

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

September 22, 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

Chairperson Douglas H. Fisher
Thomas Stanuikynas (rep. DCA Commissioner Richman)
Renee Jones (rep. NJDEP Commissioner Martin)
Ralph Siegel (rep. State Treasurer Scudder)
Denis C. Germano, Esq. (Arrived at 9:14 a.m.)
Alan Danser, Vice Chairman
James Waltman
Jane Brodhecker
Peter Johnson

Members Absent

Brian Schilling (rep. Executive Dean Goodman)
Scott Ellis

Susan Payne
Jason Stypinski, Esq., Deputy Attorney General

Others present as recorded on the attendance sheet: Stefanie Miller, Richard Martin, Dan Knox, Heidi Winzinger, Jeffrey Everett, David Kimmel, Charles Roohr, David Clapp, Matthew DiStaulo, Pat O’Connell, Steven Bruder, Hope Gruzlovic, Jessica Uttal, Brian D. Smith, Esq., Alison Reynolds, Esq., Cindy Roberts, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor’s Authorities Unit; Daniel Pace, Mercer County Agriculture Development Board; John Kocubinski, North Hanover Township, Burlington County; Patty Cronheim, Rethink Energy New Jersey; Eric Agren and Donna Handran, Gloucester County Agriculture Development Board; Amy Hansen, New Jersey Conservation Foundation; Brigitte Sherman, Cape May County Agriculture Development Board; D. Brad Larute, New Jersey Pinelands Commission; Brian Wilson, Burlington County Agriculture Development Board; Donna Rue, landowner, Monmouth County; Harriet Honigfeld, Monmouth County Agriculture Development Board; Mark Villinger, Jenny Jimenez Mance and Marissa Spoto, Ocean County Agriculture Development Board; Amy Kazahaya, landowner, Camden County; and Adam Bradford, Hunterdon County Agriculture Development Board.

Minutes

A. SADC Regular Meeting of July 28, 2016 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the Open Session and Closed Session minutes of the SADC regular meeting of July 28, 2016. The motion was approved. (Mr. Johnson abstained from the vote.)

REPORT OF THE ACTING CHAIRPERSON

- Resolution from the State Board of Agriculture – Soil Disturbance

Chairman Fisher stated that in the members’ meeting binders is a resolution from the New Jersey State Board of Agriculture on soil disturbance. He doesn’t recall ever getting a resolution from the State Board of Agriculture for an SADC meeting. He wanted the Committee to make note of that fact and that it is such a big issue that the State Board of Agriculture drafted and sent this resolution. He wanted to bring it to the Committee’s attention and stated that the issue would be discussed at the next meeting of the SADC. He stated that if anyone ever thought that the State Board of Agriculture and the agricultural community didn’t want to discuss soil, they do. They understand the importance of the issue. This at least

highlights where the agricultural community is by virtue of the conventions that were held in the past two years and the resolution by the State Board of Agriculture here today. Chairman Fisher stated that the Governor's Office will be reviewing the resolution that we received and we will have a discussion next month.

REPORT OF THE EXECUTIVE DIRECTOR

- Appropriations Request

Ms. Payne stated that the good news is that we have an appropriations request. We have not had one since FY2013. Our program partners are very anxious so we really appreciated the administration's assistance in getting this agenda item ready to go for the SADC's consideration today.

- Retirement of SADC Staff Person

Ms. Payne announced the retirement of her assistant, Patricia Riccitello. She will be greatly missed. Ms. Riccitello is one of a kind and has been an absolutely extraordinary person to work with. She thanked Ms. Riccitello for all her dedication and service.

- Right to Farm Guidebook

Ms. Payne stated that the Right to Farm Guidebook that the SADC recently published and distributed has been very well received. We have been receiving many requests for more copies. New Jersey Farm Bureau was kind enough to mention it in their newsletter and they received a lot of requests from folks asking for a copy. Ms. Payne stated that it is her hope that the CADBs are utilizing it to its full extent.

Chairman Fisher commented that regarding Ms. Riccitello and the work that she does and continues to do, we wish her all the best and we also wish that she wasn't leaving.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that she would like to draw the Committee's attention to the SADC's comment letter to the Federal Energy Regulatory Commission (FERC) regarding the PennEast Pipeline environmental inventory study – the environmental impact statement. There are many pages of attachments that were not included with the letter so if any of the members would like a full copy with all the attachments, they should let staff know.

Ms. Payne stated that another item in the communications packet is a great article entitled "Farmville" in the Star Ledger magazine "Inside Jersey," which highlighted five farms in New Jersey that are doing very innovative things. She encouraged everyone to take a look at that article. Three of those operations occur on preserved farms and one of those operations, while the activity (the main pig facility) is not located on a preserved farm, they do own preserved farmland. It is very rewarding to see preserved farmland play such a large part in agricultural innovation and production in the state.

Chairman Fisher left the meeting briefly at this point. Vice Chair Danser presided over the meeting.

PUBLIC COMMENT

Patty Cronheim from Rethink Energy New Jersey wanted to thank the SADC for its comments on the PennEast Pipeline project and let it know that it is in very good company. Not a single state or federal agency considering the Draft Environmental Impact Statement (DEIS) found it a sufficient basis on which to make a decision and that included the EPA, the U.S. Fish and Wildlife Service, the NJ Division of Rate Counsel, the Department of the Interior, and also all the public comments and private experts as well, and that it lacked the essential information. They didn't just say it lacked the essential information but they also questioned the validity of the data on the docket as well. They criticized the lack of cumulative impacts data alternatives and especially the no-build alternatives. Skipping Stone, an organization that is a fully independent energy expert, came to the conclusion that PennEast isn't needed and the ratepayer advocate agreed and called it unfair to consumers. She wanted to thank the SADC for doing that and for its comments that PennEast really wasn't just temporary impacts to farmers but that there would be permanent impacts and that more alternatives need to be assessed. The agencies agreed that FERC needed to go back to the drawing board and that much more information is needed, especially with regard to the no-build alternative. She

wanted to comment that the SADC will be discussing the Southern Reliability Link (SRL) today and she would like to provide to the Committee with the Skipping Stone analysis, which is a one- page document, that describes there is no need for the SRL, that there is plenty of redundancy in the New Jersey Natural Gas system and that this also could be a form of market abuse to ratepayers, having ratepayers shoulder the burden for investment profits with New Jersey Natural Gas. New Jersey Natural Gas stands to have a net income increase of 12.28 percent according to this study and this \$200 million line would be borne by ratepayers. There is no need and New Jersey Natural Gas didn't use any independent analysis to say they needed it. They didn't even do an internal analysis to show need. It was just on the word of one executive.

