

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

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

**REGULAR MEETING**

**January 28, 2016**

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

The flag salute was conducted at the start of the meeting.

Roll call indicated the following:

**Members Present**

Douglas H. Fisher, Chairman  
Brian Schilling (rep. Executive Dean Goodman)  
James Requa (rep. DCA Commissioner Richman)  
Cecile Murphy (rep. DEP Commissioner Martin)  
Ralph Siegel (rep. Acting State Treasurer Scudder)  
Alan Danser, Vice Chairman  
W. Scott Ellis  
Peter Johnson  
Denis C. Germano, Esq.  
James Waltman  
Jane Brodhecker

**Members Absent**

None

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Susan E. Payne, Executive Director  
John Doyle, Esq., Deputy Attorney General

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**Others present as recorded on the attendance sheet:** Stefanie Miller, Cindy Roberts, Paul Burns, Richard Martin, Dan Knox, Jeffrey Everett, Hope Gruzlovic, Brian Smith, Esq., David Kimmel, Charles Roohr, Alison Reynolds, Esq., Pat O'Connell, Matthew DiStaulo, Steven Bruder, Hector Weah, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Daniel Pace, Mercer County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Brigitte Sherman, Cape May County Agriculture Development Board; Tom Beaver, New Jersey Farm Bureau; Paul Schafer, landowner, Winslow Township, Camden County; Gregory Romano and Francis Rapa, New Jersey Conservation Foundation; Bill Rawlyk and Peter Howell, Open Space Institute; Lori Rue, landowner, Monmouth County; Jenny Jimenez, Ocean County Agriculture Development Board; Frank Pinto, Spinelli and Pinto Consulting Firm; and Harriet Honigfeld, Monmouth County Agriculture Development Board.

### Minutes

- A. SADC Regular Meeting of December 10, 2015 (Open and Closed Sessions)

It was moved by Ms. Murphy and seconded by Mr. Waltman to approve the Open Session and Closed Session minutes of the SADC regular meeting of December 10, 2015. The motion was approved. (Mr. Danser, Mr. Johnson and Mr. Ellis abstained from the vote. Mr. Germano was absent for the vote.)

### REPORT OF THE ACTING CHAIRPERSON

- New SADC Member

Chairman Fisher welcomed Mr. Ellis to the Committee. Mr. Ellis is the new farmer member, replacing Torrey Reade who resigned from the Committee. The Governor's Office nominated Mr. Ellis and he was confirmed by the Senate. Chairman Fisher stated that the Ellises are an extraordinary farming family in New Jersey. Mr. Ellis' father was President of the New Jersey State Board of Agriculture, as was Mr. Ellis. Mr. Ellis makes his living off the land as well. That is important because that is what we are talking about here with farmland preservation, making sure we have an adequate land base so that our farmers can make a living off the land. The Ellises do an extraordinary job. Chairman Fisher stated that he has been on their farm many times and he feels that it will be a great

experience having Mr. Ellis on the Committee.

Mr. Ellis stated that he lives on a farm in Hamilton Township, Mercer County, that his grandfather purchased in 1951. They have been farming that farm ever since and it is a preserved farm. A few years ago he bought a preserved farm in Hamilton Township and he farms about 700 acres now. Most of that is preserved. It was not that long ago when none of that land was preserved. He makes a living farming, growing sweet corn, soybeans, field corn and specialty corn, and he will try to help out as much as he can on this Committee. Ms. Payne stated that Mr. Ellis is also a member of the Mercer County Agriculture Development Board and is familiar with our program from the County's perspective.

- Farmland Preservation Program Funding

Chairman Fisher stated that the Legislature in its final hours of the last session passed a preservation funding bill that was pocket-vetoed by the Governor, which means it wasn't acted on. They will continue to work through this. Everyone understands that in year 2017 the money will have pretty much run out in terms of what can be allocated for farmland preservation. Chairman Fisher stated that he is sure that they will come to a conclusion and the programs will continue.

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

- Funding

Ms. Payne stated that to follow up on Chairman Fisher's comments, she was at the New Jersey State Board of Agriculture meeting yesterday and there was some discussion about the status of funding. The status of farmland preservation funding at the moment is that there is no new funding to allocate to the nonprofit applications that the SADC received so they cannot advance. Under State Acquisition, the SADC has no funds to process any new applications. We have winnowed down the list of pending State Direct Easement Purchase applications to about 15 applications. We have funding for somewhere between one-half to two-thirds of those. We do not have enough funding to fund every state acquisition that we are currently pursuing. With regard to the County program, Gloucester County was the first county to completely run out of money and Burlington County and Cumberland County are just about there – possibly able to close one more farm and they will be out of funding. Warren County is not far behind. There is \$4 million in competitive money remaining, with about \$20

million worth of transactions that will be competing for that \$4 million. Ms. Payne stated that we are really getting to the point of slowing down and then we will not be able to move forward without some relief in the near future. So we do what we can but there are a lot of applications to be processed.

- Former Secretary of Agriculture Kuperus

Ms. Payne stated that she would like to take a minute to recognize the passing of former Secretary of Agriculture Charles Kuperus. Secretary Kuperus left us way too soon; he was only 57. He had been the Secretary of Agriculture and the Chair of the SADC for six years. She attended, along with others, his funeral in Sussex County. There were more 1,000 people in attendance, and it was quite extraordinary to see such a warm, loving, close family that he had around him. She asked if everyone could take a moment of silence to recognize Secretary Kuperus.

- Rural Microenterprise Bill

Ms. Payne stated that the Rural Microenterprise bill that had been passed by the Legislature was signed by the Governor, so we have a new law to administer now. She reminded the Committee that in 2006 a law was passed to allow the SADC to issue commercial nonagricultural use permits on preserved farms. That law had some very stringent language, such as you could only use buildings and the land in their existing condition. You could not create any new parking spaces, whether paved or unpaved. So there were some legal aspects to that bill that really made it unworkable. The Committee did adopt regulations to implement it but on next month's agenda will be the first application that the SADC has seen in 10 years to actually utilize that bill. We are hoping that the new statute has loosened things up enough to make that breathe and make it work. Ms. Payne stated that she thinks the biggest component that is brand new is that we heard from the agricultural community on the issue of the historic agricultural landscape, and Secretary Fisher was very focused on this. This includes historic barns and buildings that are falling to the ground if there is no economic use for them. For what's called a "heritage building" approved by the SADC, 100 percent of the inside of that building can be improved and renovated for use in exchange for an easement that would go on that building to protect its contribution to the agricultural landscape. So it's not going to be a historic preservation easement per se – this does not involve the New Jersey Department of Environmental Protection or the Historic Sites Council. It is strictly within the SADC. As part of our regulations we are

going to be required to develop standards for what constitutes a heritage structure and what the deed restriction would look like that would get placed on that building to preserve it in perpetuity. There is a lot of work to do at the staff level this year to write regulations to implement that new law. Staff will be working with the agricultural community and the CADBs throughout that process.

Chairman Fisher stated that as Secretary of Agriculture and as Chairman of this Committee, he pushed really hard for this because he saw all these magnificent structures across the state, barns that are really historic in terms of what he understands are from a certain era when they were put up. He was told that more than one-third of barns that we have and we see in various states of decay were built before 1900. It costs money even to take them down and a lot of times it costs so much that landowners don't want to do anything about it and on the other hand, they are historic.

Chairman Fisher stated that the SADC staff and Ms. Payne have been amazing in trying to put this together and dovetail all the pieces. These barns can be preserved at no public expense and at the same time provide for the farmer to have a very small microenterprise. That is the key here, "micro." There was worry that there would be something like a convenience chain or all kinds of high-traffic businesses. He stated that won't happen with this. That is why when it went before the Legislature they took out that one provision, they just weren't sure that they had heard enough. On the other hand, there are some people who have asked about bringing that provision back. It may or it may not but even if it doesn't come back there is a lot of meat on the bones with this microenterprise bill. He thinks the opportunity this bill provides is a good thing but he hopes that we don't go so micro on this that we will never get this microenterprise off the ground.

- Woolwich Transfer of Development Rights (TDR)

Ms. Payne noted that SADC staff is also staff to the TDR Bank Board. Woolwich Township, Gloucester County, in 2008 adopted a TDR program under the statewide TDR Act. Last fall the State TDR Bank Board approved a request to provide funding to help purchase TDR credits in Woolwich Township. Woolwich Township adopted its ordinance in 2008 right before the Great Recession hit so not much has gone on from a development pressure perspective. The Township also is still to finalize its sewer extensions to the receiving area so it is still a work in progress. Landowners have been sitting there for a long time and their zoning went from 2-acre lots to 15-acre lots in 2008 and they haven't had a viable market

in which to sell their credits. The State TDR Bank was asked to provide funding and it did. In the fall it approved a grant of \$5 million to be matched with \$2 million of local funds. This March there will be a \$7 million reverse auction where they are going to offer to buy credits from sending area landowners at sort of the lowest price on up to the highest price up to a cap that has been set, based on however long \$7 million will last. Just this week was the first public education session and it was very well-attended and well-received. There will be another one in February and then the auction in March. That has been creating a great deal of work for Mr. Bruder, herself and the legal staff to review the deeds of easement, contracts and everything to make sure those mechanics work.

Ms. Payne stated that under Tab 2 of the meeting binders she wanted to bring to the Committee's attention the following items:

- Memorandum from Hope Gruzlovic/Jeff Everett re: Update on Implementation of P.L. 2014, ch. 16, Special Occasion Events Law

Ms. Payne stated that all of the wineries that are applicable under the law are required to file a registration with the State so the first thing that we wanted to see was how we are doing. Are the people who are required to submit this registration actually filing their registrations? Staff identified about 20 wineries that were potentially affected. We have received six registration forms and identified two farms that they are really not applicable – one was in an eight-year program that expired and one was no longer operating a winery. Staff identified about six farms that we don't think that registration is required because their special occasion events are clearly confined to the exception areas they have or they are just not having any special occasion events. We need to get more information on four farms that are having a broad range of activities and it is not clear if they are on the exception areas. We have identified one winery that should be registering but has not. It is a mixed bag and it is part of our continuing process of collecting information and documenting what is going on so that when this pilot nears its end we will have the story to tell. Ms. Payne stated that staff has worked with the Garden State Wine Growers Association. They have done some outreach to their members to encourage people's understanding of this compliance. The annual registration will be due again in March and staff will provide a comprehensive update to the Committee at the April meeting so you can see where we are.

- Existing Commercial NonAg Use Law and Rules Vs. A2839 as Enacted 1/19/16

Ms. Payne stated that in the meeting binders is a thumbnail summary of the changes between the existing Commercial Nonagricultural Use Law and the new Rural Microenterprise Law. Staff will make this information available on the SADC website. Mr. Johnson commented that the 2,500 square-foot limit on newly finished space is gone. Ms. Payne stated no, it is in the statute. So you can take an existing barn and convert 2,500 square feet of it for a permitted microenterprise with the SADC's approval. In order to improve 100 percent of that building, the only way that it is offered is in exchange for a conservation easement on the building, if it is a heritage building.

Mr. Schilling commented that any farm within the past decade that has been preserved doesn't fall within this eligibility. Ms. Payne stated that is correct. Mr. Schilling asked if that was purposeful and what the rationale was for that. Ms. Payne stated that the original bill that passed in 2006 was intended to provide relief to those people who hadn't taken any exceptions up to then. Since that time the SADC has been very insistent on the guidance documents and people signing saying they know they are offered an exception but they are not taking one. So no longer do we have that situation where people can credibly come back and claim that they just didn't know because we now have documentation that they did. So this does still keep that original date. Only farms preserved prior to January 12, 2006 are eligible to apply for this permit.

Mr. Danser asked if there is anything in the bill that references local zoning or supersedes it. Are all the applicants still subject to comply with whatever the local permitted uses are? Ms. Payne stated yes, they are. So if they have to seek a variance they still need to obtain that variance. Nothing in this overrides municipal or county land use control.

- Letter from Lillian Burry, Freeholder, Monmouth County Board of Chosen Freeholders

Ms. Payne stated that the next item is a letter from the Monmouth County Board of Chosen Freeholders inviting the SADC to participate in an endeavor they have taken on called "Grown in Monmouth." They are really digging in and trying to develop ways to boost agricultural opportunities and promote products grown in Monmouth County. Staff has been invited to sit in on that process. They had their first meeting this week and Mr. Kimmel of my staff attended that. Ms. Payne stated that she wanted to acknowledge Monmouth County for their proactive

thinking and that the SADC was glad to be a part of that process.

- Letter to Kimberly Bose, Secretary of the Federal Energy Regulatory Committee (FERC)

Ms. Payne stated this is a letter that was sent to FERC with respect to the PennEast Pipeline project. This is our second general comment letter that has been submitted so we are not talking about each individual property's impacts but there are some basic observations that the SADC wanted to make. All of this was shared with PennEast in multiple meetings but we wanted to get these comments on the record. The tone of the letter basically is that preserved farmland should not be the preferred alternative for pipeline expansions. These are publically funded properties and we are asking FERC to take that into consideration. We understand that there may be cases where they cannot avoid crossing a preserved farm and we want to work to minimize impacts, but some of the alignment was kind of like shooting at preserved farms and we were concerned about that. Another point that was made was that we don't think that preserved farmland should be used as staging areas for all their equipment. There is one farm that is preserved where they have proposed a 15-acre temporary storage yard for over a year so we are asking that this preserved farm not be considered for that kind of use. That is the nature of these comments and this is a public document as well so anyone who wants a copy of it can call our office and it is on FERC's website.

### **COMMUNICATIONS**

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

### **PUBLIC COMMENT**

Tom Beaver from the New Jersey Farm Bureau stated that he appreciated the update in Ms. Payne's report about the special occasion event pilot program issues. He wanted to raise the point that at their Convention in November the item that was most heavily debated and generated the most interest of any policy they discussed was the need for a more complete resolution to this issue for other preserved farms, not just wineries, as well as for right to farm protection for nonpreserved wineries that are hosting these events. Mr. Beaver provided copies to the Committee of the excerpt from their Policy Book about this issue. It was very clear to them in talking to the counties in the lead-up to their convention that this issue needs to be addressed more holistically. There are more and



more farms, non-wineries, thinking about doing this as they continue to get into direct marketing so the significance continues to grow. He knows that the pilot program expires on March 1, 2018, which seems like it is a way off but it will come pretty quickly. As we start to figure out the results of the pilot program and what has and has not worked, it will be a very important discussion that they would like to be a part of on how they can make sure we solidify this going forward and continue to make it usable as an option for farmers provided that there is a connection to the output of their farms. It's a pretty significant issue within the farm community and it will be discussed in the Farm Bureau's update, which reflects a lot of the discussions they have been having and the phone calls they have been getting. He wanted the Committee to be aware that these conversations are happening.

### **OLD BUSINESS**

#### **A. Stewardship**

1. Review of Activities – Mortellite Farm, Winslow Township, Camden County

Mr. Everett stated that this matter came before the Committee in September 2015 regarding the Mortellite farm in Winslow Township, Camden County. It is a 75-acre operation. It was an orchard at one time and then converted to vegetables and now it is a blueberry operation. For several years we have been trying to work with the landowners after receiving repeated complaints from a neighbor regarding runoff and erosion emanating from the preserved farm. Mr. Schafer, the neighbor, is here today. Mr. and Mrs. Mortellite could not be here today due to scheduling conflicts. They have worked with staff quite a bit in the three months since they were here. Mr. Clapp will provide the Committee with information regarding what they have done, what has happened since September, and we are ultimately looking for Committee guidance on this property as to whether it is in compliance with the Deed of Easement or if they are out of compliance.

Mr. Clapp addressed the Committee. He stated that staff had two concerns, the first that they planted their blueberry plants up and down the slope. Rather than requiring them to reorient their blueberry rows across the slope at significant cost to them, an alternative solution was to plant grass between the rows in order to reduce the erosion and runoff leaving the property. After the September meeting, the Mortellites did go out and reseed. Last year they did this and it did not take but this year they have had better success across most of the property. There were some areas that were seeded but it just didn't take as well as we had hoped. The Natural Resources Conservation Service (NRCS) did go and review this property and determined after the seeding that the grass had established

across the entirety of the farm so his assumption on that area was that it was seeded, it did begin to grow and then the weather conditions and the droughting soil type didn't allow the grass to remain established. Mr. Clapp reviewed various photos with the Committee showing the reseeded areas. Ultimately, of the entire watershed that was seeded to grass, about 1½ to 2½ acres immediately upslope to the Shafer property is the area that did not establish and that happens to be the steepest portion of the property. There are potentially alternative seed mixes that the landowner could work with the NRCS to try to establish there but it has proven to be a difficult site to establish grass. This is the second attempt that has failed.

Mr. Clapp stated that in other things that have happened since the last meeting, the Township originally offered to build a retention basin that would go sort of along both properties with the majority of the basin on Mr. Schafer's properties and would lead through his undeveloped lot down and off the property in an attempt to reduce the amount of runoff and erosion that was reaching his house and flooding his basement. They have since rescinded that offer because they were unable to work with the landowners to come up with an agreement that would work. Staff also reviewed the different types of runoff created from the different land use arrangements that have been on the property. Mr. Clapp reviewed the 2-year, the 10-year and the 100-year storm numbers with the Committee. In general terms, it is easiest to look at the 100-year storm information. The runoff amount for orchard and blueberries up and down the slope with cover, blueberries across the slope with no cover and blueberries across the slope with cover, are generally in about the same range. The two outliers are blueberries up and down the slope with no cover and vegetables. Runoff at this point is probably still higher than what is shown in the photos because there are the few acres that are not established. Grass was established on about a 26-acre watershed and about 2 acres didn't establish. Staff is looking for guidance on where to go at this point.

Mr. Schafer stated that he stopped in to the Township to see Joe Gallagher after the September meeting and he said that they rescinded the offer for the berm. It was just mentioned here today that it was because the landowners didn't come to an agreement. He stated that he was totally in agreement with this but it was the Mortellites who were not in agreement. He wanted to clear that point up; he had already signed the documents to proceed.

Chairman Fisher commented that staff indicated some measures were taken where they have reseeded areas where grass has taken and there are some areas where it has not taken. He commented that what wasn't said was the results of all that. Mr. Clapp stated that the results are that they managed to do most of what the Committee requested of

them for establishing grass, which should reduce the rate from these high peaks. If you look at the map, the area that was seeded and established is functioning. It is about the 1½ to 2½ acres that are not functioning, so the requested guidance is, is that good enough for the Committee or would it want them to continue to try to establish that area? The second question in his mind is, is the retention area that was recommended, is that an area that the Committee would like to proceed and have them continue to have that established or is this acceptable?

Mr. Schilling asked if the highlighted area is the area where you said historically there had been a depression that served as a natural basin. Mr. Clapp stated the depression is sort of the area, as shown on the map. Mr. Schilling commented that it was changed as a result of production, it was essentially filled in over the years? Mr. Clapp stated yes, but they are not sure whether it was intentionally filled or if it was erosion from the management changes. Mr. Schafer stated that he has photos that it was all woods, heavily thick woods. Mr. Mortellite took it all out and when you take out stumps with a bulldozer you lower the ground. There was nothing to hold the water back. It was a depression, he made it lower yet, but what had happened was the trees had acted as a buffer. There was also a big swale back there where the previous owner used to back his 6-cylinder diesel pump down. We all know you can push water easier than you can pull water so therefore he dropped it down 20-25 feet. Mr. Schafer stated there is a huge ramp there and his kids used to play there all the time. That was all filled in also. Mr. Schilling commented that one of the recommendations that you were saying or to be considered is to re-establish the basin at that point. Mr. Clapp stated that is correct. The alternative that staff was looking at was that the town was willing to pay for the scenario that would in effect have the same impacts to the downstream runoff as that basin or similar impacts. So that was what we were encouraging.

Chairman Fisher asked if Mr. Schafer removed trees from his property. Mr. Schafer responded yes. He had some big old oak trees that he has put down since then and he has planted some maples because if you walk around barefoot on oak trees, they hurt, if you walk around barefoot on maples it doesn't hurt. He has his grandkids running around there. He has a couple that are more than 20 feet tall now that he had moved from other areas to get some trees back there. He stated that he would be planting more in the spring.

