

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

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

**REGULAR MEETING**

**March 26, 2015**

Chairman Fisher called the meeting to order at 9:06 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  
James Requa (rep. DCA Commissioner Constable)  
Brian Schilling (rep. Executive Dean Goodman)  
Renee Jones (rep. DEP Commissioner Martin)  
Alan Danser, Vice Chairman  
Peter Johnson  
Jane Brodhecker  
Torrey Reade

**Members Absent**

Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)  
Denis C. Germano, Esq.  
James Waltman

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

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**Others present as recorded on the attendance sheet:** Timothy Brill, Heidi Winzinger, Cindy Roberts, Stefanie Miller, Paul Burns, Hope Gruzlovic, Jeffrey Everett, David Kimmel, Charles Roohr, David Clapp, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Tom Beaver, New Jersey Farm Bureau; Donna Rue, Rue Brothers Farm, Monmouth County; Daniel Pace, Mercer County Agriculture Development

Board; Brian Wilson, Burlington County Agriculture Development Board; Casey Jansen, Holland Greenhouses, Middlesex County; Amy Hansen, New Jersey Conservation Foundation; Harriet Honigfeld, Monmouth County Agriculture Development Board; and Mark Villinger and Rebecca Ziefle, Ocean County Agriculture Development Board.

## Minutes

### A. SADC Regular Meeting of February 26, 2015 (Open and Closed Sessions)

It was moved by Ms. Brodhecker and seconded by Mr. Requa to approve the Open Session and Closed Session minutes of the SADC regular meeting of February 26, 2015. The motion was approved. (Mr. Danser abstained from the vote.)

## REPORT OF THE CHAIRPERSON

Chairman Fisher made the following comments:

- Soil Disturbance

Chairman Fisher stated that he would like to amplify what he said last month and bring it to an even higher pitch in terms of what the agricultural community has been telling him everywhere he goes across the state about soil disturbance and this floated proposal for the possibility of a rule. When it was just out there in the very first days after the six-year subcommittee that met, he started hearing things right away. That is why he created the idea of floating – meaning that it was just out there – because there were many in the agricultural community who thought the SADC was in a rush to get this done, in other words, sort of a freight train agenda. Chairman Fisher stated that he knows that wasn't the intention of the SADC but it didn't matter in terms of perception because regardless of what this board was thinking of doing, the perception was out there that it was a freight train. So everywhere he went since the first day, he would hear from different sectors that many times don't even pay attention to some of these matters. The latest one was someone who has horses and breeds them and said, "oh, this is going to really impact me and I'm not sure that my land, my operation, is going to be as valuable as I once thought it was based on something like this."

Chairman Fisher stated that there were others who came to him and said, "well, you know we entered into this program and suddenly years later this new factor comes into



play that no one ever told us that we couldn't put buildings up for our production and what we need to do" – packing houses, but this newer dimension about greenhouses particularly. The greenhouse industry, the nursery industry are really worried. Chairman Fisher stated that they are worried that they are not going to be able to expand their operation based on something like this. Last month he discussed in his Secretary's report that no one really knows what agriculture is going to look like in the future. That is so true. Chairman Fisher stated that his office was in the basement of this building where some Department documents are stored and came across some Agricultural Society materials that have been there for 50 years that talk about agriculture. The documents talk about things that happened 100 years before these past 50 years and it was amazing. It talked about industries that he didn't even know existed. At one time there were 12,000 acres devoted just to the oyster industry in this state. There were 396,000 acres of just hay in 1900. There were 257,000 acres of corn in New Jersey. Put the two together and those acreage amounts are pretty much what we have left today for the whole of agriculture. Chairman Fisher stated that furthermore, it just reverberates all over the entire state, in terms of agriculturalists. The State Agricultural Convention passed a resolution and said please stop. The county boards are sending letters to him and to the SADC. The Farm Bureau wrote a letter and said stop please. Chairman Fisher stated that he called them up and said, "wait a minute, you really haven't even heard anything, and you ought to listen." But regardless of all that, it is pretty much universal. People that do farm credit called him and said they are not sure how they are going to be able to provide funds in the future if they don't know some of these things that are going to happen, how valuable an asset it is going to be if something like this blossoms the way they at least thought that it is going to blossom.

Chairman Fisher stated that when he was in the Legislature, sometimes a bill would come up and someone would be the first one to want to announce if they thought it had such broad-based appeal, they wanted to be the first one to say this is dead on arrival. What he is saying in this case, and he has never said it before, is that this is pretty much dead on arrival in terms of the way it was put out or, not so much the way it was put out but what the implications are and what is there.

Chairman Fisher commented regarding what he personally thinks, that he has heard from agriculturalists who say, "well you have to do something, there are always bounds and limits to what takes place in any endeavor." However, he believes that there better be a lot more discussion with the entire agricultural community and not just a few Committee members sitting in a room and thinking they have the entire scope and breadth of what it is that they are thinking about in terms of a decision that they want to bring forward as a committee to the full SADC.

Chairman Fisher stated that is his report in the sense that this, the way it is now, can't happen. At this point Chairman Fisher turned the meeting over to the Executive Director for her report to the Committee.

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

Ms. Payne made the following comments:

- Soil Disturbance

Ms. Payne stated that in light of Secretary Fisher's comments and from her perspective as well, what we want the public to understand is that staff worked on this hard for years to collect a lot of data and to gain a better understanding of soils and impacts and the like. The Committee, in its defense, has only seen this once. We talked about it at the December meeting, staff presented it, and that is all the conversation the Committee had about this. Ms. Payne stated that she has been clear with the public to try to help them understand that. But at this point she thinks it is helpful to communicate directly with the agricultural community that the proposal, or the preliminary draft, as it was prepared, is not going to be acted on by the SADC and it is not going to be submitted to the New Jersey Register for a rule. Ms. Payne stated that she thinks it is fair to say, from her perspective certainly, that the SADC always envisioned a significant process of engaging the agricultural community on this issue. She thinks people are scared and she thinks that we alarmed them in just talking about this publicly. So we would like to take the pressure out of the balloon and let everybody know that we are trying to deal with this issue and we want their input on what they see regarding how this issue should be dealt with and that is going to be a long conversation. Ms. Payne stated that she is totally open to however the SADC wants to participate in that conversation as this goes forward. At this point she thinks staff would like to formally put that message out in writing to send it to everyone and really invite the agricultural community, the county agriculture development boards, the boards of agriculture, and the various sectors for their input. Many of them are being represented through the subcommittee that the State Board of Agriculture has convened. Ms. Payne stated that she doesn't know what the reaction will be. She doesn't know whether people will want to individually engage or whether that will all be funneled through the State Board, but certainly the county agriculture development boards, nonprofit community and our partners, we want to hear from you and we are going to have to roll up sleeves and spend a lot of time to get to the bottom of this. That is how we are seeing this.



Ms. Payne asked if anyone has any questions or comments. Mr. Schilling stated that he wanted to echo some of the Secretary's comments. Within the Extension there has been a lot of discussion between farmers and agents, and a lot of agents have spoken with him. He isn't going to repeat everything that the Secretary has said other than to say he has heard the same. The SADC has, he thinks, done a tremendous amount of work in six years that has provided data that we haven't had before so at least moving forward now we can have an intelligent conversation based on data, which is something he has often felt was needed. He thinks that this is a productive step because the pushback from the community, he sees both sides of the argument but he didn't see this happening as it stood now. He thinks it will be good to take a deep breath and kind of start over again if you will.

Chairman Fisher stated that there is data but farmers many times will tell him there is data and then there is what they do on the farm on their operations. You can map everything, you can talk about there is this much, you know the land is being used in this way, you can talk about the number of different areas, you can get soil scientists to tell you one thing. He is sure you can get soil scientists who will tell you some other things but ultimately we are all here to make sure that we have agriculture in New Jersey. Many times you get hung up on the discussion about whether it's available for agriculture or in agriculture – a big point of contention. Many times at the State Agricultural Convention they push and say preserved farmland should be "in" agriculture, not "available for" agriculture. At least in this case, what happened here is it rose up to such a fever pitch that now he hopes that we all learn from these experiences and we all understand that the intentions are pretty much, not pretty much, he would say almost entirely everyone's intentions are good. There is no hidden agenda, other than trying to make sure we have agriculture in the state, that we have lands preserved to be able to do that, and the public's enjoyment and use and understanding of vistas and the like. They know exactly what in their mind's eye that they think of, otherwise they would never vote for these bond issues or public questions for that matter.

Chairman Fisher asked if anyone else had anything else to say. There were no other comments.

### **COMMUNICATIONS**

Ms. Payne stated that under Tab 2 in the Committee binders, she wanted to point out a couple of things – one was a thank you from Somerset County regarding Dave, Jeff and Brian of the SADC staff who participated in Somerset County's annual meeting to



celebrate National Agriculture Day. They made presentations on Agricultural Mediation and Right to Farm. The SADC received a very nice email thanking staff for their participation. In addition, behind that letter, is a letter from the Monmouth County Agriculture Development Board regarding the soil disturbance standards. Staff has been providing the Committee with copies of every comment letter the SADC receives and will continue to do that. What she will do, she thinks in discussions with Secretary Fisher, is when we receive a comment letter – because this is an incredibly hot topic, or any other hot topic – rather than wait for the books and the monthly meeting, staff will just send them to the Committee in an email so that the Committee can see them as staff is getting them in so that they can be better apprised. Ms. Payne stated that there is also an email from the New Jersey Conservation Foundation and stapled and loose in your books as of this morning is a subsequent letter from them on the issue of soil disturbance. It is signed on by a host of environmental groups, so please make sure you pay attention to that correspondence as well. Mr. Danser asked if it was the same letter but with a bunch more signatures or is there any difference. Ms. Payne stated she thinks it is the same; she just got it this morning so she hasn't studied it but she thinks it is pretty much the same.

Chairman Fisher commented that the Committee is going to get correspondence as it comes in rather than waiting for the monthly book, so it will give everyone time to review it and think about how you want to deal with those comments at the next meeting because remember, staff is making these recommendations based on what they think the Committee's policies are and, obviously a lot on some other considerations too, and based on rules, regulations and statutes. But at the same time you obviously play an important role in terms of the policy and functionality of staff and what they do in terms of decisions that are being put to you that you ultimately have to vote on. He wants the Committee to challenge staff more often and he wants the Committee to have the information at a faster clip.

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

### **PUBLIC COMMENT**

Amy Hansen from the New Jersey Conservation Foundation stated that they are just extremely disappointed in the “dead on arrival” comment about the soil disturbance standards. They have been working to preserve farmland across the state as an organization for more than 50 years and they are a big partner with the SADC and she thinks that it would be good to have some dialogue about this. The Federal Farm and Ranch Lands Protection Program (FRPP) does have an impervious cover limit and

farmers voluntarily accept those limits when they take the FRPP money because they want to protect topsoil, they are willing. She guesses she wonders why the SADC would even consider soil types if you are not going to try to protect soil in your ranking program. She would like to set up a meeting soon, and it's certainly not a rush job if you have been working on this for six years. Also, she wonders what the status is of the Garden State Growers lawsuit that you all have been involved in that was a poster child for why we do need such soil disturbance standards. We are disappointed that you changed your view on the Holland Greenhouses and she is questioning why that farm was preserved if its soils were just so disturbed already.

## **OLD BUSINESS**

### **A. Review of Activities**

1. Holland Greenhouses, Upper Freehold Township, Monmouth County

Mr. Rohr referred the Committee to Resolution FY2015R3(1) regarding the review of activities on a preserved farm known as the Rue Brothers Inc. farm, Block 15, Lot 17.02; Block 15.01, Lots 17, 18, and Block 16, Lot 12, in Upper Freehold Township, Monmouth County.

Mr. Roohr stated that this is a review of activities formalizing the action the Committee took at last month's meeting, which was to approve Mr. Jansen's greenhouse project as proposed in the engineering work that he submitted to the SADC some time back. The approval is for that greenhouse project on what staff is calling Parcel A, which is the parcel by itself on the north side of I-195. You may recall about a year ago it was approved for a division of the premises but then, as an accommodation to the landowners and Mr. Jansen, the SADC rescinded this approval and went back and approved a flatter, similar-sized piece on the south side of I-195 (Parcel B), and they were going to do the project there. But based on last month's determination that it would be approvable to do the project on Parcel A, we are 1) approving the action of creating the greenhouse complex as proposed and 2) reinstating the division of the premises that separates this parcel from the remainder of the farm. Mr. Roohr reviewed various aerial maps with the Committee showing the parcels. Staff recommendation is to memorialize last month's approval.

Ms. Jones asked if staff received the final report from the NRCS. Mr. Roohr stated that staff received the final report from the NRCS quite a bit ago but the report from Dr. Palkovics, who is our in-house expert, was received yesterday and that information was forwarded to the Committee via the SADC member website and in their meeting binders. Mr. Roohr stated that staff had conversations with Dr. Palkovics a few days prior and the



resolution does reflect his final report. The resolution is accurate to that report.

Ms. Brodhecker asked how the owners and the purchaser were reacting to this new proposal. She asked if staff has heard from them. Mr. Roohr stated that they are present at today's meeting. Staff's question to them prior to posting this to the Committee was, is this a live project that they would still be able to do? Their answer was yes, they would like the Committee to approve it and staff will work out the details after that.

It was moved by Mr. Johnson and seconded by Mr. Danser to approve Resolution FY2015R3(1) finding that the activities that the Purchaser, Casey Jansen of Holland Greenhouses, has proposed for Block 15, Lot 17.02 of the Premises related to grading and the construction of greenhouses as described herein do not constitute a violation of the Deed of Easement. The Purchaser must implement the recommended soil conservation practices described in the report from Dr. Palkovics. Any topsoil not utilized to create the greenhouse growing floor area shall be stored onsite in a manner consistent with techniques described in the USDA, NRCS Field Office Technical Guide related to storage of topsoil. This finding and approval is valid only on Block 15, Lot 17.02 of the Premises. This action is nontransferable. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R3(1) is attached to and is a part of these minutes.)

2. Division of Premises Request
  - a. Rue Brothers Inc., Upper Freehold Township, Monmouth County

Mr. Roohr referred the Committee to Resolution FY2015R3(2) for a request by Rue Brothers, Inc., owners of Block 15, Lot 17.02; Block 15.01, Lots 17, 18; and Block 16, Lot 12, in Upper Freehold Township, Monmouth County, comprising 331.91 acres. The owners propose to divide the Premises with the intention to retain ownership of Block 15.01, Lots 17 and 18, and Block 16, Lot 12 (Parcel A), on the south side of I-195. The Owners propose to sell Block 15, Lot 17.02 (Parcel B) on the north side of I-195, to Holland Greenhouses, Inc. (Purchaser). The owners will also be conveying a 13-acre, non-preserved tract adjacent to Parcel B, Block 15, Lot 41.01, with frontage on County Route 524 to the purchaser as part of this conveyance.

The Purchaser, Mr. Casey Jansen, operates a greenhouse business that grows a large variety of flower, vegetable and herb plants for the wholesale industry and he proposes to utilize the premises to expand their existing greenhouse operation as well as to grow field-grown cut flowers. The resulting Parcel A would include four existing single-family



residences and several farm outbuildings. Parcel A is improved with tree irrigation ponds. Parcel B would be improved with an irrigation pond. Prior to preservation, the tillable acreage of Parcel B was mined for subsoil base material, regraded and the topsoil redistributed. Analysis of the soils on the property confirms that Parcel B was significantly altered and no longer has the characteristics of a prime soil and is now considered a “udorthent” soil as described in the March 26, 2015 review of activities resolution for Holland Greenhouses.

At the February meeting, the Committee determined that based on recent confirmation of the mining and resulting soil disturbance that occurred on Parcel B prior to preservation, it could approve the Purchaser’s proposed greenhouse project on this site based on the limited impact the project would have to the already degraded quality of the existing disturbed “udorthent” soils.

The Committee had initially approved this request in July 2013 but rescinded its approval in November 2014 in exchange for approving a new configuration at the request of the owners. Staff recommendation is to approve the request as presented and discussed.

It was moved by Mr. Johnson and seconded by Mr. Danser to approve Resolution FY2015R3(2) finding that the division is for an agricultural purpose and results in Parcel A being 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. The Soils on Parcel B under their current post-mining condition and management are not capable of sustaining a variety of operations that yield a reasonable economic return under normal conditions, solely from the parcel’s agricultural output. Because the soils on Parcel B are now classified as “udorthent” soils, use of a controlled environment agricultural production management system on Parcel B, as described by the Purchaser, will result in an increase in the production and diversification of the agricultural output of the property that can yield a reasonable economic return under normal conditions, solely from the parcel’s agricultural output. The SADC hereby approves the division of Parcel B (Block 15, Lot 17.02) from the remainder of the Premises as set forth in the Resolution, which approval supersedes the SADC’s July 25, 2013 approval of the same division and hereby rescinds the SADC’s November 13, 2014 approval for the division of approximately 79 acres of ground on the south side of I-195, known as Block 15.01, Lot 18 and p/o Lot 17. This approval is subject to the conditions set forth in the resolution and is not transferable to another purchaser. The SADC’s approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC’s approval resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The

motion was unanimously approved. (A copy of Resolution FY2015R3(2) is attached to and is a part of these minutes.)

## **NEW BUSINESS**

### **A. Renewals and Terminations of 8 Year Farmland Preservation Programs**

Ms. Payne referred the Committee to the Farmland Preservation Program Eight Year Program Summary showing the following:

#### **Renewals:**

1. John Katinos, SADC # 0808-04M-001/08-0013-8M  
Harrison Township, Gloucester County, 16.22 Acres  
Soil and Water Conservation Cost Share Grant Eligibility (subject to available funding): \$9,732.00  
8 Year Program Expiration Date: May 20, 2023
2. Charles A. and Joan W. Boarts, SADC # 0808-08M-01/08-0027-8M  
Harrison Township, Gloucester County, 49.44 Acres  
Soil and Water Conservation Cost Share Grant Eligibility (subject to available funding): \$29,664.00  
8 Year Program Expiration Date: April 17, 2023

#### **Terminations:**

1. Nicholas T. and Cheryl A. Lacovara, SADC # 0816-12F-01/08-0001-8F  
South Harrison Township, Gloucester County, 9.64 Acres  
Soil and Water Conservation Cost Share Grant Eligibility Approved: \$5,784.00  
Soil and Water Conservation Cost Share Grant money spent: \$0.00

Ms. Payne stated that this was informational for the Committee and that no action was required.

Ms. Reade asked if we are going to be working with a much smaller budget for preservation, does that mean that the conservation program is still going to be by the boards? Ms. Payne stated she didn't think it meant that – the Committee will decide. Once it is determined how much money will be flowing to the program, one of the positive things that is going on with respect to funding is that the ability to use the funding for stewardship purposes is part of what we are looking at. So the Committee

will decide of the funds that we get how much to allocate to all the programs, including soil and water cost share grants.

**B. Resolution for Certification**

**1. Agricultural Development Area Map Amendments**

**a. Hunterdon County**

Mr. Brill referred the Committee to Resolution FY2015R3(3) for a request for a certification of an amended agricultural development area map for Hunterdon County. In June 2013 the Township Committee of the Township of Raritan adopted a resolution supporting the expansion of the Hunterdon County ADA to include Block 27, Lots 39 and 30 and Block 28, Lots 29 and 43. The specifics of the request are outlined in the resolution. Mr. Brill stated that zoning in this area reflects residential and industrial zoning where agriculture is listed as a permitted and principal use so it is not an area that has been planned for the exclusion of agriculture by any means. However, there are services that are available here, both public water and sewer are available, which is another criteria that the County has established that they chose to waive in agreeing to add these four lots to their County ADA. Mr. Brill stated that you can see from the map of the entire county that there are not that many areas with public sewer available in Hunterdon County so this was not an easy decision for the County to simply say we'll add these lots to the ADA. The other factor involved here is that there is very limited treatment capacity in the current sewer plant in Raritan Township at the moment. However, a sewer line that currently exists along the southern boundary of the parcel in question is a gravity line so it could be tapped into for future use. The County looked at the agricultural significance and the environmental significance, as well as the historic significance. The farmstead on the property is listed on both the State and National Registers individually and then also as part of the historic district along the South Branch of the Raritan River that includes both Raritan and Reading Township properties.