Ms. Cronheim stated that this is a segmented project and it has no independent utility. As such it needs to be regarded with the Garden State Expansion project. The cumulative impacts on farmland need to be considered with the Garden State Expansion project because without the Garden State Expansion Southern Reliability doesn't exist – one depends on the other, especially Southern Reliability on the Garden State Expansion. The end point of the Southern Reliability Link is still in question. They show this little end station in Manchester. This is a pipeline that can supply gas for one million homes. Now New Jersey Natural Gas only has 500,000 customers and we already know there is redundancy. So this little end point in Manchester is not the end point. It is going to go somewhere else and that is either going to be future development in Manchester or Lakewood, it could be a conversion of the gas fire plant that is not needed in the Oyster Creek Nuclear Facility or it could be offshore LNG. Whatever it is we don't know and there is going to be more so this is segmentation. We know that they withdrew their application from the DEP for the flood-water hazard permits on August 29th and then they resubmitted them September 12th after the flood hazard permits changed and became more lax. Then they were given their authorization for flood water hazard on September 16th and we have already seen with the new plans that they've changed so there is already more temporary workspace now that the SRL is saying they need. There is at least one stream we have seen that is not horizontal-directional drilling any more; now it's going to be trenching. To issue any kind of decision on the SRL when you don't have all the information, in their opinion, is precipitous. Ms. Cronheim thanked the Committee for the opportunity to comment.

Chairman Fisher returned to the meeting at this point.

Micah Rasmussen from Upper Freehold Township addressed the Committee. He stated that the Southern Reliability Link (SRL) would border where he lives. He has spoken to several farmers, including with the Honey Brook CSA, which he belongs to and is the

oldest certified organic farm in the state. He stated that the CSA is concerned. Sherry Dudas of the CSA has spoken to the agricultural boards in Burlington County and raised concerns. He doesn't want to speak for them but he does want to say they have raised concerns specifically about how putting this massive pipeline underneath the rural roads and streams is going to change the direction of water and direction of runoff and how it is going to change the flow of water in the proximity of their farms. He will say that those concerns are real enough that the Burlington County engineer has raised significant concerns about what is going to happen underneath those rural roads. He is enforcing his road opening permits and he wants proof that it is not going to change the flow or drainage. Also of significant concern to farmers is that once the pipeline is in place under those roads it is going to limit any future drainage projects. It is going to constrain the ability to do anything regarding drainage improvements in the future. So he knows it is a significant concern to communities and to the farms in his area and he would ask that there be more information before the Committee proceeds.

Ms. Payne stated that the SADC's statutory authority is to review these kinds of public investment utility projects within the agricultural development areas (ADA) that have been designated by the CADBs and approved by the Committee. The test is whether the project is going to have a reasonably adverse impact on the agricultural industry and on the ADA. That is the test the agency is looking at. Just so everyone understands what is on the agenda today, the SADC previously reviewed the Southern Reliability project and because it is contained almost entirely in the road right-of-way throughout the project, the agency found that it did not have an unreasonably adverse impact on the ADA. That decision was issued in April of this year. What is before the Committee today is a minor amendment to the lands that are going to be impacted. New Jersey Natural Gas submitted amendments showing that four other alternative pieces of property were going to be used as temporary workspace, one of which is in an ADA. That is the issue before the agency today, so everyone is clear.

OLD BUSINESS

A. Cluster Development Bill (P.L. 2013, c.106) Agricultural Deed Restriction

Mr. Bruder referred the Committee to Resolution FY2017R9(1) for the adoption of an agricultural deed restriction template for contiguous cluster and noncontiguous cluster, pursuant to P.L. 2013, Chapter 106. Mr. Bruder stated that the Committee would be adopting an agricultural deed restriction for municipalities that are looking to preserve farmland, specifically for clustering and noncontiguous clustering. The bill stipulates that a municipality looking to use these tools must either use the SADC's template or get their

agricultural deed restriction approved by the SADC.

Mr. Bruder stated that this was before the Committee at several meetings and staff is looking for adoption today. Staff tried to follow as closely as possible the SADC's deed template and amend it where the statutes had different language between the Agriculture Retention and Development Act and miscellaneous law. Staff tried to maintain that as consistently as possible so we could follow the path that our preserved farm policies have gone over the past 20 years.

Mr. Bruder stated that it was reviewed a few times by the Committee and staff then sought comments from County Agriculture Development Boards (CADBs), the League of Municipalities, New Jersey Future and several municipalities that are looking to do updates for clustering. Staff incorporated those comments in June and the Committee saw them at the July SADC meeting. The resolution was not adopted at the July meeting as there were still some items under Governor's office review and in the course of discussions there was some comment on paragraph 18. The only difference between the July version and this current version is some minor language in paragraph 18. Paragraph 18 has to do with the division of deed-restricted farmland. The previous language talked about divisions not exceeding a gross density of 1 per 50 acres. The question was does that mean you need 100 acres to do two divisions, or if you had an 80-acre farm could you divide it once into a 30- and 50-acre farm and then divide the 50-acre farm once again? Staff's hope is to clarify it a bit here in the current language. Instead of using the "not exceed a gross density of one division for 50 acres," it says not to exceed one division for each 50 acres of the premises as it existed on the effective date of the agricultural deed restriction. So we are essentially saying if you have more than 50 acres you get one division, more than 100 acres you get two, more than 150 acres you get three. Mr. Siegel commented we are recommending a 25-acre minimum. Mr. Bruder stated yes. In addition to that, all of the resulting parcels must result in at least 25 acres capable of sustaining a variety of agricultural uses. So each of those remaining parcels or divided parcels need to stand on their own as viable agricultural operations. Mr. Siegel stated, and they have to be a minimum of 25 acres, which we don't do under the Farmland Preservation Program. Mr. Bruder stated that under the Farmland Preservation Program we historically have used a viability and agricultural purpose test. The agricultural purpose and agriculturally viable parcel language is here. Again, this deed restriction, whenever there is a conflict or question, it is not coming to the SADC. This is a municipal program and all these decisions are taken care of at the municipal level. We have some language here that provides a minimum level of protection. Mr. Siegel stated that we are suggesting the 25-acre minimum to them but they have the option to drop that from the easement they adopt. Mr. Bruder stated yes. Ms. Payne stated they have the

