2002, and recorded in the Salem County Clerk's Office in Deed Book 01100, Page 00203; and

WHEREAS, the Premises consists of two parcels which total approximately 75.76 acres, as shown in Schedule "A"; and

WHEREAS, the two parcels are located in separate townships approximately 8 miles apart from one another; and

WHEREAS, on January 28, 2003, Florence Garrison transferred ownership of Parcel-B, in Pittsgrove Township, to her niece, Linda Garrison Parkell without having obtained CADB or SADC approval for the division of the Premises; and

WHEREAS, Florence Garrison died in March of 2006; and

WHEREAS, the estate of Florence Garrison transferred ownership of Parcel-A, in Upper Pittsgrove Township to Gordon and Ruth Baker without having obtained CADB or SADC approval for the division of the Premises; and

WHEREAS, in the process of the Baker's attempting to sell Parcel-A to Dubois Farms it was determined that this parcel was associated with Parcel-B in Pittsgrove Township and that a formal division of premises had never been approved; and

WHEREAS, the Deed of Easement references one existing residence, no agricultural labor residences, no residual dwelling site opportunities (RDSO) and no exception areas; and

WHEREAS, the Owners of Parcels A & B together propose to divide the Premises as shown in Schedule "A" in order to rectify the prior unauthorized division of premises in a manner that would bring the properties back into compliance with the Deed of Easement and SADC regulations therefore avoiding further delay and litigation; and

WHEREAS, Todd, Gordon and Ruth Baker intend to transfer ownership of the Parcel-A to Dubois farms, as shown in Schedule "B"; and

WHEREAS, the primary outputs of Parcel-A have historically been vegetables, grain and hay crops; and

WHEREAS, Dubois Farms operates a large vegetable, grain and hay operation on approximately 4,000 acres in the area and is in the process of expanding the acreage that its owns in this area; and

WHEREAS, Linda Garrison Parkell intends to transfer Parcel-B to her brother, Donald Garrison, who owns a 206 acre preserved farm in close proximity to this parcel; and

WHEREAS, Parcel-B, is an upland forest which is entirely wooded at this time; and

WHEREAS, Donald Garrison operates a grain and vegetable operation on several hundred acres on nearby farms; and

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

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

WHEREAS, the proposed Parcel-A would result in a 59.14+/- acre property that is approximately 98% (58 acres) tillable with 100% (59.14 acres) prime and statewide important soils; and

WHEREAS, the proposed Parcel-A would include one existing single family residential unit as well as several barns and outbuildings; and

WHEREAS, the resulting Parcel-B would result in a 16.62+/- acre property that is 100% wooded with 96% (16 acres) prime soils; and

WHEREAS, proposed Parcel-B contains no improvements; and

WHEREAS, proposed Parcel-B is landlocked; and

WHEREAS, as part of this transaction, Linda Garrison Parkell has agreed to grant a formal access easement across an unreserved parcel that she owns to permanently connect Parcel-B to Donald Garrison's preserved farm, Block 1403, Lot 3, Block 1404, Lot 4, Block 1405, Lots 25, 29, 31 & 32, Block 1406, Lot 1 & 2 in Pittsgrove Township, Salem County and Block 9, Lots 4 & 5 and Block 8, Lot 5, Block 19, Lots 4.01 & 4.02 in Upper Deerfield Township, Cumberland County, hereinafter "Parcel-C", thereby having the effect of increasing the size of Donald Garrison's preserved farm through the addition of 16.62 acres of woodland as shown in schedule "C"; and

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

1) -Parcel-A, at 59 acres, has 58 tillable acres with approximately 59 acres of prime and statewide important soils contains significant acreage of high quality, tillable soils;

-Parcel-B, at 16.62 acres, is entirely wooded with no tillable acres and made up of 16 acres of prime and statewide important soils is not viable for a variety of agricultural operations by itself;

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

- 1) The division is being undertaken for the purpose of transferring title of Parcel-A to Dubois farm, and Parcel-B to Donald Garrison, both longstanding local farming operations; and
- 2) The transfer of ownership of Parcel-A to Dubois farms will allow them to acquire additional acreage, securing acres for the growth of their farming operation; and
- 3) The transfer of Parcel-B to Donald Garrison will add 16.62 acres of upland forest with excellent soils to his already preserved tract in close proximity to the property; and