Chairman Fisher asked if Mr. Schafer was having flooding now. Mr. Schafer stated that right now no. Last winter he blew his sprinklers out maybe 12 times throughout the winter. This year we had very mild weather conditions and didn't have a lot of rain. We have had all the snow and so far it has not been an issue – so far everything has been

good this year. Time will tell. Chairman Fisher felt it was fair that Mr. Schafer stated he was not having a problem right now. We don't know what is going to happen in the future. But some steps have been taken in the grassland strips that have been planted. If they work this Committee may not have to wrestle with it. The Committee has to tell him does it want to leave it open? Staff is asking for guidance. Ms. Murphy stated that regarding the failed seeded area, Mr. Clapp was asking whether we should ask them to reseed it. It didn't sound like that was going to work. Was there some method to making it take that they have not tried? Mr. Clapp stated that the next step would be to work with the NRCS plant material specialists to come up with a custom seed mix. So they could certainly work to try to find something that would meet the farmer's goals but would also stabilize that soil. Ms. Murphy asked if there was any reason why that would be a bad recommendation. Mr. Clapp stated not in his mind. Mr. Schilling asked if that area was in production right now where the failed seeding is. Mr. Clapp stated that the failed area is in production. The blueberry plants are there but it is just that the sod didn't take. Mr. Schafer stated that the section that he has blocked off there, the reason there were no plants there is because Mr. Mortellite was going to put a barn there for storing his chemicals. Once he found out there was this much water he chose to relocate it to a different section of the farm and he never planted anything there. It was left open for a reason – he stated that at the last meeting. Mr. Danser stated he thought they should try to re-establish those areas but he also thinks that if 85 or 95 percent of it has the grass established, the overall volume of runoff should be reduced by 75 percent or something like that and the established grass and old retention area should be somewhat of an effective filter strip and it is right downhill from the places that didn't get established. He would hope that it would be OK. He doesn't think that any more than trying to continue to establish the seeding between the rest of the rows is necessary. Mr. Johnson stated it is not unusual for the toughest part to not work the first or second time – you have to keep trying. Once you get the uphill established then your chances get better downhill. Mr. Schafer stated the reason his grass isn't taking is because all of his soil is on my property. He has had to raise his sprinklers 4 to 5 inches so all his soil is now on his property.

Chairman Fisher stated it sounds to him like this case will remain in the status that it is in, meaning we are hopeful that this should resolve. It is a wait and see scenario. It is not closed. Ms. Murphy stated that we are going to recommend that they try to reseed again the failed area. Ms. Brodhecker stated that the Mortellites have made a lot of good efforts and progress and they need to be commended for that but she thinks they need to continue with what they are trying to establish there and make sure that it continues in the positive manner. Chairman Fisher stated it sounds like everyone is acting as responsible as they can at this point so we will see and that is why he doesn't think we should close

it. We want to encourage that they continue with the reseeded of the filter strips and that they are maintained. If we have to revisit it at some later time then we will. Other measures may then have to be imposed. Ms. Payne stated that staff will send the Mortellites a letter to that effect and copy the other parties so the Township knows what is going on.

### **NEW BUSINESS**

#### **A. Resolution for Certification – Agricultural Development Area Map Amendment**

1. Morris County

Mr. Bruder stated that staff has a minor Agricultural Development Area (ADA) amendment in Morris County. This involves a parcel of 17.5 acres in Chester Township that is requesting entrance into the ADA. The County held its public hearing in October and is requesting SADC certification of the modification of its ADA to include the Verbeke Farm known as Block 42, Lot 33, in Chester Township in the State Fiscal Year 2017 County Planning Incentive Grant application as a targeted farm in its existing West Project Area. This farm is in the Highlands Preservation Area and the Environmentally Sensitive Planning Area (PA 5) of the State Development and Redevelopment Plan Policy Map. Staff recommendation is to approve the request.

It was moved by Mr. Danser and seconded by Mr. Germano to approve Resolution FY2016R1(1) certifying the amendment to the Morris County Agriculture Development Board's Agricultural Development Area map to include the Verbeke Farm, known as Block 42, Lot 33, in Chester 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 FY2016R1(1) is attached to and is a part of these minutes.)

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

SADC staff referred the Committee to two requests for final approval under the County Planning Incentive Grant Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Danser and seconded by Mr. Schilling to approve Resolution FY2016R1(2) and Resolution FY2016R1(3) granting final approval to the following applications under the Planning Incentive Grant Program, as presented and discussed,

subject to any conditions of said resolutions. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

1. Judy M. Hanna and Steven Tinc, SADC # 14-0118-PG (Resolution FY2016R1(2))  
Block 5300, Lot 56 and 57, Mt. Olive Township, Morris County, 14.3 Gross Acres  
State cost share of \$9,000 per acre (60% of the certified easement value and purchase price) for a total grant need of \$132,102 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 0.05-acre nonseverable exception area for a Verizon wireless communication installation on the tallest silo, which is limited to zero housing opportunities. The portion of the property outside the exception area includes one single-family residential unit, zero agricultural labor units and no pre-existing nonagricultural uses.
  
2. John M. Barton Farm # 1, SADC # 21-0568-PG (Resolution FY2016R1(3))  
Block 23, Lot 1, Independence Township  
Block 102, Lot 2.01, Mansfield Township  
Warren County, 43.4 Gross Acres  
State cost share of \$3,100 per acre (68.89% of the certified easement value and purchase price) for a total grant need of \$100,260.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 2-acre nonseverable exception area for and limited to one future single-family residential unit, and one approximately 10-acre severable exception area for and limited to one existing single-family residential unit and to afford future flexibility of use. Because the 10-acre exception obstructs legal access to the property, the owner has agreed to record an unrestricted 50-foot access easement through the severable exception to benefit the property prior to closing. Final approval is conditioned upon the access easement being obtained, reviewed and approved by SADC counsel and recorded prior to closing. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.

The motion was unanimously approved. (Copies of Resolution FY2016R1(2) and Resolution FY2016R1(3) are attached to and are a part of these minutes.)

**B. Resolutions for Final Approval – Direct Easement Purchase Program**

SADC staff referred the Committee to two requests for final approval under the Direct Easement Purchase Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Ms. Brodhecker and seconded by Mr. Danser to approve Resolution FY2016R1(4) and Resolution FY2016R1(5) granting final approval to the following applications under the Direct Easement Purchase Program, as presented and discussed, subject to any conditions of said resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

1. Robert and Sharon Santini (Chambers), SADC #21-0072-DE (Resolution FY2016R1(4))  
Block 101, Lots 9 and 13, Pohatcong Township, Warren County, 93.5 Gross Acres  
Acquisition of the development easement at a value of \$3,000 per acre for a total of approximately \$273,000 subject to the conditions contained in Schedule B. The property includes one approximately 2.5-acre nonseverable exception area limited to one existing single-family residential unit, resulting in approximately 91 net acres to be preserved. The portion of the property to be preserved outside the exception area includes zero housing opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses. Certification of an easement value and this final approval are conditioned upon a 30-foot wide access easement being surveyed and recorded prior to closing along the existing farm lane to the current railroad crossing to permit access to Lot 15. The 30-foot wide access easement will also be recorded along the rail line should the crossing change location in the future. The contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
2. Mathew, Sharon and Robert Santini, Sr., SADC # 21-0070-DE (Resolution FY2016R1(5))  
Block 99, Lot 4, Pohatcong Township, Warren County, 85.17 Gross Acres  
Acquisition of the development easement at a value of \$4,000 per acre for a total of approximately \$320,680, subject to the conditions contained in Schedule B. The property includes one approximately 5-acre nonseverable exception area for and limited to one future single-family residential unit, resulting in approximately 80.17 net acres to be preserved. The portion of the property to be preserved outside of the exception area includes zero housing opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses. The contracts and closing documents shall be prepared subject to review by the Office of the

Attorney General.

The motion was unanimously approved. (Copies of Resolution FY2016R1(4) and Resolution FY2016R1(5) are attached to and are a part of these minutes.)

**C. Resolutions for Amended Final Approval – Direct Easement Purchase Program**

1. Harris Farm, Quinton Township, Salem County

SADC staff referred the Committee to one request for amended final approval under the Direct Easement Purchase Program for the Jeffrey Harris farm, known as Block 6, Lot 2, Quinton Township, Salem County, 117 net easement acres. This will be a multi-party agreement for this farm. Mr. Harris is present today should the Committee have any questions for him, as are Peter Howell and Bill Rawlyk from the Open Space Institute and Gregory Romano and Francis Rapa from the New Jersey Conservation Foundation.

Ms. Payne stated that the Committee heard a conceptual kind of discussion about this previously. This is a new type of transaction for the SADC so we really wanted everyone to be aware of what is going on and why. The Harris farm came into the program as a Direct Easement Purchase application. Staff processed it and certified a value and then provided final approval. Throughout that process Mr. Harris had an ongoing conversation with Ms. Roberts about his desire to try to protect or enhance the protection of a wooded area, as depicted on the photo provided to the Committee today. It is a forested riparian buffer on the north side and then it comes in on this wetlands area into the property. Mr. Harris was seeking restrictions on the property that would be inconsistent with the Farmland Preservation Program easement. He wanted to preserve this forest to not allow it to be taken down for agricultural purposes. He really wanted to protect both the water quality and the habitat and other natural resource impacts of this forested buffer. This is about the same time that the William Penn Foundation started to advertise and market a major initiative that they have taken on, which is to try to enhance the protection of water quality and quantity in the Delaware Bay. The William Penn Foundation has provided grant money to the Open Space Institute (OSI) to be the conduit between the William Penn funding and nonprofits on the ground, to try to effectuate the conservation of these water-based resources in the Delaware Bay. So staff contacted the OSI to see whether this kind of proposal would work on this type of property. We have a landowner who was asking for enhanced easement restrictions and we have this major foundation trying to accomplish sort of the same goal. She invited staff from the OSI to speak on the matter to the Committee.



Mr. Howell stated that he is here because the William Penn Foundation created this substantial initiative throughout the whole Delaware River Basin. The Foundation is invested in a series of what it calls "clusters," and some of those are places where they are seeking to protect things to keep forests intact so they keep delivering clean water. Other places are restoration clusters, where either there is agriculture or issues around stormwater runoff from more urbanized areas, where they are trying to restore it. Then there are those great places that are hybrids, like the Pinelands and the Bayshore and the New Jersey Highlands, where you are wanting to do a mix of protections and restorations. Mr. Howell stated they have been overseeing a capital fund that has invested about \$4.5 million so far in 17 projects to protect about 14,000 acres of land. He stated they are very interested in the forested areas but farms are great and are very important. Mr. Howell reviewed with the Committee via aerial maps the various clusters that Penn has invested in. To date they have worked with the SADC and through Penn have invested about \$400,000 in about 12 projects to protect about 500 acres. Ms. Payne stated that to clarify that, previously the OSI money that had come in, which she believes was all in Cumberland and Salem counties, the SADC was giving counties grants and OSI money was coming in to help offset local cost shares to get the farms to closing. In those instances, it has just been our traditional farm easements placed on those farms. This project is the first time where we are actually looking at a different kind of easement that is not an overlap of the SADC easement. Mr. Howell stated that regarding the Harris property, this region is important for agriculture and it is an area with a fair amount of preserved land. This is a really important farm, both for its agricultural productivity but also for the natural infrastructure that is part of what makes it a successful farm. Mr. Howell reviewed various slides with the Committee. He stated that the way this partnership has evolved is that two days ago they approved a \$77,000 grant to pay for the easement on Mr. Harris' farm, basically the red buffer as shown on the map, to create an easement that protects the riparian buffer, some 17 acres or so, and the SADC will fund the remainder of the farm, which is 100 plus acres. So there would be essentially two easements, one a riparian buffer easement and the second that would be more of your traditional easement. This is a pilot project. They love this because it accomplishes great mutually beneficial goals – assuring agricultural productivity and the economic future of that farm, which is what we all care about and is the SADC's mission, but at the same time protecting that natural infrastructure, which is particularly OSI's mission and is also the SADC's mission. So we think these side-by-side easements represent a great win-win scenario. From their point of view it's a pilot, this is something where we are going to learn what it is like, how it works. This is about learning to work together with a public agency and a great nonprofit agency in the New Jersey Conservation Foundation. This is a way to make each of our dollars go further. We know how fiscally challenging the current situation is for the SADC's budget and look forward to helping the SADC as a

private player – they cannot become the SADC's budget but they can find creative ways to partner with the SADC to stretch their money and the SADC's money and hopefully achieve both goals in a true partnership. The other thing he wanted to make clear is that while the Foundation has committed a huge amount of money to this initiative, some \$35-40 million overall initially, they are not here to announce a big initiative around riparian buffers, they are not here with acreage goals or a map to say here are all the farms we want to go after. They want to do this iteratively with the SADC and with willing landowners. This is not a regulatory effort, it is really a partnership.

Mr. Howell stated that partnerships are about principles and money but they are fundamentally about relationships and people. So they have been pleased to work with Mr. Clapp, who is going to be doing the farm conservation plan with Mr. Harris. Deals don't get done without landowners. So it is a team effort of a series of organizations that are public and private with a great staff of people, with Bill Horner who is so critical to making farm easements happen; Mr. Harris, who is an example of a terrific farmer; Mr. Clapp who has written the plan; Cindy Roberts, who keeps all the trains running; and Tim Morris from the NJCF who is the stewardship and importantly, this easement is going to be overseen by the NJCF and monitored in close collaboration with the SADC. Mr. Howell stated that in closing he wanted to mention Bill Rawlyk, his colleague who has worked in this region for a long time with land trusts and has helped to move this deal forward. Also, this would not have gone anywhere without Ms. Payne, whose vision and commitment and sixth sense about how to move something forward has been invaluable in keeping this on track.

Chairman Fisher commented that this deal is also with the NJCF, so as a funding partner you put the money in but do you have any additional sets of requirements based on this partnership? Mr. Howell stated no. There is a match requirement to the money so every dollar they put in gets matched 3 to 1 with every dollar, which is great. They care about the easement and working through this with Ms. Roberts and Mr. Everett there are things they would like to see in the easement of course but they don't come at it with a lot of head-on values about it – it is really where the landowner is. Their job is to help lubricate the wheels so that things go faster, better.

Mr. Waltman asked that at this point is it staff's view that the SADC is not legally capable of holding an easement or a different kind of easement, or that it didn't think it could do a unified rather than a side-by-side easement? Ms. Payne stated all of that is still under analysis in the office. There have been discussions and research. That is the question. If a landowner comes to us and says will you hold this, the question becomes can we. We are still trying to explore that so rather than holding up this transaction

another year while we debate that this was a solution that worked sooner rather than later.

Ms. Roberts, Mr. Everett and Mr. Clapp reviewed the particulars of the amendment synopsis with the Committee as outlined in the resolution as follows:

- Approve conserving an 18+- acre wooded wetlands area of the farm with a specialized Conservation Easement (CE) to enhance its function as a riparian buffer in order to protect water quality within the Delaware River Watershed.
- Approve the CE deed template and acknowledge the Resource Management Systems (RMS) plan
- Approval for The New Jersey Conservation Foundation (NJCF) to hold the 18+/- acre conservation easement with funding from the Open Space Institute (OSI).
- Approve a reduction in SADC funding needed as a result of an 18+/- acre reduction in land eased by the Farmland Preservation Easement.
- Approve an amendment to the existing Agreement between the SADC and Owner to incorporate the sale of the CE to NJCF.

Mr. Romano from the NJCF addressed the Committee. He stated that the NJCF has long advocated or felt that the protection of natural resources is really compatible with farmland preservation if it is structured properly. We believe that this, as far as we can tell, really is a proper way of doing it. The agricultural operation is not negatively impacted as far as we can tell and significant strides have been made toward protecting the natural resources as far as the riparian buffers go. Mr. Romano stated that they are happy to be involved and to monitor and enforce the easement. That would not be a burden that the SADC would have.

Mr. Danser asked for clarification. This is an amended final approval and the original final approvals said that our easement went over the entire 117 acres. Mr. Smith and Ms. Roberts said today that our easement is going to be on the tillable acreage today. His question is, is our easement going to be over the entire portion? He doesn't see anything that would change that and it would offer one more protection against a division of the premises if that was the case. Ms. Payne stated that the resolution acknowledges the fact that the 18 acres is going to be subject to a separate conservation easement. Mr. Danser stated yes, it can be separate but additional, it doesn't have to be separate but instead of. Ms. Payne stated that if you look under the fourth bullet under the proposed amendments synopsis, it says "Approve a reduction in SADC funding needed as a result of an 18+/- acre reduction in land eased by the Farmland

Preservation Easement.” This approval is acknowledging that those 18 acres are coming out of the area to be eased with our easement. Mr. Waltman asked how is this different than if the whole thing was in the easement but there was an exception area to allow them to do that? Ms. Payne stated that we didn’t approve this property with an exception area. Putting the conservation easement aside, if the landowner for some reason, after we granted final approval, came back and asked for an 8-acre exception area, we would give an amended final approval if we found it approvable. We would have to acknowledge the fact that the Committee has approved taking that land out. That is what is going on here. This is like approving an 18-acre nonseverable exception area. Mr. Danser stated but any time you do that you have to go back to the appraisers and re-establish that it didn’t affect the values. Chairman Fisher asked for a motion to approve the resolution at this point.

It was moved by Ms. Murphy and seconded by Mr. Waltman to approve Resolution FY2016R1(6) granting amended final approval to the following application under the Direct Easement Purchase Program, as presented and discussed, subject to any conditions of said resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

1. Jeffrey Harris Farm  
Block 6, Lot 2, Quinton Township, Salem County, 117 Net Easement Acres  
SADC grants amended final approval to the property to include an 18-acre +/- Conservation Easement (CE) to be held by the New Jersey Conservation Foundation; approves the amended cost share, CE deed template, and amendment of the Agreement to Sell Development Easement and acknowledges the RMS plan. All other provisions of the July 24, 2014 Final Approval and the March 4, 2015 Amended Final Approval shall remain in effect.

The motion was unanimously approved. (A copy of Resolution FY2016R1(6) is attached to and is a part of these minutes.)

**E. Stewardship**

1. House Replacement Request
  - a. Hansen Farm, Lower Township, Cape May County

Mr. Roohr referred the Committee to Resolution FY2016R1(7) for a request by Jasen and Lauren Hansen, owners of Block 508.01, Lot 7.18 in Lower Township, Cape May County, comprising 14 acres, to replace the previously existing single-family residence

on the property. The Deed of Easement identifies one single-family residence and no agricultural labor residential units and no RDSOs or exception areas. The residence that existed at the time of preservation had been demolished by the previous owners shortly after preservation. The Hansens propose to replace the previous residence with a new single-family residence for themselves. The proposed new residence will be built in the same general area as the previous residence and will utilize the existing driveway. The owners propose to build a two-story residence with approximately 4,000 square feet of heated living space to replace the original residence, which was approximately 3,500 square feet. Staff recommendation is to approve the request.

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve Resolution FY2016R1(7) granting a request by Jasen and Lauren Hansen, owners of Block 508.01, Lot 7.18 in Lower Township, Cape May County to replace the previously existing single-family residence on the property. The SADC approves the construction of a single-family residence consisting of approximately 4,000 square feet of heated living space in the location shown in Schedule A of said Resolution to replace the former residence that existed on the Premises at the time of preservation and has since been removed. This approval is valid for a period of three years from the date of this Resolution and is non-transferable. The construction of the new residence is subject to all applicable local, State and Federal regulations. This approval is 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 FY2016R1(7) is attached to and is a part of these minutes.)