Mr. Brill stated that for many reason the Hunterdon CADB felt that this was an appropriate expansion of its ADA. They received support from the landowner, the Township Committee, the Township Local Historic Committee as well as the Hunterdon County Cultural and Heritage Commission. Mr. Brill reviewed the specifics of the request with the Committee and stated that staff recommendation is to approve the certification of the amended ADA map, as presented and discussed.

Ms. Jones stated that she knows along the Raritan River there is a greenway effort. She asked whether there was any discussion with the Township or the County in terms of an opportunity of doing a joint effort on any of these farms to protect the watershed or the



stream corridor. Mr. Brill stated that farm preservation was seen as a step in the direction of helping to preserve the environmental quality but he doesn't think there is any trail proposal that he is aware of. But this area is clearly looked at as an important greenway that stretches even into other counties.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2015R3(3) certifying the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development Area map to include Block 27, Lots 29 and 30, and Block 28, Lots 39 and 43, in Raritan Township. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R3(3) is attached to and is a part of these minutes.)

**C. Agriculture Development**

**1. Farm Link Program Update - Presentation**

Jeffrey Everett, SADC Chief of Agricultural Resources, and David Kimmel, SADC Agricultural Resource Specialist, presented an update on the Farm Link Program. Mr. Everett began with an overview of the SADC's Agriculture Development section and its responsibilities (stewardship of preserved farms, and viability of preserved and unpreserved farms) and then discussed the importance of Farm Link and the need for programs that support beginning farmers. Mr. Everett stated that this is a proactive approach to agriculture that he feels is very important and very much a part of the SADC's mission ever since the adoption of the Agriculture Retention and Development Act. Mr. Everett stated that he made this same presentation at the State Board of Agriculture convention earlier this year.

Mr. Everett stated that he is the SADC's Chief of Agricultural Resources, Charles Roohr is the Stewardship Manager, and Gary Pohorely is the stewardship monitor who monitors 500 farms every year to make sure they are complying with the deed of easement. David Clapp is the SADC's Resource Conservationist and David Kimmel is an Agricultural Resource Specialist. Mr. Kimmel wears many hats here such as Right to Farm, Agricultural Mediation, and the Farm Link Program. Hillary Barile works for the SADC in a part-time capacity.

Mr. Everett stated that the program that gets a lot of attention is the monitoring program but the SADC brought Mr. Clapp on to work on farm conservation plans and to apprise farmers on the various programs available under the Farm Bill, which on average there is about \$56 billion nationwide. A lot of that goes to the Midwest but we are trying to get

our share. Mr. Clapp can help farmers address conservation concerns and avail themselves of federal dollars. When he came on board in 2012, Ms. Payne reorganized the stewardship office to basically focus on post-closing and agricultural viability issues. So that is what they try to do. Mr. Everett stated that Right to Farm is another tool that protects the New Jersey farmer and tries to balance the public interest with farmers' interests. Agricultural mediation, which he will talk more about next month, is an alternative resolution process to Right to Farm. Also, there are soil and water grants and farmland stewardship grants and the Farm Link Program. Mr. Everett stated that he would really like to see more money go into farmland stewardship grants – there was a one-time federal grant project and that is something that he would like to see more funding for in the future since we don't have any at the moment.

Mr. Everett stated that he is here today to speak on the Farm Link Program along with Mr. Kimmel. He stated that American Farmland Trust looks at land connections and state-administered Farm Link programs. You can clearly see a preponderance of interest in the Northeast for Farm Link as opposed to the Midwest. The highest land cost in the country in terms of fee ownership of farmland is right here in the Northeast. The whole paradigm here in the Mid-Atlantic is one of farmland leasing and that is what we are focusing on here.

Mr. Everett stated that the average age of a farmer is increasing. Conversely, the average age of a person seeking a farm is just the opposite. Young people are trying to get into farming so our focus for Farm Link is to make those connections. Mr. Everett showed statistics regarding the states with the fewest beginning farmers and it showed that we have actually lost beginning farmers by about 1,000 over the last two Census years. That is a problem and it is something we want to proactively address here in the SADC's agricultural development side.

Chairman Fisher stated that he is not convinced by the slide that shows the declining number of beginning farmers because he hears more and more regarding interest by beginning farmers all the time. He doesn't know how they measure that universe. Mr. Everett stated that the data is sort of a baseline and this is put together by the Economic Research Service, which is a subsidiary of the USDA, so there is empirical data that Secretary Fisher is talking about and then there is the academic data. So you can refute the academic data with the empirical data – it happens all the time.

Mr. Schilling stated that NASS, the National Agriculture Statistics Service, will have an expert advisory committee on women, young and beginning farmers. Beginning next week, he will be on that committee, which is being developed for this very purpose. Mr.



Schilling stated that he thinks there is a recognition in Washington, D.C. that the data don't tell the whole story, not the least of which is some of these data reflect the primary operator. He remembers a situation where a farmer who was in his 90s said he was getting old and was going to let his boy take over the farm. The "boy" was probably 65 years old. The data can be very deceiving.

Chairman Fisher stated that he didn't think it was even necessary to use it because frankly, like what Mr. Schilling just said, he hears the average age of the farmer is about 57. But guess what – they may be the owner but not necessarily the person who is actually running the farm. Mr. Schilling stated that is the critical point because some of the federal and other programs take these data and say, "well this is how many women farmers, young farmers or beginning farmers we have." Mr. Schilling felt that was not telling the whole story either. Supposedly this committee that he will be on will be taking input and trying to revise how this is done in the future so that it can be more accurate.

Mr. Johnson stated that there is a chapter in Burlington County that is alive, well and thriving of kids who want to be farmers who didn't grow up in that and they need all the support we can give them.

Chairman Fisher stated that you can use this data for the purposes that you need to or ignore or refute it. He stated that he knows because in terms of beginning farmers, the New Jersey Farm Bureau has a program right now where they have a huge class of young folks. Mr. Beaver from the New Jersey Farm Bureau affirmed that and stated that it grows month over month where they get new participants in the Young Farmer and Rancher Program.

Mr. Kimmel noted the history of Farm Link and how it has evolved over time, from a program originally created in the late 1990s to help buyers and sellers of preserved farmland connect, to one now focused on all types of access to land, including leasing. Close to 40 percent of the state's agricultural land is leased, i.e., farmed by someone who doesn't own it, as the cost of farmland in New Jersey can be expensive. The Farm Link Program's two main components include an online linking service for farmers and landowners and a series of resource pages related to leasing, beginning famers and other topics.

Mr. Kimmel gave an overview of the tangible outcomes from a recent Beginning Farmer Grant project. The SADC collaborated with the Northeast Organic Farming Association of New Jersey (NOFA-NJ) on the project, which was a three-year USDA National Institute of Food and Agriculture (NIFA) Beginning Farmer and Rancher Development



Program (BFRDP) grant. The SADC's role in the Beginning Farmer grant centered on access-to-land issues, with a focus on improving leasing resources for landowners and farmers. Hillary Barile helped work on the project for the SADC. Grant outcome #1 was the publication of a leasing guidebook, "Leasing Farming in New Jersey: A Guide for Landowners and Farmers," and two lease-planning worksheets. The guide provides practical advice regarding what to consider when leasing, sample lease documents, profiles of leasing situations in New Jersey, and additional resources, <http://nj.gov/agriculture/sadc/farmlink/resources/leaseguide.pdf>.

Grant outcome #2 was the holding of informational and networking meetings for landowners and farmers. The SADC and NOFA-NJ held a series of regional outreach meetings each year during the grant to increase people's awareness of the project and to introduce the basic factors to consider when leasing. The meetings were also designed to facilitate networking, something that landowners and farmers also asked for more of on their evaluation forms. Grant outcome #3 was the holding of educational courses for landowners. The SADC developed and offered two courses with NOFA-NJ. "Making Your Land Available for Agriculture – Leasing 101" walked participants through the information in the leasing guidebook, focusing on identifying a person's goals for the land, assessing the land's capabilities, and understanding a farmer's perspective and needs. The second course, "Maintaining Farmland Leases: Managing Conflict in Your Lease Agreement," focused on conflict management styles and techniques, and included an attorney speaker discussing what provisions to include in a lease to reduce conflict. Grant outcome #4 was the enhancement of online linking capacities. The SADC's Farm Link listings are a great resource, and NOFA-NJ has similar land classifieds, but there is a lot of room for improvement.

Mr. Kimmel described how a new NJ Land Link website was developed as part of the USDA Beginning Farmer grant. The SADC and NOFA-NJ are collaborating on the new stand-alone website to improve their farmland linking services. The website was designed by Rutgers' Office of Research Analytics (ORA) and features a mapping-based platform and is interactive and easy to use. Additional GIS and mapping functions might be added in the future.

Brian Schilling introduced Lucas Marxen from Rutgers ORA, and Mr. Marxen gave a quick demonstration of the new website. The website is nearing completion and will likely be launched in the next month or two. The demonstration and website were well-received by the Committee and members of the public, who said it would be a great resource for the agricultural community. A next step, as part of the launching of the site, will be letting farmers and landowners know about the site and coordinating outreach and

announcement efforts.

Chairman Fisher stated that this is an extraordinary tool if you are in business of farming today. Donna Rue, from Rue Brothers Farm, asked how this would be advertised so that they can access it. Mr. Marxen stated that right now they are waiting on some final comments from NOFA-NJ and once those are handled it should not take long at all. They will then put it up live. Ms. Payne stated that the SADC will work with Rutgers, NOFA-NJ and the Department of Agriculture to put together a strategy for communicating this to the public. Chairman Fisher stated that you need a soft launch before you go out fully because in any business you would do that, you would do a soft launch and make sure that everything and all the pieces are working and then go full board in terms of promoting it.

**D. Stewardship**

1. Agricultural Labor Housing Request  
Great Road Farm (James and Ann Nawn)

Mr. Roohr referred the Committee to Resolution FY2015R3(4) for a request by James and Ann Nawn, owners of Great Road Farm, known as Block 32001, Lot 5 in Montgomery Township, Somerset County, comprising 111.89 acres, to convert two existing 500 square foot poultry barns into agricultural labor housing for three seasonal workers. The owners plan to increase the fruit, vegetable and livestock operation for the 2015 season and anticipate the need of up to five seasonal employees this summer. The occupants of these units would be full-time seasonal employees of the farm from April to November. The owners have found through their previous years of experience that the availability of affordable housing for seasonal agricultural workers in their area is extremely limited and that the dependence on off-site labor is unreliable and inefficient. The units are approximately 500 square feet each and would be used as sleeping quarters only with restroom and shower facilities located within nearby existing agricultural structures. Staff recommendation is to approve the request, as presented and discussed.

Ms. Reade asked if this design is compliant with the USDA agricultural labor requirements. Mr. Roohr stated that he didn't know but the owner is aware of those and the resolution before you today specifically states that this resolution doesn't exempt them from any Federal, State or local ordinances that may apply. The landowner has been made aware of that.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2015R3(4) granting approval to a request by James and Ann Nawn, owners of Great



Road Farm, known as Block 32001, Lot 5 in Montgomery Township, Somerset County, comprising 111.89 acres, to convert two existing 500 square foot barns, as identified in Schedule A, on the Premises into sleeping quarters to house three seasonal full-time agricultural laborers. The occupants of the agricultural labor units shall not be the Owners or any lineal descendent of the Owners in conformance with Paragraph 14 of the Deed of Easement. The agricultural laborers shall be employed on the Premises, and engaged in the day-to-day production activities on the Premises, which at this time includes planting, weeding, irrigating, harvesting and the process/packaging of the fruit and vegetable crops as well as care of the livestock and pasture. The owners' use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations. The SADC acknowledges and approves the use of the existing agricultural labor apartment for use by the current full-time, year-round farm manager. The approval is valid for a period of three years from the date of approval and is nontransferable. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R3(4) is attached to and is a part of these minutes.)

2. Request for a Division of the Premises
  - a. Columbia Fruit Farms, Town of Hammonton, Atlantic County

Mr. Roohr referred the Committee to Resolution FY2015R3(5) for a request by Columbia Fruit Farms, owners of Block 5302, Lots 1 and 2, and Block 4803, Lot 2 in the Town of Hammonton, Atlantic County, comprising 25.85 acres, to divide the premises. The property is located within the Pinelands. The Deed of Easement references one existing residence, four seasonal agricultural labor residences (3 trailers, and one block building), no residual dwelling site opportunities (RDSOs) and no exception areas. Parcels A and B are both blueberry farms. The purpose of the division is to split Parcel B, which is separated from the home farm by approximately two miles, in order to perfect the 2013 sale of that parcel to AGB Farms, the adjacent landowner to Parcel B. The property owner sold the 7-acre piece last year and this was picked up during a monitoring visit. The landowners did not go through the division of premises process so staff picked it up as a violation. Staff wasn't sure if this could be corrected but as it turns out, the 40-acre farm was also a blueberry farm and it is also preserved. This would be one of those scenarios where, although we don't believe that a 7-acre property in the Pinelands is viable as a stand-alone piece, when you combine it with the 40-acre piece, staff thinks that is viable and meets the test. The other part is a stand-alone unit. Staff spoke with the owner and he has no issue combining it with his existing preserved farm. If the Committee is able to approve this, it would clear up the situation for the landowners and



staff believes it meets the test as long as they are merged. Because the Pinelands Commission contributed to the preservation of this parcel, the Pinelands-specific Deed of Easement was utilized for this property.

The resulting Parcel A would constitute an 18.5-acre property and is improved with the existing single-family residence and the four seasonal agricultural labor units.

The resulting Parcel B has no infrastructure and would constitute a 7.3-acre property and will be merged with AGB Farm's adjacent 40.1-acre preserved farm, known as Block 5803, Lots 6 and 7, in the Town of Hammonton and Block 1501, Lots 5 and 6 in Mullica Township. The Pinelands Commission has approved this request for a division of the premises. Staff recommendation is to approve the request.

Ms. Reade stated she was curious as to why 7 acres planted densely in blueberries would not be considered viable on its own. It is a lucrative crop and that is a productive soil. Mr. Roohr stated that it is a matter of debate for the Committee. The SADC has never approved anything that small. Ms. Reade stated she understood that and it is way below and we don't want to set a precedent and this is good but she thought that 7 acres planted in blueberries may be viable. Mr. Danser stated that this is what we struggle with all the time. It is supposed to be viable for a variety of agricultural purposes. Mr. Schilling stated that there is a proviso at the end that Mr. Roohr just said that a variety of agricultural uses "common to the area." Chairman Fisher stated that this is exactly one of the issues that needs to be explored a little further because 7 acres – you have historical context that says we've never done this or that and that is kind of the question which is, yes if you follow along with what you have always said in terms of how you read this, then that is what you have always said. But he doesn't know if it is exactly written or statutorily required. It is your own interpretation of what you think is agricultural viability, if he isn't mistaken. Ms. Payne stated that is right.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2015R3(5) granting approval to a request by Columbia Fruit Farms, owners of Block 5302, Lots 1 and 2, and Block 4803, Lot 2 in the Town of Hammonton, Atlantic County, comprising 25.85 acres to divide the premises as follows:

Parcel A: Block 4302, Lots 1 and 2, 18.5 Acres

Parcel A is improved with the existing single-family residence and the four seasonal agricultural labor units

Parcel B: Block 5803, Lot 2, 7.3 Acres

Parcel B will be merged with AGB Farm's adjacent 40.1-acre preserved farm, known as Block 5803, Lots 6 and 7 in the Town of Hammonton, Atlantic County, and Block 1501, Lots 5 and 6 in Mullica Township, Atlantic County

Parcel A is agriculturally viable and is capable of sustaining a variety of agricultural operations common to this area, predominantly berry production, that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; however, Parcel B consisting of 7.3 acres of tillable land is not deemed to be agriculturally viable as an independent parcel. The SADC finds that when Parcel B is merged with AGB Farm's existing 40.1-acre preserved farm, the division results in the creation of a 47.4-acre parcel with 75.5% (35.8 acres) of prime soils and 21.7% (10.3 acres) soils of statewide importance, which is 97% (46.1 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. As a condition of approval, Parcel B shall be merged with AGB Farm's adjacent preserved farm consisting of Block 5803, Lots 6 and 7, in the Town of Hammonton and Block 1501, Lots 5 and 6 in Mullica Township, and the two parcels shall not be sold separate from one another. This approval is subject to the conditions set forth in this resolution and is not transferable to another purchaser. 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 Atlantic County Clerk's office. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is valid for a period of three years from the date of approval. The motion was unanimously approved. (A copy of Resolution FY2015R3(5) is attached to and is a part of these minutes.)

#### **E. Winery Pilot Program Authorization**

Mr. Everett referred the Committee to Resolution FY2015R3(6) regarding the establishment of a pilot program for special occasion events on preserved farmland pursuant to P.L. 2014, c.16.

Mr. Everett stated this was enacted on July 2, 2014. On October 3, 2014 the Committee approved the creation of a pilot program as described in Exhibit A, including a summary of State, County, local and landowner responsibilities under this law and a list of potentially affected wineries. This resolution is actually formalizing that process and that approval. The resolution gets into the different responsibilities.

Mr. Everett stated that staff made a comprehensive effort to try to identify those wineries on preserved lands that may be affected by this pilot program. Some of them have



exceptions, some only have grape acreage. Mr. Everett stated that in 11 counties there are 21 wineries. Staff has been meeting with the affected wineries to fully explain the law, and staff is oftentimes accompanied by the CADB administrator and sometimes the CADB Chairperson as well. In the next couple of months staff will be developing audit procedures, which is a responsibility of the SADC under the law, and also a questionnaire for the winery owners, municipalities and CADBs to fill out every year to give some feedback. Mr. Everett stated that staff wanted to keep the Committee up to date and at the same time formally adopt this resolution.

Ms. Reade asked if the SADC has the ability to add more wineries if other preserved farms come on. Mr. Everett stated yes. Mr. Everett stated that is also part of staff's job to constantly update the list.

Chairman Fisher stated that this is a pilot where expanded rights were given by the Legislature to do this. You are essentially studying and tabulating what is taking place. We really don't have opinions but are just monitoring so when they do decide in a few years what is the next step we will have that data. Mr. Everett stated that is correct and that the CADBs will play a central role in this law to define what a special occasion event is so there is the partnership between the SADC and the CADBs. Municipalities and the wineries themselves also have roles.

Mr. Schilling asked to what extent have the counties begun to define this and are you seeing sort of a convergence? Mr. Everett asked Burlington CADB administrator Brian Wilson to elaborate for his county. Mr. Wilson stated that the Burlington CADB's position has been, since they don't have any wineries in Burlington County, to let's see what some of the other counties are doing. Mercer CADB Administrator Dan Pace stated that his county has three wineries in Mercer County on preserved farms. However, two of the three have very large exception areas, and exception areas are not part of this program. The only one that has a small exception area is Terhune Orchards and it is still a 1½-acre exception area. The others have 4-acre exception areas. He has impressed upon those landowners, farmers, winery owners to hold all their events on the exception areas. Chairman Fisher stated that is coming from you, not the SADC. Harriet Honigfeld from the Monmouth CADB stated that the CADB administrators have been trying to meet every two months and the last time they met they kicked around a template for a definition that largely quoted from the legislation and it was left a little bit open because at that time she didn't think that anyone had met with the landowners. In her case, they have tried but they are out of town during the winter months. However, they are going to meet next week. In Monmouth County they are affected because a preserved farm has no exception area but they just got their license and they don't have special occasion events

yet. They will try to have as little constraint as possible but just meet the requirements of the law. Some other counties are more directly affected. The CADBs are meeting again next week, hoping to get on the same page as far as having something similar for a definition that meets the letter of the law.