WHEREAS, on June 25, 2014, the Salem CADB approved the request for the division of Premises under the following conditions:

- 1) Linda Garrison Parkell transfers ownership of Parcel-B to Donald Garrison; and
- 2) Linda Garrison Parkell grants Donald Garrison a 50 foot wide right-of-way to cross her adjacent, non-preserved parcel, Block 1405, Lot 33; and
- 3) Parcel-B and Donald Garrison's preserved farm, Parcel-C, shall be prohibited from being sold separate and apart from one another; and

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose; and

BE IT FURTHER RESOLVED, that Parcel-A is agriculturally viable and is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; however, Parcel-B, consisting of 16.62 acres of wooded land, is not deemed to be agriculturally viable as an independent parcel; and

BE IT FURTHER RESOLVED, that the SADC finds that when Parcel-B is merged with Donald Garrison's existing 206 acre preserved farm, the division results in the creation of a 222 acre parcel with 98% Prime soils which is 79% (174 acres) tillable and is an agriculturally viable parcel capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions; and

BE IT FURTHER RESOLVED, that this approval is conditioned on the following:

- 1) the transfer of Parcel-B to Donald Garrison;
- 2) a recorded access easement through Linda Parkell's unpreserved land, Block 1405, Lot 33, in Pittsgrove Township, Salem County, providing permanent required access to Parcel-B from Donald Garrison's preserved farm, Parcel-C;
- 3) recording of deed language prohibiting the sale of Parcels B & C separate from one another; and

BE IT FURTHER RESOLVED, that this approval is conditioned on SADC review and approval of transfer deeds and easement prior to their recording; and

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

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of approval and is not transferrable to parties other than Dubois Farms for Parcel-A and Donald Garrison for Parcel-B; and

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

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



7-24-14

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
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	ABSENT

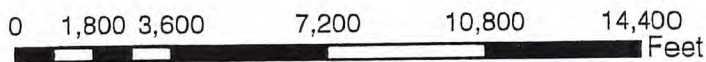
Schedule "A" Garrison Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Florence Garrison Farm
Block 1405, Lot 23 (Parcel-B)
Pittsgrove Township, Salem County
Block 49, Lot 1 (Parcel-A)
Upper Pittsgrove Township, Salem County



Farmland Preservation Program

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

State Planning Areas

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

Schedule "B"

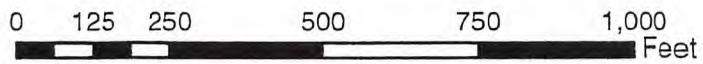
Garrison Farm



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Florence Garrison Farm
Block 1405, Lot 23 (Parcel B)
Pittsgrove Township, Salem County
Block 49, Lot 1 (Parcel A)
Upper Pittsgrove Township, Salem County



Farmland Preservation Program

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

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4B) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5B) ENV. SENSITIVE BARRIER IS
	(P10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
Green Acres Preserved Easements	

month/day/year

Schedule "C"

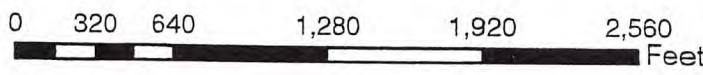
Garrison Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Florence Garrison Farm
Block 1405, Lot 23 (Parcel B)
Pittsgrove Township, Salem County
Block 49, Lot 1 (Parcel A)
Upper Pittsgrove Township, Salem County



Farmland Preservation Program

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

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

month/day/year

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R7(3)

Renewal of Certification of Agricultural Mediation Program Mediators

July 24, 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. 2:76-18.10, the SADC shall annually review and renew the certificates of the program's certified mediators to insure satisfactory performance of mediation responsibilities; and

WHEREAS, the SADC last reviewed and renewed the certificates of the program's certified mediators on July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)1, in order to have his or her certification renewed, a certified mediator, if assigned a case during the fiscal year, must have satisfied the requirements of the program's regulations; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)2, if a certified agricultural mediator has not been assigned a case during the fiscal year, his or her certification shall be renewed; and