## 2. 2015 Annual Monitoring Report

Mr. Everett referred the Committee to his memorandum dated January 21<sup>st</sup> regarding the 2015 annual monitoring report. Pursuant to N.J.A.C. 2:76-6.13, 2:76-6.18A, 2:76-16.5 and 2:76-17.16, the SADC and County Agriculture Development Boards and nonprofits who are in receipt of SADC cost-share grant funds for the acquisition of development easements are required to monitor all lands to ensure compliance with the provisions of the Deed of Easement. Staff has compiled easement monitoring statistics for the past five years in order to gauge performance for the various easement programs, and the results are detailed on the spreadsheet entitled Attachment 1 and are broken down in the memorandum. This information was provided to the Committee in advance of today's meeting for its review. The American Farmland Trust statistics that came out a few months ago show that we are clearly above everyone in the top investment for state programs so we want to protect that investment and make sure that the public is getting what it paid for. Regarding the legal requirements, we are unique among the states in that

we were the only state to require on-site inspection once a year. Every July 15<sup>th</sup> the counties and nonprofits work with Mr. Roohr to provide their monitoring statistics. They are supposed to notify the SADC if there are any enforcement issues and then we work with the counties if there are any co-held easements to help correct those issues. The SADC makes available an E-Form that automates the reporting process and can be used by county and/or SADC monitoring staff with laptops in the field. It is a very expeditious way of doing your monitoring. Clearly we are trying to send the message that we want people to complete their monitoring because there is a regulatory requirement of 100 percent compliance. Mr. Everett stated that every farm has to be visited every year. Many counties have requested that they rotate their monitoring visits, to contemplate seasonal activities. If the farm is monitored in May and you are seeing the same things every year, let's rotate it so that you are on a cycle of a different month every year so the farm gets looked at to see the totality of what is going on.

Mr. Everett reviewed the statistics as outlined on the spreadsheet marked "Attachment 1" with the Committee. He stated that Mr. Roohr has done the majority of the work in compiling these statistics and Mr. Pohorely is our staff person on the ground and is the program's eyes and ears. Ten of 18 counties had completion rates that were at or near 100 percent in 2015 and four counties had less than a 50 percent completion rate. Staff is trying to work with these counties to offer technical assistance where necessary and help them deploy the E-Form because there is a clear nexus between technology and completion rate.

Mr. Roohr stated that with regard to these statistics, now that we have several years with the E-Form, the digital monitoring form, under our belt we can run reports from that. However we are still getting forms sent in on paper. So you have a mix of paper forms, digital forms and the like. Although we are moving in the right direction making this electronic and trying to generate reports that way, we are still not at the point where the computer spits out the absolute number. It produces a bunch of numbers and then on some scratch paper he has to add them all up, so to speak, so there is a certain margin of error.

Mr. Everett stated that the nonprofit easements are on the upward trend over the last three years but still overall they are only at 45 percent so there is some work to be done there. There is a regulatory provision that allows nonprofits to transfer easements to counties or to the SADC and there is no shame in saying that you don't have the staff or resources to monitor. Mr. Roohr stated that the nonprofits, for several different reasons, have found it beneficial in the past couple of years to assign their easements to most often the county. A lot of times it has to do with the fact that they are either a 100 percent volunteer group

or a mostly volunteer group with one part-time employee, so they just don't have the resources to do monitoring. Assigning the easements has become very popular and we have seen quite a few nonprofit agencies do that. That being said, there are some nonprofits that are just not getting it done. The trend is upward but there is where our big piece of work needs to go. Mr. Waltman stated that he would think the IRS is not happy with nonprofits that are not monitoring. He stated that he runs a nonprofit and they have six or so conservation easements and the IRS tax form for nonprofits has been revised in the past five years. You have to sign off that you have a monitoring enforcement plan. Ms. Payne stated that the ones that are not doing anything are where we will start reinforcing that we cannot have those kinds of numbers and that they have to get out and monitor. If they need the SADC to have Mr. Pohorely come out and walk them through the E-Form, do sample inspections and train them, the SADC has offered to do all that. Mr. Waltman stated that if it isn't disclosing something that can't be, he would love to be of help on that.

Mr. Everett stated that the total completion rate is at 81 percent for all the programs combined because the SADC and the counties hold the majority of the easements. This year's monitoring report includes more detailed information than in past years in response to a request from the N.J. Department of the Treasury relative to post-issuance compliance with tax-exempt bond issues pursuant to Section 141 of the Internal Revenue Code (Attachment # 3). Specifically, Stewardship is detailing the number and nature of routine requests that come before the Committee versus Committee reviews of activities that may involve a change in use (i.e., easement violations). Accordingly, there are supplemental spreadsheets that accompany this year's monitoring report along with potential change in use statistics dating back five years. This is the first time that we have assembled detailed statistics for the N.J. Department of the Treasury. Mr. Everett briefly reviewed those statistics with the Committee.

Mr. Everett stated that out of 799 monitoring visits using E-Form, 131 "issues" were discovered. Issues are things that deserve further investigation. Of those, about 12 concerns were noted – concerns being the vernacular for something like there wasn't approval for a division of the premises or maybe there are erosion issues. One violation, which was a carry-over from a previous year, was Quaker Valley Farms. Clearly, very few farms have compliance issues. There is good stewardship overall by New Jersey farmers. Of those concerns or issues, only three resulted in a review of activities. One of those the Committee heard today regarding the Mortellite farm. Mr. Jansen was the greenhouse construction issue that was heard earlier in 2015 and Riewerts/Tribble was the driveway relocation issue. Mr. Roohr has quantified with the statistics all the routine Stewardship matters acted upon. A lot of times the Committee doesn't see a lot of things

because at the staff level they are resolved. Mr. Roohr stated that they wouldn't get to the level of the Committee if there is absolutely no way it is approvable. If they want to build a Walmart on a farm, and we do get those kinds of requests, that absolutely could not happen so there wouldn't be anything for the Committee to consider. Ms. Payne stated that we also let landowners know that at the staff level, after analysis, here is how we see it. Then people may say do you think the Committee would agree with this and staff will say that we don't think this is compliant with the regulations. But landowners always have the right to take the issue to the Committee and we tell them that. She wanted the Committee to know that staff doesn't tell landowners no, we will never put that on the agenda. They can always ask for something to be put on the agenda but we try to work with them to get a viable application before it comes to the Committee.

Mr. Pohorely stated that he checked on 460 State-held easements and that number is growing. He has right now 25 farms where he has issues or concerns. They are usually minor in nature. There are a few major ones. When he works with people he does give them a lot of time to get things done. He provided a few examples to the Committee. Mr. Roohr stated that staff wants to give farmers/owners as much time as possible and be as patient as we can but the bottom line is that we are not going away so we do need to get results. Mr. Pohorely stated that sometimes there will be a farm that got really run down and then a new owner comes in and really turns the property around. For him to witness that and be a part of that is very satisfying.

Ms. Payne stated that regarding the types of issues on farms, last year Mr. Waltman asked about the types of issues that were occurring. The E-Form has been such a great implementation tool because it helps us diagnose where the most frequent problems are so we can implement strategies to try to avoid them. As you can see the overwhelming amount of concerns that get listed are conservation related. Just so you understand the thinking, that is why we hired Mr. Clapp and we took what was an acquisition position and transferred it to Stewardship, to try to have boots on the ground, helping landowners resolve issues. These statistics will really help us to continue to focus our education and outreach meetings to discuss issues and it will help us be more targeted in how we try to do things. It will also help set the tone for what we are trying to produce, which is a landowner newsletter, directed at owners of preserved farms. This will help us figure out what we should be highlighting so landowners understand better what the deed says and they know where to ask for help when they are trying to accomplish something.

## **PUBLIC COMMENT**

None



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

SADC Regular Meeting: Thursday, February 25, 2016, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

## **CLOSED SESSION**

At 11:16 a.m., Mr. Requa moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser and unanimously approved.

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

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

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

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Certification of Values as discussed in Closed Session for the following applicants with the conditions placed on the two Bonnie App farms # 1 and 2 and with the condition on the Spencer (Terra Bella Farm) as discussed in Closed Session:

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

1. Bonnie L. App # 1, SADC # 06-0164-PG (Amended Certification)  
Block 18, Lots 14, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07  
Hopewell Township, Cumberland County, 36 Acres (Appraisal Order Checklist)
2. Bonnie L. Et Al # 2, SADC # 06-0167-PG  
Block 17, Lots 7, 8, 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10, 8.11, 8.12, 8.13  
Block 18, Lots 14.08, 14.09, 14.10, 14.11, 14.12  
Hopewell Township, Cumberland County, 119 Acres (Appraiser Order Checklist)
3. Kenneth and Carol Ale # 2, SADC # 06-0177-PG

Block 10, Lot 7.02, Hopewell Township, Cumberland County, 22 Acres

4. Velan M. Russell, SADC # 06-0174-PG  
Block 402, Lot 21.01, Upper Deerfield Township, Cumberland County, 10  
Gross/Net Acres
5. Joan Barber, # 2, SADC # 06-0180-PG  
Block 701, Lot 11; Block 4, Lot 34, Upper Deerfield Township, Cumberland  
County, 35 Gross/Net Acres
6. Maryann and Scott Milford, SADC # 10-0364-PG  
Block 15, Lot 1, Kingwood Township, Hunterdon County, 37.6 Net Acres  
(Appraisal Order Checklist); 39.6 Gross Acres Including Exception
7. Clara D. Molski, SADC # 13-0451-PG  
Block 38, Lots 2, 2.01, 2.02, 3, Upper Freehold Township, Monmouth County,  
103.5 Net Acres (Appraiser Order Checklist)
8. Betty Ann Davis, SADC # 17-0151-PG  
Block 47, Lot 5, Upper Pittsgrove Township, Salem County, 42 Net Acres  
(Appraisal Order Checklist); 44 Gross Acres

**Municipal Planning Incentive Grant Program**

1. Franklin Atkinson, Jr., # 2, SADC # 06-0169-PG  
Block 76, Lot 11.04; Block 77, Lot 1.01, Hopewell Township, Cumberland  
County, 50 Acres
2. John Schley, SADC # 10-0357-PG  
Block 14, Lot 1.01, Readington Township, Hunterdon County, 21 Acres
3. Bishop Brothers Properties, LLC, SADC # 17-0137-PG  
Block 38, Lot 13, Upper Pittsgrove Township, Salem County, 81 Gross/Net Acres
4. Craig and Dorothea Spencer (Terra Bella Farm), SADC # 21-0582-PG  
Block 56, Lot 1, White Township, Warren County, 19.97 Net Acres (Appraiser  
Order Checklist); 23.16 Gross Acres Including Exception

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

**PUBLIC COMMENT**

None

**ADJOURNMENT**

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 12:00 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R1(1)

CERTIFICATION OF AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

MORRIS COUNTY

January 28, 2016

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 Morris County Agriculture Development Board (MCADB) 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 MCADB incorporated the following other criteria into the County ADA criteria:

1. Permanently preserved farmlands;
2. Lands in Eight Year Farmland Preservation Programs;
3. Lands pending permanent farmland preservation by a non-profit, Morris County or the State Agriculture Development Committee (SADC); and

WHEREAS, if none of the above three (3) criteria has been fulfilled, the MCADB specified that the following criteria must be met:

- a. Land that is at least 10 acres;
- b. Land that received farmland assessment;

- c. Lands comprising the premises are adjoining and have common ownership;
- d. The land must be at least 50% tillable, or have at least 25 tillable acres;
- e. Lands less than 25 acres in size shall not contain more than 80% soils with slopes in excess of 15% as identified on a USDA, Natural Resources Conservation Service SSURGO version 2.2 or newer soils map;
- f. The land is located in a municipality that has adopted a Right to Farm Ordinance; and

WHEREAS, the State Agriculture Development Committee (SADC) certified Morris County's designated ADA criteria and map pursuant to N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 on September 25, 2008 in conjunction with the SADC approval of the County's Comprehensive Farmland Preservation Plan and County Planning Incentive Grant Application; and

WHEREAS, the MCADB recommended the modification of the Morris County ADA to include the Verbeke Farm (Block 42, Lot 33 in Chester Township) in their State Fiscal Year 2017 County Planning Incentive Grant Application as a targeted farm in their existing West Project Area (as shown on Schedule A); and

WHEREAS, the Verbeke Farm is located in a 3-Acre Residential Zone unserved by sewer and water infrastructure, is immediately adjacent to the Black River Wildlife Management Area (as shown on Schedule B) and within one mile of six preserved farms; and

WHEREAS, the Verbeke Farm is in the Highlands Preservation Area and the Environmentally Sensitive Planning Area (PA 5) of the State Development and Redevelopment Plan Policy Map; and

WHEREAS, the 17.5-acre Verbeke Farm is currently an equine and hay operation consisting of 80% prime and 24% statewide important soils that are roughly 72% tillable (Schedules C and D); and

WHEREAS, MCADB and its staff reviewed the proposed ADA map 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 policy; and

WHEREAS, on October 8, 2015, the MCADB held a public hearing 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 October 8, 2015, the MCADB approved the ADA map amendment to include the Verbeke Farm (Block 42, Lot 33 in Chester Township); and

WHEREAS, the MCADB requested the SADC's certification of the amended ADA map (as identified in the attached Schedule A); 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 October 8, 2015 meeting; and

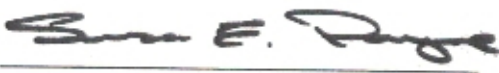
WHEREAS, the SADC has reviewed the CADB's submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent and in compliance with the provisions of N.J.A.C. 2:76-1.6;

NOW THEREFORE BE IT RESOLVED that the SADC certifies the amendment to the Morris County Agriculture Development Board's Agricultural Development Area map to include the Verbeke Farm (Block 42, Lot 33 in Chester 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.

1/28/16  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES



**Legend**

- Verhulst Farm (PAZ, CSZ)
- Morris County Targeted Farms
- Morris County ADA#
- Preserved Farmland
- Preserved Open Space
- Municipal Boundaries



**Farmland Preservation Program  
Morris County Agriculture Development Board**

**PROJECT NAME: Verbeke Farm**

**PARCELS: Blk(s):42 Lot(s):33**

**LOCATION: 25 Tanners Brook Rd, Chester Twp**

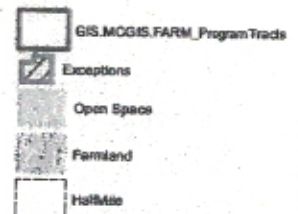
**EXCEPTIONS: 0**

**HIGHLANDS AREA: Preservation Area**



**SOURCES:**  
2012 Natural Color  
Orthophotography, NAD83

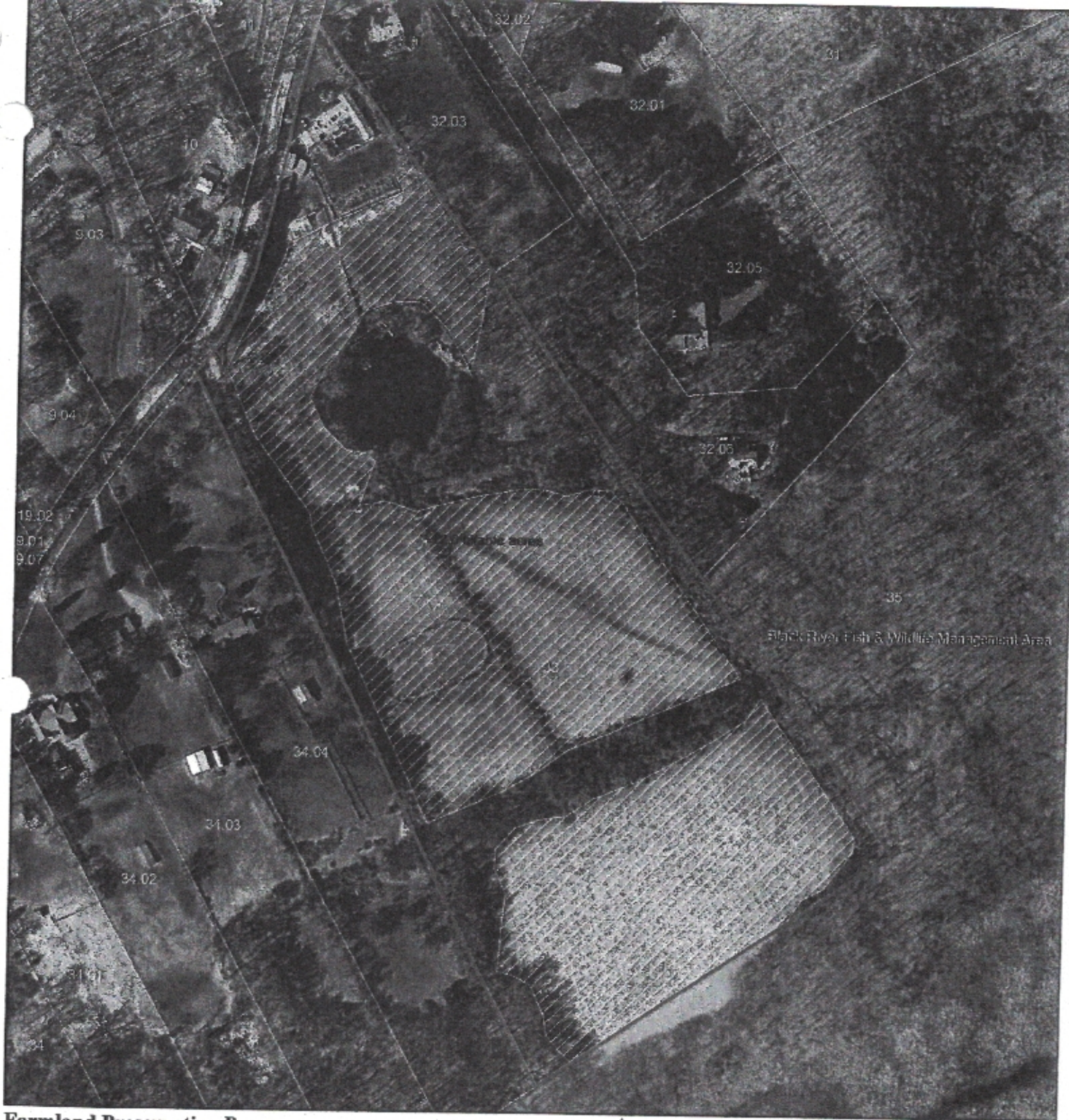
**APPLICATION YEAR: 2015**  
**TOT ACREAGE: 17.5**  
**EXCEPTION ACREAGE: 0**  
**NET PRESERVATION ACREAGE: 17.5**



The information contained on this parcel map is used to locate, identify and inventory parcels of land in Morris County for deliberative, advisory, and consultative purposes ONLY, and is NOT to be construed or used as a legal description. Map information is believed to be accurate, but accuracy is not guaranteed. Any errors or omissions should be reported to the Morris County Office of Information Technology, GIS Section. In no event will Morris County be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.







**Farmland Preservation Program  
Morris County Agriculture Development Board**

**PROJECT NAME: Verbeke Farm**

**PARCELS: Blk(s):42 Lot(s):33**

**LOCATION: 25 Tanners Brook Rd, Chester  
Twp**

**EXCEPTIONS: 0**

**HIGHLANDS AREA: Preservation Area**



**SOURCES:**  
2012 Natural Color  
Orthophotography, NJGIS

**APPLICATION YEAR: 2015**

**TOT ACREAGE: 17.5**

**EXCEPTION ACREAGE: 0**

**NET PRESERVATION ACREAGE: 17.5**

The information contained on this parcel map is used to locate, identify and inventory parcels of land in Morris County for deliberative, advisory, and consultative purposes ONLY, and is NOT to be construed or used as a legal description. Map information is believed to be accurate, but accuracy is not guaranteed. Any errors or omissions should be reported to the Morris County Office of Information Technology, GIS Section. In no event will Morris County be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R1(2)

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

On the Property of  
Judy M. Hanna and Steven Tinc ("Owners")  
Formerly Estate of Anthony Tinc  
Mt. Olive Township, Morris County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 14-0118-PG

January 28, 2016

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Morris County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Morris County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on June 27, 2014 the SADC received an application for the sale of a development easement from Morris County for the subject farm identified as Block 5300, Lot 56 and 57, Mt. Olive Township, Morris County, totaling approximately 14.3 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Morris County's West Project Area and in the Highlands Preservation Area; and

WHEREAS, the Property includes one (1), approximately 0.05 acre non-severable exception area for a Verizon wireless communication installation resulting in approximately 14.25 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes one (1) single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

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

- WHEREAS, the Property has a quality score of 77.51 which exceeds 42, 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 October 14, 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 28, 2015 the SADC certified a development easement value of \$15,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$7,200 per acre based on zoning and environmental regulations in place as of the current valuation date June 30, 2014; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$15,000 per acre for the development easement for the Property; and
- WHEREAS, on October 13, 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 December 9, 2014 the Mt. Olive 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 October 8, 2015 the Morris CADB passed a resolution granting final approval for funding the Property; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 9, 2015, the Board of Chosen Freeholders of the County of Morris passed a resolution granting final approval and a commitment of funding for \$15,000 per acre to cover the local cost share; and
- WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 14.678 acres will be utilized to calculate the grant need; and
- WHEREAS, the estimated cost share breakdown is as follows (based on 14.678 acres); and
- |                                |                  |                        |
|--------------------------------|------------------|------------------------|
| SADC                           | \$132,102        | (\$9,000/acre)         |
| County                         | \$ 88,068        | (\$6,000/acre)         |
| <u>Total Easement Purchase</u> | <u>\$220,170</u> | <u>(\$15,000/acre)</u> |
- 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 Morris County Agriculture Development Board is requesting \$132,102 in 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 Morris County for the purchase of a development easement on the Property, comprising approximately 14.678 net easement acres, at a State cost share of \$9,000 per acre, (60% of certified easement value and purchase price), for a total grant need of \$132,102 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 0.05 acre non-severable exception area for a Verizon wireless communication installation on the tallest silo and is limited to zero (0) housing opportunities; and

BE IT FURTHER RESOLVED, the portion of the Property outside the exception area includes one (1) single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

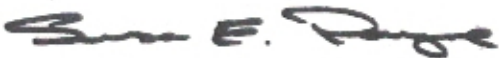
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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.