It was moved by Mr. Requa and seconded by Mr. Danser to formally reaffirm the SADC's establishment of a pilot program covering the period from July 2, 2014, the effective date of P.L. 2014, c. 16, to March 1, 2018, to permit wineries to hold special occasion events on preserved farmland in accordance with the requirements of the law. Any winery that holds special occasion events on preserved farmland outside of an exception area is automatically enrolled in the pilot program and is subject to the requirements of the law. The SADC under the pilot program will:

1. Continue to coordinate with CADBs on outreach efforts to notify wineries with preserved farmland and affected municipalities of their responsibilities under the law;
2. Continue to update the list of potentially affected wineries as new information becomes available;
3. Annually solicit feedback from wineries, CADBs and municipalities on how the pilot program is working, including successes and challenges, in order to enable the SADC to make informed recommendations to the Legislature at the conclusion of the pilot program;
4. Annually collect and review annual certifications of wineries' compliance with the law's gross income requirement;
5. Order an audit of a winery, if necessary, to determine compliance with the provisions of the law;
6. Promulgate rules to establish uniform SADC audit procedures that CADBs also may elect to use, as well as approve certified public accountants (CPAs) or establish a list of approved CPAs to conduct audits;
7. On request of a winery owner, approve (or delegate approval authority to CADBs) any special occasion event that will be held on any day of the week other than a Friday, Saturday, Sunday or federal or State holiday;



8. Continue to provide CADBs, winery owners and municipalities with any other assistance and support in implementation of the law as requested or required;
9. Take legal action, if necessary, to collect penalties and assess suspensions as permitted under the law.
10. Take any other action, if necessary, to implement the requirements of the law.

This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R3(6) is attached to and is a part of these minutes.)

Mr. Schilling asked if the activities are within an exception area on a preserved farm, does the pilot program still require or authorize us to collect information because it seems to him that the purpose of this is to try to help find what is best and normal within this industry. Ms. Payne stated that this law doesn't apply to them but we will continue to encourage them to give us feedback so that we learn about what their operation is, but they are not obligated to report their income as required under the law. She stated that was explained to the wine growers at the meeting.

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

Ms. Roberts referred the Committee to one application for final approval under the County Planning Incentive Grant Program. Ms. Roberts reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval to the application.

It was moved by Ms. Reade and seconded by Mr. Schilling to approve Resolution FY2015R3(7) 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. Donald C. and Diane L. Garrison, SADC # 06-0153-PG  
Block 601, Lot 1, Upper Deerfield Township, Cumberland County, 65 Net Acres  
State cost share of \$3,160 per acre (68.70% of the purchase price), for a total  
grant need of \$211,562.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions  
contained in Schedule C. The property has one two-acre nonseverable exception  
area limited to two single-family residential units. The property includes zero  
housing opportunities, zero agricultural labor units and no pre-existing

nonagricultural uses on the area to be preserved outside of the exception area.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 66.95 acres will be utilized to calculate the grant need.

The motion was unanimously approved. A copy of Resolution FY2015R3(7) is attached to and is a part of these minutes.)

**G. Resolution for final Approval - State Acquisition Program**

Ms. Miller referred the Committee to one application for final approval under the State Acquisition Program. Ms. Miller reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval to the application.

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2015R3(8) granting final approval to the following application under the State Acquisition Program as presented and discussed, subject to any conditions of said Resolution:

1. Ryan and Kimberly Kocsis, SADC # 10-0229-DE  
Block 6, Lots 18 and 23.01, Kingwood Township, Hunterdon County, 146 Net Easement Acres  
Acquisition of the development easement at a value of \$7,600 per acre for a total of approximately \$1,109,600, subject to the conditions contained in Schedule B. The property includes a 2-acre nonseverable exception area limited to one single-family residential unit and a 10.5-acre severable exception area for the existing single-family residence and a 4-unit apartment building. The severable exception will be limited to two residential structures: 1) the single-family residential unit may be replaced with another single-family residential unit and 2) the 4-unit apartment building may be replaced by another apartment building of no more than 4 units, or may be replaced by another type of residential unit with no greater than 2,500 square feet of heated living space. The property has zero housing opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses outside of the exception areas.

The motion was unanimously approved. A copy of Resolution FY2015R3(7) is attached to and is a part of these minutes.)



## **PUBLIC COMMENT**

Dan Pace questioned how the NJ Land Link website will be publicized. Tom Beaver indicated that New Jersey Farm Bureau gets many calls and will help publicize it. Ms. Payne stated that the SADC will work to make sure it is broadly publicized. Frank Pinto asked how farmland-assessed property owners would know the service is available.

Torrey Reade stated that she is noticing an imbalance between the kinds of requests for land versus the kinds of land that are available so you're looking at a lot of beginning farmers who are looking for 2 acres or 4 acres to do vegetables. She thinks that Mr. Johnson's idea of going through the rolls of Farmland Assessment might flush out a lot of these smaller properties that need a tenant and balance them with beginning farmers who aren't willing to take the risk to do larger acreage. She is also hoping that publicity would generate more demand for the larger acreage, and farmers have been sort of later adopters of Internet connection. Ms. Reade stated that someone who has 500 acres to lease in Upper Pittsgrove Township might be able to find someone through this upgraded facility that you are creating. Chairman Fisher stated that it isn't 2 or 4 acres, it is 5 acres. Mr. Schilling stated that is with Farmland Assessment but it is interesting because he deals with a lot of students who want to dip their toes in and they are looking for more specialty niche kind of things on a couple of acres so we wouldn't get that in the Farmland Assessment rules per se, but it is a good idea to tackle that. Mr. Schilling stated that anything under 5 acres would not be part of it. Ms. Reade stated that someone with 5 acres would be more willing to rent to someone who is looking for 4 or 2, than someone with 500 acres, and someone with only 4 acres has the equipment to handle small projects. Chairman Fisher stated that you could probably put that into your statement that you may only want to look for a piece that is 2 acres by the way, but we are listing 5 acres and you might want to negotiate with the owner.

Mr. Beaver from the NJ Farm Bureau stated that the vast majority of calls are landowners looking for a farmer. Typically they think the Farm Bureau is the State when they first call and they think the Farm Bureau already has a resource like this. The question that we want to get to, and he doesn't think you can ever get them to it, is what are the typical rental rates, what should I be charging a farmer? The Farm Bureau just washes its hands of that as quickly as they possibly can but to Mr. Johnson's point, those are the vast majority of calls that the Farm Bureau takes, people with land who either their previous tenant farmer left or they are just looking to rent for the first time and they are kind of scrambling to keep Farmland Assessment intact. He stated that trying to identify

Farmland Assessment applicants is key, and he can tell you that the database is fairly messy so perhaps going through the County offices or local tax assessors may be the best course of action to try to broadcast the availability of something like this.

Harriet Honigfeld stated that she didn't catch what the contact options would be. Would it be email-based or can someone leave their phone number? The reason she asks this is that she has a lot of older landowners who call stressed out and they want to know who is next going to lease their farm. She said she would be happy to invite people in and help them fill out the forms but she didn't know what the range of options is here. Mr. Marxen stated they can provide phone or email information.

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

SADC Regular Meeting: **FRIDAY**, April 24, 2015, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

#### **CLOSED SESSION**

At 10:52 a.m. Mr. Schilling 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.”

The Committee took a five-minute break before going into Closed Session.

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

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

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

It was moved by Mr. Requa and seconded by Mr. Danser to approve the Certification of Values as discussed in Closed Session for the following applicants:

1. John Yablonsky, SADC # 18-0211-PG



Block 204, Lot 11, Hillsborough Township, Somerset County, 38 Acres

**Municipal Planning Incentive Grant Program**

1. Thomas and Gary Fitton, SADC # 17-0054-PG  
Block 91, Lots 19 and 20, Pilesgrove Township, Salem County, 53 Acres
2. Ruth A. Peters, SADC # 17-0143-PG  
Block 91, Lot 19.01, Pilesgrove Township, Salem County, 36 Acres
3. Howard and Myrna Shoemaker, SADC # 21-0552-PG  
Block 71, Lots 12 and 17, White Township, Warren County, 22 Acres (very irregular in shape)
4. Joyce Lynette Berry and Patricia Berry (Shiloh), SADC # 21-0569-PG  
Block 1803, Lot 8.01  
Block 1804, Lots 5 and 6  
Frelinghuysen Township, Warren County, 106 Total Acres

**Direct Easement Purchase Program**

1. Penelope S. Fox, SADC # 17-0280-DE, SADC # 17-0280-DE  
Block 42, Lot 3, Pilesgrove Township, Salem County, 95 Acres
2. Patricia A. Toal-Kibort, SADC # 170-0276-DE  
Block 801, Lots 36, 37 and 48  
Block 1002, Lots 12 and 13  
Pittsgrove Township, Salem County, 127.70 Gross Acres/124 Net Acres.  
**Certification of Value is contingent upon placement of an access easement consistent with the existing cartway across Block 801, Lot 36 to Lot 38.**
3. Willem and Auke Hannema, SADC # 21-0071-DE  
Block 501, Lot 13.02  
Block 502, Lot 1  
Mansfield Township, Warren County, 161 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**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

There being no further business, it was moved by Mr. Danser and seconded by Mr. Schilling and unanimously approved to adjourn the meeting at 11:20 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R3(1)

Review of Activities on Preserved Farm

Holland Greenhouses, Inc.

March 26, 2015

**Subject Property:**

**Rue Brothers Inc.**

**Block 15, Lot 17.02**

**Block 15.01, Lots 17, 18**

**Block 16, Lot 12**

**Upper Freehold Township, Monmouth County**

WHEREAS, Rue Brothers Inc., hereinafter "Owner" is the record owner of Block 15, Lot 17.02, Block 15.01, Lots 17 & 18 and Block 16, Lot 12 in Upper Freehold Township, Monmouth County, hereinafter referred to as the "Premises", as shown in Schedule "A", by deed dated April 11, 1986 and recorded in the Monmouth County Clerk's Office in Deed Book 4648, Page 889; and

WHEREAS, the development easement on the Premises was conveyed to the Monmouth County Board of Chosen Freeholders on October 9, 1996, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 5545, Page 402; and

WHEREAS, Holland Greenhouses, Inc., hereinafter ("Purchaser") is the proposed Purchaser of Block 15, Lot 17.02, as identified in the Township of Upper Freehold, County of Monmouth, totaling 78 acres, hereinafter referred to as the "Lot 17.02", as shown in Schedule "B"; and

WHEREAS, the Purchaser operates a greenhouse business in Monroe Township, Middlesex County which raises a large variety of flower, vegetable and herb plants for the wholesale industry; and

WHEREAS, the Purchaser proposes to utilize the Lot 17.02 to expand their existing greenhouse operation as well as to grow field-grown cut flowers; and

WHEREAS, the Purchaser submitted engineering plans to the SADC which show a removal of the existing topsoil, re-grading of 15+/- acres of Block 15, Lot 17.02, for the construction of permanent greenhouses in three, five-acre sections and replacement of the topsoil over a majority of the site for use as soil based plant production within greenhouses, as shown in Schedule "C"; and

WHEREAS, the SADC, at its May 22, 2014 meeting, determined that the Purchaser's proposal would constitute a violation of the Deed of Easement due to the impact that the cut and fill activity within the subsoil layers would have on the soil characteristics of the prime Sassafras soils, as identified on the soils maps for this parcel; and

WHEREAS, subsequent to that determination, the Owners advised the SADC that the site had been mined for subsoil base material prior to being enrolled in the Farmland Preservation Program for use in highway construction associated with Interstate 195 and therefore the soils data upon which the SADC had previously relied in denying the project was not accurate; and

WHEREAS, at the request of the SADC, on February 6, 2015, the USDA-Natural Resources Conservation Service (NRCS) visited the Premises and performed onsite soils analysis, including soil test borings and pits, of the property to determine the current soil conditions; and

WHEREAS, on February 13, 2015 the NRCS provided a report on its findings related to its soil testing on the Premises and concluded that the mined area *"has an A-C profile: a series of five (5) human-transported or fill layers, with a minimum A horizon (light-colored and low in organic matter) developing at the surface. No soil structure was noted below the surface, as the C layers were all massive, so with no subsoil/B horizon it classified as an entisol"* and that the area now *"lacks many of the characteristics of the undisturbed soil and no longer classifies as a Sassafras soil"* (Schedule "D"), and

WHEREAS, the NRCS report identifies the previously mined area as a "Udorthent", described as *"areas where the nature soil properties and qualities have been greatly altered by excavation, extensive grading, or filling"*; and

WHEREAS, the SADC submitted NRCS' report to Dr. William Palkovics, PhD. of Del Val Soil and Environmental Consultants for review and assessment of the impacts of the proposed greenhouse project on the agricultural productivity of the Udorthent soils now present on the property; and



WHEREAS, Dr. Palkovics' report affirmed the NRCS findings that the portion of Block 15, Lot 17.02 originally mapped as Sassafrass soil, designated as prime farmland, instead now consists of a "manmade" soil with minimal A-horizon placed over layers of a sandy subsoil, and no longer retains the characteristics of a prime Sassafrass soil; and

WHEREAS, based on the existing soil site conditions of Block 15, Lot 17.02, Dr. Palkovics finds that the use of certain soil conservation techniques during the construction of the greenhouse project would allow this site to be re-graded per the Purchaser's engineering plans and the topsoil replaced in a manner that would not materially change the agricultural productivity of the soil conditions that presently exist on the site; and

**WHEREAS, the Committee finds the following related to the development of Block 15, Lot 17.02 for agricultural production purposes on the Premises:**

1. On January 23, 2015, the NRCS visited the site and evaluated the soil conditions on various areas of the Premises;
2. The NRCS confirmed that the soil types on the Premises matched the NRCS soils mapping on each tested area with the exception of Block 15, Lot 17.02, which was mined after the completion of the soils maps; and
3. Block 15, Lot 17.02 consists of soils that no longer retain the natural characteristics of the prime Sassafrass soil series as mapped on the NRCS soil survey;
4. The soils on this area of the Premises are made up of a less developed topsoil placed over layers of sandy re-graded subsoil; and
5. The soils on the mined site would be classified as manmade Udorthents;
6. Dr. Palkovic's Report confirms that the soils on the site are no longer the Sassafrass series, as mapped in the NRCS soil survey;
7. Dr. Palkovic's Report indicates that under appropriate conditions, the current soil profile could be re-graded and topsoil re-distributed for the construction of a greenhouse structure, as described by the Purchaser, with negligible change to the current soil properties ;

**WHEREAS, the SADC finds the following related to the permissibility of the above described uses pursuant to the terms of the Deed of Easement:**

1. Pursuant to paragraph 2 of the Deed of Easement the use of greenhouses and outdoor growing areas on Lot 17.02 for perennial plant production is a production agriculture activity permitted by the Deed of Easement;
2. Site preparation and development of agriculture-related infrastructure conducted in the manner described herein does not constitute a violation of Deed of Easement provisions related to soil conservation and activities detrimental to the continued use of agriculture on the Premises because the types of agricultural production that were possible in soils prior to the disturbance will still be possible in the post-disturbance condition. Due to the soil disturbance activities that occurred on Lot 17.02 related to subsoil mining prior to preservation, the current soil layers consist of a less developed topsoil placed over a deep homogeneous layers of sandy parent material;

NOW, THEREFORE, BE IT RESOLVED, for the reasons set forth herein, the SADC finds that the activities which the Purchaser has proposed for Block 15.01, Lot 17.02 of the Premises related to grading and the construction greenhouses as described herein do not constitute a violation of the Deed of Easement; and

BE IT FURTHER RESOLVED, the Purchaser shall implement the recommended soil conservation practices described in the report from Dr. Palkovics; and

BE IT FURTHER RESOLVED, that any topsoil not utilized to create the greenhouse growing floor area shall be stored onsite in a manner consistent with techniques described in the NRCS Field Office Technical Guide related to storage of topsoil; and

BE IT FURTHER RESOLVED, that this finding and approval is valid only on Block 15, Lot 17.02, of the Premises; and

BE IT FURTHER RESOLVED, that this action is non-transferable; 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.



3/26/15  
DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

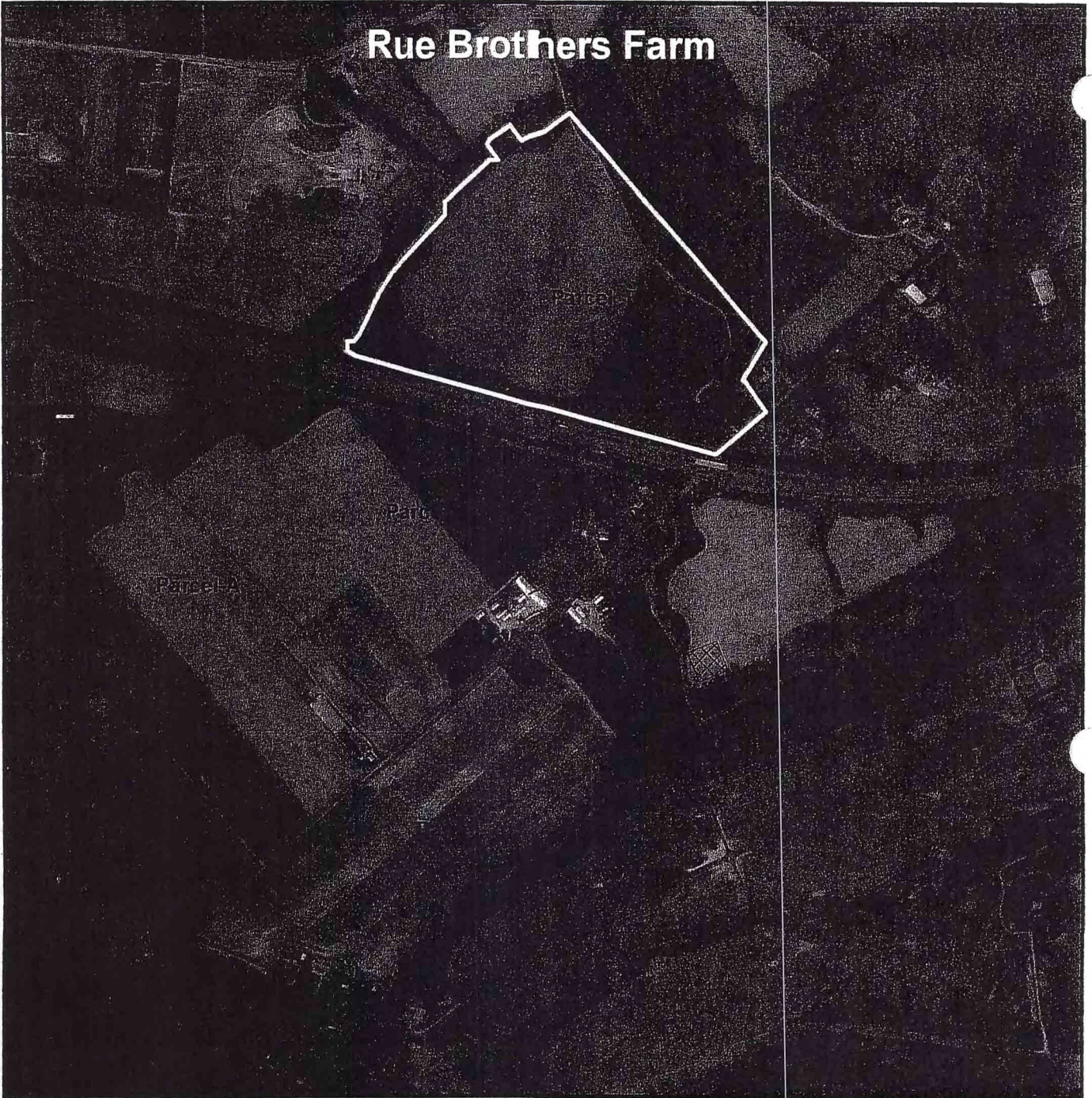
Douglas H. Fisher, Chairman	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSENT
Brian Schilling (rep. Executive Dean Goodman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Alan Danser, Vice Charman	YES
Jane Brodhecker	YES
Denis Germano,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