right to ask the SADC to approve alternative language in any provision. This is just to set the table so to speak and give them a framework. This is to give them some guidance and some type of template and then based on the local land use and landscape they will be coming to the SADC to either say please approve a different level and here is why, or their ordinance will dictate what will happen and the SADC would approve it referencing that ordinance.

Mr. Waltman stated that this is a land preservation ordinance that the municipalities are adopting so he would hope that the towns would be trying to preserve lands, not give away additional lands.

Mr. Danser asked if it would make sense to reverse the two paragraph 18 sections and have the first one read “The land and its buildings which are affected may be sold collectively or individually for continued agricultural use as defined in Paragraph 2 of this Agricultural Deed Restriction. However, no division of the land shall be permitted” (located on Page 5 of template). If we put that first and then all the other statements of that section second, we make sure that they knew that no division was at least an option.

It was moved by Mr. Danser to approve Resolution FY2017R9(1) adopting the Agricultural Deed Restriction Template for Farmland Preservation purposes with the above-noted amendment to Paragraph 18. Mr. Siegel seconded the motion.

Discussion: Mr. Waltman asked if there was a way to structure this so that it also is clear that the SADC is not required to approve what now becomes the first option. In reality there are four options – no division, division with the limits, and then more flexibility for the municipality. What we want to say is you don’t have to come back to us if you are not going to allow for subdivision. Ms. Payne stated that staff’s expectation was that would be pointed out in a guidance document that would be prepared. She stated that this is a deed that is between the landowner and the municipality. The SADC is not a party to this agreement.

Ms. Jones asked if there is a scenario of a property that is 200 acres, then it could technically be subdivided in four divisions? Ms. Payne stated correct. Ms. Jones stated then each farm would have a house or a housing opportunity? Ms. Payne stated that is something else they have to determine pursuant to a different paragraph – what are the housing opportunities that are going to be afforded the preserved farm (paragraph 16)? Mr. Siegel stated that in our land negotiations when we are closing a deal, that easement is subject to some negotiations. So the easement to some small degree is tailored per deal. Ms. Payne stated yes in terms of exception areas in particular, that is the biggest thing,

and pre-existing nonagricultural uses. Mr. Siegel asked what about at this level where they may be dealing with that kind of negotiation? They have their template but they are going to make changes to the template on a case-by-case basis. Do they need to get those changes to the SADC every time? Ms. Payne stated the deed terms do not get negotiated in the Farmland Preservation Program. What does get negotiated is what land is going to be subject to the deed terms, how many future houses are being permitted, what is allowed to happen in an exception area. That is what mostly gets cleared up and once that happens then our standard deed of easement terms apply to all of the deed-restricted land.

Mr. Siegel stated we are not restraining them from doing the same thing. Ms. Payne responded no. Mr. Waltman stated that he thought they had to choose one of the options in the template and then stick with it, not change the option per land transaction. Ms. Payne stated that the SADC has to approve the deed that is getting recorded. The way that the statute was written was that it contemplated the township adopting a standard-form deed of easement, much like Lumberton, Chesterfield and Woolwich who adopted Transfer of Development Rights (TDR) and a standard deed. We are trying to provide a template based on our program and the statute but again if they want a different template they have to come in and get that approved ahead of time. She would say if they wanted to change a template for a particular property they would need to get it approved. Under the statute it says the SADC must approve their deed restriction if that is what they are going to do. If there is some minor tweak, is there a process to do that administratively so that we don't have to bring every one of these issues to the Committee? She felt we could entertain that but the statute, once these farms are preserved for farmland preservation purposes, they are entitled to all of the protections and benefits that flow out of the Agriculture Retention and Development Act, including soil and water cost share grants and the like. So the thinking was that the SADC needs to be comfortable that the deed restrictions that are being used do in fact preserve that farmland. That is the model we have been given by the Legislature and we are trying to make sense of that and make it work but it will be a bit of a process of experience. We are going to learn things as we go forward. Once the deeds are recorded they are permanent.

Mr. Waltman stated for the record that he is a little uncomfortable with the flexibility that we have provided here but he knows that the SADC has written in the ability to reject these things if we are uncomfortable with them. This is going to remove a lot of authority from this body to individual municipalities, some of which will have a great track record but others may not. It will be a challenge for some towns. The idea of doing these noncontiguous density transfers is a big step forward in our state so he will vote for it but he is concerned about the abundance of flexibility.

The motion was unanimously approved. (A copy of Resolution FY2017R9(1) as amended is attached to and is a part of these minutes.)

B. Review of Non-Agricultural Development Project in an ADA

1. New Jersey Natural Gas Southern Reliability Link Project-Burlington, Monmouth and Ocean Counties – **AMENDED**

Mr. Bruder referred the Committee to Resolution FY2017R9(2) regarding the review of a nonagricultural development project in an agricultural development area (ADA) involving the New Jersey Natural Gas Southern Reliability Link project in Burlington, Monmouth and Ocean counties. This is an amended resolution. The SADC took action at its April meeting that the project as described at the time would not have an unreasonably adverse impact on the preservation of farmland in ADAs or State agriculture preservation and development policies.