1/28/16  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

Schedule A

Wetlands



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Application within the Highlands Preservation Area

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

Anthony Tinc and Judy Hanna  
Block 5300 Lots 56 (6.8 ac); P/O 57 (7.4 ac)  
& P/O 57-EN (non-severable exception - 0.05 ac)  
Gross Total = 14.2 ac  
Mount Olive Twp., Morris County



	Property Boundary
	EPA Open Space Designation
	C - Circled C Outlines
	Wetland Boundary
	300' Buffer
	Water
	Other Water
	Wetland Buffer
	Wetland Buffer
	Wetland Buffer
	Wetland Buffer
	Wetland Buffer



**Wetland Legend:**  
 P - Palustrine emergent  
 L - Linear riparian  
 M - Wetlands in patches for agriculture  
 T - Tidal wetlands  
 N - Non-tidal wetlands  
 B - 300' Buffer  
 W - Water

**DISCLAIMER:** Any use of the 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.

**Source:**  
 NJ State Agriculture Development Committee  
 GIS/Agriculture Conservation Easement Data  
 NJDOT Road Data  
 NCEM/DEP 2011 Digital Aerial Photo

August 20, 2014

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
January 28, 2016

Judy Hanna & Eugene Tinc  
14- 0118-PG  
County FIG Program  
14 Acres

Block 5300	Lot 56	Mount Olive Twp.	Morris County
Block 5300	Lot 57	Mount Olive Twp.	Morris County
<b>SOILS:</b>		Other	12% * 0 = .00
		Prime	88% * .15 = 13.20
			<b>SOIL SCORE: 13.20</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	89% * .15 = 13.35
		Other	4% * 0 = .00
		Wetlands	7% * 0 = .00
			<b>TILLABLE SOILS SCORE: 13.35</b>
<b>FARM USE:</b>	Hay		13 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Uses: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (.05) acres for exception around proposed Verizon Wireless installation on tallest silo
    - Exception is not to be severed from Premises
    - Exception is to be limited to zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-1) 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.

sdc\_fig\_final\_review\_pigs.pdf





# Preserved Farms and Active Applications Within Two Miles



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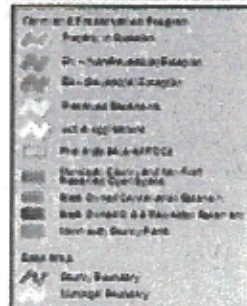
**Application within the Highlands Preservation Area**

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Anthony Tinc and Judy Hanna  
Block 5300 Lots 56 (6.8 ac); P/O 57 (7.4 ac)  
& P/O 57-EN (non-severable exception - 0.05 ac)  
Gross Total = 14.2 ac  
Mount Olive Twp., Morris County

2,000 1,000 0 2,000 4,000 6,000 Feet

**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 State Agriculture Development Committee  
NJ State Agriculture Development Committee  
NJ State Agriculture Development Committee  
NJ State Agriculture Development Committee



State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase  
 January 28, 2016

Judy Hanna & Eugene Tinc  
 14- 0118-PG  
 County PIG Program  
 14 Acres

Block 5300	Lot 56	Mount Olive Twp.	Morris County		
Block 5300	Lot 57	Mount Olive Twp.	Morris County		
<b>SOILS:</b>		Other	12% * 0	=	.00
		Prime	88% * .15	=	13.20
					<b>SOIL SCORE: 13.20</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	89% * .15	=	13.35
		Other	4% * 0	=	.00
		Wetlands	7% * 0	=	.00
					<b>TILLABLE SOILS SCORE: 13.35</b>
<b>FARM USE:</b>		Hay			13 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (.05) acres for exception around proposed Verizon Wireless installation on tallest silo
    - Exception is not to be severed from Premises
    - Exception is to be limited to zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R1(3)

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

On the Property of  
John M. Barton Farm #1 ("Owners")  
Independence & Mansfield Townships, Warren County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 21-0568-PG

JANUARY 28, 2016

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren 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, Warren County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on April 29, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 23, Lot 1, Independence Township and Block 102, Lot 2.01 Mansfield Township, Warren County, totaling approximately 43.4 gross acres hereinafter referred to as "the Property" (Schedule A-1.1); and

WHEREAS, the Property is located in Warren County's Central Project Area and in the Highlands Preservation Area; and

WHEREAS, at the time of application and certification of an easement value the Property included one (1) approximately 2-acre nonseverable exception area for and limited to one (1) future single family residential unit and one (1) approximately 10-acre severable exception area for and limited to one (1) existing single family residential unit and to afford future flexibility of use, resulting in approximately 31.4 net acres to be preserved; and

WHEREAS, subsequent to certification, the landowners requested to reconfigure the 10-acre severable exception area to provide more flexibility for future construction outside of the buffer and power line easement areas (Schedule A-1.2); and

WHEREAS, it is the opinion of the SADC review appraiser that this change does not impact the SADC certified development easement value; and

WHEREAS, because the 10-acre exception obstructs legal access to the Property, the Owner has agreed to record an unrestricted 50-foot access easement through the severable exception to benefit the Property prior to closing; and

WHEREAS, this final approval is conditioned upon the access easement being obtained, reviewed and approved by SADC counsel and recorded prior to closing; and

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

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

WHEREAS, the Owner 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 60.52 which exceeds 41, 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 October 24, 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 April 24, 2015 the SADC certified a development easement value of \$4,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$350 per acre based on zoning and environmental regulations in place as of the current valuation date of June 28, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,500 per acre for the development easement for the Property; and

WHEREAS, on November 25, 2016 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 October 13, 2015 the Independence Township Committee approved the Owner's application for the sale of development easement followed by approval from Mansfield Township on October 14, 2015; neither are participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 17, 2015 the Warren CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 14, 2015, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,400 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 32.342 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 32.342 acres); and

SADC	\$100,260.20	(\$3,100/acre)
<u>Warren County</u>	<u>\$ 45,278.80</u>	<u>(\$1,400/acre)</u>
Total Easement Purchase	\$145,539.00	(\$ 4,500 /acre)

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 Warren County Agriculture Development Board is requesting \$100,260.20 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 Warren County for the purchase of a development easement on the Property, comprising approximately 32.342 net easement acres, at a State cost share of \$3,100 per acre, (68.89% of certified easement value and purchase price), for a total grant need of \$100,260.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2-acre non-severable exception area for and limited to one future single family residential unit and one (1), approximately 10-acre severable exception area for and limited to one existing single family residential unit and to afford future flexibility of use; and

BE IT FURTHER RESOLVED, because the 10-acre exception obstructs legal access to the Property, the Owner has agreed to record an unrestricted 50-foot access easement through the severable exception to benefit the Property prior to closing; and

- BE IT FURTHER RESOLVED, this final approval is conditioned upon the access easement being obtained, reviewed and approved by SADC counsel and recorded prior to closing; and
- BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and
- BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; 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 area of the Property to be preserved outside of any exception areas, 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 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.I.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.

1/28/16

Date



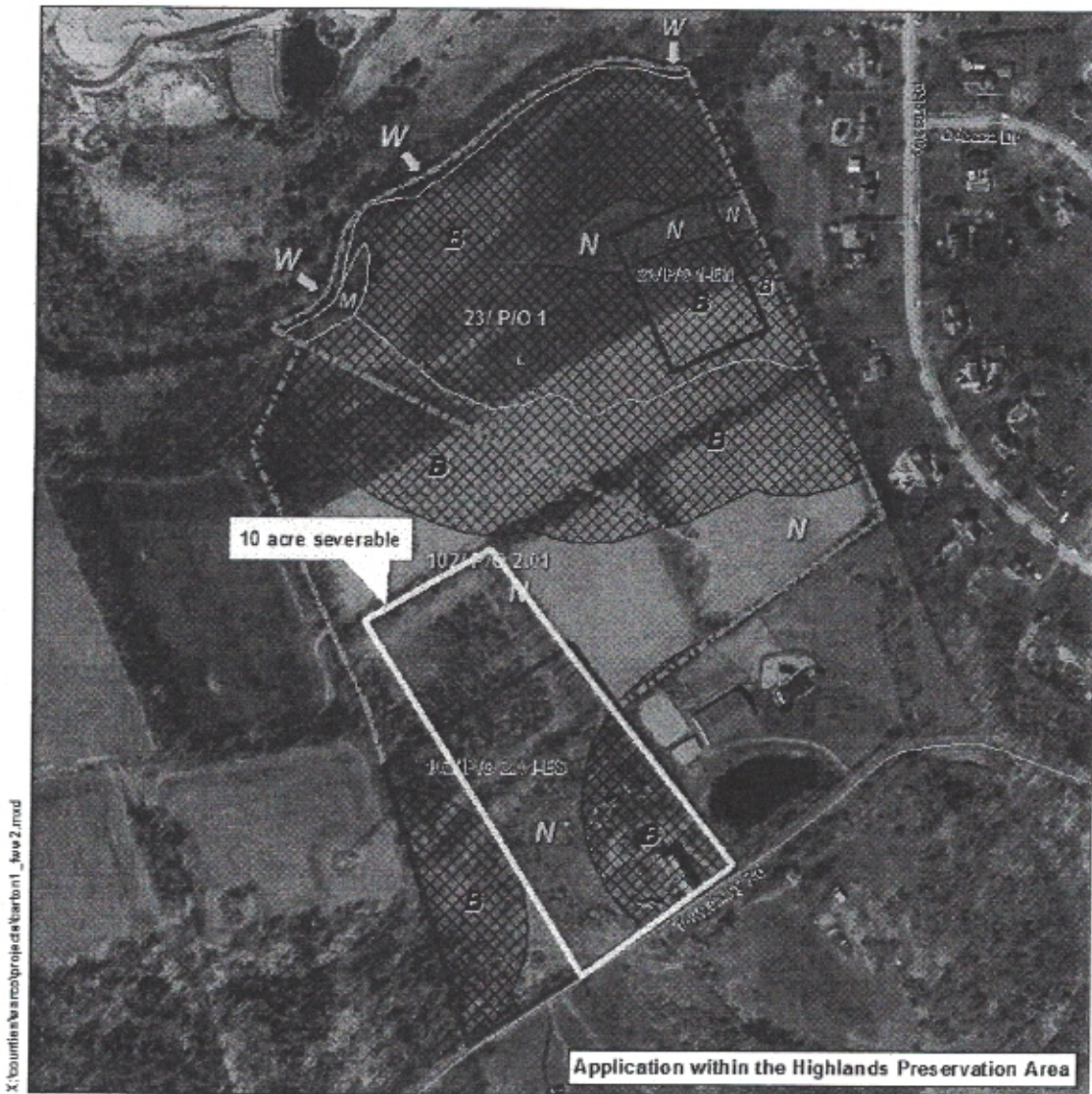
Susan E. Payne, Executive Director  
State Agriculture Development Committee



VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

# Wetlands



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## FARMLAND PRE PRESERVATION PROGRAM NJ State Agriculture Development Committee

John M. Barton  
 Independence Twp. - Block 23 Lots P/O 1 (19.8 ac)  
 & P/O 1-EN (non-severable exception - 2.0 ac)  
 Mansfield Twp. - Block 102 Lots P/O 2.01 (13.9 ac)  
 & P/O 2.01-ES (severable exception - 10.0 ac)  
 Gross Total = 45.7 ac  
 Warren County



**Legend**

- Wetland
- Non-Severable Wetland
- Severable Wetland
- Wetland Modified for Agriculture
- Non-Wetland
- Stream Wetland
- 100' Buffer
- 300' Buffer

**Wetland Legend**

- Wetland
- Non-Severable Wetland
- Severable Wetland
- Wetland Modified for Agriculture
- Non-Wetland
- Stream Wetland
- 100' Buffer
- 300' Buffer

**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 geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring 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.

**Source:**  
 NCEM Wetland Inventory Data  
 Green Acres Conservation Assessment Data  
 NCEM GIS 2012 Digital Aerial Image

September 2, 2014

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

John M. Barton #1  
21- 0568-PG  
County PIG Program  
31 Acres

Block 23	Lot 1	Independence Twp.	Warren County
Block 102	Lot 2.01	Mansfield Twp.	Warren County
<b>SOILS:</b>		Other	41 * 0 = .00
		Prime	811 * .15 = 12.15
		Statewide	151 * .1 = 1.50
			<b>SOIL SCORE: 13.65</b>
<b>TILLABLE SOILS:</b>		Cropped Harvested	791 * .15 = 11.85
		Other	21 * 0 = .00
		Woodlands	104 * 0 = .00
			<b>TILLABLE SOILS SCORE: 11.85</b>
<b>FARM USE:</b>	Hay		21 acres
	Wheat-Cash Grain		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:

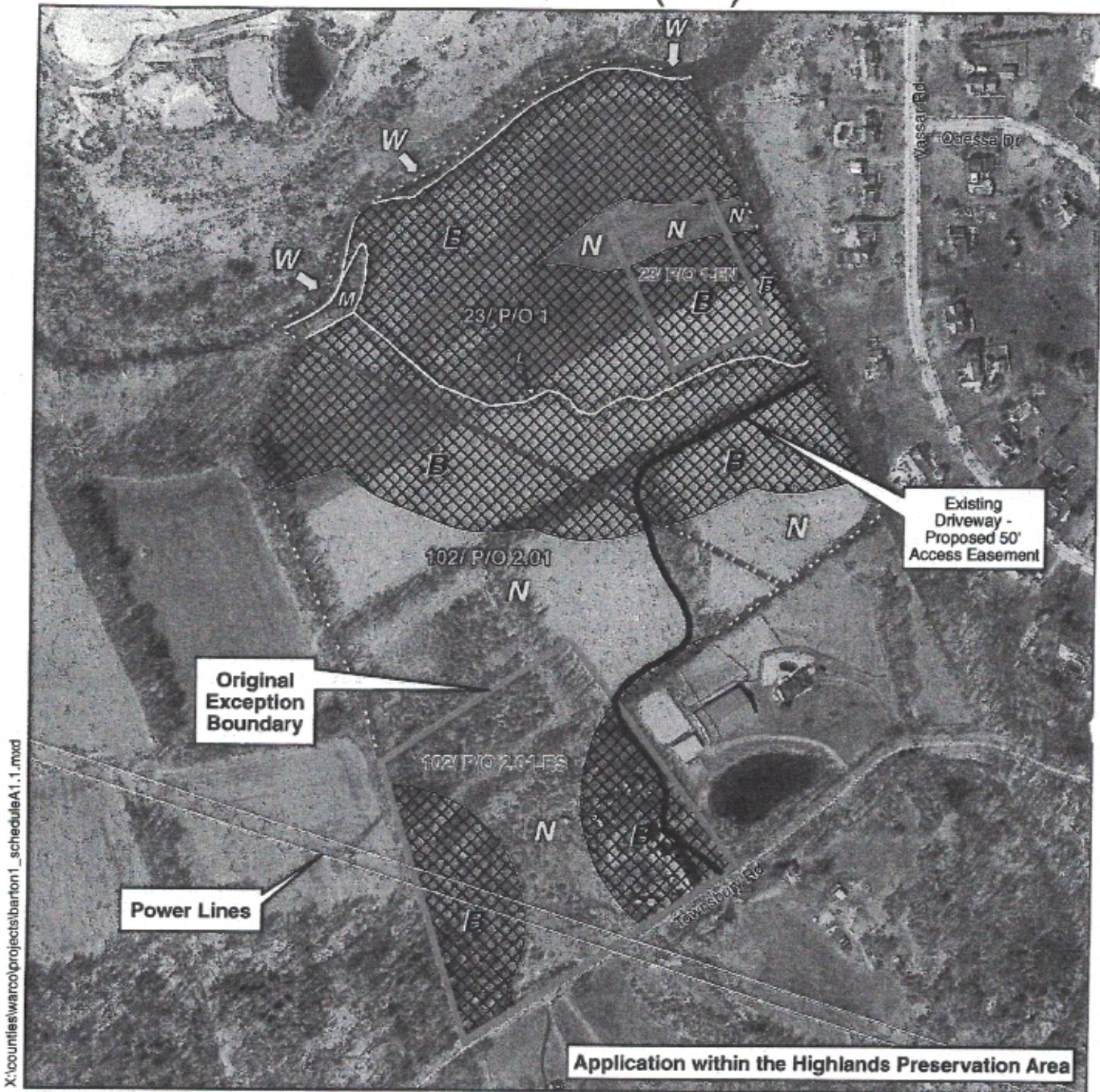
1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st two (2) acres for Future residence  
Exception is not to be severed from Premises  
Exception is to be limited to one future single family residential unit(s)
    - 2nd ten (10) acres for Existing residence and future flexibility  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
 

A 50' unrestricted access easement through the severable exception to benefit the Property will be recorded prior to closing.
  - 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.

sdc\_fip\_final\_review\_pigs.pdf

# Schedule A (1.1)



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John M. Barton  
 Independence Twp. - Block 23 Lots P/O 1 (19.8 ac)  
 & P/O 1-EN (non-severable exception - 2.0 ac)  
 Mansfield Twp. - Block 102 Lots P/O 2.01 (13.9 ac)  
 & P/O 2.01-ES (severable exception - 10.0 ac)  
 Gross Total = 45.7 ac  
 Warren County