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# Schedule "A"

## Rue Brothers Farm

S:\EP\MON\Rue Bros Incl\Stewardship-Post Closing\11-2014 Division map.mxd



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rue Brothers Farm  
Block 15, Lot 17.02  
Block 15.01, Lots 17 & 18  
Block 16, Lot 12  
Upper Freehold Township, Monmouth County



3/17/2015

#### 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

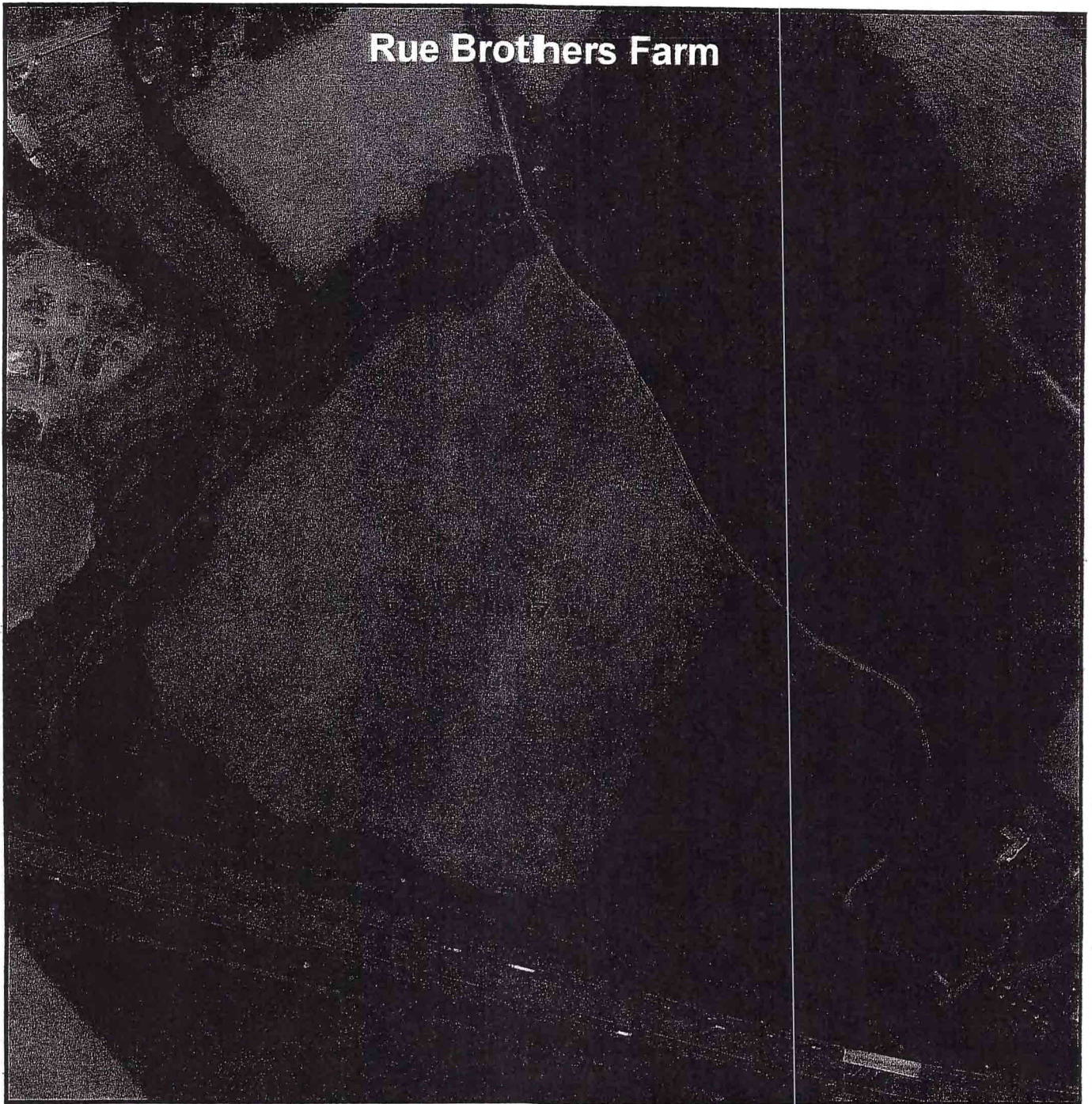
- #### State Planning Areas
- (PA1) METRO
  - (PA2) SUBURBAN
  - (PA3) FRINGE
  - (PA4) RURAL
  - (PA4a) RURAL ENV SENS
  - (PA5) ENV SENS
  - (PA5a) ENV SENSITIVE BARRIER IS
  - (P10) PINELANDS
  - PARK
  - MILITARY
  - NEW JERSEY MEADOWLANDS
  - WATER
  - ELLIS ISLAND-NJ
  - ELLIS ISLAND-NY
- #### Base Map
- County Boundaries
  - Municipal Boundaries
  - Highlands Planning Area
  - Highlands Preservation Area
  - Pinelands Area
- Green Acres Preserved Easements



# Schedule "B"

## Rue Brothers Farm

G:\SADC\Rue\Lot 17.02.mxd



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rue Brothers Farm  
Block 15, Lot 17.02  
Upper Freehold Township, Monmouth County

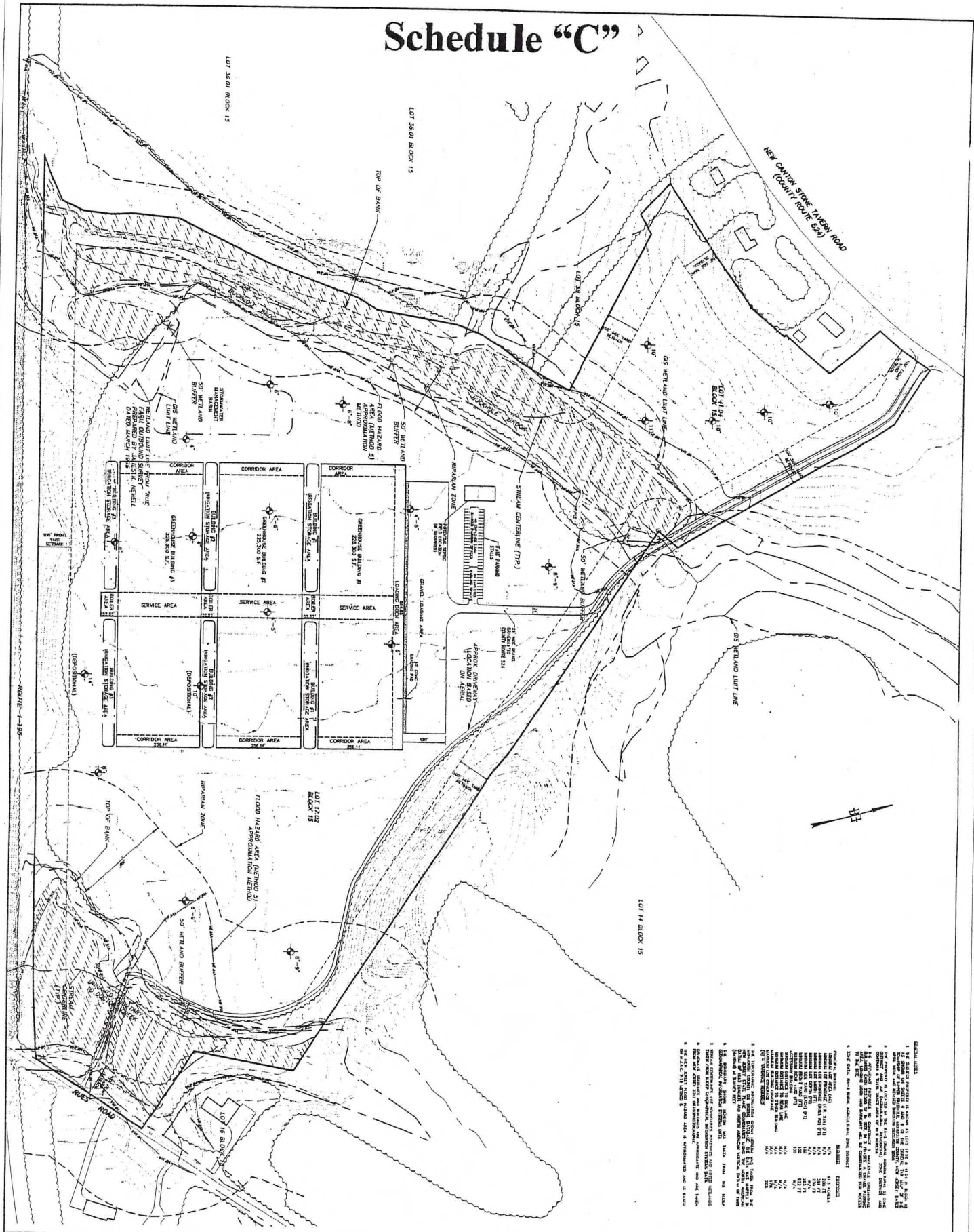


3/17/2015

Farmland Preservation Program		State Planning Areas	
	PRESERVED EASEMENT		(PA1) METRO
	EXCEPTION AREA		(PA2) SUBURBAN
	PRESERVED EASEMENT / NR		(PA3) FRINGE
	EXCEPTION AREA / NR		(PA4) RURAL
	FINAL APPROVAL		(PA4b) RURAL ENV SENS
	PRELIMINARY APPROVAL		(PA5) ENV SENS
	ACTIVE APPLICATION		(PA5b) ENV SENSITIVE BARRIER IS
	8 YEAR PRESERVED		(P10) PINELANDS
	TARGETED FARM		PARK
	INACTIVE APPLICATION		MILITARY
	NO CORRESPONDING DATA		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 "C"



- GENERAL NOTES**
1. THE OWNER'S PROPERTY IS SHOWN IN THIS PLAN. A 10' BUFFER ZONE IS SHOWN AROUND THE PROPERTY TO INDICATE THE LOCATION OF THE PROPERTY AND THE LOCATION OF THE PROPERTY.
  2. THE PROPERTY IS SHOWN IN THIS PLAN. A 10' BUFFER ZONE IS SHOWN AROUND THE PROPERTY TO INDICATE THE LOCATION OF THE PROPERTY AND THE LOCATION OF THE PROPERTY.
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**CONCEPT PLAN**

FOR  
**HOLLAND GREENHOUSES**  
LOT 17 02 & 41 04, BLOCK 13

PREPARED BY  
**MASER**  
13001 459A

DATE: 11/15/2011

SCALE: 1" = 100'

**LEGEND**

PROPERTY BOUNDARY

EXISTING BUILDING

EXISTING DRIVEWAY

EXISTING DRIVE

EXISTING SIDEWALK

EXISTING CURB

EXISTING UTILITY

EXISTING FENCE

EXISTING WALL

EXISTING POLE

EXISTING SIGN

EXISTING LIGHT

EXISTING TREE

EXISTING SHrub

EXISTING GRASS

EXISTING PAVEMENT

EXISTING ASPHALT

EXISTING CONCRETE

EXISTING BRICK

EXISTING STONE

EXISTING MASONRY

EXISTING METAL

EXISTING WOOD

EXISTING PLASTER

EXISTING GYPSUM

EXISTING STUCCO

EXISTING CEILING

EXISTING FLOOR

EXISTING WALL

EXISTING ROOF

EXISTING FOUNDATION

EXISTING FOOTING

EXISTING PIER

EXISTING COLUMN

EXISTING BEAM

EXISTING JOIST

EXISTING TRUSS

EXISTING RAFTER

EXISTING SHEATHING

EXISTING INSULATION

EXISTING VENT

EXISTING DUCT

EXISTING CHIMNEY

EXISTING STAIR

EXISTING ELEVATOR

EXISTING ESCAPE

EXISTING RAMP

EXISTING CURB CUT

EXISTING DRIVEWAY

EXISTING DRIVE

EXISTING SIDEWALK

EXISTING CURB

EXISTING UTILITY

EXISTING FENCE

EXISTING WALL

EXISTING POLE

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EXISTING DUCT

EXISTING CHIMNEY

EXISTING STAIR

EXISTING ELEVATOR

EXISTING ESCAPE

EXISTING RAMP

EXISTING CURB CUT



**Natural Resources Conservation Service**

220 Davidson Avenue 4<sup>th</sup> Floor  
Somerset, NJ 08873  
Voice 732-537-6040  
Web: <http://www.nj.usda.gov>

Feb. 13, 2014

To: David Clapp, SADC, NJDA

Re: Rue/Jansen Farm Soils Investigation

A site visit was made on Feb. 6, 2014 to the Rue/Jansen Farm, Rues Road, Cream Ridge, NJ by Edwin Muñiz, Fred Schoenagel, and Richard Shaw, USDA-NRCS Soil Scientists; with David Clapp, Resource Conservationist, State Agriculture Development Committee, New Jersey Department of Agriculture. The objective was to examine the effects of mining activities on soil properties and classification. Soil profiles were examined and descriptions were completed in two backhoe pits: one in the disturbed, or mined area, north of Rte 195 in a SacB (Sassafras sandy loam, 2 to 5 percent slopes) map unit, and one in a "non-mined" area, south of 195, in the same map unit. In addition, two auger samples collected with the NRCS probe truck were characterized in adjacent SafA (Sassafras loam, 0 to 2 percent slopes) and WogA (Woodstown loam, 0 to 2 percent slopes) map units. The latter is a potential site for greenhouse location.

Due to recent cold weather, the soil surface at each of the sites was frozen to a depth of about 20 centimeters. All areas are currently in agricultural land use.

Photos of the two backhoe pit soil profiles, and a map showing soil lines and soil profile locations are included at the end of this report.

**Probe truck auger samples**

**Map unit: SafA Sassafras loam, 0 to 2 percent slopes**

**74°30'5.58"W 40°10'12.822"N**

Bt—35 to 88 centimeters; dark yellowish brown (10YR 4/6) fine sandy loam/sandy clay loam

C1—88 to 107 centimeters; yellowish brown (10YR 5/6) loamy sand

C2—107 to 130 centimeters; strong brown (7.5YR 5/8) sandy loam

C3—130 to 155 centimeters; strong brown (7.5YR 5/8) sandy loam

C4—155 to 200 centimeters; strong brown (7.5YR 4/6) sandy clay loam; 3 percent medium prominent iron depletions; 3 percent medium prominent yellowish red (5YR 4/6) iron concentrations

This profile fits the range in characteristics for Sassafras. It has a distinctive argillic horizon, and a loamy substratum a little on the heavy side. The soil was saturated from 130 cm to 200 cm, probably a result of perching above the sandy clay loam layer.

**Map unit: WogA Woodstown loam, 0 to 2 percent slopes**

**74°30'11.817"W 40°10'11.093"N**

Ap--0 to 17 centimeters; brown (10YR 4/3) loam

BE--17 to 38 centimeters; yellowish brown (10YR 5/6) loam

Bt1—38 to 55 centimeters; yellowish brown (10YR 5/6) fine sandy loam/sandy clay loam; 4 percent fine faint dark yellowish brown (10YR 4/6) iron concentrations; fine distinct grayish brown (10YR 5/2) iron depletions

BC—55 to 90 centimeters; strong brown (7.5YR 4/6) fine sandy loam; 25 percent medium prominent brown (10YR 4/3) iron depletions

This fits the Woodstown concept, although a little on the wet side, with evidence of the seasonal high water table at 38 cm (15"). This would pose a limitation for the greenhouse foundation as well as for pesticide losses through leaching.

### **Backhoe pits**

#### **SASSAFRAS Undisturbed (non-mined)**

**MAP UNIT:** SacB Sassafras sandy loam, 2 to 5 percent slopes

**TAXONOMIC CLASS:** Fine-loamy, siliceous, semiactive, mesic Typic Hapludults

**PEDON:** Sassafras sandy loam, in a cultivated field, undisturbed condition.

**SITE LOCATION:** Latitude 40 degrees 10 minutes 19.99 seconds N. and longitude 74 degrees 29 minutes 50.97 seconds W., NAD 83

**Ap**--0 to 33 centimeters (0 to 13 inches); brown (7.5YR 4/3) sandy loam; moderate fine and medium subangular blocky structure; common very fine, fine, and medium roots; friable; 1 percent gravels; abrupt smooth boundary.

**BE**--33 to 50 centimeters (13 to 20 inches); brown (7.5YR 4/4) sandy loam; moderate medium subangular blocky structure; friable; few very fine roots; 2 percent gravels; 8 percent brown (7.5YR 4/3) krotovinas; clear smooth boundary.

**Bt**--50 to 108 centimeters (20 to 43 inches); strong brown (7.5YR 4/6) sandy loam; moderate medium and coarse subangular blocky structure; friable; 7 percent clay films on surfaces of rock fragments; few very fine roots; 10 percent gravels; wedge of gravelly sandy loam with 20 percent gravels; 8 percent brown (7.5YR 4/3) krotovinas; clear wavy boundary.

**C1**--108 to 137 centimeters (43 to 54 inches); 50 percent dark brown (7.5YR 3/4) and 50 percent strong brown (7.5YR 4/6) stratified loamy sand and sand; massive; loose; massive; very few medium roots; clear smooth boundary.

**C2**--137 to 160 centimeters (54 to 63 inches); 40 percent dark brown (7.5YR 3/4), 30 percent strong brown (7.5YR 4/6) and 30 percent yellowish red (5YR 4/6) stratified loamy sand and sand; massive; loose; 1 percent iron/manganese concretions.

#### **SASSAFRAS Disturbed (mined)**

**MAP UNIT:** SacB Sassafras sandy loam, 2 to 5 percent slopes

**TAXONOMIC CLASS:** Spolic, mesic Anthroptic Udorthents

**PEDON:** Unknown sandy loam soil, in a cultivated field disturbed condition.

**SITE LOCATION:** Latitude 40 degrees 10 minutes 20.06 seconds N. and longitude 74 degrees 29 minutes 51.34 seconds W., NAD 83

**^Ap**--0 to 25 centimeters (0 to 10 inches); 95 percent yellowish brown (10YR 5/4) and 5 percent strong brown (7.5YR 4/6) sandy loam; weak medium subangular blocky structure; common very fine, fine, and medium roots; abrupt smooth boundary.

**^C1**--25 to 38 centimeters (10 to 15 inches); strong brown (7.5YR 4/6) sandy loam; massive; 3 percent fine and coarse iron stone; 6 percent fine and medium grayish brown (10YR 5/2) and 4 percent medium yellowish red (5YR 4/6) mottles; few 1 centimeter strong brown (7.5YR 4/6) alluvial clay broken bands; 3 percent brown (7.5YR 4/3) krotovinas; clear smooth boundary.