Mr. Bruder stated that this project involves a 30-mile, 30-inch natural gas pipeline distribution project starting from Chesterfield Township at a compression station intersecting with Transco pipeline. This is designed to transmit the gas to a distribution point from New Jersey Natural Gas in Manchester Township. When the SADC reviewed this previously, at the time the impacts to the ADA included a 1,215-foot easement encompassing about 1.7 acres of temporary workspace on Block 502, Lot 16.01, to go around historic buildings in Chesterfield. This project is largely within municipal and county road rights of way. Because this is a non-Federal Energy Regulatory Commission (FERC) regulated pipeline, the municipal utility does not have the ability to condemn farmland so the only viable option for them was to use county and municipal roads. This was an ADA impact review at the time. The second impact was a little farther down Route 528, a 50 by 50 foot valve site, which is now no longer a part of this project. After the April SADC meeting, the SADC received notice in June that New Jersey Natural Gas was contemplating four additional temporary work sites. They were moving the valve site that was just mentioned. In our previous resolution we asked that any amendments come back to the SADC for review.

Mr. Bruder reviewed the four sites with the Committee via mapping. There are two sites in Chesterfield Township, one in North Hanover Township and one in Upper Freehold Township. Staff had to review these sites for ADA impacts. In discussing this with the Burlington CADB, staff looked at these three Burlington parcels, all of which are less than 20 acres in size. In looking at parcel data around them, they are not contiguous with other commonly owned property so the decision was made by Burlington CADB staff

that these are not properties within the Burlington County ADA and they would not trigger the Section 19 review under the Agriculture Retention and Development Act. Mr. Bruder stated that the amended resolution before the Committee today is saying that these parcels are not within the county's ADA in Burlington and therefore not subject to our review. Mr. Bruder reviewed various aerial mapping with the Committee.

Mr. Bruder stated that the property in Upper Freehold Township is a parcel for which a 4.3-acre temporary workspace is being sought up against Route 537 at the southern end of the parcel. This is a Monmouth County Park System-owned property. The County in conjunction with the New Jersey Green Acres Program has issued a temporary right of entry for this project with temporary use of the property. Last month the Monmouth CADB reviewed the impact and also found again that this was not an unreasonably adverse impact to the ADA.

Mr. Bruder stated that staff recommendation is adoption of the amended resolution to reflect these changes that were brought to the SADC by New Jersey Natural Gas.

It was moved by Mr. Germano and seconded by Ms. Brodhecker to approve Resolution FY2017R9(2) finding that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and overall State agriculture preservation and development policies, and finds that disturbance associated with a permanent easement approximately 1,215 feet in length and an associated 1.7 acres of temporary workspace in the Burlington County ADA and 4.3 acres of temporary workspace in the Monmouth County ADA would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the reasons outlined in said Resolution. This finding is conditioned on New Jersey Natural Gas (NJNG) updating the SADC should additional workspace, access or staging areas be necessary and ensuring that the following practices not specifically described in the Notice of Intent be implemented on all farmland as outlined in said Resolution. The SADC will work with New Jersey Natural Gas, the Burlington, Monmouth and Ocean CADBs, farmers and landowners as needed to resolve site-specific impacts to farms in the ADAs, particularly with respect to soils in agricultural production and surface and subsurface drainage systems, during and after construction. The motion was approved. (Mr. Waltman abstained from the vote.) This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F. (A copy of Resolution FY2017R9(2) is attached to and is a part of these minutes.)

NEW BUSINESS

A. FY2017 Administrative Budget

Mr. O'Connell referred the Committee to the Farmland Preservation FY2017 Administrative Budget breakdown sheet. Each year the Governor's budget authorizes the SADC to spend a certain amount of funding for administrative expenses. This year it is a little over \$3 million. We have to identify the sources of funding for that and then establish a budget for it. The first page of the summary sheet shows the administrative budget for the farmland preservation program for FY2017 and then on page two of the summary is the Right to Farm FY2017 administrative budget.

Mr. O'Connell stated that these numbers do not vary too much from year to year. The biggest component is related to salaries. Typically we will budget for a full complement of employees, even though that may not be the case during the year when people retire or leave and we go through the process of filling positions. That is largely why the number for FY2016 salaries and wages is a lot less than what we are proposing for FY2017. The other major numbers on this issue on the second line are primarily charges from the Department of Agriculture to the SADC for our share of running the department. If you look under the section for software you'll see \$95,000. This is in connection with our effort for eFarms to move a lot of our operations on-line. The Office of Information Technology (OIT) is managing this effort for us and we currently expect that the money we have already given them should be sufficient to substantially complete this project this year but we don't want to be left in the end with the project not done for lack of funding. Therefore, we are putting this money in the budget just to be sure we have enough if necessary to complete that project. Obviously, we have not actually committed this money to OIT yet and we would look very closely at that before we would actually send it over to OIT.

Mr. O'Connell stated that further in the summary are miscellaneous services, which again are mostly charges to us, in this case from the Department of Agriculture and also from the Governor's Authorities Unit for administrative costs. Below that are legal costs. This is funding that we set aside, although we can never know what types of legal actions we will have at the beginning of the year that will require legal costs. Mr. O'Connell stated that the Committee also will see in the upcoming discussion of the appropriation request that we are setting aside yet another reserve to make sure we always have enough for legal costs. He stated that the bottom line is that we are proposing a budget for \$2.969 million. This is less than what was in the Governor's budget for FY2017 and that is primarily because we still have two positions that we have been unable to fill or haven't

filled as yet three months into the fiscal year. So we are not budgeting for those salaries but hopefully if we can fill them shortly you will see them in the FY2018 budget.