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

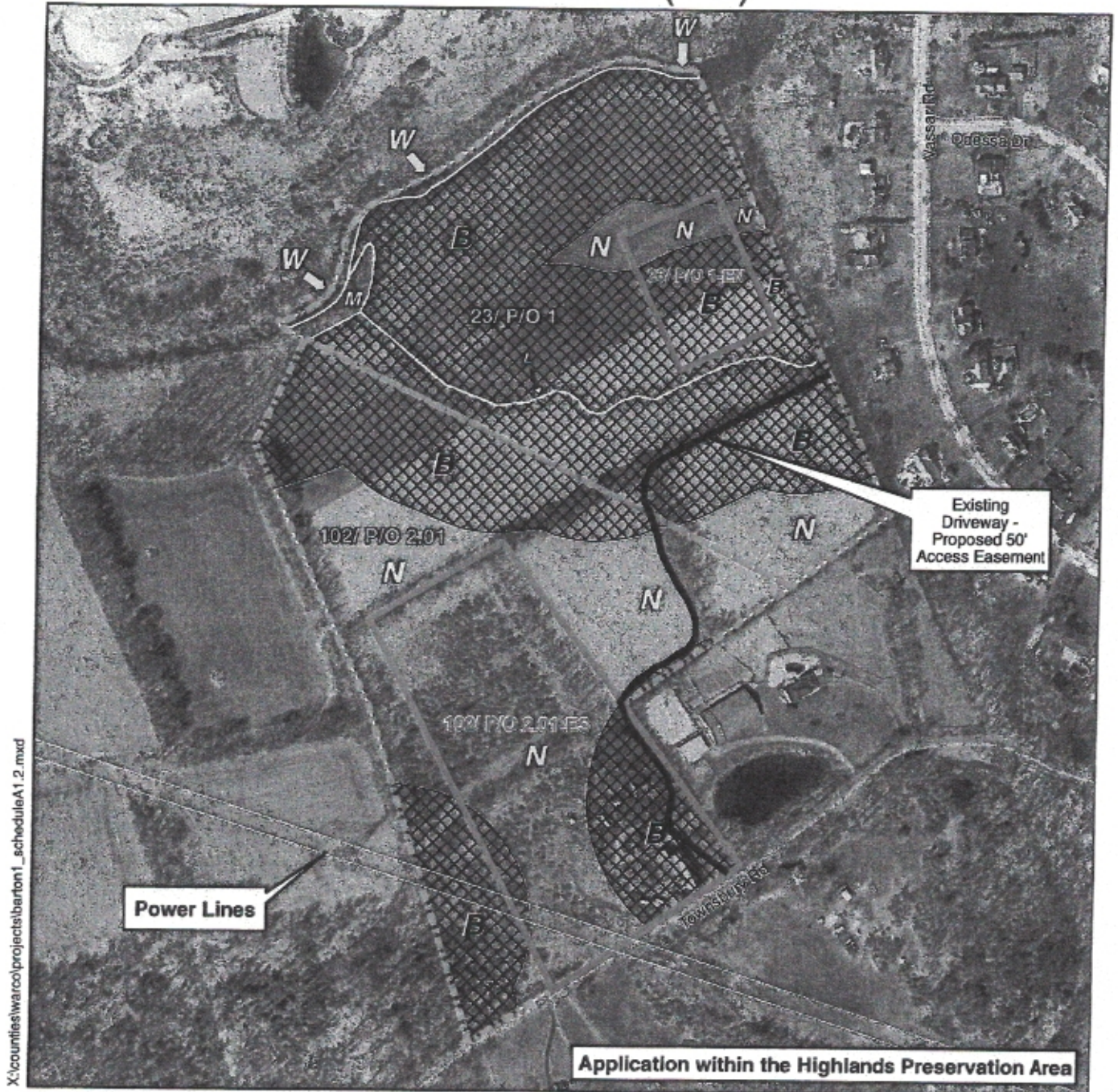


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**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 300' Buffer  
 W - Water

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

# Schedule A (1.2)

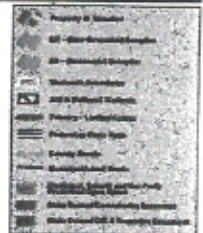


**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

John M. Barton  
 Independence Twp. - Block 23 Lots P/O 1 (19.8 ac)  
 & P/O 1-EN (non-severable exception - 2.0 ac)  
 Mansfield Twp. - Block 102 Lots P/O 2.01 (13.8 ac)  
 & P/O 2.01-ES (severable exception - 10.0 ac)  
 Gross Total = 45.7 ac  
 Warren County



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

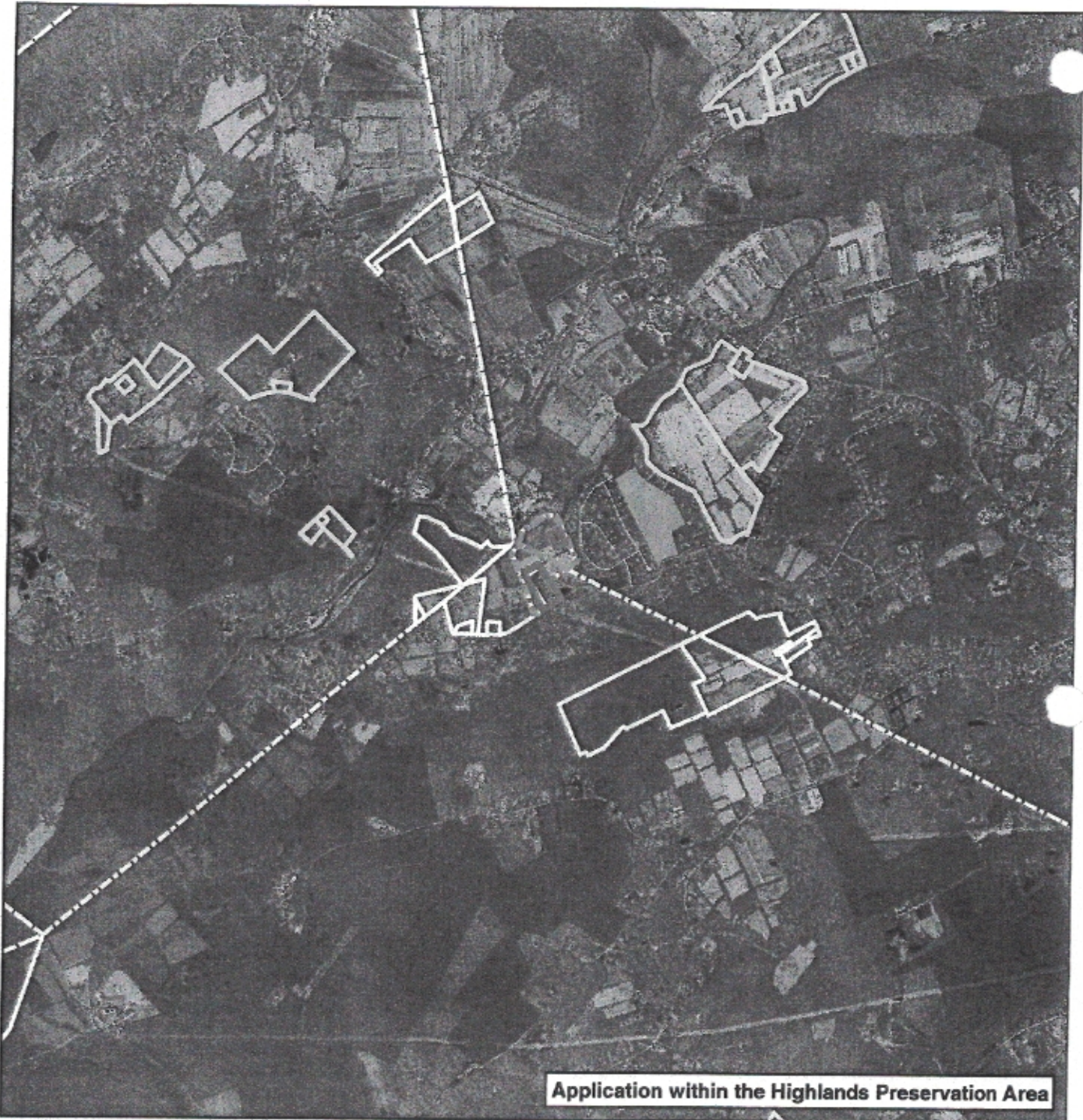


**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 300' Buffer  
 W - Water

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

# Schedule A (continued)

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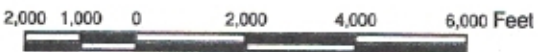


Application within the Highlands Preservation Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John M. Barton  
 Independence Twp. - Block 23 Lots P/O 1 (19.8 ac)  
 & P/O 1-EN (non-severable exception - 2.0 ac)  
 Mansfield Twp. - Block 102 Lots P/O 2.01 (13.8 ac)  
 & P/O 2.01-ES (severable exception - 10.0 ac)  
 Gross Total = 45.7 ac  
 Warren County

- Property in Exception
- EN - Non-Severable Exception
- ES - Severable Exception
- Preserved Easements
- Active Applications
- County Boundaries
- Municipal Boundaries
- Highlands Development Corridor
- Municipal, County and Non-Taxic Preserved Open Space
- State Owned Conservation Easement
- State Owned Wet & Riparian Easement



Sources:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJ Highlands Council Data  
 NJOT/IGIS 2012 Digital Aerial Image

**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



John M. Barton #1  
21- 0568-PG  
County PIG Program  
31 Acres

Block 23	Lot 1	Independence Twp.	Warren County		
Block 102	Lot 2.01	Mansfield Twp.	Warren County		
<b>SOILS:</b>		Other	4% *	0	= .00
		Prime	61% *	.15	= 12.15
		Statewide	15% *	.1	= 1.50
					<b>SOIL SCORE: 13.65</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	79% *	.15	= 11.85
		Other	2% *	0	= .00
		Woodlands	19% *	0	= .00
					<b>TILLABLE SOILS SCORE: 11.85</b>
<b>FARM USE:</b>		Hay		21 acres	
		Wheat-Cash Grain		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 Future residence  
Exception is not to be severed from Premises  
Exception is to be limited to one future single family residential unit(s)
    - 2nd ten (10) acres for Existing residence and future flexibility  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    - A 50' unrestricted access easement through the severable exception to benefit the Property will be recorded prior to closing.
  - 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.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R1(4)

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

On the Property of  
Robert and Sharon Santini

JANUARY 28, 2016

Subject Property: Robert and Sharon Santini ("Owners")  
Block 101, Lots 9 & 13  
Pohatcong Township, Warren County  
SADC ID# 21-0072-DE  
Approximately 91 Net Easement Acres

WHEREAS, on June 30, 2014, the State Agriculture Development Committee ("SADC") received a development easement sale application from Robert and Sharon Santini, hereinafter "Owners," identified as Block 101, Lots 9 and 13, Pohatcong Township, Warren County, hereinafter "the Property," totaling approximately 93.5 Gross 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, the Property includes one (1) approximately 2.5-acre non-severable exception area limited to one (1) existing single family residential unit resulting in approximately 91 net acres to be preserved; and

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

WHEREAS, the SADC certification of an easement value and this final approval are conditioned upon a 30 foot wide access easement being surveyed and recorded prior to closing along the existing farm lane to the current railroad crossing to permit access to Lot 15; and

WHEREAS, the 30 foot wide access easement will also be recorded along the rail line should the crossing change location in the future (Schedule A); and

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Warren County (minimum acreage of 60 and minimum quality score of 53) because it is approximately 91 net easement acres and has a quality score of 66.69; and

WHEREAS, at the time of application, the Property was devoted to corn and soybean 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 November 12, 2015 the SADC certified the development easement value of the Property at \$3,000 per acre based on January 1, 2004 zoning and environmental conditions and \$1,850 per acre based on current zoning and environmental conditions as of June 2014; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$3,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$3,000 per acre for a total of approximately \$273,000 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1) approximately 2.5-acre non-severable exception area limited to one (1) existing single family residential unit, resulting in approximately 91 net acres to be preserved; and

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

BE IT FURTHER RESOLVED, the SADC certification of an easement value and this final approval are conditioned upon a 30 foot wide access easement being surveyed and recorded prior to closing along the existing farm lane to the current railroad crossing to permit access to Lot 15; and

BE IT FURTHER RESOLVED, the 30 foot wide access easement will also be recorded along the rail line should the crossing change location in the future (Schedule A); and

BE IT FURTHER RESOLVED, that the SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 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; 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.

1/28/16

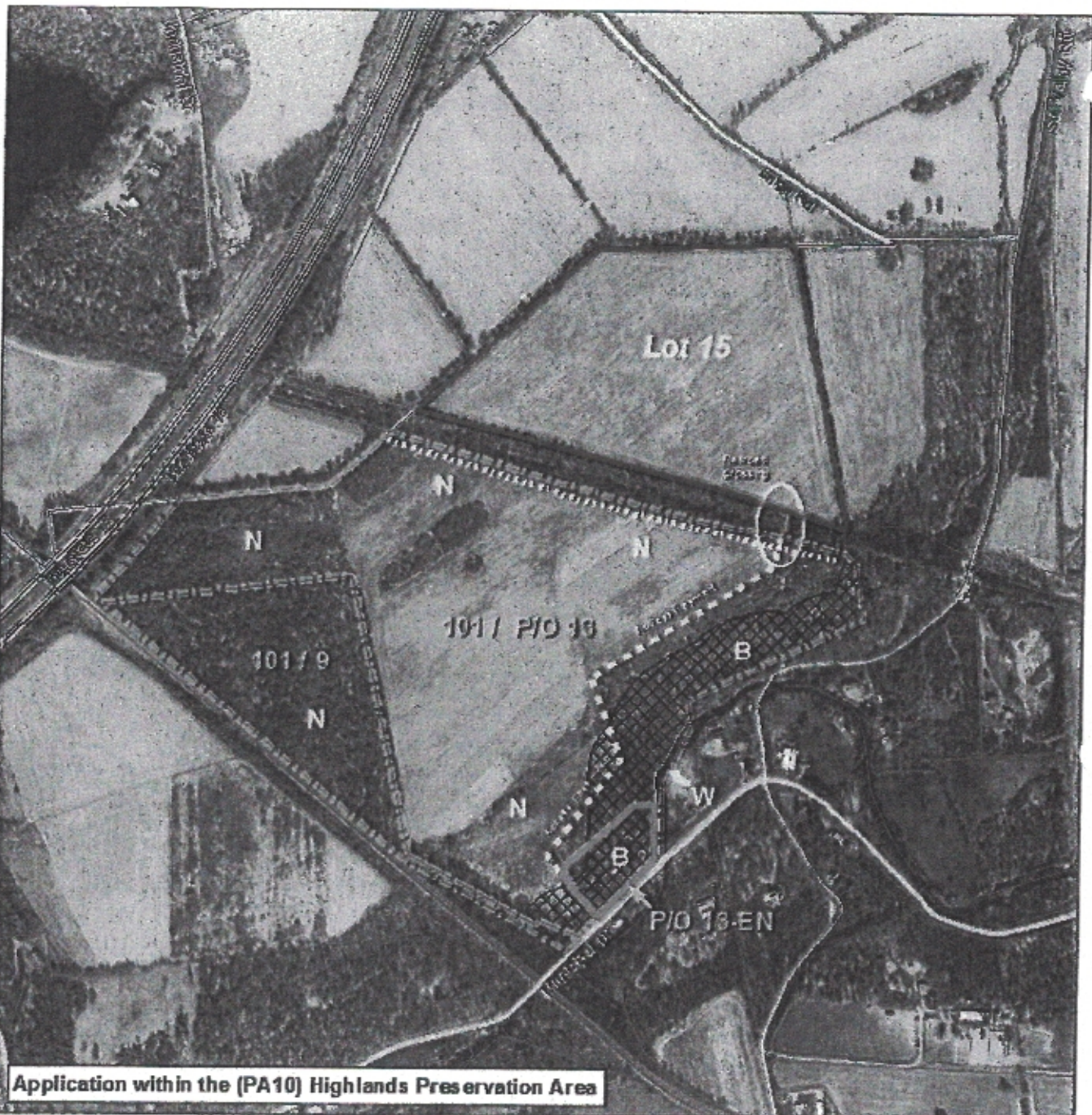
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES



Application within the (PA10) Highlands Preservation Area

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

Santini, Robert & Sharon (Chambers Farm)  
 Block 101 Lot 9 (17.34 ac), P/O Lot 13 (73.7 ac.)  
 & P/O Lot 13-EN (non-severable exception – 2.5 ac)  
 Gross Total – 93.54 ac.  
 Pohatcong Twp. Warren County



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	Parcel 1911 P/O 13
	Parcel P/O 13-EN
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- Map Scale Legend**
- F - Farmland Value Lands
  - L - Lower Value Lands
  - LP - Lower Value Lands for Agriculture
  - T - Total Value Lands
  - N - Non-Value Lands
  - B - 200' Buffer
  - W - 500' Buffer

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The contours and georeferenced location of parcels shown in this case layer are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file are map only and are not intended to be relied upon in matters requiring certification and location of the ground horizontal and/or vertical control as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Source:  
 1. USGS National Wetlands Data  
 2. New Jersey Department of Agriculture  
 3. NJDOT Road Data  
 4. 2007 USGS 21' Digital Aerial Image



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Santini, Robert & Sharon \Chambers Farm  
State Acquisition  
Easement Purchase - SADC  
90 Acres

Block 101	Lot 13	Pohatcong Twp.	Warren County		
Block 101	Lot 9	Pohatcong Twp.	Warren County		
<b>SOILS:</b>		Other	17.5% * 0	=	.00
		Prime	82.5% * .15	=	12.38
					<b>SOIL SCORE: 12.38</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	61.57% * .15	=	9.24
		Woodlands	38.43% * 0	=	.00
					<b>TILLABLE SOILS SCORE: 9.24</b>
<b>FARM USE:</b>		Corn-Cash Grain	31 acres		
		Soybeans-Cash Grain	22 acres		

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

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (2.5) acres for existing 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 existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    - A 30 foot wide access easement along the existing farm lane to the railroad crossing and along the rail line to permit access to Lot 15 will be surveyed and recorded prior to closing.
  - e. Dwelling Units on Premises:
    - No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R1(5)

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

On the Property of  
Mathew, Sharon and Robert Santini, Sr.

JANUARY 28, 2016

Subject Property: Mathew, Sharon and Robert Santini, Sr. ("Owners")  
Block 99, Lot 4  
Pohatcong Township, Warren County  
SADC ID# 21-0070-DE  
Approximately 80.17 Net Easement Acres

WHEREAS, on June 11, 2014, the State Agriculture Development Committee ("SADC") received a development easement sale application from Mathew, Sharon and Robert Santini, Sr., hereinafter "Owners," identified as Block 99 Lot 4, Pohatcong Township, Warren County, hereinafter "the Property," totaling approximately 85.17 Gross 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, the Property includes one (1) approximately 5-acre non-severable exception area, for and limited to one (1) future single family residential unit resulting in approximately 80.17 net acres to be preserved; and

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Warren County (minimum acreage of 60 and minimum quality score of 53) because it is approximately 80.17 net easement acres and has a quality score of 68.52; and

WHEREAS, at the time of application, the Property was devoted to corn and soybean 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 November 12, 2015 the SADC certified the development easement value of the Property at \$4,000 per acre based on January 1, 2004 zoning and environmental conditions and \$1,700 per acre based on current zoning and environmental conditions as of June 30, 2014; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$4,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$4,000 per acre for a total of approximately \$320,680 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 5-acre non-severable exception area for and limited to one (1) future single family residential unit, resulting in approximately 80.17 net acres to be preserved; and

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

BE IT FURTHER RESOLVED, that the SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 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; 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.