**^C2**--38 to 64 centimeters (15 to 25 inches); 50 percent light brownish gray (10YR 6/2), 50 percent yellowish red (5YR 5/8 and 5YR 5/6) stratified sandy loam and loamy sand in 5 to 6 centimeter bands; massive; 3 percent dark red (2.5YR 3/6) iron concentrations; 1 percent brown (7.5YR 4/3) krotovinas; clear smooth boundary.

**^C3**--64 to 108 centimeters (25 to 57 inches); 50 percent light brownish gray (10YR 6/2), 50 percent yellowish red (5YR 5/8 and 5YR 5/6) stratified sandy loam and loamy sand in 5 to 6



centimeter bands; massive; clear smooth boundary.

<sup>^</sup>C4--108 to 144 centimeters (43 to 57 inches); pinkish gray (7.5YR 6/2) sandy loam with horizontal 5 centimeter yellowish red (5YR 5/8) bands; massive; 1 percent medium dark red (2.5YR 3/6) iron concentrations in cracks; clear smooth boundary.

<sup>^</sup>C5--144 to 180 centimeters (57 to 71 inches); brown (7.5YR 5/4) sandy loam; massive; 6 percent coarse dark red (2.5YR 3/6) iron concentrations in cracks.

The caret symbol (^) is used to indicate horizons formed in human-transported material.

The disturbed pedon has an A-C profile: a series of (5) human-transported or fill layers, with a minimal A horizon (light-colored and low in organic matter) developing at the surface. No soil structure was noted below the surface, as the C layers were all massive, so with no subsoil/B horizon it classifies as an entisol. It no longer fits the Sassafras series concept. The best fit map unit on the NJ State legend, from adjacent Burlington County, would likely be *Udorthents, loamy, 0 to 8 percent slopes*. The Monmouth County legend has a *Udorthents, 0 to 8 percent slopes* mapunit, which is not included on any of the important farmland lists for the County. Both the SacB map unit and the SafA are prime farmland.

Drainage problems are relatively common with multiple layers of human transported material. Massive layers do not conduct water (or roots) as readily as well-structured material, and differences in texture between adjacent layers can result in perched or hanging water tables. Compaction magnifies these problems and often induces water and/or root restrictive zones. This profile is characterized by a similar texture, light sandy loam, and a friable consistence throughout, resulting in relatively good permeability and a lack of significant drainage problems. Some redox features (a maximum of 6%) were noticed in the <sup>^</sup>C2, <sup>^</sup>C4 and <sup>^</sup>C5 horizons.

Overall, it appears a combination of luck and careful handling (removal, storage, and deposition) of the materials resulted in a minimum of undesirable physical characteristics in the "rebuilt" soil. We did not conduct any chemical analyses of the soil.

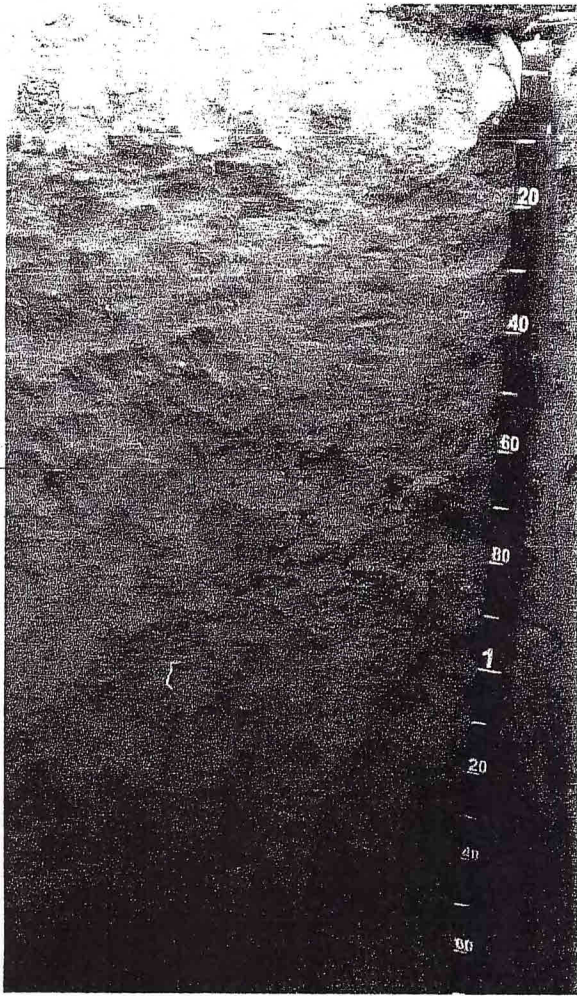
The undisturbed Sassafras profile has a darker, better developed surface (A) horizon, higher in organic matter than that of the disturbed soil. Root growth was observed to 137 centimeters in the undisturbed profile, but only in the top 25 centimeters in the rebuilt soil. Krotovinas, or worm channels, also extend deeper into the disturbed profile (108 vs 64 cm). The undisturbed profile also has good structure in the subsoil (from 33 to 108 centimeters), promoting internal drainage. It has a well-developed zone of illuvial clay accumulation in the Bt horizon (50 to 108 centimeters), which has a higher clay content than any of the layers in the disturbed profile. Such (argillic) horizons generally take tens of thousands of years to form in NJ. These surface and subsoil characteristics provide the undisturbed profile with a higher available water capacity in the top 100 centimeters.

In general, the rebuilt soil is in the very early stage of its transition from unconsolidated parent material into a fully functioning soil. From our observations it appears to be free of any major limitations for crop growth, but its active biological and pedological zone is currently only the surface (Ap) horizon, which is still developing. As such, it lacks many of the characteristics of the undisturbed soil, and no longer classifies as a Sassafras soil.

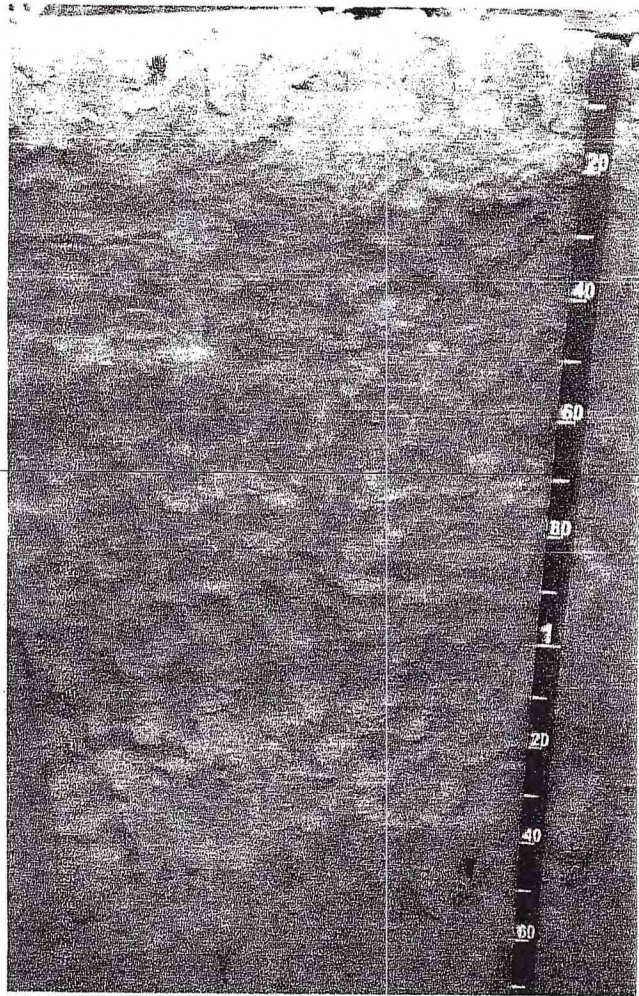
I hope this information is useful. Let me know if you have any questions.  
rich

Richard K. Shaw  
State Soil Scientist  
USDA-NRCS





Sassafras sandy loam



Anthroportic Udorthent



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R3(2)

Request for Division of Premises

Rue Brothers, Inc.

March 26, 2015

**Subject Property:**

**Rue Brothers, Inc.**

**Block 15, Lot 17.02**

**Block 15.01, Lots 17, 18**

**Block 16, Lot 12**

**Upper Freehold Township, Monmouth County**

WHEREAS, Rue Brothers, Inc., hereinafter "Owner" is the record owner of Block 15, Lot 17.02, Block 15.01, Lots 17 & 18 and Block 16, Lot 12 in Upper Freehold Township, Monmouth County, hereinafter referred to as the "Premises", by deed dated April 11, 1986 and recorded in the Monmouth County Clerk's Office in Deed Book 4648, Page 889; and

WHEREAS, the Premises totals approximately 331.91 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Premises was conveyed to the Monmouth County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated October 9, 1996 and recorded in the Monmouth County Clerk's Office in Deed Book 5545, Page 402; and

WHEREAS, the Deed of Easement references four (4) existing residences, no agricultural labor residences, no residual dwelling site opportunities (RDSO) and no exception areas; and

WHEREAS, the Premises is bisected by state highway Route 195; and

WHEREAS, the Owner proposes to divide the Premises as shown in Schedule "A"; and

WHEREAS, the Owner intends to retain ownership of Block 15.01, Lots 17 & 18, and Block 16, Lot 12 (Parcel-A) on the south side of Interstate 195; and



WHEREAS, the Owner proposes to sell Block 15, Lot 17.02 (Parcel-B), on the north side of Interstate 195, to Holland Greenhouses, Inc., hereinafter "Purchaser"; and

WHEREAS, the Owner will also be conveying a 13-acre, non-preserved, tract adjacent to Parcel B, Block 15, Lot 41.01, with frontage on County Route 524 to the Purchaser as part of this conveyance; and

WHEREAS, the Purchaser operates a greenhouse business in Monroe Township, Middlesex County which raises a large variety of flower, vegetable, and herb plants for the wholesale industry; and

WHEREAS, the Purchaser proposes to utilize the Premises to expand their existing greenhouse operation as well as to grow field-grown cut flowers; and

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

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

WHEREAS, by resolution dated July 10, 2013, the Monmouth CADB, hereinafter "CADB," approved the request to divide the Premises into two (2) parcels along existing lot lines as follows:

Parcel A - Block 15.01, Lot 17 & 18 and Block 16, Lot 12 (252+/- acres)

Parcel B - Block 15, Lot 17.01 (78+/- acres)

WHEREAS, in support of its determination, the CADB found that the division of Premises was for an agricultural purpose as it will allow for the expansion of the Purchaser's existing agricultural business; and

WHEREAS, in support of its determination, the CADB found that the division of Premises resulted in agriculturally viable parcels, with resulting parcels containing significant quantities of quality soils; and

WHEREAS, the resulting Parcel-A would result in a 252+/- acre property that is approximately 73% (184 acres) tillable with 71% (178 acres) prime soils, 13% (32 acres) soils of Statewide Importance, with 27 acres of freshwater wetlands; and

WHEREAS, the resulting Parcel-A would include four (4) existing single-family residences and several farm outbuildings; and

WHEREAS, Parcel-A is improved with three irrigation ponds; and

WHEREAS, the primary outputs of Parcel-A have historically been dairy, vegetables and sod; and

WHEREAS, the resulting Parcel-B would result in an 78+/- acre property that is approximately 71% (55 acres) tillable; and

WHEREAS, Parcel-B is improved with an irrigation pond; and

WHEREAS, the primary outputs of Parcel-B have historically been grains, hay and pasture; and

WHEREAS, prior to preservation, the tillable acreage of Parcel-B was mined for subsoil base material, re-graded and the topsoil redistributed; and

WHEREAS, analysis of the soils on the Premises confirms that Parcel-B was significantly altered and no longer has the characteristics of a prime soil, and is now considered a "udorthent" soil as described in the March 26, 2015, Review of Activities Resolution for Holland Greenhouses; and

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

- 1) The division is being undertaken for purposes of expanding the Purchaser's agricultural operation;
- 2) The division will increase the intensity and diversification of agricultural production on Parcel-B;

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 252 acres, has 184 tillable acres with approximately 178 acres of prime soil and 32 acres soils of statewide importance;
- 2) Parcel B, at 78 acres, has 55 tillable acres currently under grain production;



WHEREAS, at its February 26, 2015, meeting the Committee determined that based on the recent confirmation of the mining and resulting soil disturbance that had occurred on Block 15, Lot 17.02 prior to preservation, it could approve the Purchaser's proposed greenhouse project on this site based on the limited impact the project would have to the already degraded quality of the existing disturbed "udorthent" soils, as described in the March 26, 2015, Review of Activities Resolution for Holland Greenhouses; and

WHEREAS, the Committee initially approved this request on July 25, 2013, but rescinded its approval on November 13, 2014, in exchange for approving a new configuration at the request of the Owners; and

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in Parcel-A being 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; and

BE IT FURTHER RESOLVED, that the soils on Parcel-B, under their current post-mining condition and management, are not capable of sustaining a variety of operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

BE IT FURTHER RESOLVED, because the soils on Parcel-B are now classified as "udorthent" soils, use of a controlled environment agricultural production management system on Parcel-B, as described by the Purchaser, will result in an increase in the production and diversification of the agricultural output of the property that can yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

BE IT FURTHER RESOLVED, that the SADC hereby approves the division of Parcel-B (Block 15, Lot 17.02) from the remainder of the Premises as set forth herein, which approval supersedes the SADC's July 25, 2013 approval of the same division, and hereby rescinds the SADC's November 13, 2014 approval for division of approximately 79-acres of ground on the south side of Interstate 195, known as Block 15.01, Lot 18 and p/o Lot 17; and

BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in this resolution and is not transferrable to another purchaser; and

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

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

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



3/26/15  
Date

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

VOTE WAS RECORDED AS FOLLOWS:

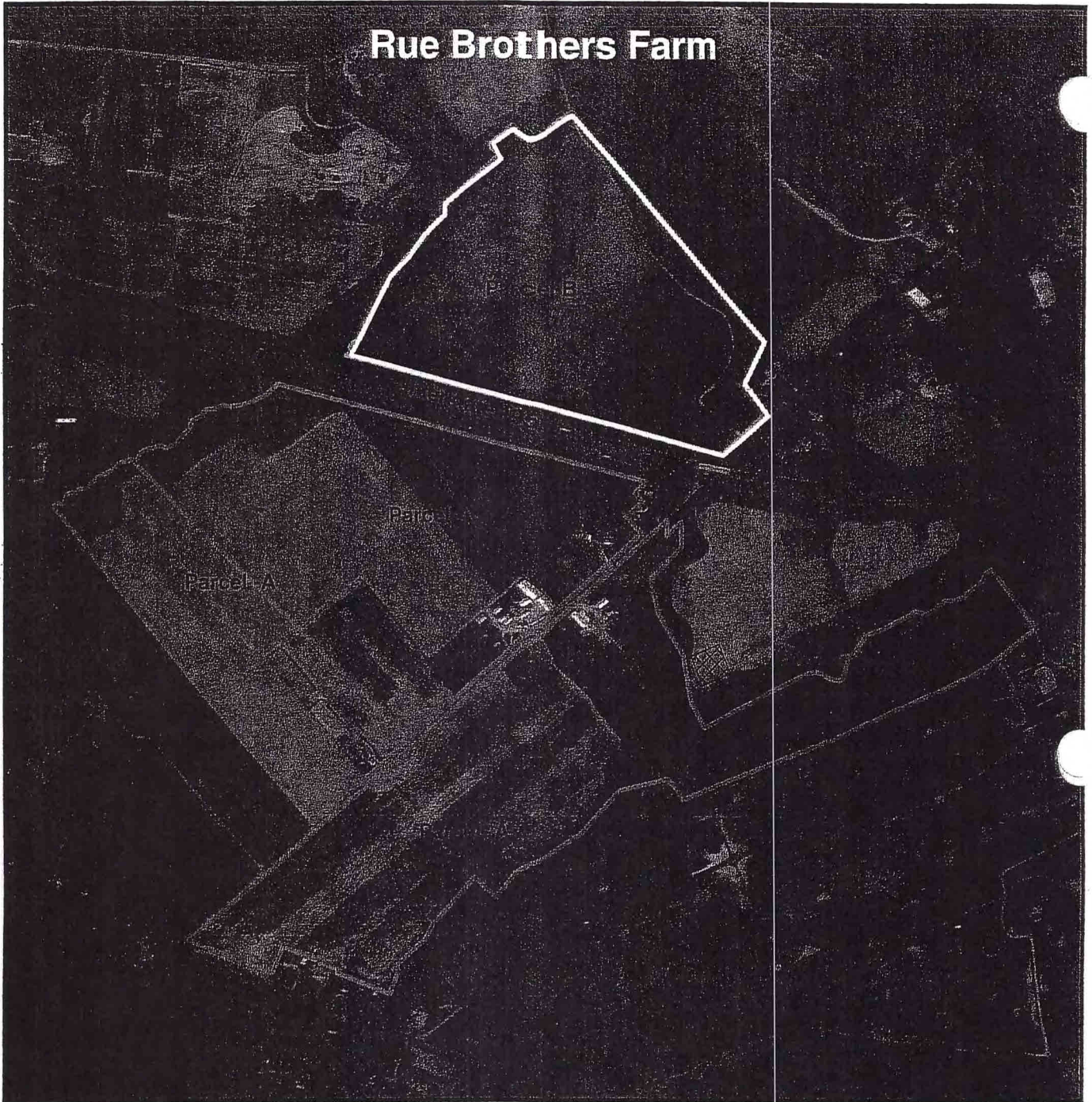
Douglas H. Fisher, Chairman	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSENT
Brian Schilling (rep. Executive Dean Goodman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Alan Danser, Vice Charman	YES
Jane Brodhecker	YES
Denis Germano,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



# Schedule "A"

## Rue Brothers Farm

G:\SADC\Rue\3-2015 Division map.mxd

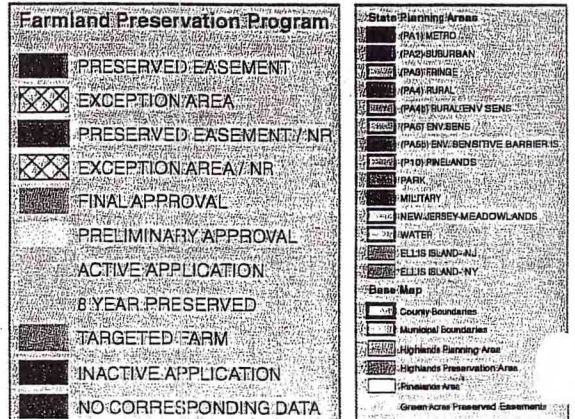


### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rue Brothers Farm  
Block 15, Lot 17.02  
Block 15.01, Lots 17 & 18  
Block 16, Lot 12  
Upper Freehold Township, Monmouth County



3/25/2015





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R3(3)

CERTIFICATION OF AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

HUNTERDON COUNTY

March 26, 2015

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

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Hunterdon County Agriculture Development Board (HCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the HCADB incorporated the following other criteria into the County ADA criteria:

1. A minimum contiguous area of at least 250 acres;
2. The predominance of prime or statewide important soils;
3. Land use that is reasonably free of non-farm development;
4. The absence of public sewers; and
5. Landowner consent to be included within the ADA; and

WHEREAS, the State Agriculture Development Committee (SADC) certified Hunterdon County's designated ADA criteria pursuant to N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 on September 23, 1999; and



WHEREAS, on November 6, 2008, the SADC approved the Hunterdon County Comprehensive Farmland Preservation Plan which included statements reaffirming the County's ADA criteria but also recognizing the need to waive certain criteria in suburbanizing areas at the request of landowners and municipal officials in order to protect important farmlands in strategic areas from increasing development pressures; and

WHEREAS, the SADC certified amendments to Hunterdon County's designated ADA map showing the general location of the ADA(s) as defined by the application of the criteria many times over the years at the request of several municipalities, most recently on January 24, 2013; and

WHEREAS, on June 18, 2013, the Township Committee of the Township of Raritan adopted a resolution supporting the expansion of the Hunterdon County ADA to include Block 27, Lots 29 and 30 and Block 28, Lots 29 and 43; and

WHEREAS, all four (4) lots are in a sewer service area (with very limited additional treatment capacity), a public water service area and the Fringe Planning Area (PA 3) of the State Development and Redevelopment Plan Policy Map; and

WHEREAS, Block 27, Lots 29 and 30 are in an Industrial (I-2) Zone and Block 28, Lots 29 and 43 are in a Rural Residential (R-2) Zone, with agriculture and horticulture listed as principal permitted uses in both zones; and

WHEREAS, the Raritan Township Local Historian's Committee and the Hunterdon County Cultural & Heritage Commission supported the ADA amendment and the preservation of the farm, citing its listing on the State and National Registers of Historic Places as the John Reading Farmstead and as part of the Raritan-Readington-South Branch Historic District; and

WHEREAS, HCADB and its staff reviewed the proposed ADA amendment against the ADA criteria set forth at N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.4 and the certified CADB criteria; and

WHEREAS, on July 11, 2013 and on February 12, 2015, the HCADB held public hearings to consider public comment on the proposed amendment to its ADA map pursuant to N.J.A.C. 2:76-1.5; and

WHEREAS, on February 12, 2015, the HCADB granted a waiver of its sewer criteria and approved the ADA amendment to include Block 27, Lots 29 and 30 and Block 28, Lots 29 and 43 in Raritan Township, indicating that the historical significance of these parcels and their proximity to the South Branch of the Raritan River and the existing ADA in Readington Township outweighed the adjacent commercial development; and

WHEREAS, the HCADB requested the SADC's certification of the amended ADA map (as identified in the attached "Schedules A and B"); and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the CADB submitted to the SADC, copies of the agenda and minutes of the July 11, 2013 and the February 12, 2015 meetings; and

WHEREAS, the SADC has reviewed the CADB's submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent and in compliance with the provisions of N.J.A.C. 2:76-1.6;

NOW THEREFORE BE IT RESOLVED that the SADC certifies the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development Area map to include Block 27, Lots 29 and 30 and Block 28, Lots 29 and 43 in Raritan Township; 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 approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F.