Ms. Payne stated that the SADC's administrative costs have been paid through a portion of first Garden State Preservation Trust funds (GSPT) and then the 2007 and 2009 bond funds. In 2017, which is the current fiscal year, the prior bond funds that we had available for administration run out and that is how much is left. So while the Governor's budget is a little higher than this we only have funding available to meet this number. Ms. Payne stated that she has been in very detailed conversations with the Office of Management and Budget (OMB) to assure them that we can fill our backfills and pay those people given the current funds available. It is not dependent on Corporate Business Tax (CBT) money being appropriated because that has not been appropriated as yet so these are the bond funds that remain. For FY2018 and future budgets, we will be entirely dependent on the CBT funds being appropriated. That is why you see our FY2015 budget was \$2.9 million; our FY2016 budget was \$3 million – they go up a little bit because of salaries going up pursuant to State contracts and then you see it go down in FY2017 and that is why – because that is all we have available to support the staff. Ms. Payne stated that this is the number that the SADC and the OMB have agreed upon, which reflects the actual budget for the agency this year based on available funds.

Chairman Fisher questioned “other materials and supplies” going from \$500 to \$20,000. Mr. O’Connell stated that the SADC currently has 600 boxes of documents stored off-site. Some of those boxes are necessary for record retention purposes but they don’t all have to be on paper to be retained. We are initiating an effort to start digitizing these documents so we don’t have to keep them in paper off-site. This money is our estimate of what it is going to cost to digitize all of our meeting minutes going back to 1987 plus resolutions and other general documents for the SADC. Once we digitize them they will be on the State’s File Net, which is the State server where they store documents. The originals will be sent over to Archives where they will keep them forever.

Chairman Fisher asked about “software” and the \$95,000. He asked if that was an additional amount or a carry-over. Mr. O’Connell stated that it is an additional \$95,000. However, staff has not asked for approval of that as yet and may not. The goal is to get OIT to finish this project with the money that has already been sent over there. Staff thinks we will actually get there but we just don’t want to get to the end and find that there are still key pieces missing that we don’t have the money for. Hopefully that money doesn’t get spent.

Ms. Payne stated for the Committee's information, staff has done an outstanding job of getting our record retention schedule approved by the State. You are not allowed to throw out anything unless the State Record Retention program says you can. Our schedule was from the 1980s so a complete analysis of everything generated by our office was done and there is a time schedule for every document as to when it can be tossed and how long it has to be retained. There was a huge amount of work performed by Ms. Winzinger and Ms. Reynolds and now that it has been approved, when we pull all of these records out of the storage where they are now we can figure out what we can destroy and what we need to keep.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve the Farmland Preservation FY2017 Administrative Budget and the Right to Farm Administrative Budget as presented and discussed. The motion was unanimously approved. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F. (Copies of the FY2017 Farmland Preservation Program Administrative Budget and the Right to Farm Administrative Budget are attached to and are a part of these minutes.)

B. Eight-Year Farmland Preservation Program – Terminations

Mr. Clapp referred the Committee to the Farmland Preservation Eight year Program Summary showing two terminations of eight-year programs as follows:

1. Edward V. and Virginia D. Chiappini, SADC # 0511-01F-01/05-0002-8F, Upper Township, Cape May County, 27.5 Acres
Soil and Water Conservation Cost Share Grant Eligibility: \$16,500 - \$0.00 paid
2. Alfred C. Coombs, Jr. and Katherine J. Coombs (Formerly Pendola), SADC # 0613-20F-01/06-0010-8F, U. Deerfield Township, Cumberland County, 7.5 Acres
Soil and Water Conservation Cost Share Grant Eligibility: \$4,500 - \$0.00 paid

Mr. Clapp reviewed the specifics with the Committee and stated that the summary was for the Committee's information and that no action was needed.

C. FY2017 Appropriation Request

Mr. O'Connell referred the Committee to the FY2017 Appropriations Recommendations. He referred the Committee also to the Memorandum from Ms. Payne that outlines the

recommendations for the Committee. Under Exhibit A attached to the memorandum is the actual breakdown of the appropriation plan. Staff is proposing a total appropriation of \$65.3 million for the SADC's programs. The sources of funding are listed under Section II of Exhibit A, which is the CBT appropriation. The \$29 million represents money left from the FY2016 CBT, which the SADC didn't have access to because it was never appropriated, plus an additional \$16.6 million for FY2017. The \$16.6 million is what remains after the Office of Management and Budget (OMB) takes out \$5.5 million as a reserve. The issue here is the CBT is very hard to predict, it goes up and down from year to year. OMB has recommended that 25 percent of its estimated revenues be set aside as a reserve to be sure that if the numbers come in low we don't run out of funds before the end of the year. Our expectation is that the reserve that is set aside this year will just run from year to year. It may go up a little or it may go down a little but they always want to have that 25 percent reserve. So those CBT revenues total \$29 million. In addition on Exhibit A there is \$20.7 million from the Diesel Risk Mitigation Fund in the Department of Environmental Protection, which also had been funded from the CBT. The Attorney General's office advised the Administration that they believe that with the passage of the CBT dedication for preservation purposes, the money was no longer available for diesel risk mitigation and needed to be spent for open space. They cut off basically all of their projects and the balance is now going to other programs, including our program. This is a one-time source of funding for us but it is \$20.7 million. Therefore, the total for both is \$49.8 million of tax money.

Mr. O'Connell stated that in addition staff has gone back and looked at all of the SADC's programs – our last appropriation bill was in 2013 – to look at where money is stranded and could be reprogrammed for more effective use. In Section I of Exhibit A for the reprogramming summary, there is one county farmland preservation program – Camden County – that has 2009 grant money that they have not used because the program is basically inactive. The CADB indicated that they don't expect to use that so we are putting that money back into the pot to use for current programs. For municipal planning incentive grants, staff looked at FY2009 money and some FY2011 money and has reprogrammed money from 18 municipalities with the test being that they needed to have used at least 25 percent of their FY2011 and FY2013 grants. If they don't have at least an application in to the SADC to use the money, we went back and reprogrammed FY2009 and some FY2011 money. For each of those municipalities that we took money from, we made sure that they kept at least \$300,000 in their pots. We are not taking everything away but just looking at those excess grants that don't appear to be moving and putting them back to be used for other purposes.