1/28/16  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES



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

Santini, Sharon & Robert Sr.  
 Block 99 P/O Lot 4 (80.17 ac.) & P/O Lot 4-EN (non-severable exception – 5.0 ac.)  
 Gross Total – 85.17 ac.  
 Pohatcong Twp. Warren County



	Property Boundary
	State Road Right-of-Way
	Municipal Boundary
	100' Wetland Buffer
	50' Wetland Buffer
	25' Wetland Buffer
	10' Wetland Buffer
	5' Wetland Buffer
	2' Wetland Buffer
	1' Wetland Buffer
	0.5' Wetland Buffer
	0.25' Wetland Buffer
	0.125' Wetland Buffer
	0.0625' Wetland Buffer
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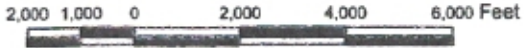
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Application within the (PA10) Highlands Preservation Area

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

Santini, Sharon & Robert Sr.  
Block 99 P/O Lot 4 (80.17 ac.) & P/O Lot 4-EN (non-severable exception – 5.0 ac.)  
Gross Total – 85.17 ac.  
Pohatcong Twp. Warren County



<b>Farmland Preservation Program</b>	
	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
<b>Preserved Easements</b>	
	Active Applications
<b>Preslands Severed PDCs</b>	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O&G & Recreation Easement
	Monmouth County Parks
<b>Base Map</b>	
	County Boundary
	Municipal Boundary



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2012 Digital Aerial Image

Date: 6/30/2014

**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

State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase

Santini, Robert, Sharon, Matthew (Resnick Farm)  
 State Acquisition  
 Easement Purchase - SADC  
 80 Acres

Block 99	Lot 4	Pohatcong Twp.	Warren County	
<b>SOILS:</b>		Other	38% * 0	= .00
		Prime	60% * .15	= 9.00
		Statewide	2% * .1	= .20
			<b>SOIL SCORE:</b>	<b>9.20</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	73% * .15	= 10.95
		Woodlands	27% * 0	= .00
			<b>TILLABLE SOILS SCORE:</b>	<b>10.95</b>
<b>FARM USE:</b>		Corn-Cash Grain	32 acres	
		Soybeans-Cash Grain	28 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 five (5) acres for future residence
    - Exception is not to be severable from Premises
    - Exception is to be limited to one future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R1(6)

AMENDED FINAL REVIEW AND AUTHORIZATION TO ENTER INTO A  
MULTI-PARTY AGREEMENT  
SADC EASEMENT PURCHASE

On the Property of  
Jeffrey Harris ("Owner")  
Quinton Township, Salem County

SADC ID#

January 28, 2016

Amendment Synopsis:

- Approve conserving an 18+- acre wooded wetlands area of the farm with a specialized Conservation Easement (CE) to enhance its function as a riparian buffer in order to protect water quality within the Delaware River Watershed.
- Approve the CE deed template and acknowledge the Resource Management Systems (RMS) plan
- Approval for The New Jersey Conservation Foundation (NJCF) to hold the 18+/- acre conservation easement with funding from the Open Space Institute (OSI).
- Approve a reduction in SADC funding needed as a result of an 18+/- acre reduction in land eased by the Farmland Preservation Easement.
- Approve an amendment to the existing Agreement between the SADC and Owner to incorporate the sale of the CE to NJCF

WHEREAS, on May 28, 2013, the SADC received a development easement sale application from Jeffrey E. Harris (Owner) for property identified as Block 6, Lot 2, Quinton Township, Salem County ("Property") totaling approximately 117 net easement acres (Schedule A); and

WHEREAS, on March 27, 2014, the SADC certified the development easement value of the Property at \$4,000 per acre based on current zoning and environmental conditions as of January 2014 and the SADC offered, and the Owner accepted, the certified easement value; and

WHEREAS, the SADC granted Final Approval for the purchase of a development easement on the Property for \$4,000 per acre on July 24, 2015, which included a 0.6 acre severable exception area limited to the existing cemetery; a 1 acre non-severable exception area limited to zero (0) single family residential units; and a 2.8 acre severable exception area limited to one (1) single family residential unit, with no residential units on the Property outside of the exception areas (Schedule B); and

WHEREAS, on March 4, 2015, the Final Approval was administratively amended through approval of the SADC Executive Director and Secretary Fisher amending the language to be used in the Agreement and Deed of Easement for the .6 acre severable exception area and the 1 acre non-severable exception area stating that Owner retained all nonagricultural development rights (except for residential) in these exception areas and to remove the requirement that the .6 acre cemetery exception area be limited to the existing cemetery (Schedule C); and

WHEREAS, the Owner entered into an Agreement to Sell Development Easement with the SADC on March 10, 2015 for the sale of the Development Easement to the SADC; and

WHEREAS, during the application process with the SADC, the Owner expressed interest in providing additional conservation protection to an approximate 18-acre wooded wetland area of the Property associated with Keasbey's Creek (the "riparian forest buffer") as identified in Schedule D; and

WHEREAS, the William Penn Foundation (the "Foundation") provides funding to the Open Space Institute ("OSI") for the purchase of conservation easements by nonprofit organizations in order to protect water quality and quantity within the Delaware River Watershed (Schedule E); and

WHEREAS, SADC contacted OSI to determine if the proposed riparian forest buffer on the Property met the Foundation's funding criteria for the purchase of conservation easements within the Delaware River Watershed; and

WHEREAS, OSI determined the proposed riparian forest buffer on the Property meets the Foundation's criteria for funding through OSI, and a Conservation Easement ("CE") deed template acceptable to OSI and SADC was developed for the protection of that portion of the Property (Schedule F); and

WHEREAS, the CE deed template requires an RMS plan to be finalized prior to closing on the easement; and

WHEREAS, OSI approved its funding at the January 26, 2016 meeting of the Delaware Watershed Land Protection Fund Advisory Committee, agreeing to pay Owner for the CE on the riparian forest buffer as outlined in Schedule C based on a per acre amount equal to the SADC's certified easement value of \$4,000 per acre; and

WHEREAS, the new estimated cost share breakdown is as follows (based on 117 acres):

SADC	\$396,000	(\$4,000/acre on 99 acres)
<u>OSI</u>	<u>\$ 72,000</u>	<u>(\$4,000/acre on 18 acres)</u>
Total	\$468,000	(\$4,000/acre on 117 acres)

WHEREAS, the Agreement between the Owner and the SADC needs to be amended to include NJCF as a party to the Agreement as NJCF will be the grantee of the CE placed on the riparian forest buffer on the Property (Schedule H); and

WHEREAS, the riparian forest buffer area as set forth in Schedule D that shall be subject to the CE will be surveyed by the SADC and identified as a non-severable conservation easement area in the Farmland Preservation Development Easement.

NOW THEREFORE BE IT RESOLVED, that the SADC grants amended Final Approval to the property to include an 18+/- acre CE to be held by the NJCF, approves the amended cost share, CE deed template, and amendment of the Agreement to Sell Development Easement and acknowledges the RMS plan; and

BE IT FURTHER RESOLVED, that all other provisions of the July 24, 2014 Final Approval and the March 4, 2015 Amended Final Approval shall remain in effect.

1/28/16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES



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Application within the (PA4) Rural Area

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

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



**DISCLAIMER**  
 The data and figures reported on this map were derived from the NJDEP's 2012 National Wetlands Inventory (NWI) and the "Revised Classification System" (RCS) for Wetlands. These data files are not an official NJDEP determination and should only be used as a general reference. Only NJDEP Bureau of Wetlands Management can perform an official determination of Wetlands Region status.

**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 mapping purposes. The geo-referencing and projection of the GIS data contained in this file are not intended to be relied upon in matters requiring delineation and location of true ground horizontal and vertical controls as would be obtained by an actual ground survey conducted by a Licensed Professional Land Surveyor.



**Wetlands Legend:**  
 1 - Freshwater Wetlands  
 2 - Non-Freshwater Wetlands  
 3 - Wetlands Proposed for Agricultural Use  
 4 - Freshwater Wetlands  
 5 - Non-Freshwater Wetlands  
 6 - 200' Buffer  
 7 - Water

**Sources:**  
 NJDEP Freshwater Wetlands Data  
 Green Acres Conservation Assessment Data  
 NCEM GIS 2012 Digital Aerial Image



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R7(5)

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

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

July 24, 2014

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

WHEREAS, on May 28, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Jeffrey E. Harris, hereinafter "Owner," for property identified as Block 6, Lot 2, Quinton Township, Salem County, hereinafter "Property," totaling approximately 117 net easement acres, identified in (Schedule A); and

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 117 acres and has a quality score of 62.28; and

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

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

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

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

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

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

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$4,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$4,000 per acre for a total of approximately \$468,000 subject to the conditions contained in (Schedule B); and

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

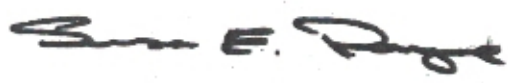
BE IT FURTHER RESOLVED, that the SADC's purchase price shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified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

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

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

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

7-24-14



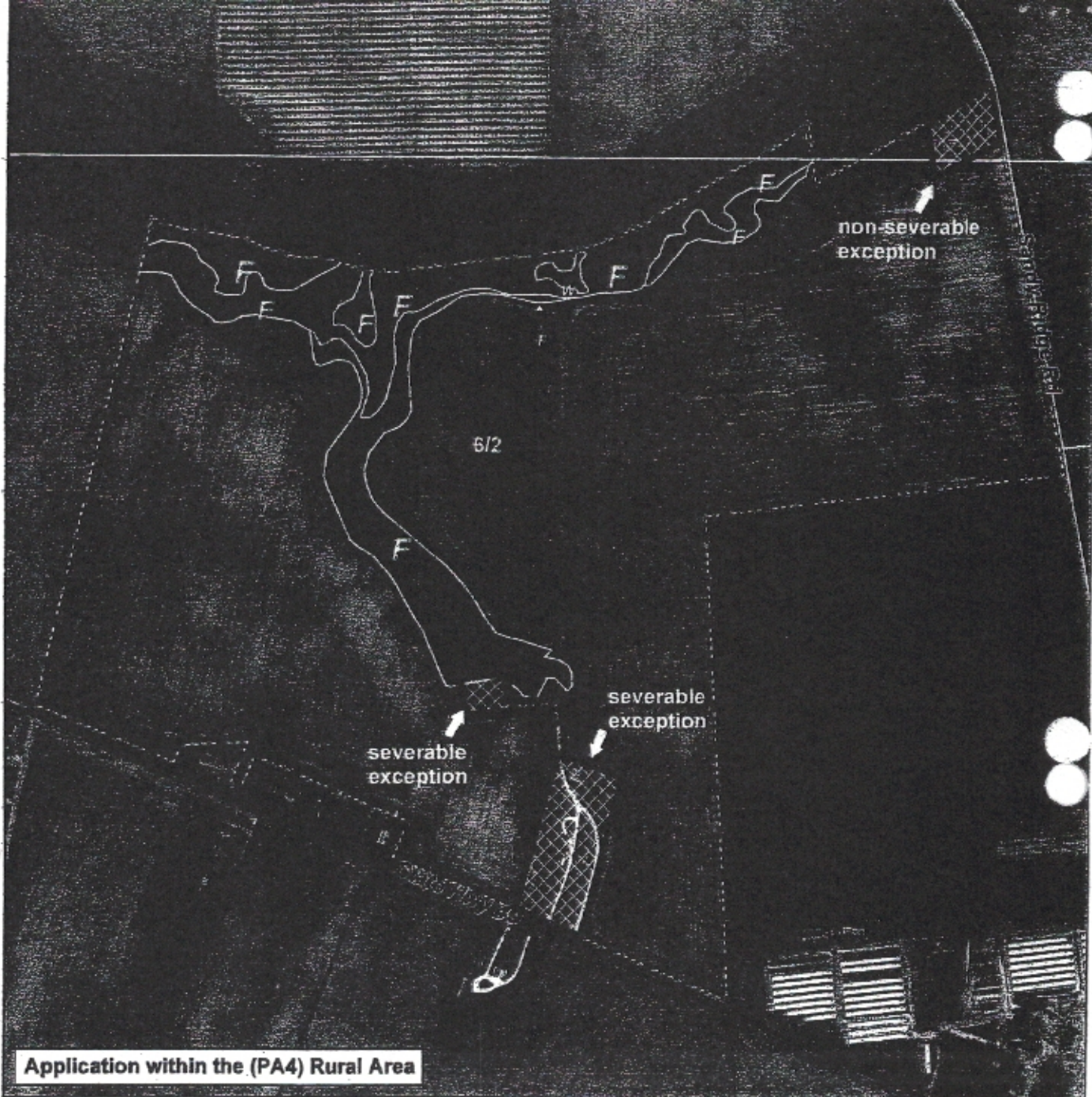
Date

Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

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

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

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



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

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**Property in Contention**

- DR - (Open-Reservable) Exception
- DR - (Reserved) Exception
- Wetlands Boundaries
- Priority - Limited Access
- Parcel of State View
- County Road
- Wetland/Local Road
- Tidelands Boundary
- Wetlands, County and Non-Point Green Space
- State Owned Environmental Education
- State Owned Golf & Recreation Easement



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

**Sources:**  
 NJDEP Freshwater Wetlands Data  
 Green Acres Conservation Easor  
 NJGIT/OGIS 2012 Digital Aerial

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

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

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

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (2.8) acres for Around existing house and buildings  
Exception is severable  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd one (1) acres for Around structures for potential Non-Ag use  
Exception is not to be severable from Premises  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
    - 3rd (.6) acres for Around existing cemetery  
Exception is severable  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)  
AMENDED FINAL APPROVAL

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

**Requested Amendment:** To change language in the SADC Final Approval indicating an exception is "limited" to the existing cemetery.

**Discussion:**

- On July 24, 2014 the SADC granted final approval to the Property including a:
  - A 0.6-acre severable exception area *limited* to the existing cemetery
  - A 1-acre non-severable exception limited to zero single family residences
  - A 2.8-acre severable exception limited to one single family residence (Schedule B)
- August 1, 2014 the landowner was sent an Agreement to Sell Development Rights and the landowner's attorney raised concerns regarding any restrictions beyond the limit of any future residential opportunity in two of the exception areas.
- In order to address these concerns SADC staff agreed to add the following language in the Agreement and in the Deed of Easement in regards to the 0.6 and the 1- acre exception areas without residential opportunities:

*"The Exception Area shall not be subject to the development easement, and the Grantor shall retain all nonagricultural development rights and credits on the Exception Area, except as follows: the Exception Area shall not be developed or used for residential purposes, but the Exception Area may be used and developed for any one or more non-residential purposes as may be permitted pursuant to applicable municipal, county, state, and federal laws and regulations, and subject to the conditions of Section 13(b) of the Deed of Easement"*

- This amendment to the SADC Final Approval ensures the SADC Final Approval agrees with the Agreement and Deed of Easement which will ultimately preserve the property.
- The SADC real estate appraiser indicated the amended language would not affect value.

**Recommendation:**

- It is staff's recommendation to amend the SADC Final Approval for the Harris Farm to remove the limitation that the cemetery exception be used only as a cemetery.

**Amended Final Approval  
Harris Farm  
Page 2**

**Authorization:** The Chairperson and the Executive Director have joint authority to grant approvals to amend applications, preliminary and final approvals and certifications of values. This authorization is limited to amendments that, in the judgment of the Chairperson, do not significantly alter the original Committee approvals or certifications.

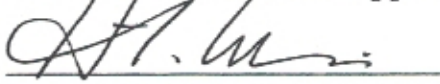
**Staff Review:**

  
Cindy Roberts, Agricultural Resource Specialist

Date: 3/4/15

  
Paul Burns, Real Estate Appraiser

Date: 3/4/15

  
Heidi J. Winzinger, Chief of Acquisition

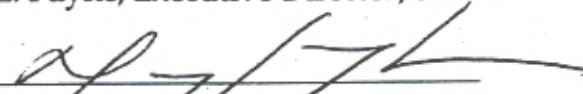
Date: 3.04.15

The amendment is approved in accordance with SADC staff recommendations.

**Authorized Signatures:**

  
Susan E. Payne, Executive Director, SADC

Date: 3-4-15

  
Douglas H. Fisher, Chairman, SADC

Date: \_\_\_\_\_

**ATTACHMENTS:  
Map of Property  
FINAL APPROVAL**





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R7(5)

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

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

July 24, 2014

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

WHEREAS, on May 28, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Jeffrey E. Harris, hereinafter "Owner," for property identified as Block 6, Lot 2, Quinton Township, Salem County, hereinafter "Property," totaling approximately 117 net easement acres, identified in (Schedule A); and

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 117 acres and has a quality score of 62.28; and

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

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

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

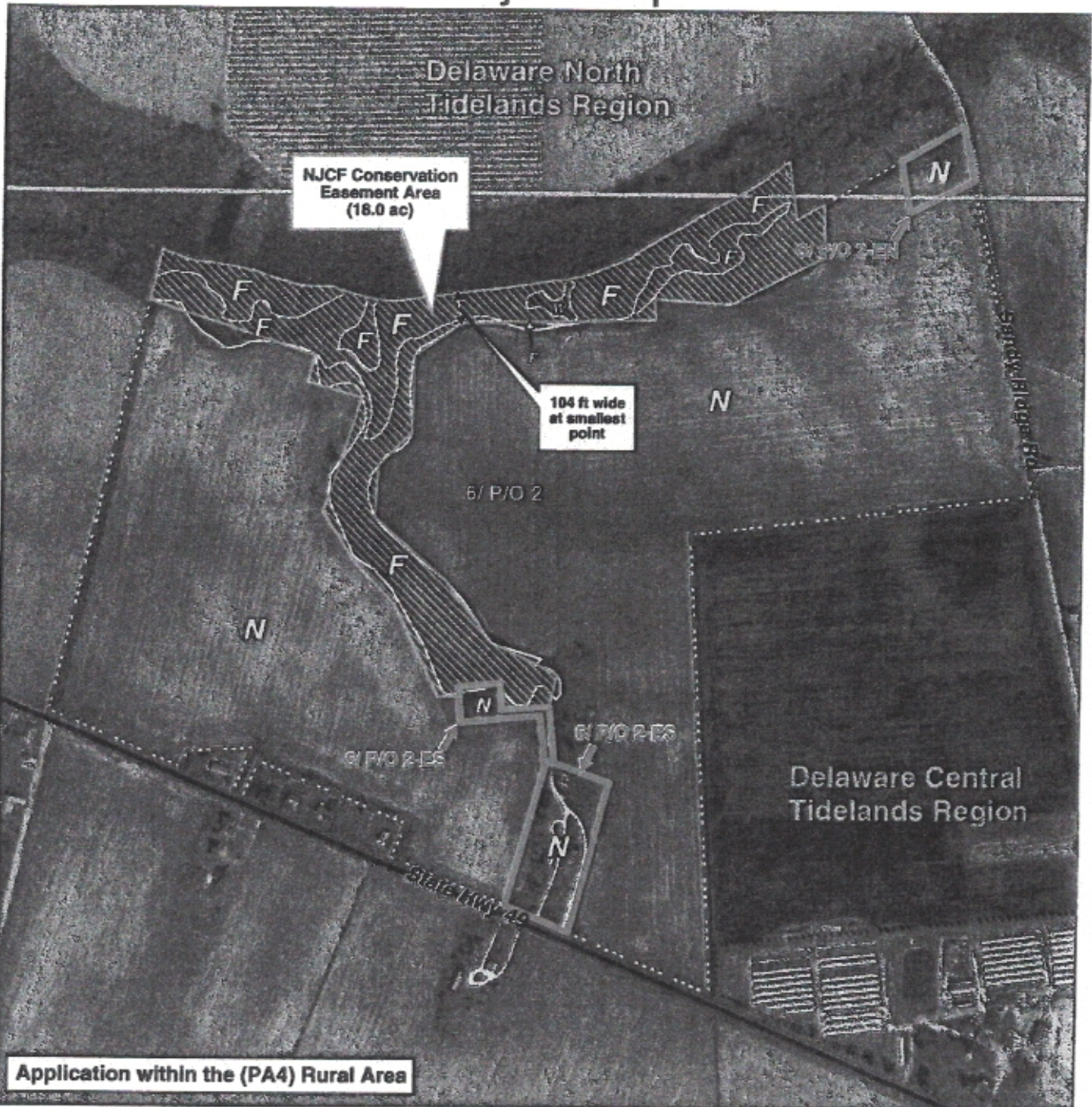
Jeffery E. Harris (Mill Hollow)  
 State Acquisition  
 Easement Purchase - SADC  
 117 Acres

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

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

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (2.8) acres for Around existing house and buildings  
 Exception is severable  
 Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd one (1) acres for Around structures for potential Non-Ag use  
 Exception is not to be severable from Premises  
 Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
    - 3rd (.6) acres for Around existing cemetery  
 Exception is severable  
 Exception is to be limited to zero existing single family residential unit (s) and zero future single family residential unit (s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
 No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

# Project Map



X:\counties\sarco\projects\harris\_fwv.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jeffrey Harris/ Mill Hollow Farm  
 Block 6 Lots P/O 2 (117.4 ac); P/O 2-ES (severable exceptions - 2.8 ac & 0.6 ac);  
 & P/O 2-EN (non-severable exception - 1.0 ac)  
 Conservation Easement Area (18.0 +/- ac)  
 Gross Total = 121.8 ac  
 Quinton Twp., Salem County