3/26/15

Date

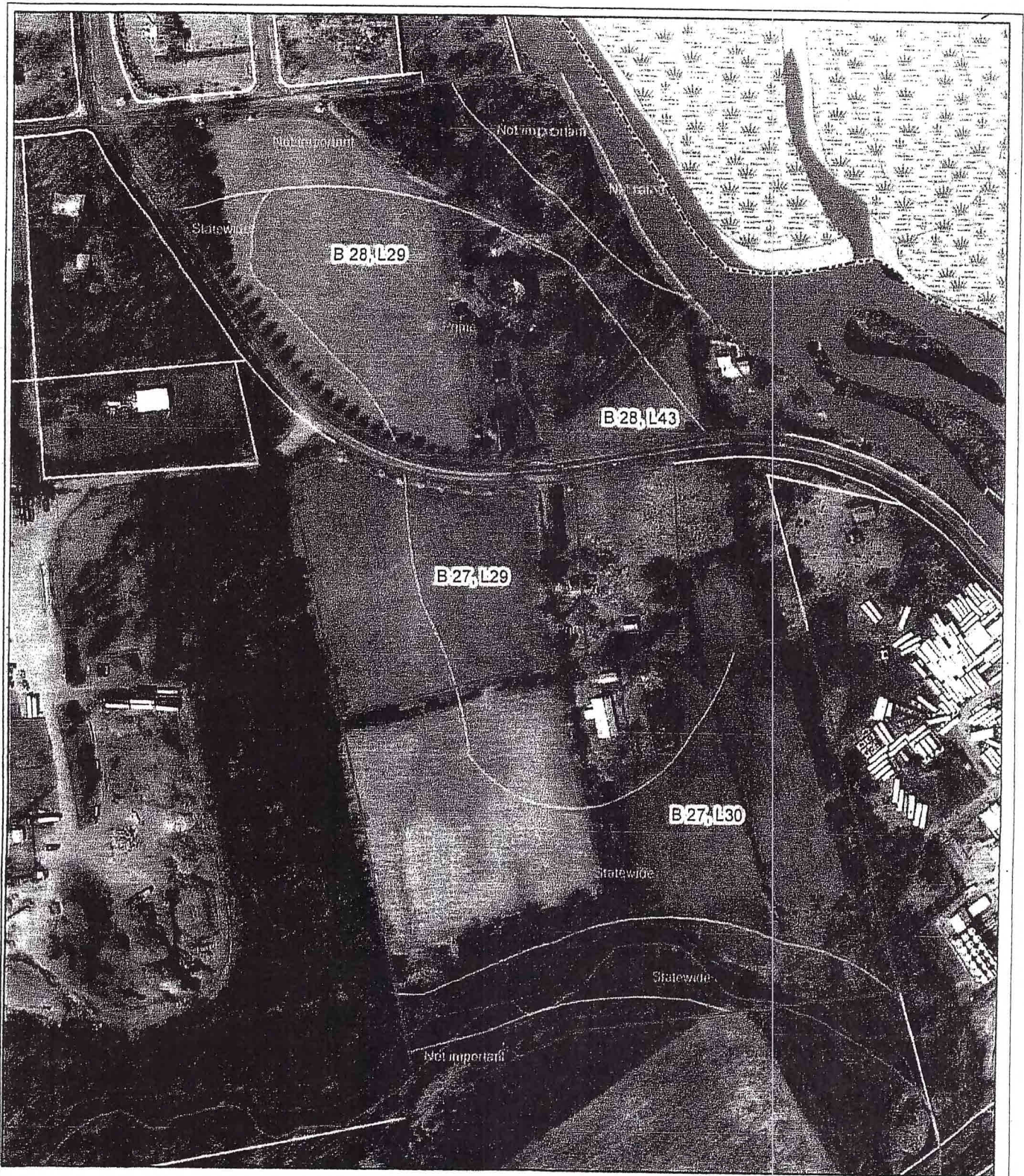


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

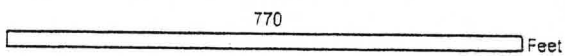




## Raritan ADA Amendment

Block 27, Lot 29; Block 27, Lot 30;  
Block 28, Lot 29; Block 28, Lot 43

Soils Breakdown - Total 38.56 acres  
Not important: 7.28 acres, 18.9%  
Prime: 14.24 acres, 49.9%  
Statewide: 16.49 acres, 57.7%  
Not Rated: 0.55 acres, 1.4%



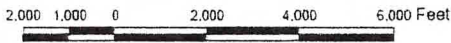


# Preserved Farms and Open Space Within Two Miles



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

Raritan Twp., Hunterdon County ADA Amendment  
 Block 27 Lots 29 (5.2) & 30 (18.5)  
 Block 28 Lots 29 (13.5 ac) & 43 (1.5 ac)  
 Gross Total = 38.6 ac  
 Raritan Twp., Hunterdon County



**Farmland Preservation Program**

- Property on Collection
- PA1 (New Jersey State Exception)
- PA2 (Development Exception)
- PA3 (Agriculture Exception)
- PA4 (Agriculture Exception)
- PA5 (Agriculture Exception)
- PA6 (Agriculture Exception)
- PA7 (Agriculture Exception)
- PA8 (Agriculture Exception)
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- PA98 (Agriculture Exception)
- PA99 (Agriculture Exception)
- PA100 (Agriculture Exception)

**Base Map**

- County Boundary
- Municipal Boundary



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

**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJ Pinelands Commission PDC Data  
 NJDOT/GIS 2012 Digital Aerial Image

March 16, 2016





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FYR2015R3(4)

Application to Construct Agricultural Labor Housing

Great Road Farm  
James and Ann Nawn

March 26, 2015

Subject Property:

Great Road Farm  
Block 32001, Lot 5  
Montgomery Township, Somerset County  
111.89 Acres

WHEREAS, James and Ann Nawn, hereinafter "Owners", are the record owners of Block 32001, Lot 5, in the Township of Montgomery, Somerset County, by deed dated July 24, 2008, and recorded in the Somerset County Clerk's office in Deed Book 6165, Page 501, totaling approximately 112 acres, hereinafter referred to as "Premises" (as shown in the attached Schedule "A"); and

WHEREAS, the development easement on the original preserved farm, consisting of 340.5 acres, was conveyed to the County of Somerset pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32 on June 10, 1994 and recorded as Deed Book 2064, Page 776, by the original owners Mountainview Partners L.P. and Strode Creek Partners, both Gallup family partnerships; and

WHEREAS, the Premises was created as part of a Division of Premises request from the Gallup family, approved on January 25, 2007, by SADC resolution #FY07R2(9); and

WHEREAS, at that time there were no improvements on the Premises and the Owners proposed to build a completely new farm operation; and

WHEREAS, on January 24, 2008, the SADC approved the Owners request to construct the RDSO; and

WHEREAS, since that time the Owners have developed the farm and have begun production activities in accordance with the original plan they submitted outlining a diversified equine, livestock and vegetable operation; and

WHEREAS, related to equine production the Owners have improved the Premises with a 12-stall stable, indoor training barn, numerous fenced paddocks, 18-acres of hay and 12-acres of grains to accommodate the equine operations; and



WHEREAS, related to vegetable and livestock production the Owners have improved the Premises with a packing/cooling barn, an irrigation well and mains, 8-acres of deer fencing for vegetables, and 9-acres of fenced pasture for beef cattle, a flock of 300 laying hens and several pigs; and

WHEREAS, the Owners are utilizing the vegetable acreage for the production of organic fruits and vegetables which are being directly marketed to their own farm-to-table restaurant in Princeton as well as an on farm CSA; and

WHEREAS, on June 23, 2011, the SADC approved a 1,000 sq./ft. apartment within an existing equipment building for the manager of the equine operation; and

WHEREAS, the current equine manager is a local resident with her own home offsite and the existing apartment is used by the vegetable & livestock manager; and

WHEREAS, the Owners employed a year-round farm manager and three seasonal workers in summer of 2014 in the production aspects of the fruit, vegetable and livestock operation which included planting, weeding, irrigating, harvesting and the process/packaging of those crops as well as care of the livestock and pasture; and

WHEREAS, the year-round farm manager currently resides in the previously approved existing agricultural labor apartment; and

WHEREAS, on February 6, 2015, the SADC received an application from the Somerset CADB, on behalf of the Owners, seeking to convert two existing 500 sq./ft. poultry barns into agricultural labor housing for three seasonal workers, in the location shown on Schedule "A"; and

WHEREAS, the Owners plan to increase the fruit, vegetable and livestock operation for the 2015 season and anticipate the need of up to five seasonal employees this summer; and

WHEREAS, the occupants of these units would be full-time seasonal employees of the farm from April to November; and

WHEREAS, the Owners have found through their previous years of experience that the availability of affordable housing for seasonal agricultural workers in this area is extremely limited and that the dependence on off-site labor is unreliable and inefficient; and

WHEREAS, the Owners find that onsite labor is needed to maintain and grow the fruit, vegetable and livestock production operation; and

WHEREAS, these units are approximately 500 sq./ft. each, as shown in Schedule "B", and would be used as sleeping quarters only with restroom and shower facilities being located within nearby existing agricultural structures; and

WHEREAS, paragraph 14 of the Deed of Easement states: "Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor"; and

WHEREAS, the SADC has reviewed the Owners request to convert two existing poultry barns on the Premises for the purpose of housing agricultural labor and has determined that the size and location of the units minimize any adverse impact on the agricultural operation; and

WHEREAS, the SADC finds that the proposed units to be used as an agricultural labor unit are consistent with the requirements of the Deed of Easement; and

WHEREAS, the amount of labor needed to sustain the fruit, vegetable and livestock production related activities on the Premises warrants the need for the requested agricultural labor units on the Premises;

WHEREAS, the Somerset County Agriculture Development Board (CADB) reviewed and approved this request at its March 9, 2015, CADB meeting; and

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to convert two existing 500 sq./ft. barns, as identified in Schedule "A", on the Premises into sleeping quarters to house three seasonal full-time agricultural laborers; and

BE IT FURTHER RESOLVED, that only agricultural labor employed on the Premises, and their immediate family, may live in the agricultural labor units; and

BE IT FURTHER RESOLVED, that the occupants of the agricultural labor units shall not be the Owners or any lineal descendent of the Owners in conformance with paragraph 14 of the Deed of Easement; and

BE IT FURTHER RESOLVED, that the agricultural laborers shall be employed on the Premises, and engaged in the day-to-day production activities on the Premises, which at this time includes planting, weeding, irrigating, harvesting and the process/packaging of the fruit and vegetable crops as well as care of the livestock and pasture; and

BE IT FURTHER RESOLVED, that the Owners use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations; and

BE IT FURTHER RESOLVED, that the SADC acknowledges and approves the use of the existing agricultural labor apartment for use by the current full-time, year-round farm manager; and



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

BE IT FURTHER RESOLVED, that this action is non-transferable; 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.

3/26/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

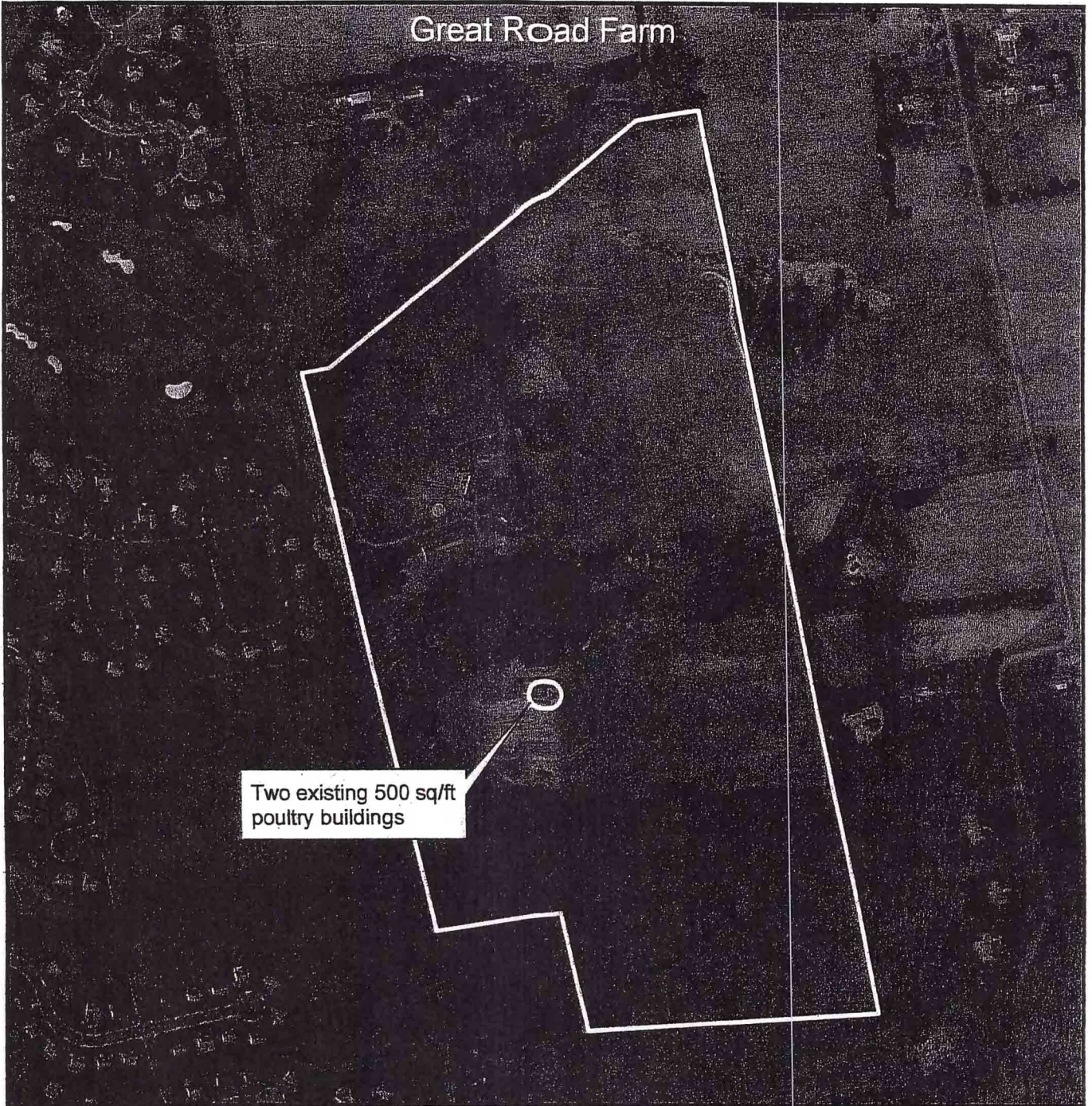
Douglas H. Fisher, Chairman	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSENT
Brian Schilling (rep. Executive Dean Goodman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano,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



# Schedule "A"

Great Road Farm

G:\SADC\Nawn\farmview.mxd



Two existing 500 sq/ft poultry buildings

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Great Road Farm  
Block 32001, Lot 5  
Montgomery Township, Somerset County  
11.89-acres



3/17/2015

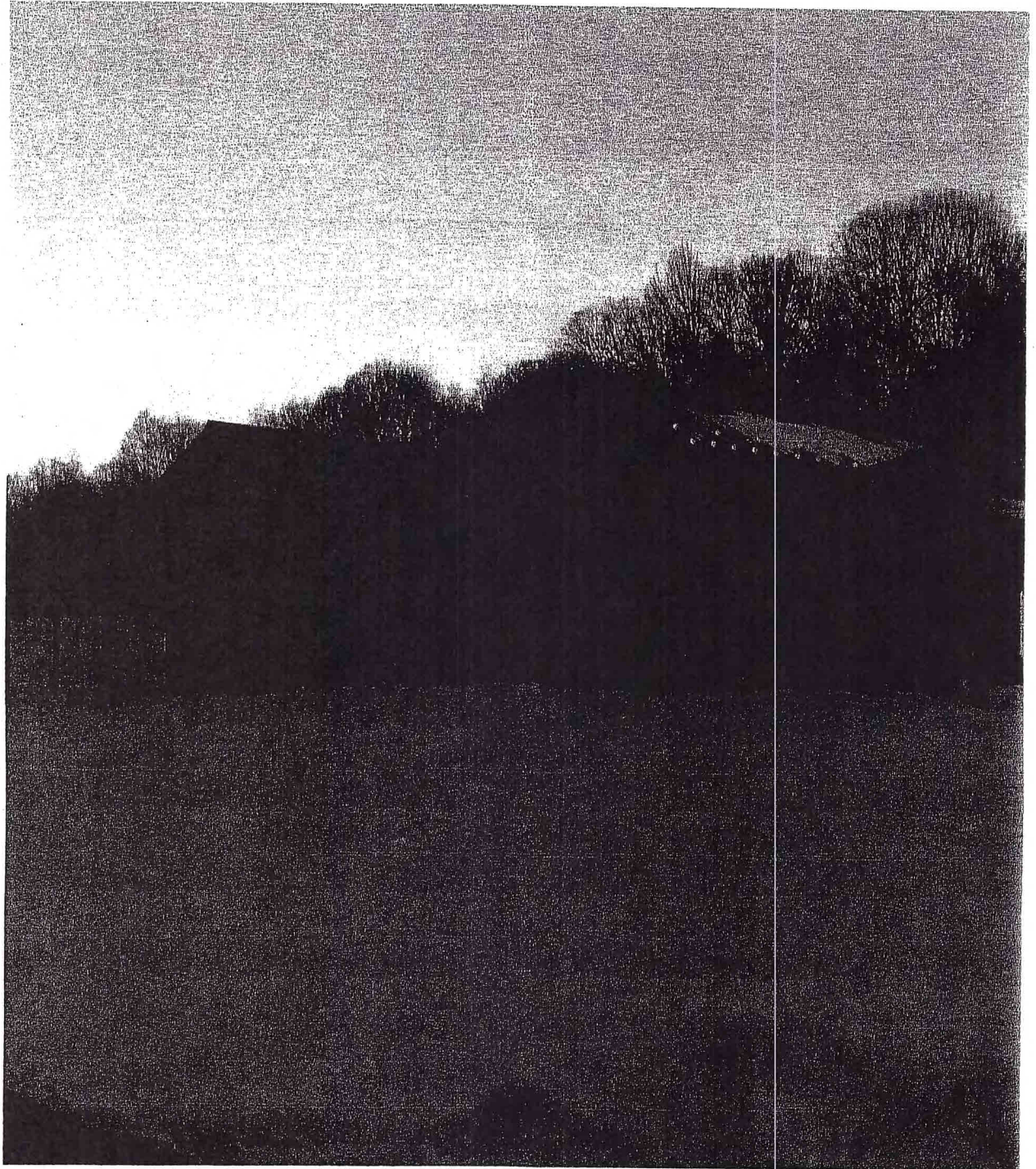
### Farmland Preservation Program

	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

<b>State Planning Areas</b>	
	(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
<b>Base Map</b>	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
	Green Acres Preserved Easements