Mr. O'Connell stated that for the nonprofit reprogramming, these are dead projects. Staff has already asked nonprofits for their proposals for projects and the Committee has approved those projects but this is money that is left over from all the previous rounds that by law we cannot use for anything else unless the Legislature appropriates it for something else. Finally, there is a \$1.7 million source of funding that is basically money in a variety of funds that has come in since 2013 that we needed to appropriate in order to be able to use. So that re-appropriation brings us to a total of \$15.4 million. Mr. O'Connell stated that the total, with the CBT money for everything described, is \$65 million. The way that the SADC is proposing to spend that money is that the biggest share is going to the County Planning Incentive Grant program. Staff is proposing base grants of \$12.5 million and then a competitive pot of \$20 million so that would be \$32.5 million going to the county programs, which is where the bulk of activities are. A number of counties have no funding at all available to them, so this is really going to be used to regenerate their programs. For the Municipal Planning Incentive Grant Program, \$7.5 million will be going to the 18 municipalities that have either spent or committed more than 25 percent of what they received in FY2011 and FY2013 funds. For the State Acquisition program, this program is just about out of funds so we are putting in that program \$14.3 million. For the Nonprofit Grant Program, this is the \$2.9 million that the Committee approved at an earlier meeting. So that is a total acquisition component of our money.

Mr. O'Connell stated that staff also is recommending at OMB's suggestion that the SADC set aside two-years' worth of administrative costs in this first authorization. It makes it a lot easier to do this with all of that diesel fuel money coming in. So that is \$6.2 million. The Legislature authorized the SADC to put aside up to 3 percent of our CBT appropriation for stewardship activities, which equates to \$1.5 million that we are proposing to use both for new soil and water conservation grants and for new programs to provide grants to owners of preserved farms for deer fencing. Finally, at the bottom of Exhibit A are some other administrative costs listed. These include Garden State Preservation Trust (GSPT) administrative costs for two years at \$85,000. The SADC is putting aside \$150,000 for an enforcement fund basically to cover unanticipated legal bills in defense of its easements, as well as money for review appraisals when necessary to call in outside experts to look at appraisals. Mr. O'Connell stated that this is how the SADC would propose to spend the \$65 million. The process is that once the Committee approves this recommendation it will then go to the GSPT for approval. Assuming that the GSPT approves it, it then goes to the Legislature for appropriation.

Ms. Payne stated that with respect to stewardship, her memo explained in detail that the CBT statute dedication and then the implementing legislation that was signed on June 30th had language that allows a portion of funding to be used for stewardship purposes. The statute's definition for stewardship for farmland is an activity beyond routine operation and maintenance undertaken by the landowner or a farmer/operator as an agent of the landowner to repair, restore or improve lands preserved for farmland preservation purposes, including but not limited to soil and water cost share grants. Ms. Payne stated that clearly soil and water is permitted so the question is what other activities would fit into this label of stewardship. The SADC previously had a stewardship grant program – the Farmland Stewardship Program – that is in our regulations. The SADC had acquired USDA money to provide grants to landowners for various kinds of things, some of which were not physical improvements – they were more like business plans – but others were very specific physical improvements to the land, such as fencing. The SADC's ability to fund fencing already exists in our regulations so what we are trying to do here is take a first step in what might ultimately be a broader SADC program to fund projects on preserved farms that meet this statutory definition. We think first of all that there is a critical need for deer fencing in the agricultural community. Our regulations already allow it and we think it meets the CBT legislation definition for an improvement to land preserved for farmland preservation purposes that is beyond routine operations and maintenance. We would have a lot of work and staff would pull together details of how this will work but the idea is to try to keep it as simple and straightforward as possible to accelerate the ability to get deer fencing grants off the ground for next spring.

Mr. Danser stated that the one thing not completely clear in the memo is whether deer fencing would also be a 50 percent cost share. Ms. Payne responded yes, and that is what the current stewardship rules provide for.

Mr. Waltman stated that regarding the proportionality of the reprogramming of funds and the appropriation of funds for 2017, is this suggesting that nonprofits had more trouble spending their funds than the municipalities and the counties because \$6 million is being pulled back? Ms. Payne stated that the only difference is that the county program works so well because everyone gets a base grant but then there is a competitive pot. When the funds are appropriated they are appropriated to a town or to the county so they have flexibility as to what transactions to use the money on, which allows them to spend a lot more. In the nonprofit program the appropriations so far have been for a specific parcel. Once that deal fails there is no ability for the nonprofits to use it. The William Penn Foundation has funded the New Jersey Conservation Foundation to draft rules that would turn the nonprofit program into more of a block grant program and we are anxiously awaiting what they have proposed. But she thinks that would be the goal in the long run

from a staff perspective. This process of allocating funds and then a deal dies and you cannot touch the money for a couple of years is painful.

Ms. Payne stated that regarding Exhibit E, part of the funds going to State Acquisition includes \$656,000 associated with the Herr farm. It is a prior Hunterdon County easement purchase, not a Planning Incentive Grant (PIG) project but an easement purchase transaction. The municipality pre-acquired the easement and they didn't have the mowing covenant in the easement that Hunterdon County requires. The landowner has refused to amend the deed to add it. Therefore, this money is not going to get used through the County Easement Purchase Program. We've communicated with the Township regarding whether the SADC would acquire the easement if we take the \$656,000 and slide it over to the State Acquisition program. We said that we would entertain the request so the SADC will take another look at it in detail but what this is doing is taking money out of the Hunterdon County Easement Purchase and putting it into State Acquisition so that it is there so that we could proceed with the transaction.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Fiscal Year 2017 Appropriation Recommendation as presented and discussed. The motion was unanimously approved. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F. (Copies of the FY2017 Appropriations Recommendation Memo and attachments are attached to and are a part of these minutes.)

D. Resolutions for Final Approval – Municipal Planning Incentive Grant Program

SADC staff referred the Committee to seven requests for final approval under the Municipal and County Planning Incentive Grant Programs. Staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval as outlined in said Resolutions.