WHEREAS, the following mediator has been assigned and has mediated a case during the last fiscal year, FY 2014, and has satisfied the requirements of the program's regulations; and

WHEREAS, the following mediators have not been assigned a case during FY 2014: Katherine Buttolph, Liza Clancy, Gaetano DeSapio, Michael Ennis, Gordon Geiger, Melvin Henninger, Paul Massaro, John Paschal, Cari Rincker, Barbara Weisman, and Loretta Yin; and

WHEREAS, the following mediator has indicated he would like withdraw from the program at this time: Jim Wren, in consideration of personal issues.

NOW THEREFORE BE IT RESOLVED, that the SADC renews the certificates of the following certified mediators pursuant to N.J.A.C. 2:76-18.10: Katherine Buttolph, Liza Clancy, Gaetano DeSapio, Michael Ennis, Gordon Geiger, Melvin Henninger, Paul Massaro, John Paschal, Cari Rincker, Barbara Weisman, and Loretta Yin.

7-24-14

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
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	RECUSED
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	ABSENT

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R7(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
SOMERSET COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Frederick and Marie Quick ("Owners")
Hillsborough Township, Somerset County

N.J.A.C. 2:76-17 et seq.
SADC ID# 18-0208-PG

July 24, 2014

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Somerset County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Somerset County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 17, 2013 the SADC received an application for the sale of a development easement from Somerset County for the subject farm identified as Block 147, Lot 9, Hillsborough Township, Somerset County, totaling approximately 39 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Somerset County's Neshanic Valley North Project Area; and

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

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

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

WHEREAS, the Property has a quality score of 54.18 which exceeds 46, which is 70% of the County's average quality score as determined by the SADC on September 27, 2012 ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 28, 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. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 27, 2014 the SADC certified a development easement value of \$17,000 per acre based on zoning and environmental regulations in place as of August 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$17,000 per acre for the development easement for the Property; and

WHEREAS, currently the County has \$1,770,037.00 of base grant funding available, and is eligible for up to \$3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on May 13, 2014 the Hillsborough Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 12, 2013 the Somerset CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 27, 2014, the Board of Chosen Freeholders of the County of Somerset passed a resolution granting final approval and a commitment of funding for \$6,800 per acre per acre to cover the entire local cost share; and

WHEREAS, on May 20, 2014 the County submitted a request to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 40.17 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 40.17 acres); and

	<u>Cost Share</u>	
SADC	\$409,734	(\$10,200/acre; 60%)
Somerset County	\$273,156	(\$ 6,800/acre; 40%)
Total Easement Purchase	\$682,890	(\$17,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Somerset County Agriculture Development Board is requesting \$409,734 from its base grant, leaving a cumulative base grant balance of \$1,360,303.00 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, 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;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Somerset County for the purchase of a development easement on the Property, comprising approximately 40.17 acres, at a State cost share of \$10,200 per acre, (60% of purchase price), for a total grant need of \$409,734 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes zero (0) Residual Dwelling Site Opportunities, (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses and zero (0) exception areas; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); 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 any residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the 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.

7-24-14

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
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	ABSENT



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

Fred and Marie Quick/Judith Quick
Block 147 Lot 9 (38.2 ac)
Gross Total = 38.2 ac
Hillsborough Twp., Somerset County



Property in Question

- Property in Question
- Ex - (Non-Reversible) Exception
- Ex - (Reversible) Exception

Wetlands Boundaries

- Primary - Limited Access
- Federal or State Hwy

Roads

- County Roads
- Municipal/Local Roads

Assessments

- Municipal, County and Non-Profit Preservation Easement
- State Owned Conservation Easement
- State Owned CRP & 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

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJCIT/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