# Schedule B





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R3(5)

Request for Division of Premises

Columbia Fruit Farms

March 26, 2015

Subject Property:

Columbia Fruit Farms

Block 5302, Lots 1 & 2

Block 5803, Lots 2

Town of Hammonton, Atlantic County

WHEREAS, Columbia Fruit Farms, hereinafter "Owner" is the record owner of Block 5302, Lots 1 & 2, and Block 5803, Lot 2 in the Town of Hammonton, Atlantic County, hereinafter referred to as the "Premises", by deed dated March 26, 2009 and recorded in the Atlantic County Clerk's Office in Deed Book 12968, Page 22009; and

WHEREAS, the Premises is located within the Pinelands and totals approximately 25.85 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Premises was conveyed to the State Agriculture Development Committee by the prior owner, Columbia Properties, LLC, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated November 6, 2003, and recorded in the Atlantic County Clerk's Office in Deed Book 7627, Page 1; and

WHEREAS, the Deed of Easement references one existing residence, four seasonal agricultural labor residences (3 trailers & 1 block building), no residual dwelling site opportunities (RDSO), and no exception areas; and

WHEREAS, on November 17, 2014, the SADC received an application from the Owner to divide the Premises into two parcels as shown in Schedule "A"; and

WHEREAS, the purpose of the division is to split Parcel-B, which is separated from the home farm by approximately two miles, in order to perfect the 2013 sale of that parcel to AGB Farms, the adjacent landowner to Parcel-B; and

WHEREAS, Parcels A & B are currently operated as blueberry farms; and

WHEREAS, AGB Farms is also a blueberry operation with approximately 38.9-acres in production adjacent to Parcel-B; and

WHEREAS, because the Pinelands Commission contributed to the preservation of this parcel, the Pinelands-specific Deed of Easement was utilized for this Premises; and



WHEREAS, paragraph 15 of this Deed of Easement states that no division of the Premises shall be permitted without the joint approval in writing of the SADC and the Pinelands Commission; 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 resulting Parcel-A would constitute a 18.5-acre property that is approximately 97% tillable (18 acres) with 66% (12.2 acres) soils of Statewide Importance and 34% (6.3 acres) of soils of Unique Importance; and

WHEREAS, the soils in this area and specifically on Parcel-A, Mullica Sandy Loam and Berryland Sand, are well drained with high sand content and a small amount of organic matter, making them uniquely suited for berry type agriculture, but naturally constrained for a wider variety of crop production; and

WHEREAS, Parcel-A is improved with the existing single family residence and the four seasonal agricultural labor units; and

WHEREAS, the resulting Parcel-B would constitute a 7.3-acre property that is approximately 100% tillable with 80% (5.8 acres) Prime soils and 20% (1.5 acres) soils of Statewide Importance; and

WHEREAS, Parcel-B will be merged with, AGB Farm's adjacent 40.1-acre preserved farm, Block 5803, Lots 6 & 7, in the Town of Hammonton and Block 1501, Lots 5 & 6, in Mullica Township; and

WHEREAS, the primary outputs of the two parcels has historically been blueberries; 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 18.5 acres, has 18 tillable acres with approximately 12.2 acres of soils of statewide importance and 6.3 acres of soils of unique importance is viable for a variety of agricultural uses common to this area, predominantly berry production, which is specifically identified and encouraged in the NJ Pinelands Management Plan:

*"Berry agriculture can be considered part of the overall culture and character of the Pinelands. These native plants thrive on the soil conditions which forestall the development of traditional field crops and vegetables: sandy soils which are moistened by high water tables, which have low fertility, and which are strongly acid" (NJ Pinelands Comprehensive Management Plan, p 130);*

- 2) Parcel B, at 7.3 acres, has 7.3 tillable acres with approximately 5.8 acres of prime soils and 1.5 acres of soils of statewide importance is not found to be viable for a variety of operations by itself; and

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

- 1) The division is being undertaken for purpose of expanding the operation of the adjacent preserved farm operation, AGB Farms; and

WHEREAS, on March 18, 2015, the Pinelands Commission notified the SADC of its approval of this division request; 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 common to this area, predominantly berry production, that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; however, Parcel-B, consisting of 7.3-acres of tillable 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 AGB Farm's existing 40.1-acre preserved farm, the division results in the creation of a 47.4 acre parcel with 75.5% (35.8 acres) Prime soils and 21.7% (10.3 acres) soils of Statewide Importance which is 97% (46.1 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 as a condition of approval Parcel-B shall be merged with AGB Farm's adjacent preserved farm consisting of Block 5803, Lots 6 & 7, in the Town of Hammonton and Block 1501, Lots 5 & 6, in Mullica Township and the two parcels shall not be sold separate from one another; and

BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in this resolution and is not transferrable to another purchaser; 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 Atlantic County Clerk's office; 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 approval is valid for a period of three years from the date of approval; 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.

3/26/15  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

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

S:\PINELANDS MAIN FOLDER\Pinelands 2002A round\Atlantic\martinelli-gene\Stewardship-Post Closing\Division Resolution.doc

# Schedule "A"

Columbia Properties LLC

Parcel -A  
Block 5302, Lots 1 & 2

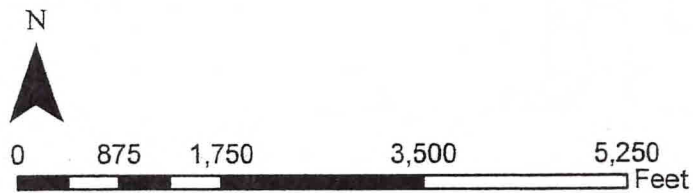
Parcel - B  
Block 5803, Lot 2

AGB Farms  
Block 5803, Lots 6 & 7

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Columbia Properties LLC  
Block 5302, Lots 1 & 2  
Block 5803, Lot 2  
24.34 Acres



3/18/2015

### 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





STATE AGRICULTURE DEVELOPMENT COMMITTEE

ESTABLISHMENT OF PILOT PROGRAM  
FOR SPECIAL OCCASION EVENTS ON PRESERVED FARMLAND  
PURSUANT TO P.L. 2014, c. 16

RESOLUTION FY2015R3(6)

March 26, 2015

WHEREAS, P.L. 2014, c. 16 (C.4:1C-32.7 et seq.) enacted into law on July 2, 2014, directs the State Agriculture Development Committee (SADC) to establish a 44-month pilot program permitting special occasion events to be conducted on preserved farmland at wineries under certain conditions; and

WHEREAS, the SADC has reviewed the law in consultation with an SADC subcommittee and believes the creation of a pilot program is intended to provide a period of study and assessment of winery special occasion events on preserved farms in order to inform future action by the Legislature related to these events; and

WHEREAS, the law defines a "special occasion event" as "a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board, and conducted pursuant to the requirements set forth in subsection a. of section 2 of P.L. 2014, c. 16 (C.4:1C-32.8)"; and

WHEREAS, the law requires each county agriculture development board (CADB) to define what constitutes a special occasion event in their individual county; and

WHEREAS, among the requirements of the law, special occasion events must account for less than 50 percent of a winery's gross income for the prior calendar year; and

WHEREAS, the law applies only to deed-restricted farmland and does not apply to special occasion events conducted on exception areas; and

WHEREAS, the SADC on October 3, 2014 approved creation of a pilot program as described in Exhibit A, including a summary of State, county, local and landowner responsibilities under this law and a list of potentially affected wineries;

WHEREAS, the SADC has updated that list to now include 20 wineries (Exhibit B) that, based on currently available information, potentially could be affected by the law; and

Whereas, the SADC has met with CADBs to explain the law and pilot program and ensure they understand their roles in implementation, and is coordinating with CADBs to reach out to winery owners to inform them of their responsibilities under the law as well;



NOW THEREFORE BE IT RESOLVED, the purpose of this resolution is to formally reaffirm the SADC's establishment of a pilot program covering the period from July 2, 2014, the effective date of P.L. 2014, c. 16, to March 1, 2018, to permit wineries to hold special occasion events on preserved farmland in accordance with the requirements of the law; and

BE IT FURTHER RESOLVED, any winery that holds special occasion events on preserved farmland outside of an exception area is automatically enrolled in the pilot program and is subject to the requirements of the law; and

BE IT FURTHER RESOLVED, the SADC under the pilot program will:

1. Continue to coordinate with CADBs on outreach efforts to notify wineries with preserved farmland and affected municipalities of their responsibilities under the law;
2. Continue to update the list of potentially affected wineries as new information becomes available;
3. Annually solicit feedback from wineries, CADBs and municipalities on how the pilot program is working, including successes and challenges, in order to enable the SADC to make informed recommendations to the Legislature at the conclusion of the pilot program;
4. Annually collect and review annual certifications of wineries' compliance with the law's gross income requirement;
5. Order an audit of a winery, if necessary, to determine compliance with the provisions of the law;
6. Promulgate rules to establish uniform SADC audit procedures that CADBs also may elect to use, as well as approve certified public accountants (CPAs) or establish a list of approved CPAs to conduct audits;
7. On request of a winery owner, approve (or delegate approval authority to CADBs) any special occasion event that will be held on any day of the week other than a Friday, Saturday, Sunday or federal or State holiday;
8. Continue to provide CADBs, winery owners and municipalities with any other assistance and support in implementation of the law as requested or required;
9. Take legal action, if necessary, to collect penalties and assess suspensions as permitted under the law.
10. Take any other action, if necessary, to implement the requirements of the law.

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 approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F.

3/24/15  
Date



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

VOTE WAS RECORDED AS FOLLOWS:

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



## ATTACHMENT C

**Special Occasion Events at Wineries on Preserved Farmland  
Summary of Responsibilities (P.L. 2014, ch. 16)****SADC RESPONSIBILITIES**

- Establish a pilot program.
  - Notify wineries on preserved farms, municipalities and county agriculture development boards (CADBs) to make them aware of the law's provisions;
  - Assist CADBs in identifying affected farms and relevant data to be collected;
  - Annually collect required information regarding wineries' compliance with the law's gross income requirement;
  - Collect additional information related to pilot program issues, including feedback from wineries and municipalities on successes and challenges of the pilot program;
  - Promulgate rules to establish SADC audit procedures; and
  - Provide any other assistance in implementation of the law as requested or required.
- Approve (or delegate approval authority to CADBs) any special occasion event (SOE) that will be held on any day of the week other than a Friday, Saturday, Sunday or federal or State holiday;
- May order audit of winery (and request additional information) if necessary to determine compliance with the gross income requirement; and
- Approve CPA conducting the audit or may establish a list of approved CPAs for conducting audits; and
- May undertake legal action to collect penalties and to suspend wineries from conducting SOEs after repeat violations.

**CADB RESPONSIBILITIES**

- Determine what constitutes an SOE (county-by-county determination). The law defines an SOE as a "wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board";
- May order audit of winery (and request additional information) if necessary to determine compliance with the gross income requirement;
- Approve CPA conducting the audit or may establish a list of approved CPAs for conducting audits; and
- Forward wineries' annual certifications of meeting gross income requirements to the SADC.

**MUNICIPAL RESPONSIBILITIES**

- Exercise authority over site plan review and applicable development approvals; and
- Exercise ordinances related to litter, solid waste, traffic, the protection of public health and safety, the playing or performing of music outside of winery structures and curfews.

**WINERY RESPONSIBILITIES**

- Annually certify to the CADB that SOEs account for less than 50 percent of the winery's gross income for the prior calendar year;
- Pay reasonable costs for an audit if determined necessary to verify compliance with gross income requirement;
- Use "the agricultural output of the winery, to the maximum extent practicable, to promote agricultural tourism and advance the agricultural or horticultural output of the winery";

- Seek and obtain approval of any SOE to be held any day other than a Friday, Saturday, Sunday or federal or State holiday.
- Not knowingly result in a significant and direct impact to an adjacent property;
- Conform with State and federal requirements regarding the legal drinking age; and
- Hold SOEs in a tent or other temporary or portable structure in place only long enough to accommodate the SOE; in an existing permanent agricultural building; in a farm or open air pavilion; or in another structure used in the normal course of winery operations and activities.



ABC-Licensed Wineries With Preserved Farmland, March 2015 - Attachment B										
Winery	Preservation App. Name	Block/Lot	Town	County	Preservation Status	Preservation Program	Preservation Acreage	Winery License		
1	Alba Winery	Chelsea Forge Vinters	Pohatcong	Warren	Preserved	Easement Purchase	69	Plenary		
2	Brook Hollow Winery	Ritter	Knowlton	Warren	Preserved	Municipal PIG	7	Farm		
3	Cape May Winery	William Hayes	Lower	Cape May	Preserved	Easement Purchase	6	Plenary		
4	Cedarvale Family LLP	Cedarvale Family LLP	Logan	Gloucester	Preserved	Easement Purchase	46	Farm		
5	Chestnut Run Farm	Clark	Pilesgrove	Salem	Preserved	Direct Easement	22	Farm		
6	DIBella Winery, LLC	Dibella	Woolwich	Gloucester	Preserved	Easement Purchase	164	Farm		
7	Fox Hollow Vineyards, LLC	Casola	Holmdel	Monmouth	Preserved	Fee Simple	94	Plenary		
8	Heritage Vineyards of Richwood, LLC	W.W. Heritage Sons, Inc.	Harrison	Gloucester	Preserved	County PIG	43	Plenary		
9	Hopewell Valley Vineyards	Senti	Hopewell	Mercer	Preserved	Non-Profit Application	17	Plenary		
10	Laurita Winery, LLC	Charles Plum	Plumsted	Ocean	Preserved	Easement Purchase	177	Plenary		
11	Old York Cellars	DW Vineyards/Fisher	East Amwell	Hunterdon	Preserved	Easement Purchase	25	Plenary		
12	Southwind Vineyard & Winery	Allen	Deerfield	Cumberland	Preserved	Direct Easement	86	Plenary		
13	Swansea Vineyards (Solavista, LLC)	Frank Bailing	Hopewell	Cumberland	Preserved	Easement Purchase	124	Farm		
14	Terhune Orchards	G & P Mount	Lawrence	Mercer	Preserved	Easement Purchase	52	Plenary		
15	Tomasello Winery	Tomasello	Winslow	Camden	8-Year	Easement Purchase	56	Plenary		
16	Unionville Vineyards	Neilson/Galloway	East Amwell	Hunterdon	Preserved	Easement Purchase	88	Plenary		
17	Villa Milagro Vineyards	Gambino	Pohatcong	Warren	Preserved	Direct Easement	100	Plenary		
18	Westfall Winery	Mortimer	Montague	Sussex	Preserved	Easement Purchase	332	Plenary		
19	Working Dog Winery (Silver Decoy)	Mark Carduner	East Windsor	Mercer	Preserved	Fee Simple	95	Plenary		
20	Willow Creek Winery	Wilde	West Cape May	Cape May	Preserved	Easement Purchase	36	Farm		
Totals				11			1,639			

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R3(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

Cumberland COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Donald C. and Diane L. Garrison ("Owners")

Upper Deerfield Township, Cumberland County

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

SADC ID# 06-0153-PG

March 26, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland 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, Cumberland County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on December 19, 2013 the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 602, Lot 1, Upper Deerfield Township, Cumberland County, totaling approximately 65 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cumberland County's Deerfield-Upper Deerfield North Project Area; and

WHEREAS, the Property has (1) one, 2-acre non-severable exception area limited to (2) two single family residential units; and

WHEREAS, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

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

WHEREAS, the Owner(s) has 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 64.51 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on April 17, 2014 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 May 22, 2014 the SADC certified a development easement value of \$4,600 per acre based on zoning and environmental regulations in place as of the current valuation date 10/1/13; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,600 per acre for the development easement for the Property; and

WHEREAS, on January 22, 2015 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 7, 2014 the Upper Deerfield 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 June 11, 2014 the Cumberland CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 26, 2014, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting final approval and a commitment of funding for \$1,440 per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 66.95 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 66.95 acres); and

SADC	\$211,562.00	(\$3,160/acre)
<u>Cumberland County</u>	<u>\$ 96,408.00</u>	<u>(\$1,440/acre)</u>
Total Easement Purchase	<b>\$307,970.00</b>	<b>(\$4,600/acre)</b>

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, pursuant to N.J.A.C. 2:76-17.14, the Cumberland County Agriculture Development Board is requesting \$211,562.00 in FY13 competitive grant funding which is available at this time (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 Cumberland County for the purchase of a development easement on the Property, comprising approximately 66.95 acres, at a State cost share of \$3,160 per acre, (68.70% of purchase price), for a total grant need of \$211,562.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has (1) one, 2-acre non-severable exception area limited to (2) two single family residential units; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; 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

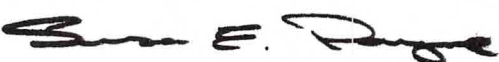
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

3/26/15  
Date

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



VOTE WAS RECORDED AS FOLLOWS:

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

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Garrison Farm  
06- 0153-PG  
County PIG Program  
62 Acres

Block 602	Lot 1	Upper Deerfield Twp.	Cumberland County		
<b>SOILS:</b>		Prime	78% *	.15	= 11.70
		Statewide	9% *	.1	= .90
		Unique zero	13% *	0	= .00
				<b>SOIL SCORE:</b>	<b>12.60</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	78% *	.15	= 11.70
		Other	10% *	0	= .00
		Wetlands	12% *	0	= .00
				<b>TILLABLE SOILS SCORE:</b>	<b>11.70</b>
<b>FARM USE:</b>	Corn-Cash Grain			49 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st two (2) acres for Existing residences
    - Exception is not to be severed from Premises
    - Exception is to be limited to two 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
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 B