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

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

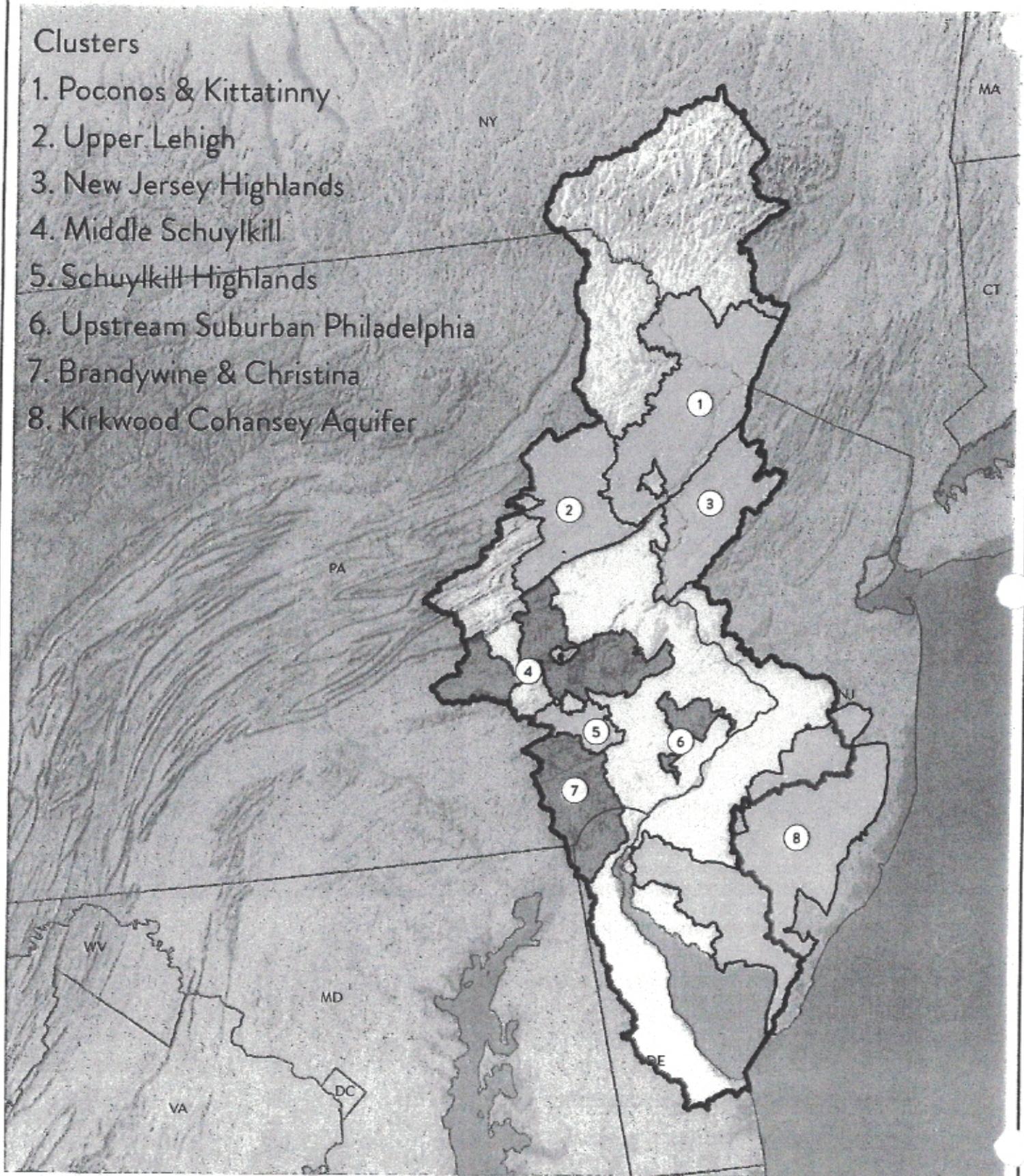


**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 300' Buffer  
 W - Water

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

## Clusters

1. Poconos & Kittatinny
2. Upper Lehigh
3. New Jersey Highlands
4. Middle Schuylkill
5. Schuylkill Highlands
6. Upstream Suburban Philadelphia
7. Brandywine & Christina
8. Kirkwood Cohansey Aquifer



0 12.5 25 50 Miles

0 25 50 100 Kilometers

■ Eligible for Capital AND Catalyst Funds

■ Eligible for Catalyst Funds ONLY



**OPEN SPACE  
INSTITUTE**

**Delaware River Watershed Protection Fund**

**Capital Project Eligibility and Grant Criteria**

**Project Eligibility** - *To be eligible for a capital grant, projects must meet all of the following eligibility criteria.*

1. Lie within one of the 5 designated land conservation watershed clusters and within a cluster plan focus area. In exceptional cases, OSI will consider projects outside a plan focus area after consultation with the relevant cluster team regarding consistency of the project with the cluster plan (see FAQ's for further explanation).
2. 90% or more of the project must be in natural land cover - forest, shrubland, open water and/or wetlands. For projects below this threshold, applicants must demonstrate that restoration efforts will result in natural cover of 90% or greater of the project area.
3. Achieve permanent protection through fee purchase of land or a conservation easement.
4. Meet or exceed OSI conservation easement and stewardship standards for water quality.
5. Leverage at least three additional dollars for every dollar granted by the Fund. The Fund's match requirements are available here.
6. Be spearheaded by an organization with the capacity and financial ability to execute the transaction and ensure long-term stewardship and management of the property consistent with the Fund's objectives.
7. Be completed within 18 months of receiving notification of OSI's grant award.

**Grant Criteria** – *OSI will evaluate Eligible Projects against the criteria below.*

**Water Resources:** *A project's ability to provide abundant, clean water is the primary criteria against which OSI evaluates projects. OSI has a strong preference for projects that meet the minimum standards described below.*

1. **Watershed Context:** *Ability of the HUC 12 watershed where the project is located to produce clean, abundant surface and ground water. OSI evaluates watershed context using the HUC 12's score for Ability to Produce Clean Abundant Water. This index provides scores ranging from 13 to 32. OSI gives preference to projects scoring 22 and above. (Grant*

applicants can determine their score with the User Guide and Map Package. The index parameters are described in the Data Documentation report.)

2. Site Resource Evaluation: Extent to which the site contributes to clean, abundant surface and ground water as indicated by:
  - Groundwater Recharge: 50% or more of the project is in high aquifer recharge class,
  - Headwaters: 50% or more of the project drains to first order headwater streams,
  - Active River Area (ARA): 25% or more of the project is in ARA (ARA includes the stream buffer, floodplains and instream wetlands), and,
  - Stream quality: Evaluated by trout reproduction status, pH of streams and wetlands in NJ Pinelands, and/or biological or chemical sampling from state, county, EPA or other sources.
  
3. Site Vulnerability: Potential impact of development on water quality, as indicated by:
  - Erosion risk: 10% or more of the project is at high erosion risk or 50% or more is at medium risk.
  - Ground water vulnerability to pollution: 10% or more of the project is at high risk or 50% or more is at medium risk.

**Additional Considerations:** *OSI evaluates projects with high Water Resource attributes against the following additional criteria.*

- *Conversion Pressure:* Extent and type of conversion pressure on the project and surrounding parcels based on current zoning, landowner intent, local development patterns, and suitability of the land for non-forest uses such as development or agriculture.
- *Ecological Value:* Extent of rare and sensitive plant, animal and habitat types supported by clean surface and ground water.
- *Landscape connectivity:* Scale of the project and proximity to other conserved lands that contribute to the protection of surface and ground water quality at the site.
- *Catalytic Potential:* Potential of the project to 1) illustrate the importance of watershed conservation and planning, 2) catalyze additional watershed protection projects, constituency or funding, 3) demonstrate innovative approaches to watershed protection, and/or 4) demonstrate direct local economic benefits.

**SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)**

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") is made this \_\_\_\_ day of \_\_\_\_\_, 201\_, by and between \_\_\_\_\_ ("Grantor") and \_\_\_\_\_ ("Grantee").

WITNESSETH

WHEREAS, Grantor owns in fee simple \_\_\_\_\_ acres of certain real property ("Property") situate, lying and being in the Township of \_\_\_\_\_ County of \_\_\_\_\_ State of New Jersey;

WHEREAS, Grantor is willing to grant a perpetual Conservation Easement ("Conservation Easement") over a portion of the Property that constitutes a "Riparian Forest Buffer", described in Schedule A ("Premises"), thereby restricting and limiting the use of the Premises as hereinafter provided in this Conservation Easement for the purposes hereinafter set forth, and Grantee is willing to accept such Conservation Easement;

WHEREAS, the remainder of the Property is subject to a New Jersey State Farmland Preservation Program Deed of Easement ("FPP Easement") conveyed to the State Agriculture Development Committee ("SADC") pursuant to the Agriculture Retention and Development Act (N.J.S.A. 4:1C-1 et seq.) recorded contemporaneously with this Conservation Easement; and

WHEREAS, it is the express intent of this Deed of Conservation Easement that the conservation of the Premises as set forth in the Deed provisions below shall be compatible with the agricultural use of the area subject to the FPP Easement; and

WHEREAS, Grantor and Grantee have identified significant conservation values on the Premises and have common purposes in conserving and preserving these and preventing the use or development of the Premises for any purpose or in any manner that would conflict with the maintenance of the Premises in its open-space condition. "Conservation Values" means all those natural, scenic, open space, ecological, plant and wildlife habitat, soil and water resource quality, watershed, wetland, and similar features and values that characterize, or are or become associated with the Premises. Specific conservation values are documented in the Baseline Inspection Report, to be kept on file at the offices of Grantee or at a storage facility maintained by Grantee, and which is incorporated herein by reference in accordance with Schedule B;

WHEREAS, this Conservation Easement is entered into in accordance with the New Jersey Conservation and Historic Preservation Restriction Act (N.J.S.A. 13:8B-1 et seq.) and shall be binding upon the Grantor, its successors and assigns;

NOW, THEREFORE, in consideration of \_\_\_\_\_, the recitals set forth above and the covenants, terms, conditions and restrictions (the "Terms") hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged by the parties, Grantor unconditionally and irrevocably hereby grants and conveys unto Grantee, its successors and

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

assigns, forever and in perpetuity a Conservation Easement of the nature and character and to the extent hereinafter set forth, with respect to the Premises.

The purposes of this Conservation Easement are to conserve and preserve the significant Conservation Values of the Premises, including but not limited to those listed in Schedule B, and, to the extent hereinafter provided, prevent the use or development of the Premises for any purpose or in any manner that would conflict with the conservation and preservation of the Conservation Values of the Premises. Further, such protection of the Conservation Values shall be compatible with the agricultural use of the portion of the Property subject to the FPP Easement.

To achieve these objectives, the following Terms are set forth:

### ARTICLE I. DURATION OF CONSERVATION EASEMENT

This Conservation Easement shall be perpetual. It is an easement in gross and as such is inheritable and assignable in accordance with Article V and runs with the land as an incorporeal interest in the Premises, enforceable with respect to the Premises by Grantee against Grantor and its respective personal representatives, heirs, successors and assigns.

### ARTICLE II. PROHIBITED AND RESTRICTED ACTIVITIES

#### A. Industrial, Commercial, and Agricultural Activities on the Premises

Industrial, commercial, and agricultural activities are prohibited except for those agricultural activities permitted in accordance with Article II.I. that are associated with the FPP Easement on the Property conveyed to the SADC pursuant to the Agriculture Retention and Development Act (N.J.S.A. 4:1C-1 et seq.) recorded contemporaneously with this Conservation Easement.

#### B. Construction and Improvements

Grantor may maintain any structures existing on the Premises on the date of the execution of this Conservation Easement and documented in the Baseline Inspection Report. The construction, placement, or enlargement of any new buildings or structures is prohibited on the Premises, unless provided for in the RMS Plan.

"Building" means a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

"Structure" means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

Notwithstanding the foregoing, Grantor shall be permitted to repair and maintain any tile drains that exist in the Conservation Easement area at the time of the execution of this



## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

Conservation Easement, provided that they are necessary to drain the agricultural area covered by the FPP Easement.

### C. Divisions or Subdivisions of the Premises

The division, partition or subdivision ("Division") of the Premises separately from the remainder of the Property subject to the FPP Easement recorded contemporaneously with this Conservation Easement, is prohibited. However, the foregoing prohibition shall not be construed to apply when the remainder of the Property subject to the FPP Easement is divided in accordance with the FPP Easement and the Premises remains annexed to one or more resultant FPP easement parcels. No division of the Premises shall be permitted without the joint, advanced approval in writing of Grantee and the SADC.

### D. Transferable, Cluster and Other Development Rights

Except as specifically reserved in this Conservation Easement, Grantor hereby grants to Grantee all development rights that are now or hereafter allocated to, implied, reserved or inherent in the Premises, and the parties agree that such rights are terminated and extinguished, and may not be used or transferred to any portion of the Premises, the Property, or to any other parcel of land, nor used for the purpose of calculating permissible lot yield of the Premises, the Property or any other parcel of land. Grantor further agrees that the Premises shall not be used to provide required open space for the development or subdivision of another parcel of land, nor shall it be used in determining any other permissible residential or commercial uses of another parcel of land.

### E. Dumping, Placement or Storage of Materials

No materials may be dumped, placed or stored on the Premises, including, but not limited to, ashes, sawdust, bark, trash, garbage, rubbish, dredge spoil, chemicals, pesticides, fertilizers, abandoned vehicles, appliances, or machinery. Notwithstanding the foregoing, Grantor may place materials necessary for conservation and natural resource management if prescribed by a Resource Management Systems Plan ("RMS Plan") that has been approved in accordance with Article II.H.

### F. Excavation of Materials

No excavation of materials is permitted, including, but not limited to, dredging, mining and removal of loam, gravel, soil, rock, sand, coal and petroleum. Notwithstanding the foregoing, Grantor may excavate materials necessary for conservation and natural resource management if prescribed by a RMS Plan that has been approved in accordance with Article II.H.

### G. Wetlands and Hydrology

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

No diking, draining, filling, dredging, or removal of any wetland or wetlands is permitted. "Wetland" or "wetlands" means portions of the Premises defined as wetlands pursuant to The Wetlands Act of 1970, (N.J.S.A. 13:9A-1 et seq.) and the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.). Notwithstanding the foregoing, Grantor may manage, restore, create, enhance, or expand any wetland or wetlands on the Premises if prescribed by an RMS Plan that has been approved in accordance with Article II.H. and is in accordance with the Natural Resources Conservation Service-New Jersey ("NRCS-NJ") Conservation Practice Standard Code 644 – Wetland Wildlife Habitat Management; Conservation Practice Standard Code 657 – Wetland Restoration; Conservation Practice Standard Code 658 – Wetland Creation; or Conservation Practice Standard Code 659 – Wetland Enhancement contained in the Field Office Technical Guide ("FOTG").

- i. The management, restoration, creation, enhancement, or expansion of any wetland or wetlands on the Premises, or any other activity that causes a change in hydrology on the Premises, shall not negatively alter the hydrology on the portion of the Property subject to the FPP Easement or negatively impact the agricultural productivity and use of the FPP Easement area. Further, any alteration of any subsurface drainage tiles or irrigation field ditches on the Premises must be prescribed by an RMS Plan that has been approved in accordance with Article II. H and is in accordance with the NRCS-NJ FOTG.

### H. Resource Management Systems Plan

Prior to the execution of this Conservation Easement, Grantor shall obtain a Resource Management Systems Plan ("RMS Plan") that has been approved by NRCS-NJ and the local soil conservation district and received concurrence in writing by Grantee that the RMS Plan is consistent with the terms and purposes of the Conservation Easement. An RMS Plan is a site specific conservation system plan that prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of nonpoint source pollution, and establishes criteria for resources sustainability of soil, water, air, plants, and animals.

The RMS Plan shall be consistent with the terms and purposes of this Conservation Easement and meet or exceed the quality criteria in the NRCS-NJ FOTG, as may be amended, available at <http://efotg.sc.egov.usda.gov>, or any comparable provisions of any guide or regulations which may replace the FOTG in the future or as it may be amended from time to time. Revisions to the RMS Plan, including the schedule of implementation, may be made by Grantor and the local soil conservation district as land use practices or management changes; however, Grantor shall achieve full compliance with the RMS Plan within two (2) years of the date of this Conservation Easement and maintain compliance at all times thereafter. No revision or amendment to the RMS Plan shall be deemed to be approved for the purposes of this Conservation Easement until it is first approved in writing by NRCS-NJ and the local soil conservation district and received concurrence in writing by Grantee that the RMS Plan is

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

consistent with the terms and purposes of the Conservation Easement. Grantor shall provide a copy of the RMS Plan and any revisions thereto to Grantee and the SADC.

### I. Riparian Forest Buffer

In the area delineated as the Premises in Schedule A and Schedule C, Grantor shall establish and maintain a Riparian Forest Buffer ("Riparian Buffer") in perpetuity. Establishment of the riparian buffer shall be included in the RMS plan. If necessary, Grantor shall begin establishment of the Riparian Buffer, whether through natural regeneration or planting with native species of trees, within two (2) years of the date of this Conservation Easement, or where applicable, within two (2) years after the termination or expiration of a preexisting Conservation Reserve Enhance Program Contract ("CREP Contract") in accordance with the terms of Paragraph ii. In the Riparian Buffer, there shall be no livestock access, grazing, plowing, tilling, haying, mowing, burning, removal or destruction of trees or other vegetation (collectively, "Vegetation") except for Vegetation that is nonnative or invasive or is performed in accordance with an approved RMS Plan. Establishment and maintenance of the Riparian Buffer shall be in accordance with the NRCS-NJ Conservation Practice Standard Code 391 - Riparian Forest Buffer, contained in the FOTG.

- i. Grantor retains the right to establish and maintain one or more stream crossings ("Stream Crossings") for vehicles, equipment, and livestock, but nothing herein shall be construed to grant livestock direct access to the Riparian Buffer. The number, location, and size of permitted stream crossings and the establishment and maintenance thereof shall be in accordance with the NRCS-NJ Conservation Practice Standard Code 578 - Stream Crossing, contained in the FOTG and prescribed by an RMS Plan that has been approved in accordance with Article II.H.
- ii. Grantor retains the right to draw surface water from the Riparian Buffer, or from water bodies adjacent thereto, in a manner consistent with state and federal law and in locations and in a manner prescribed by an RMS Plan that has been approved in accordance with Article II.H. in order to provide irrigation water to that portion of the property subject to the FPP Easement. Equipment or structures necessary for the conveyance of water from and through the Riparian Buffer to the FPP Easement area for purposes of agricultural irrigation shall be permitted.
- iii. The Riparian Buffer provisions described above are effective as of the date of this Deed of Easement if the Premises is not enrolled in a CREP Contract between a federal agency and Grantor as of said date. If the Premises is enrolled in a CREP Contract as of said date, the provisions described above are effective upon the earlier to occur of either (i) termination of a preexisting CREP Contract or (ii) expiration of a preexisting CREP Contract. Grantor shall provide a copy any applicable CREP Contract to Grantee.
- iv. Grantor retains the right to conduct wildlife management practices, such as

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

hunting of deer, in a manner consistent with the RMS plan in order to avoid wildlife depredation impacts on the portion of the Property subject to the FPP Easement conveyed to the SADC. All wildlife management practices shall be conducted in accordance with applicable state and federal law.

- v. Grantor retains the right to conduct management of invasive species in a manner consistent with the RMS Plan that has been approved in accordance with Article II.H, so long as said activities do not negatively impact the use of the FPP Easement area for agricultural production.
  - i. Grantor retains the right to maintain any unimproved footpaths in existence on the date of the execution of this Conservation Easement and documented in the Baseline Inspection Report.
- vi. Removal of any dead or diseased trees shall be conducted in a manner consistent with the RMS Plan and is limited to no more than two (2) cords a year.
  - i. Notwithstanding the above section vi., the two (2) cords maximum can be exceeded for removal of dead or diseased trees that pose a threat to human health or safety or to the health of the riparian forest buffer, if consistent with the RMS Plan.
- vii. Removal of any trees shall be undertaken using accepted forestry practices consistent with state and federal laws, regulations and currently acceptable best management practices described in the New Jersey Forestry and Wetlands Best Management Practices Manual, as may be amended, available at [http://www.state.nj.us/dep/parksandforests/forest/nj\\_bmp\\_manual1995.pdf](http://www.state.nj.us/dep/parksandforests/forest/nj_bmp_manual1995.pdf)

### J. Signs and Billboards

No signs, billboards, or outdoor advertising displays may be erected, displayed, placed or maintained on the Premises except for each of the following purposes: (1) one sign, not exceeding four (4) feet x four (4) feet in size, to recognize protection of the Premises by Grantee under this Conservation Easement; (2) signs customarily used to prevent trespassing; and (3) signs customarily used to prohibit hunting.