It was moved by Mr. Danser and seconded by Mr. Siegel to approve Resolution FY2017R9(3) through Resolution FY2017R9(9) granting final approval to the following applications under the Municipal and County Planning Incentive Grant programs, as presented and discussed, subject to any conditions of said Resolutions:

MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM

1. Laurie Molnar and Paul Jessop (Crystal Brook Training Center), SADC #13-0452-PG (Resolution FY2017R9(3))
Block 10, Lot 8, Colts Neck Township, Monmouth County, 41.65 Gross Acres
2. Malon Family Farm, SADC # 21-0588-PG (Resolution FY2017R9(4))
Block 1100, Lot 1900, Hope Township, Warren County, 65.95 Gross Acres
3. Gordon J. Ostrum, Jr., SADC # 17-0144-PG (Resolution FY2017R9(5))
Block 26, Lot 1.01, Pilesgrove Township, Salem County, 34.64 Gross Acres
4. LeRoy J. Thumlert, SADC # 17-0156-PG (Resolution FY2017R9(6))
Block 10, Lots 9, 9.03, Upper Pittsgrove Twp., Salem County, 66.46 Gross Acres

COUNTY PLANNING INCENTIVE GRANT PROGRAM

1. Estate of Ricksom Robbins (Myers Farm), SADC # 05-0019-PG, (Resolution FY2017R9(7))
Block 1, Lot 21, Middle Township, Cape May County, 33.4 Gross Acres
2. Christian Dubois, SADC # 17-0163-PG, (Resolution FY2017R9(8))
Block 1401, Lot 8, Pittsgrove Township, Salem County, 30.24 Gross Acres
3. Robert and George Harrell, SADC # 17-0161-PG, (Resolution FY2017R9(9))
Block 25, Lot 40, Upper Pittsgrove Township, Salem County, 96.6 Gross Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (Copies of Resolution FY2017R9(3) through Resolution FY2017R9(9) are attached to and are a part of these minutes.)

E. Surveying Services and Standard Detail Requirements

Ms. Winzinger stated that SADC staff is recommending an update to the SADC's Survey Policy (P-3) and corresponding scope of services and detail requirements for surveys conducted in support of the Farmland Preservation Program (FPP). The overall goal is provide a clear set of standards to ensure the information contained in all surveys

submitted to the FPP is consistent. Although most surveyors are already providing many of the details included in this update, this will help make sure all surveys meet a common standard. Additionally, these survey specifications and Property Survey Policy more accurately reflect current program practices as well as changes that have occurred in survey-related technology in recent years.

SADC staff consulted with a licensed surveyor as well as in-house legal, planning, acquisition and stewardship staff in preparing the draft changes. The draft survey specifications and Policy P-3-C were provided to county and nonprofit partners for comment, the results of which have been incorporated herein.

There are three documents attached to the memo provided in the meeting packet as follows:

- The Scope of Surveying Services and Standard Detail Requirements.
- Summary of the major changes to the original Scope of Surveying Services and Standard Detail Requirements
- New Policy P-3-C, which replaces P-3-B and P-3-B supplement

Ms. Winzinger stated that once the updated documents have received final SADC approval they will be distributed to all program funding partners and posted to the agency's website.

Ms. Winzinger stated that most surveyors do a really great job and they do everything that staff asks of them already but some don't so this would put in place what the SADC would like to see so it makes it a more even bidding process and playing field. Ms. Winzinger reviewed a sample survey with the Committee showing the areas that staff would need to see, such as a municipal boundary line, exception areas that show a portion in each municipality, for example. Various buildings in the exception area also can be seen on the sample. One of the things that is in the new draft guidelines that staff really likes is to call out a block and calculate what is going to be eased and what has been deducted and what is going to be paid on by lot. Staff tracks everything by lot and not all surveyors were doing that so it is a lot of internal work. That is one of the improvements here. Also staff has some upgrades to submit things electronically. You can do signatures electronically and we want to have these documents as a PDF/A according to the new legislation and we want to be able to save it for record retention purposes so we have added that into the draft update document.

Ms. Winzinger stated that staff is trying to make sure that the accuracy of the new data that staff takes off the surveys is consistent and that block giving all of the deductions is extremely important so when staff is filling out the paperwork for payments they are taking it directly from the survey, not having to refigure it again. Sometimes there are conservation easements or buildings, etc., and most surveyors already identify that information but we are asking that all the surveyors do this and then staff is also asking that they send that data as a layer. It is a lot easier if someone is going out to the farm with a map that actually has a survey layer over it. Right now staff goes out with just a map and sort of hand drawing items on a map. So this would be an upgrade also.

Ms. Winzinger stated that staff recommendation is to approve the updates and also we need to make sure that we have some ability to make non-substantive tweaks to this administratively, like a word here or there. For instance, staff provided this information to Green Acres and they were kind enough to send us some minor editorial suggestions that staff would like to be able to change but didn't have the opportunity to incorporate for this version but we'd like to before it gets sent out. Also Brian Wilson from the Burlington CADB commented to make sure we include that when we do update this and send it out, if you are already under contract or are already bidding for your survey, it won't start until you have new surveys being ordered down the road. Staff is hoping for more consistency and everyone on the same playing field.

Chairman Fisher asked if this would cost a lot more to get a survey. Ms. Winzinger stated that we already do receive most of this from surveyors. It is only some surveyors who don't. You could look at it as if I'm a surveyor who is already doing all of this and I'm getting underbid by someone who is not doing it, she thinks this would make it a more even playing field. Would it cost more? She didn't think so.