Schedule B

Somerset County

**New Jersey Farmland Preservation Program
Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.**

FY2011/FY2013 funding

										BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)		
										FY11		FY13		FY11 Balance	FY13 Balance	0	3,000,000		
										SADC		SADC				14,039,258	5,000,000		
												Total:							
Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11 Balance subject to availability	FY13 Balance subject to availability	
Howard, Charles & Edith Quick	Montgomery Hillsborough	31.000 39.000	31.930 40.170	43,000.00 17,000.00	39,000.00 17,000.00	23,400.00 10,200.00	1,216,605.00 682,890.00	1,216,605.00 682,890.00	729,963.00 409,734.00	747,162.00 409,734.00	729,963.00 729,963.00	729,963.00 729,963.00	1,770,037.00 1,360,303.00						
Waiting for approval	Schrengenberger	65.000		5,800.00															
The Purnell School	Bedminster	41.000																	
										Encumbered			Expend	Balance	Encumbered			Expend	Balance
Encumbered/Expended FY11										409,734.00			729,963.00	360,303.00	0.00			0.00	3,000,000.00
Encumbered/Expended FY13										0.00			0.00	1,000,000.00	0.00			0.00	5,000,000.00
Total										409,734.00			729,963.00	1,360,303.00	0.00			0.00	
Reprogram Out																			

Schedule

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Quick, Frederick, Marie & Judith
18- 0208-PG
County PIG Program
39 Acres.

Block 147	Lot 9	Hillsborough Twp.	Somerset County		
SOILS:		Local	52% *	.05	= 2.60
		Other	44% *	0	= .00
		Prime	4% *	.15	= .60
					SOIL SCORE: 3.20
TILLABLE SOILS:		Cropland Harvested	90% *	.15	= 13.50
		Other	7% *	0	= .00
		Wetlands	3% *	0	= .00
					TILLABLE SOILS SCORE: 13.50
FARM USE:	Hay		15 acres		
	Soybeans-Cash Grain		5 acres		
	Vegetable & Melons		15 acres		pumpkins

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: 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 #FY2015R7(5)

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

On the Property of
Jeffrey E. Harris ("Owner")

July 24, 2014

Subject Property: Jeffrey E. Harris ("Owner")
Block 6, Lot 2
Quinton Township
Salem County
SADC ID#: 17-0266-DE
Approximately 117 Net Easement Acres

WHEREAS, on May 28, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Jeffrey E. Harris, hereinafter "Owner," for property identified as Block 6, Lot 2, Quinton Township, Salem County, hereinafter "Property," totaling approximately 117 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 Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 117 acres and has a quality score of 62.28; and

WHEREAS, the Property includes a 0.6-acre severable exception area limited to the existing cemetery, a 1-acre non-severable exception limited to zero single family residences, and a 2.8-acre severable exception limited to one single family residence; and

WHEREAS, as a result of the possible subdivision of the severable exceptions prior to closing, the remaining parcel may be re-designated with a new lot number and this re-designation will be reflected in the subsequent closing documents and deed of easement; 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 areas; and

WHEREAS, at the time of application, the Property was devoted to wheat and soybean 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 March 27, 2014, the SADC certified the development easement value of the
Property at \$4,000 per acre based on current zoning and environmental conditions as of
January 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the
Property for \$4,000 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 \$4,000 per acre for a total of
approximately \$468,000 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes a 0.6-acre severable exception area limited to
the existing cemetery; a 1-acre non-severable exception limited to zero single family
residences; a 2.8-acre severable exception limited to one single family residence; zero (0)
single family residences; zero (0) agricultural labor units, and no pre-existing non-
agricultural uses on the area outside of the exception areas; and

BE IT FURTHER RESOLVED, that the SADC's purchase price 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.