FY2011/FY

Cumberland County

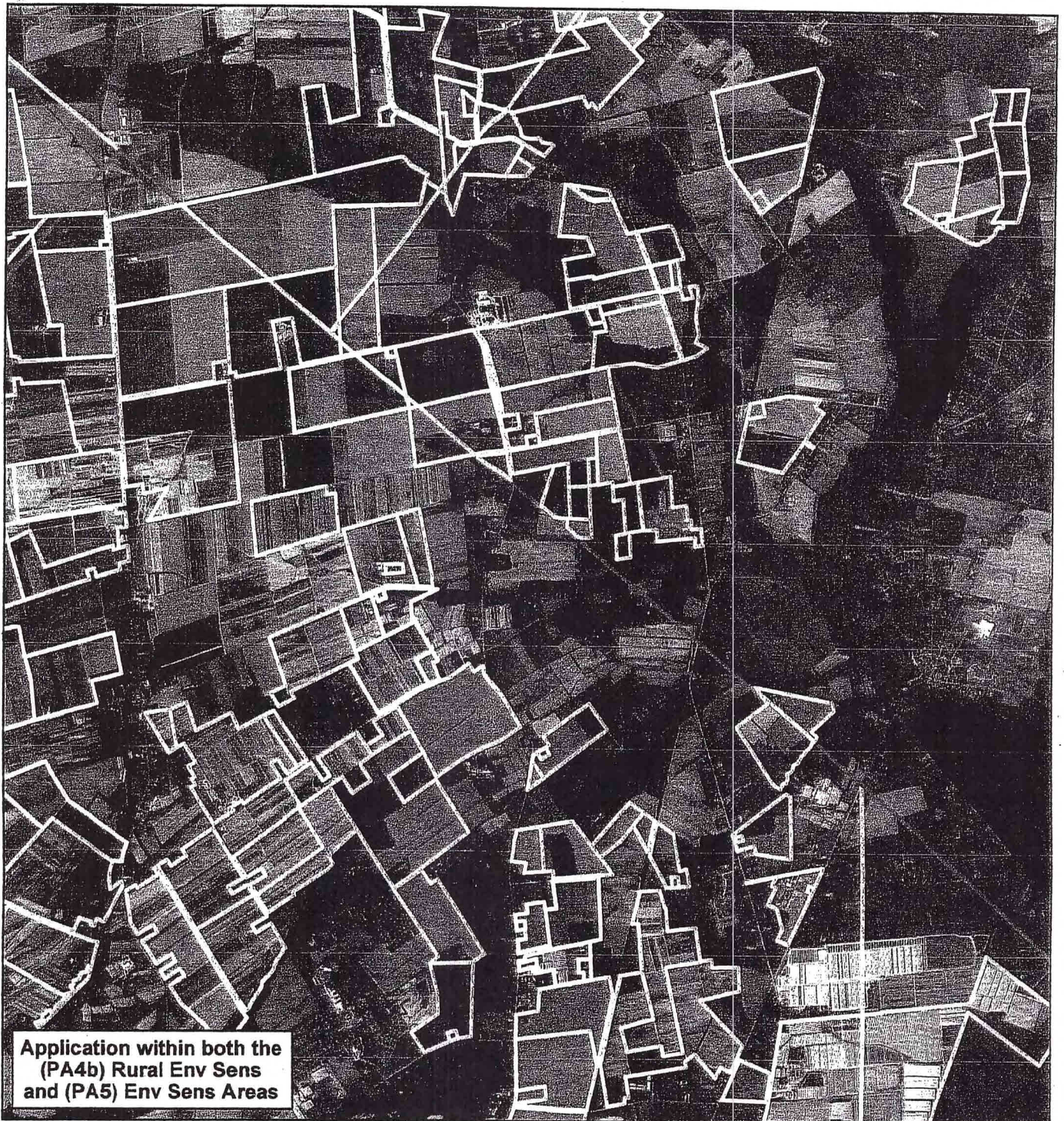
## New Jersey Farmland Preservation Program Preservation Program County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC		Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11 Balance	FY13 Balance	FY11 Balance subject to availability	FY13 Balance subject to availability
								Cost Basis	Cost Share											
Porter	Stow Creek	43	44,290	5,300.00	5,300.00	3,550.00	230,995.20	230,995.20	154,723.20	157,229.50	154,723.20		1,500,000	157,229.50	154,723.20			3,000,000		5,000,000
Soranlino 1	Fairfield	35	36,050	5,000.00	5,000.00	3,400.00	180,250.00	180,250.00	122,570.00	122,570.00				122,570.00					1,856,122.5	1,793,552.5
Casper #2	U. Deerfield	24	24,720	4,600.00	4,600.00	3,160.00	113,712.00	113,712.00	78,115.20	78,115.20				78,115.20					1,655,437.3	1,593,524.5
Uhlard	Stow Creek	30	30,900	4,700.00	4,700.00	3,220.00	145,230.00	145,230.00	99,498.00	27,585.20			0.00						1,455,547.0	1,232,572.6
Soranlino 2	Fairfield	35	36,050	5,300.00	5,300.00	3,550.00	191,065.00	191,065.00	127,977.50	127,977.50				127,977.50					1,455,547.0	1,232,572.6
Hubschmidt #2	Upper Deerfield	66	67,990	4,800.00	4,800.00	3,280.00	326,304.00	326,304.00	222,974.40	222,974.40				222,974.40					1,455,547.0	1,232,572.6
Garrison	Upper Deerfield	65	66,950	4,600.00	4,600.00	3,160.00	307,970.00	307,970.00	211,562.00	211,562.00				211,562.00					1,021,010.6	1,021,010.6
Encumbered/Expended FY11									0.00	0.00			0.00						3,000,000.00	1,021,010.62
Encumbered/Expended FY13									27,585.20	27,585.20			0.00						2,036,373.30	0.00
Total	51	2,825					14,710,628	14,129,941	9,331,663	27,585.20			0.00						5,036,373.30	0.00
Reprogram Out													0.00							



# Preserved Farms and Active Applications Within Two Miles

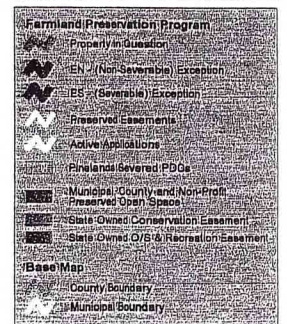
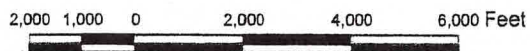
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**Application within both the  
(PA4b) Rural Env Sens  
and (PA5) Env Sens Areas**

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Donald and Diane Garrison  
Block 602 Lots P/O 1 (62.0 ac)  
& P/O 1-EN (non-severable exception - 2.0 ac)  
Gross Total = 64.0 ac  
Upper Deerfield Twp., Cumberland County

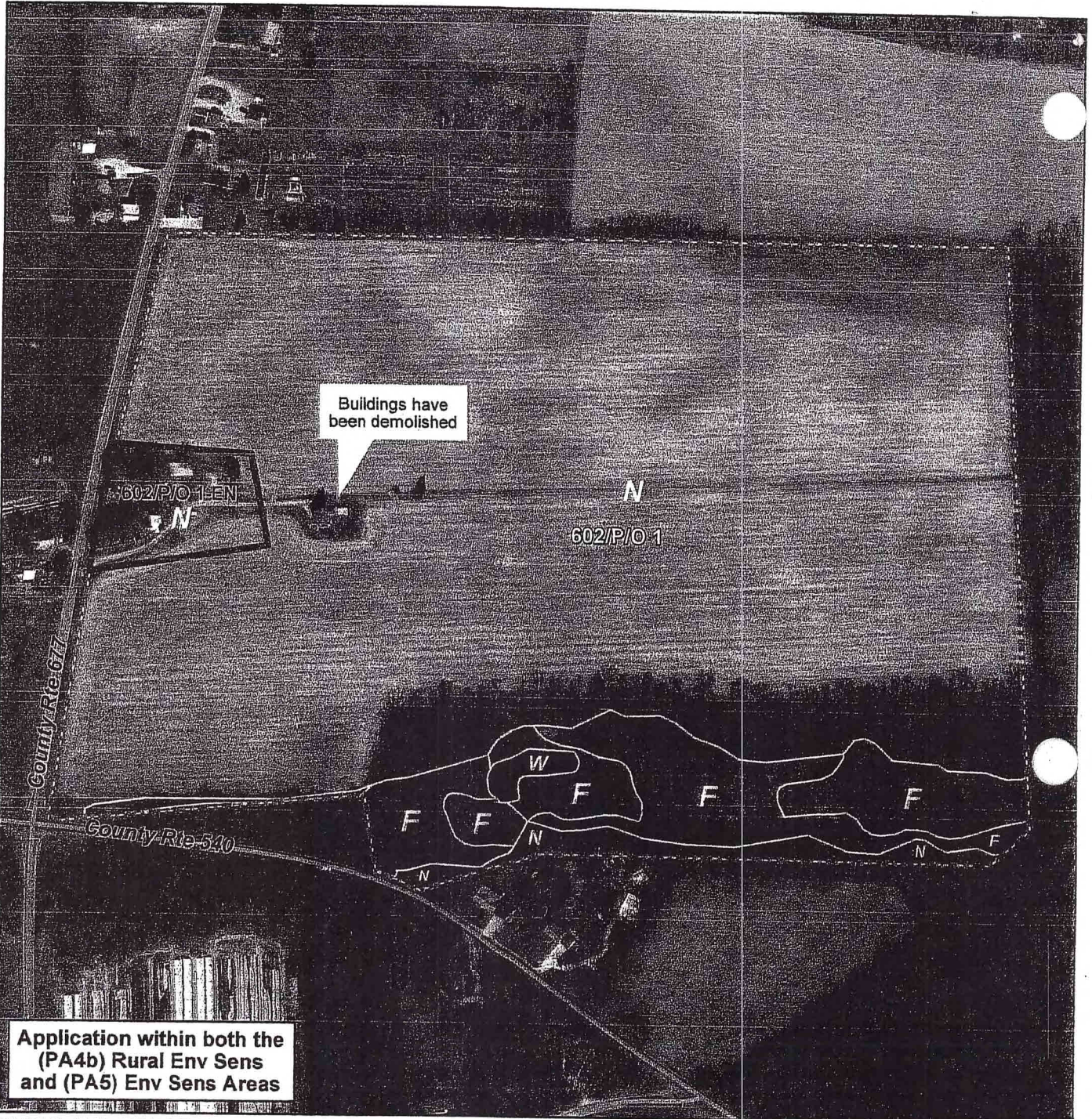


**NOTE:**  
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJGIS/OGIS 2012 Digital Aerial Image



# Schedule A



X:\counties\cumco\projects\garrison\_fwv.mxd

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

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Donald and Diane Garrison  
Block 602 Lots P/O 1 (62.0 ac)  
& P/O 1-EN (non-severable exception - 2.0 ac)  
Gross Total = 64.0 ac  
Upper Deerfield Twp., Cumberland County

	Property In Question
	EN - (Non-Severable) Exception
	EA - (Severable) Exception
<b>Wetlands Boundaries</b>	
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned ODS & Recreation Easement
	Severed PDCs

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

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

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



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R3(8)

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

On the Property of  
Ryan and Kimberly Kocsis ("Owner(s)")

March 26, 2015

Subject Property: Ryan and Kimberly Kocsis ("Owner(s)")  
Block 6, Lots 18 and 23.01  
Kingwood Township, Hunterdon County  
SADC ID#: 10-0229-DE  
Approximately 146 Net Easement Acres

WHEREAS, on August 15, 2014, the State Agriculture Development Committee ("SADC") received a development easement sale application from Ryan and Kimberly Kocsis, hereinafter "Owner(s)," identified as Block 6, Lots 18 and 23.01, Kingwood Township, Hunterdon County, hereinafter "Property," totaling approximately 146 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 24, 2014, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 57) because it is 146 acres and has a quality score of 65.14; and

WHEREAS, the Property includes a 2-acre non-severable exception area limited to one single family residential unit; and

WHEREAS, the Property also includes a 10.6 acre severable exception area for the existing single-family residential unit, a 4-unit apartment building, and various non-agricultural activities, subject to the following restrictions:

- the exception is limited to 2 residential structures:
- the single family residential unit may be replaced by another single family residential unit.
- the 4-unit apartment building may be replaced by another apartment building, of no more than 4-units, or may be replaced by another type of residential unit with no greater than 2,500 square feet of heated living space; and

WHEREAS, the Property has zero (0) housing opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses outside of the exception area(s); and

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



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

WHEREAS, on February 26, 2015 the SADC certified the development easement value of the Property at \$7,600 per acre based on current zoning and environmental conditions as of December 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$7,600 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 \$7,600 per acre for a total of approximately \$1,109,600 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes a 2-acre non-severable exception area limited to one single family residential unit and a 10.6 acre severable exception area for the existing single-family residence and 4-unit apartment building; and

BE IT FURTHER RESOLVED, that the severable exception will be limited to two residential structures; 1) the single family residential unit may be replaced with another single family residential unit and 2) the 4-unit apartment building may be replaced by another apartment building, of no more than 4-units, or may be replaced by another type of residential unit with no greater than 2,500 square feet of heated living space; and

BE IT FURTHER RESOLVED, the Property has zero (0) housing opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses outside of the exception area(s); 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.

3/26/15

Date

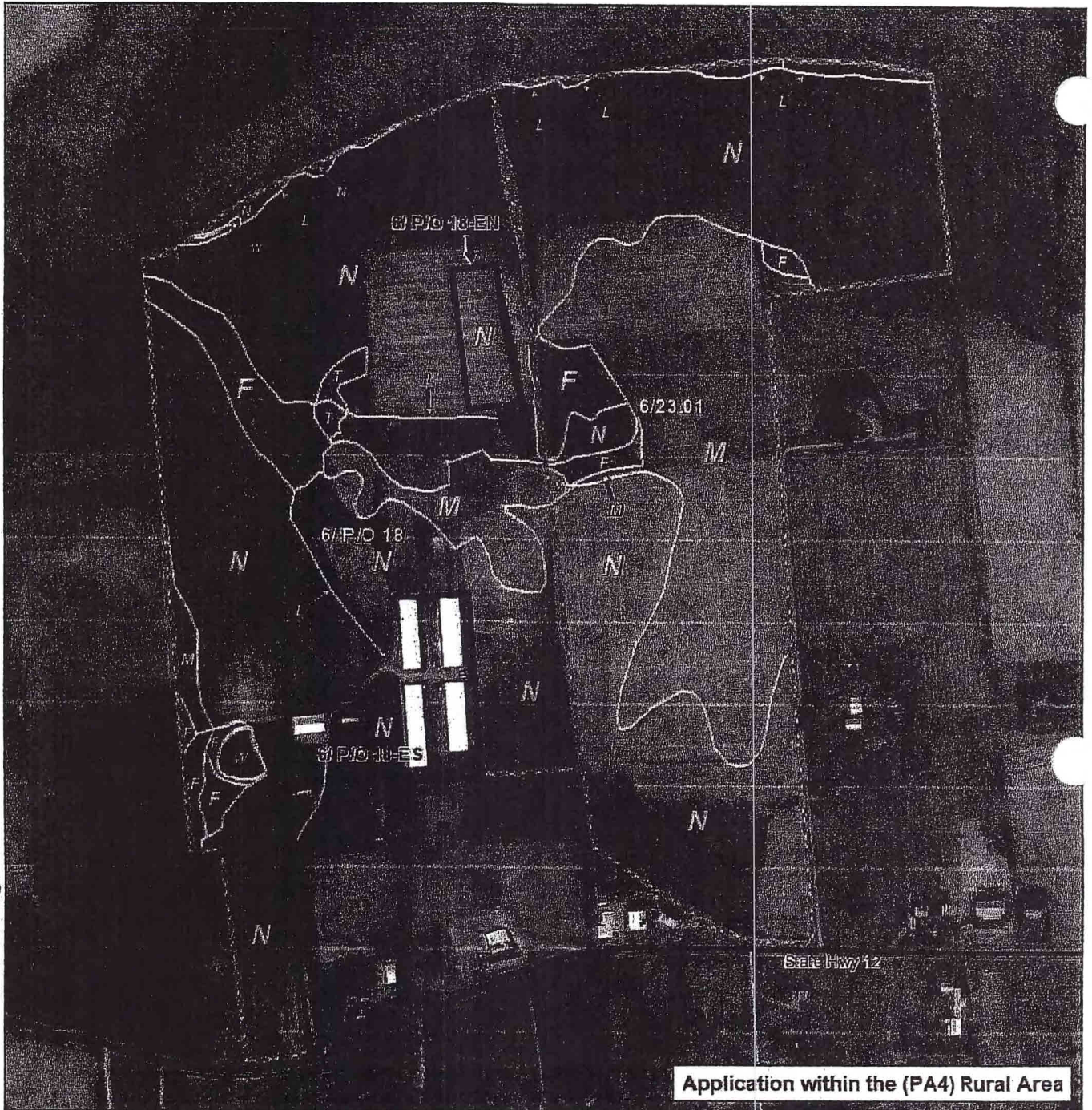


Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

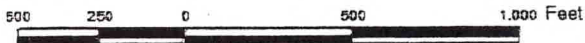




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**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

**Kocsis Farm**  
Block 6 Lots P/O 18 (70.3 ac); P/O 18-ES (severable exception - 10.6 ac);  
& P/O 18-EN (non-severable exception - 2.0 ac) & Lot 23.01 (75.2 ac)  
Gross Total = 158.1 ac  
Kingwood Twp., Hunterdon County



**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - L-Peak Wetlands  
 M - Wetlands Identified for Agriculture  
 N - Non-Wetlands  
 E - 300' Buffer  
 W - Water

**Sources:**  
 NJDEP Freshwater Wetlands Data  
 Green Acres Conservation Easement Data  
 NJDOT Road Data  
 NJOTIS 2012 Digital Aerial Image

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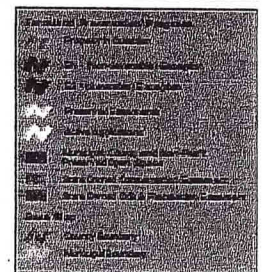
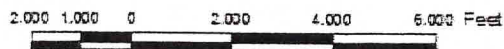
# Preserved Farms and Active Applications Within Two Miles

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

**Kocsis Farm**  
Block 6 Lots P/O 18 (70.3 ac); P/O 18-ES (severable exception - 10.6 ac);  
& P/O 18-EN (non-severable exception - 2.0 ac) & Lot 23.01 (75.2 ac)  
Gross Total = 158.1 ac  
Kingwood Twp., Hunterdon County



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

Source:  
NJ Farmland Preservation Program  
Green Acres Conservation System Data  
NJ Pinelands Commission PDC Data  
NJ Office of GIS 2012 Digital Aerial Image



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Kocsis, Ryan and Kimberly  
State Acquisition  
Easement Purchase - SADC  
146 Acres

Block 6	Lot 18	Kingwood Twp.	Hunterdon County
Block 6	Lot 23.01	Kingwood Twp.	Hunterdon County
<b>SOILS:</b>		Other	30% * 0 = .00
		Prime	18% * .15 = 2.70
		Statewide	52% * .1 = 5.20
			<b>SOIL SCORE: 7.90</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	56% * .15 = 8.40
		Wetlands	6% * 0 = .00
		Woodlands	38% * 0 = .00
			<b>TILLABLE SOILS SCORE: 8.40</b>
<b>FARM USE:</b>	Wheat-Cash Grain	73 acres	
	Hay	7 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 (10.6) acres for Around existing bldgs, residence, apartment bldg.  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot
    - 2nd two (2) acres for future residence  
Exception is not to be severable from Premises  
Right to Farm language is to be included in Deed of Easement  
Exception is to be limited to one future single family residential unit(s)
  - c. Additional Restrictions:
 

The severable exception will be limited to two residential units; 1) the single family residential unit may be replaced with another single family residential unit 2) the 4-unit apartment building may be replaced by another apartment building, of no more than 4-units, or may be replaced by another type of residential unit with no greater than 2,500 square feet of heated living space
  - 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.