### K. Rights of Third Parties to Use the Premises

Grantor may not authorize or allow a third party to use the Premises in a manner inconsistent with the Terms of this Conservation Easement. Therefore, no right to use the Premises, whether in the form of a right-of-way, easement, oil, gas or mineral lease or other right or interest in, on or through the Premises, may be conveyed or permitted to be established in, on or through the Premises, unless the right or interest is consistent with the Terms of this Conservation Easement and given prior approval by Grantee. These prohibitions do not apply to a right to use the Premises that was in existence prior to this Conservation Easement unless said right was subordinated to this Conservation Easement.

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

### L. Public Access

Nothing herein shall be construed to convey a right to the public of access to or use of the Premises except as stated in this Deed of Easement or as otherwise provided by law.

### M. Alteration of Topography

Unless such activities are prescribed by an RMS Plan that has been approved in accordance with Article II.H and intended to protect or enhance the Conservation Values on the Premises, under no circumstances shall rocks, minerals, gravel, sand, topsoil, subsoil, or other similar materials be removed from the Premises and no removal, filling, mining, quarrying, dredging or excavation of rocks, minerals, gravel, sand, topsoil, subsoil, or other similar materials or natural deposits shall be allowed on the Premises. Further, other disturbances of the soil surface or subsurface, changes in topography, surface or subsurface water systems, wetlands, or natural habitat shall not be allowed on the Premises unless such activities are prescribed by an RMS Plan that has been approved in accordance with Article II.H. and intended to protect or enhance the Conservation Values on the Premises.

### N. Reserved Rights

Except to the extent that prior written approval of Grantee is required by any paragraph of this Article, all rights reserved by Grantor or not prohibited by this Conservation Easement are considered to be consistent with the Terms of this Conservation Easement and require no prior notification or approval. If Grantor has any doubt with respect to whether or not any particular use of the Premises is prohibited by the Terms of this Conservation Easement, Grantor may submit a written request to Grantee for consideration and approval of such use.

### O. Interference with FPP Easement Area

Notwithstanding the foregoing, no activity undertaken by the Grantor shall be permitted that interferes with, or diminishes, the agricultural productivity and use of the areas subject to the FPP easement.

## ARTICLE III. ENFORCEMENT AND REMEDIES

### A. Remedies

Upon any breach of the Terms of this Conservation Easement by Grantor, Grantee may, after reasonable notice to Grantor, exercise any or all of the following remedies:

1. Institute suit to enjoin any breach of or enforce any covenant herein; and
2. Require that the Premises be restored promptly to the condition required by this Conservation Easement.

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

Grantee's remedies shall be cumulative and shall be in addition to any other rights and remedies available to Grantee at law or equity.

### B. Effect of Failure to Enforce

No failure on the part of Grantee to enforce any Term hereof shall discharge or invalidate such Term or any other Term hereof or affect the right of Grantee to enforce the same in the event of a subsequent breach or default.

### C. Right of Inspection

Grantee and its respective employees and agents shall be permitted access to, and may enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions of this Conservation Easement. Grantee agrees to give Grantor at least 24 hours advance notice of their intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week. Notwithstanding the above, in the event that Grantee has reason to believe that a violation of the Conservation Easement is occurring, or that a violation of the Conservation Easement is imminent, and Grantee determines that said violation is likely to create irreparable harm to the Conservation Values, Grantee shall be permitted access to, and may enter upon the Premises, without prior notice to Grantor.

## ARTICLE IV. SCHEDULES

The following Schedules are hereby made a part of this Conservation Easement:

A1. Schedule A1: Legal Description and Boundary Survey of Property is attached hereto and made a part hereof. Schedule A1 consists of \_\_\_\_ ( ) pages.

A2. Schedule A2: Legal Description and Boundary Survey of the Premises is attached hereto and made a part hereof. Schedule A2 consists of \_\_\_\_ ( ) pages.

A3. Schedule A3: Legal Description and Boundary Survey of the FPP Deed of Easement is attached hereto and made a part hereof. Schedule A3 consists of \_\_\_\_ ( ) pages.

B. Schedule B: Baseline Inspection Report of the Premises is kept on file at the principal offices of Grantee and is fully and completely incorporated into this Conservation Easement as though attached hereto and made a part hereof. Schedule C consists of \_\_\_\_ ( ) pages.

These Schedules reflect the existing uses, conservation values and buildings and structures on the Premises as of the date of this Conservation Easement.

## ARTICLE V. MISCELLANEOUS

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

### A. Notification by Grantor of a Grant, Conveyance or Other Transfer

Grantor shall notify Grantee in writing of the names and addresses of any party to whom the Premises, or any part thereof, is to be granted, conveyed or otherwise transferred at or prior to the time said transfer is consummated.

### B. Effect of Laws Imposing Affirmative Obligations on Grantor

In the event that any applicable state or federal law imposes affirmative obligations on owners of land which if complied with by Grantor would be a violation of a Term of this Conservation Easement, Grantor shall provide notice to Grantee at least thirty (30) days before commencement of any such activity except in cases of emergency, in which case Grantor shall provide written notice to Grantee as soon as reasonably possible.

### C. Notices to Grantor and Grantee

Any notices required to be given by a party hereto pursuant to any Term hereof shall be sent by registered or certified mail, return receipt requested to the addresses set forth below or to such other address as a party may establish in writing on notification to all other parties hereto.

If to Grantor: \_\_\_\_\_

And  
If to Grantee: \_\_\_\_\_

### D. Approval and Concurrence of Grantee

In any case where the Terms of this Conservation Easement require the approval or concurrence of Grantee, such approval or concurrence shall be requested by written notice to Grantee. Such approval shall be deemed given unless within ninety (90) days after receipt of notice Grantee mails notice to Grantor of disapproval and the reason(s) therefore. Unless Grantee's approval is deemed given in accordance with the prior sentence, any approval shall be written. Grantee will take into account the Terms and purposes of this Conservation Easement in determining whether to grant such approval. In the event of a conflict between this paragraph and a Term requiring Approval, the Term requiring approval shall prevail.

- i. Notwithstanding the foregoing, the ninety (90) day period shall not apply to approvals sought by Grantor in conjunction with Article V.G. of this Conservation Easement.
- ii. The ninety (90) day period commences upon the Grantor's submission to the Grantee of all information reasonably required by Grantee related to the request.

## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

The Grantor shall be notified in writing by Grantee of any deficiencies regarding the submission and identify any further information needed to complete said submission.

### E. Assignment by Grantee and Effect of Dissolution of Grantee

Grantee may assign, upon prior written notice to Grantor, its rights under this Conservation Easement to any "qualified organization" within the meaning of Section 170(h) of the Internal Revenue Code or the comparable provision in any subsequent revision of the Code and only with assurances that the purposes of this Conservation Easement will be maintained. No assignment may be made by Grantee of its rights under this Conservation Easement unless Grantee, as a condition of such assignment, requires the assignee to carry out the conservation purposes of this Conservation Easement.

### F. Grantee Holds for Conservation Purposes

Grantee agrees to hold this Conservation Easement exclusively for conservation purposes, as defined in Section 170(h)(4)(A) of the Internal Revenue Code.

### G. Amendment

This Conservation Easement may only be amended by a written document that is executed by Grantor and Grantee and recorded with the County Clerk of \_\_\_\_\_ County, New Jersey. Any amendment must be consistent with the purposes of this Conservation Easement and the New Jersey Conservation and Historic Preservation Restriction Act (N.J.S.A. 13:8B-1 et seq.), shall not affect its perpetual duration, and shall only be allowed if, in the opinion of Grantee and the SADC, the amendment as a whole does not weaken protection of the Conservation Values of this Conservation Easement and is consistent with Article II.O. of this Conservation Easement.

### H. Condemnation

That portion of the net proceeds, representing the value of the land only (and not the value of the improvements), of a condemnation award or other disposition of the Premises following termination of this Conservation Easement shall be distributed among the Grantor and the Grantee in shares in proportion to the fair market value of their interests in the Premises on the date of execution of this Conservation Easement. For this purpose, the Grantee's allocable share of the proceeds shall be the net proceeds multiplied by a fraction, the numerator of which is the fair market value of the FPP Easement as certified by the SADC at the time of the initial acquisition and the denominator of which is the full fair market value of the unrestricted Premises as certified by the SADC at the time of the initial acquisition, which is identified as (\$4,000/\$7,900).



## SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)

### I. Construction

This Conservation Easement shall be liberally construed to effectuate the purposes of this Conservation Easement and the New Jersey Conservation and Historic Preservation Restriction Act (N.J.S.A. 13:8B-1 et seq.) and shall be binding upon the Grantor its successors and assigns and upon the Grantee, its successors and assigns.

### J. Effect of Laws and Other Restrictions on the Premises

The Terms of this Conservation Easement shall be in addition to any local, state or federal laws imposing restrictions to the Premises.

### K. Entire Agreement and Severability of the Terms

This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Easement. If any Term is found to be invalid, the remaining Terms of this Conservation Easement, and the application of such Term to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

### L. Successors

The terms "Grantor" and "Grantee" wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor and its personal representatives, heirs, successors, and assigns and the above-named Grantee and successors and assigns.

### M. Real Estate Taxes

Except to the extent provided for by state or local law, nothing herein contained shall relieve Grantor of the obligation to pay real estate taxes in connection with the fee simple ownership or fee simple transfer of the Premises.

### N. Captions

The captions in this Conservation Easement have been inserted solely for convenience of reference and are not a part of this instrument. Accordingly, the captions shall have no effect upon the construction or interpretation of the Terms of this Conservation Easement.

### O. Authorization

Grantor authorizes the Cumberland-Salem Soil Conservation District and any other entities or government agencies to release to Grantee information contained in Grantor's Resource Management Systems Plan, Forest Stewardship Plan or any other information applicable to the Terms of this Conservation Easement.

**SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)**

**P. Environmental Warranty**

Grantor warrants that it has no actual knowledge of any release or threatened release of hazardous substances, hazardous wastes, toxic or hazardous material, pollutants, or contaminants on the Premises, as such substances, wastes, and materials are defined by applicable federal, state, and local Environmental Laws. For purposes of this Conservation Easement, the term "Environmental Laws" shall mean all federal, state, and local laws, including statutes, regulations, ordinances, codes, rules, and other governmental restrictions and requirements relating to hazardous substances, hazardous waste, toxic, or hazardous material, pollutants or contaminants, including but not limited to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and the Clean Water Act, 33 U.S.C. § 1251 et seq. Grantee, in purchasing this Conservation Easement and related interests described herein, assumes no affirmative obligations whatsoever for the management, supervision, or control of the Premises or of any of the activities or day-to-day operations on the Premises. Grantor shall be exclusively responsible to pay for or to perform all claims, costs, expenses, fines, penalties, fees, sanctions, investigations, cleanup, restoration, or response or corrective action under applicable Environmental Laws arising from or out of any such release or threatened release of hazardous substances, hazardous wastes, toxic or hazardous material, pollutants, or contaminants on the Premises. Grantor's warranties and responsibilities herein are subject to, and may be limited by, any defenses available under applicable Environmental Laws.

The covenants agreed to and the terms, conditions and restrictions imposed as aforesaid shall be binding upon Grantor, its survivors, agents, personal representatives, heirs, assigns and all other successors to them in interest, and shall continue as a servitude running in perpetuity with the Premises.

The Grantor signs this Deed of Easement as of the date of the top of the first page. If the Grantor is a corporation, this Deed of Easement is signed and attested to by its proper corporate officers, and its corporate seal, if any, is affixed.

\_\_\_\_\_  
(L.S.)

**(INDIVIDUAL ACKNOWLEDGMENT)**

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_ SS.:

I CERTIFY that on \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_ personally came before me and acknowledged under oath, to my satisfaction, this that person (or if more than one, each person):

- (a) is named in and personally signed this DEED OF EASEMENT;
- (b) signed, sealed and delivered this DEED OF EASEMENT as his or her act and deed;
- (c) made this DEED OF EASEMENT for and in consideration of mutual obligations and benefits to each party; and

**SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)**

(d) the actual and true consideration paid for this instrument is \$ \_\_\_\_\_.

\_\_\_\_\_  
Print name and title below signature

**(NON-PROFIT)**

THE UNDERSIGNED, being President of \_\_\_\_\_, hereby accepts and approves the foregoing restrictions, benefits and covenants.

ACCEPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
, President

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_ SS.:

I CERTIFY that on \_\_\_\_\_, 20\_\_,

personally came before me and acknowledged under oath, to my satisfaction that he is the President of \_\_\_\_\_, the corporation named in the DEED OF EASEMENT, and that he signed, sealed and delivered this DEED OF EASEMENT as the Foundation's act and deed.

\_\_\_\_\_  
Print name and title below signature

SCHEDULE A1  
LEGAL DESCRIPTION AND BOUNDARY SURVEY OF PROPERTY

DRAFT

**SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)**

**SCHEDULE A2**  
**LEGAL DESCRIPTION AND BOUNDARY SURVEY OF PREMISES**

**DRAFT**

SCHEDULE A3  
LEGAL DESCRIPTION AND BOUNDARY SURVEY OF FARMLAND  
PRESERVATION PROGRAM DEED OF EASEMENT

DRAFT

**SIDE-BY-SIDE EASEMENT (NON-PROFIT SIDE)**

**SCHEDULE B**

**BASELINE INSPECTION REPORT OF THE PREMISES**

A baseline inspection report of the Premises is filed with Grantee's offices located at

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**DRAFT**

*S:\AQUISITION ADMINISTRATION\Outside Funding Sources\OST\Natural Resource Deed Language\Side-by-Side Easement\Draft Side-by-Side Easement changes 1-19-16.sep (2) watermark.docx*

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R1(7)

Request to Replace a Single Family Residence

Jasen & Lauren Hansen

January 28, 2016

Subject Property: Block 508.01, Lot 7.18  
Lower Township, Cape May County  
14.09 - Acres

WHEREAS, Jasen and Lauren Hansen, hereinafter "Owners," are the record owners of Block 508.01, Lot 7.18, in Lower Township, Cape May County, by Deed dated July 14, 2015, and recorded in the Cape May County Clerk's Office in Book 3636, Page 493, totaling approximately 14.09 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Cape May, by the former owners John and Diana Rietheimer, by Deed dated December 20, 2000, and recorded in the Cape May County Clerk's Office in Book 2891, Page 105, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Trust Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, on December 7, 2015, the SADC received a request to replace the previously existing single family residence on the Premises from the Cape May CADB on behalf of the Owners; and

WHEREAS, the Deed of Easement identifies one single family residence on the Premises, no agricultural labor residential units, no RDSOs, and no exception areas; and

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

WHEREAS, the residence that existed on the Premises at the time of preservation had been demolished by the previous owners shortly after preservation; and

WHEREAS, the Owners propose to replace the previous residence on the Premises with a new single family residence for themselves; and



WHEREAS, the proposed new residence will be built in the same general area of the previous residence, as shown on Schedule "A", and will utilize the existing driveway; and

WHEREAS, the Owners propose to build a two-story residence with approximately 4,000 sq./ft. of heated living space to replace the original residence which was approximately 3,500 sq./ft.; and

WHEREAS, the Deed of Easement does not set forth a specific house size limitation and the Premises was not preserved using Federal funding; and

WHEREAS, since acquiring the Premises the Owners have cleared the overgrown fields bringing them back to a state where they can be farmed; and

WHEREAS, the Owners own two restaurants in Cape May and plan to use the farm fields to produce vegetables for the restaurants and hay for cattle located on a nearby family owned farm; and

WHEREAS, on November 30, 2016, the Cape May CADB reviewed and approved the replacement of the existing residence on the Premises; and

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

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 4,000 sq./ft. heated living space, in the location shown in Schedule "A", to replace the former residence which existed on the Premises at the time of preservation that has since been removed; and

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

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

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

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

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

1/28/16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

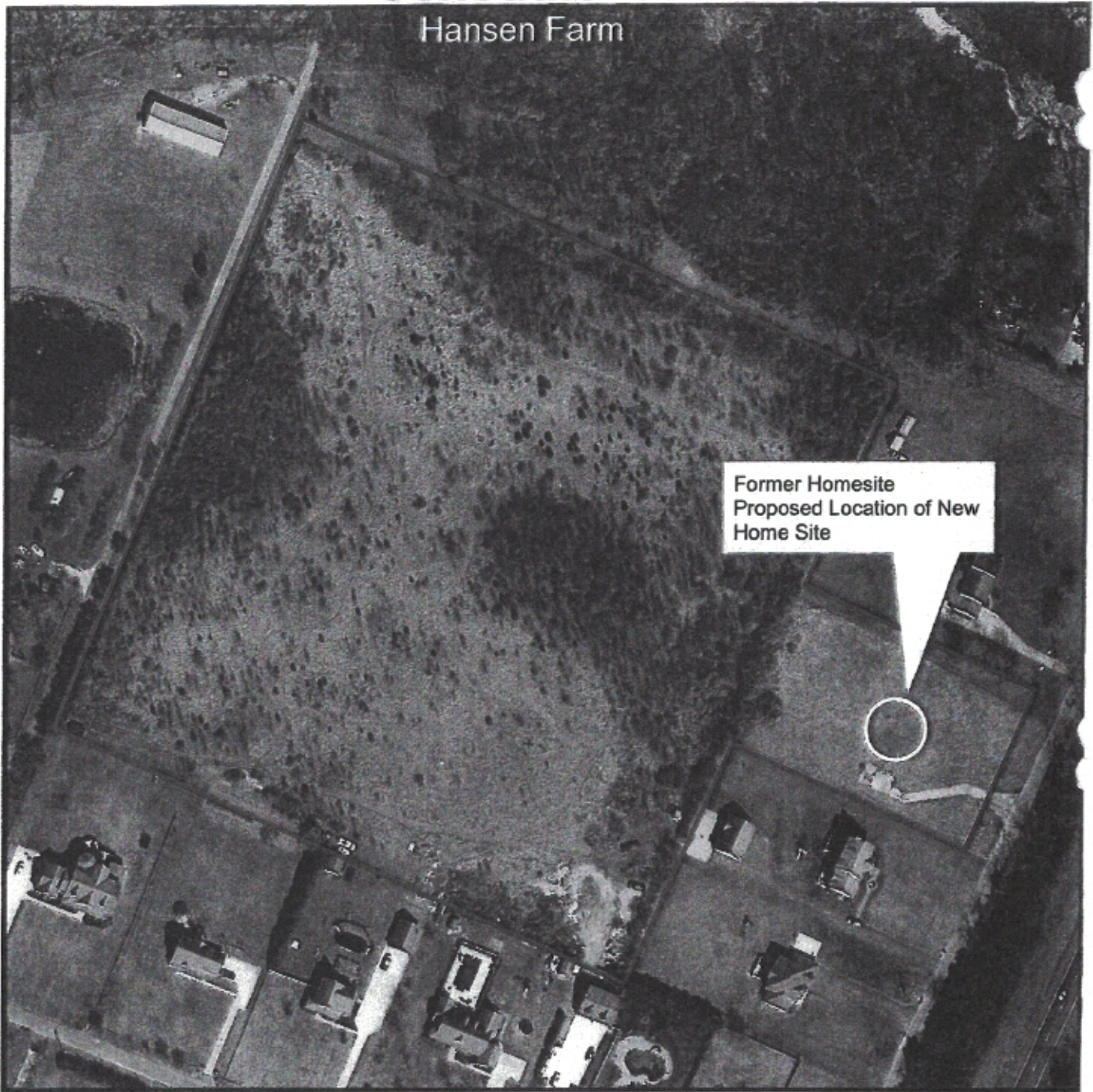
VOTE TO BE RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

# Schedule "A"

## Hansen Farm

G:\SADC\Hansen\farmview.mxd



Former Homesite  
Proposed Location of New  
Home Site

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hansen Farm  
Block 508.01, Lot 7.18  
Lower Township, Cape May County  
14.09 - Acres



0 90 180 360 540 Feet

1/13/2016

#### 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
  - (PT1) 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