7-24-14



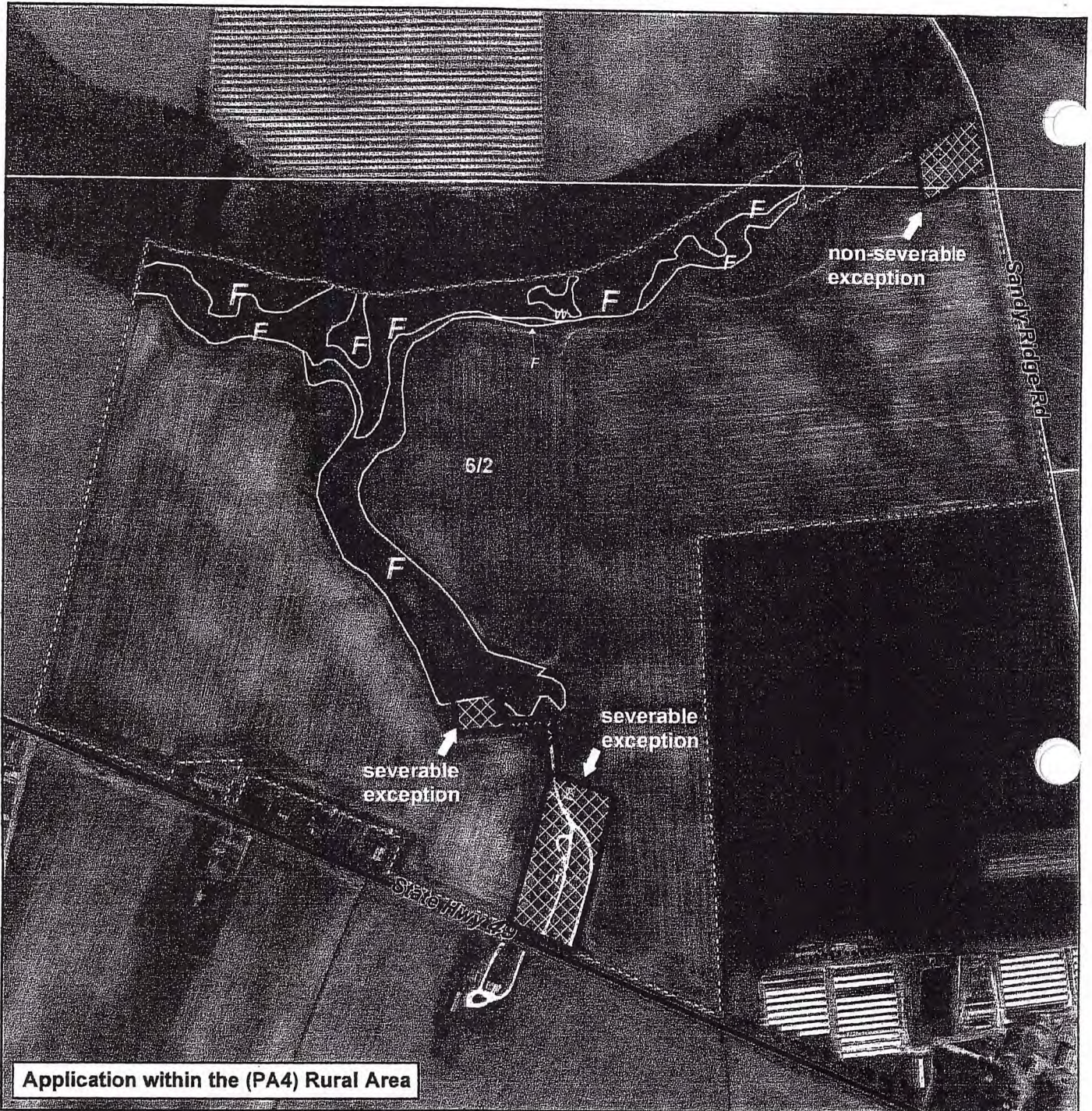
Date

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
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	ABSENT

Schedule A



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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jeffrey Harris/ Mill Hollow Farm
 Block 6 Lots P/O 2 (117.4 ac); P/O 2-ES (severable exceptions - 2.8 ac & 0.6 ac);
 & P/O 2-EN (non-severable exception - 1.0 ac)
 Gross Total = 121.8 ac
 Quinton Twp., Salem County



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

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

	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetland Boundaries	
	Primary - Limited Access
	Federal or State Ways
	County Roads
	Municipal/Local Roads
Tidelands Boundary	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned Oils & 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

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

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Jeffery E. Harris (Mill Hollow)
 State Acquisition
 Easement Purchase - SADC
 117 Acres

Block 6	Lot 2	Quinton Twp.	Salem County	
SOILS:		Prime	91% * .15	= 13.65
		Statewide	9% * .1	= .90
				SOIL SCORE: 14.55
TILLABLE SOILS:		Cropland Harvested	82% * .15	= 12.30
		Other	4% * 0	= .00
		Wetlands	14% * 0	= .00
				TILLABLE SOILS SCORE: 12.30
FARM USE:	Wheat-Cash Grain		96 acres	
	Soybeans-Cash Grain		96 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises 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 (2.8) acres for Around existing house and buildings
 Exception is severable
 Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - 2nd one (1) acres for Around structures for potential Non-Ag use
 Exception is not to be severable from Premises
 Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
 - 3rd (.6) acres for Around existing cemetery
 Exception is severable
 Exception is to be limited to zero existing single family residential unit (s) and zero future single family residential unit (s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 No 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 #FY2015R7(6)

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

On the Property of
F. Sickler & Sons, LLC ("Owner")

July 24, 2014

Subject Property: F. Sickler & Sons, LLC ("Owner")
Block 39, Lots 5 & 6; Block 40, Lot 7
Upper Pittsgrove Township
Salem County
SADC ID#: 17-0272-DE
Approximately 153 Net Easement Acres

WHEREAS, on October 28, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from F. Sickler & Sons, LLC, hereinafter "Owner," identified as Block 39, Lots 5 & 6; Block 40, Lot 7, Upper Pittsgrove Township, Salem County, hereinafter "Property," totaling approximately 153 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 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 Salem County (minimum acreage of 95 and minimum quality score of 59 because it is 153 acres and has a quality score of 74.39; and

WHEREAS, the Property includes a 4-acre non-severable exception area limited 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 corn and soybean production; and

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

WHEREAS, on May 22, 2014, the SADC certified the development easement value of the Property at \$5,600 per acre based on current zoning and environmental conditions as of April 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$5,600 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 its acquisition of the development easement at a value of \$5,600 per acre for a total of approximately \$856,800 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes a 4-acre non-severable exception area limited to one single family residence; 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

BE IT FURTHER RESOLVED, that the SADC's purchase price 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.

7-24-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

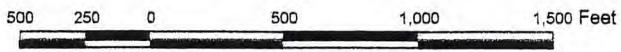
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James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



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

F. Sickler & Sons, LLC
 Block 39 Lots 5 (2.6 ac); P/O 6 (95.2 ac);
 & P/O 6-EN (non-severable exception - 4.0 ac);
 and Block 40 Lot 7 (54.8 ac)
 Gross Total = 156.6 ac
 Upper Pittsgrove Twp., Salem County



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Primary - Limited Access
	Federal or State Hwy
ROADS	
	County Roads
	Municipal/Local Road
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned DR & Recreation Easement



Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 E - 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
 NJOTTOGIS 2012 Digital Aerial Image

- Original -

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

F Sickler & Sons, LLC
State Acquisition
Easement Purchase - SADC
153 Acres

Block 39	Lot 5	Upper Pittsgrove Twp. Salem County
Block 39	Lot 6	Upper Pittsgrove Twp. Salem County
Block 40	Lot 7	Upper Pittsgrove Twp. Salem County

SOILS:	Prime	79% * .15	=	11.85
	Statewide	21% * .1	=	2.10
				SOIL SCORE: 13.95
TILLABLE SOILS:	Cropland Harvested	93% * .15	=	13.95
	Wetlands	7% * 0	=	.00
				TILLABLE SOILS SCORE: 13.95
FARM USE:	Corn-Cash Grain	101 acres		
	Soybeans-Cash Grain	40 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st four (4) acres for Possible landscaping business
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No 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 #FY2015R7(7)

Memorializing Standards for determining Eligible Farms Pursuant
to the County Planning Incentive Grant (PIG) Program

July 24, 2014

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 and 17.2 (County Planning Incentive Grant Program) the SADC is responsible for establishing the standards for determining an "eligible farm" by determining minimum score requirements in the County planning incentive grant program; and

WHEREAS, Pursuant to N.J.A.C. 2:76-17.2 an "eligible farm" means a targeted farm that qualifies for grant funding under subchapter (17) by achieving an individual rank score pursuant to N.J.A.C. 2:76-6.16 that is equal to or greater than 70 percent of the county's average quality score of all farms granted preliminary approval by the SADC through the county easement purchase program and/or the county planning incentive grant program within the previous three fiscal years, as determined by the SADC ; and

WHEREAS, for all Counties, if a farm fails to meet the minimum score requirements and the County wishes to preserve the farm using Committee funds, the County may request a waiver of the minimum score criterion pursuant to N.J.A.C. 2:76-17.9(a)7 for applications submitted under the county planning incentive grant program; and


NOW THEREFORE BE IT RESOLVED, that the SADC adopts the Average Quality Scores for each county as identified on the attached Schedule "A" for planning incentive grant applications; and

BE IT FURTHER RESOLVED, that the SADC adopts the 70 percent average quality score values for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2; and

BE IT FURTHER RESOLVED, that the 70 percent of average quality scores for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2 shall be effective as of January 1, 2015, and shall apply to an application for the sale of a development easement that is approved by the SADC pursuant to N.J.A.C. 2:76-17.9 prior to December 31, 2015.

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

7-24-14
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
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	ABSENT

SADC County PIG "Eligible" Farm Standard
Effective 1.01.15 - 12.31.15

Schedule A
Eligible Farm Standards
PIG
July 24, 2014

SADC Minimum Standards for "Eligible" Farm								
	<u>2009</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY 2010</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY2011</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY2012</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY2013</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY2014</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY2015</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>70% of</u> <u>Average</u> <u>Quality</u> <u>Score</u>
Atlantic	47.61	47.94	52.61	****	64.91	59.9	59.9	41
Bergen	35.91	20.57	****	****	*****	43.4	43.4	30
Burlington	64.12	63.49	65.06	64.91	64.54	68.2	68.94	48
Camden		****	****	****	*****	58.64	58.64	41
Cape May	51.6	51.32	54.69	45.77	49.35	49.89	56.36	39
Cumberland	60.56	60.83	61.55	59.53	58.97	61.98	64.69	45
Gloucester	53.22	58.11	59.69	62.14	62.65	67.38	67.6	47
Hunterdon	57.6	61.26	62.64	65.52	64.97	64.25	63.36	44
Mercer	70.66	72.05	77.19	72.42	68.52	70.69	71.52	50
Middlesex	53.25	58.02	59.49	63.03	57.98	62.06	56.81	39
Monmouth	69.01	69.56	71.75	68.95	70	73.47	76.65	53
Morris	63.55	61.45	60.01	60.42	60.65	60.5	62	43
Ocean	46.85	48.58	56.69	61.39	71.17	71.17	****	****
Passaic		****	****	****	34.11	34.11	34.11	23
Salem	68.61	71.13	69.77	69.77	65.86	66.26	67.65	47
Somerset	67.31	66.98	66.93	67.09	67	60.58	56.43	39
Sussex	50.39	48.2	51.24	57.02	54.9	53.66	54.6	38
Warren	55.52	56.66	57.51	61.57	60.99	59.89	63.17	44
* Based on preliminary or Green Light quality scores for County '12, '13, and '14 Fiscal Years								
N.J.A.C. 2:76-17.9 (a) and 17.2 (County Planning Incentive Grant Program)								
These standards are effective January 1, 2015 through December 31, 2015								
** all numbers are rounded down to the nearest whole number								
N.J.A.C. 2:76-17.9 -7: any farm not meeting this standard may seek a waiver								
*** Independent review and approval by SADC.								

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R7(8)

Memorializing Standards for determining Priority and Alternate Farms
Pursuant to the State Acquisition Programs

July 24, 2014

WHEREAS, pursuant to N.J.A.C. 2:76-8.5(c) and N.J.A.C. 2:76-11.5 (c) the SADC is responsible for prioritizing farms for purposes of acquiring lands in fee simple title or acquiring development easements on eligible farms as a "Priority farm", "Alternate farm" and "Other farm"; and

WHEREAS, a "priority farm" means a farm that meets or exceeds both 75 percent of the average farm size in the county in which it is located and its quality score is at least 90 percent of the average quality score in the county in which it is located; and

WHEREAS, an "alternate farm" means a farm that does not meet the criteria for "priority farm", but meets or exceeds both 55 percent of the average farm size in the county in which it is located and its quality score is at least 70 percent of the average quality score in the county in which it is located; and

WHEREAS an "other farm" means a farm that does not meet the criteria for "priority" or "alternate" farms (Schedule A); and

WHEREAS, the average quality score in a county shall be based on the average quality score determined pursuant to N.J.A.C. 2:76-6.16 for all farms granted preliminary approval by the SADC through the county easement purchase program and/or county planning incentive grant program within the previous three fiscal years, as determined by the SADC; and

WHEREAS, the average farm size in a county shall be based on the average farm size of farms using the 2012 US Census data;

NOW THEREFORE BE IT RESOLVED, that the SADC adopts the Average Quality Scores for each county as identified on the attached Schedule A for State acquisitions; and

BE IT FURTHER RESOLVED, that the SADC adopts the Average Acres for each county as identified on the attached Schedule A; and

BE IT FURTHER RESOLVED, that the SADC adopts the individual scores for determining a "priority farm" and an "alternate farm" as identified on the attached Schedule A for State acquisition programs pursuant to N.J.A.C. 2:76-8 and 11; and

BE IT FURTHER RESOLVED, the individual scores pursuant to N.J.A.C. 2:76-8 and 11 shall be effective as of July 1, 2014, for all applications which have not had option agreements authorized by that date; and

BE IT FURTHER RESOLVED, the standards established in this resolution and Schedule A shall remain in effect through June 30, 2015.

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

7-24-14

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
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	ABSENT

SADC Minimum Standards - State Acquisition Program											
"Priority" "Alternate" "Other" Prioritization System											
								Priority		Alternate	
	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>*FY2015</u>	<u>Average</u>	<u>Average</u>	<u>***75% of</u>	<u>***90% of</u>	<u>**55% of</u>	<u>**70% of</u>
	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Acres</u>	<u>Acres</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>
	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>2007</u>	<u>2012</u>	<u>Census</u>	<u>Quality</u>	<u>Census</u>	<u>Quality</u>
	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Census</u>	<u>Census</u>	<u>Acres</u>	<u>Score</u>	<u>Acres</u>	<u>Score</u>
Atlantic	52.61	****	64.91	59.9	59.9 →	61	73	54	53	40	41
Bergen	****	****	****	43.4	43.4	13	24	18	39	13	30
Burlington	65.06	64.91	64.54	68.2	68.94	93	114	85	62	62	48
Camden	****	****	****	58.64	58.64	39	41	30	52	22	41
Cape May	54.69	45.77	49.35	49.89	56.36	40	48	36	50	26	39
Cumberland	61.55	59.53	59.87	61.98	64.69	113	↓ 111	83	58	61	45
Gloucester	59.69	62.14	62.65	67.38	67.6	70	74	55	60	40	47
Hunterdon	62.64	65.52	64.97	64.25	63.36	62	66	49	57	36	44
Mercer	77.19	72.42	68.52	70.69	71.52	70	73	54	64	40	50
Middlesex	59.49	63.03	57.98	62.06	56.81	79	87	65	51	47	39
Monmouth	71.75	68.95	70	73.47	76.65	47	47	35	68	25	53
Morris	60.01	60.42	60.65	60.5	62	40	40	30	55	22	43
Ocean	56.69	61.39	71.17	71.17	****	39	45	33	****	24	****
Passaic	****	****	34.11	34.11	34.11	19	19	14	30	10	23
Salem	69.77	69.77	65.86	66.26	67.65	127	↓ 123	92	60	67	47
Somerset	66.93	67.09	67	60.58	56.43	74	87	65	50	47	39
Sussex	51.24	57.02	54.9	53.66	54.6	62	69	51	49	37	38
Warren	57.51	61.57	60.99	59.89	63.17	80	92	69	56	50	44

* Based on preliminary or Green Light quality scores for County '12, '13, and '14 Fiscal Years
N.J.A.C. 2:76-17.9 (a) and 17.2 (County Planning Incentive Grant Program)
These standards are effective July 1, 2014 through June 30, 2015
** all numbers are rounded down to the nearest whole number
**** Independent review and approval by SADC.