Chairman Fisher stated that staff indicated they consulted with a licensed surveyor. Is there some sort of association or someone who is seeing this besides a single surveyor? Ms. Winzinger stated that the SADC doesn't have a surveyor on staff but Green Acres does. They have two so staff did receive editorial comments from a licensed surveyor from Green Acres and it was also sent out to a surveyor who does not do much work for the SADC. We did not send it out to a surveyor association or anything of that nature. Ms. Winzinger stated that these specifications were originally borrowed from Green Acres because they have surveyors on staff who actually have created these and we don't have that. Chairman Fisher asked if there was an urgency to this because he feels like there is a professional group and they want to know what you are doing and you have not consulted with any of them so once you adopt this it's adopted. Mr. Siegel stated that we are kind of adopting standards that surveyors have self-implemented. Chairman Fisher

stated he heard Ms. Winzinger say some but not all are doing this. Ms. Winzinger stated she would say that most of them are doing most of the things that staff want. She stated that SADC staff person Jessica Uttal reads most of the surveys and she can address the Committee. Ms. Uttal stated that she does all of the survey reviews for all of the acquisitions that go through the program and while this particular surveyor presents the survey in this fashion, the information that comes from this survey ends up getting asked from all the surveyors whether it comes in this fashion or if she has to go through it and ask for it additionally. That information is coming through one way or the other, maybe not necessarily in the beginning but the end product looks very similar to the sample. Ms. Winzinger stated that staff was requiring it but maybe not up front. Ms. Uttal stated that through the course of the time she has been with the SADC the final product looks very similar to the sample. The preliminary ones that have been coming through within the past year or so are also looking very similar to this so while it is not necessarily in a document they are filing at the moment the requests are coming through and they are tweaking their product to look like the sample.

Mr. Stanuikynas asked if there was an actual Society of Professional Surveyors. Ms. Jones stated that for the State program they order surveys and they go through the whole Treasury process. There are certain surveyors who make a request to get on their list. On the local side when the local government or nonprofit orders a survey they should be getting a surveyor who knows the Green Acres rules and regulations. Ms. Winzinger asked Ms. Jones when they do updates do they send it out to an association? Ms. Jones stated she could ask but she is not sure if they did.

Ms. Payne asked for a sense of time and what is going on with the survey contracts. Mr. O'Connell stated staff is working to bring the hiring of surveyors in compliance with State procurement requirements. They currently have a request for proposal (RFP) that is sitting with Treasury waiting to go out but they don't want to send it out until we have the specifications finalized so we have been sitting on this RFP for about two months. He stated he is anxious to get this approved so they can solicit to have surveyors under contract to do business. Ms. Payne stated that maybe what we could suggest is, based on the comments by the Committee, staff won't cut the scope of services loose and we can send this to the appropriate board that Chairman Fisher referenced and solicit their comments and if those comments are nonsubstantive then staff could release the scope of services and move. If they are substantive then we could come back to the Committee at a future date.

Ms. Winzinger asked if there are edits that need to be made, could staff go to Ms. Payne and Secretary Fisher to see if they are substantive or not in order to come back or not come back? Ms. Payne stated yes. Ms. Jones stated that she would find out if there is such an association. Ms. Payne stated if there is not such an association then there would be no need to send it anywhere.

Chairman Fisher asked if there was a motion to approve, pending possible last-minute revisions by staff based on any comments received from the appropriate professional organization.

It was moved by Mr. Germano and seconded by Ms. Jones to approve the SADC Survey Policy P-3-C and associated Scope of Surveying Services with any nonsubstantive suggestions received from the appropriate professional organization, as discussed above. The motion was approved. (Mr. Siegel abstained.) This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of the SADC Survey Policy Update information is attached to and is a part of these minutes.)

F. Stewardship

1. Request for Division of the Premises

- a. Goodenough Farm, Mansfield Township, Burlington County

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

Mr. Roohr referred the Committee to a request for a division of the premises on the Goodenough Farm, located in Mansfield Township, Burlington County. Mr. Roohr reviewed the specifics of the request with the Committee. He stated that Mr. Goodenough would like to give Parcel A to his daughter and Parcel B to his son. His daughter worked on the farm when it was an active dairy farm up to 2000 and then the farm transitioned into what it is now – hay, grain and straw. She lives next door on the adjacent lot and she would like to convert her portion into fruit and vegetable production and then on the 4-acre exception area, which is limited to nonresidential uses, she would like to put a farm stand and a value-added processing part of it and an educational component to teach people about food. Mr. Goodenough's son has worked on the farm his entire life and currently farms about 1,200 acres in hay, grain and straw, and uses the farm as the base of operations. There are two very big hay barns. The exception area on his piece would be

6.6 acres and it has his house and the father's house. The property was preserved with one single-family home on the preserved portion of the property. What's left of the single-family residence that existed at the time of preservation – consisting of the shell of the residence with no plumbing and no electricity – is located on the proposed Parcel B next to an existing hay barn. There is a bump-out on the map where the exception area cuts around. It was done that way deliberately. What the family would like to do is transfer the ability to replace the existing home to the daughter's piece. The existing house at the time of preservation has not been utilized since the 1950s but it is still up and there is no fear that it would be transitioned into a residential unit. Mr. Roohr stated that there are conditions in the resolution that would address the issue of the existing house.

Mr. Roohr stated that the division line sort of cuts not exactly square but when staff spoke with the family what the family wanted was road frontage for both pieces on Mansfield Road. The family also is very passionate about hunting so splitting the woods almost evenly was important to them. Additionally, it was important to them that everyone would get some of the higher/dryer ground. The square, which is a tax lot, is a wetter piece of the farm that they use for pasture or hay so when you take that out it works out to be about an even split. There are two conditions on this property. One is that staff is OK with the house being replaced on Parcel A – when they come in they will need approval from the County and the Committee to put up the house – but one of the conditions is that the remains of the existing house must be completely removed before we will approve it. The other condition is that there is a small ditch or creek there that had multiple crossings at one time. Right now they only use one area and since both parcels will have fields down below that creek they both need access to it. Staff's condition is that they create an access easement that allows both parties to get down there to farm the fields and we approve that access easement or they repair one of the two crossings that are physically there but have deteriorated.

Mr. Roohr stated that the Burlington CADB approved this with the same conditions, submission of a new survey that is also one of our requirements always and that a copy of the transferred deeds be provided to the SADC and the CADB before they do it so we can make sure everything is good. Staff recommendation is to approve with those conditions as outlined further in the resolution.

Mr. Danser asked if the owner of Parcel A wants to go ahead and build the other house do they get to make sure that the older existing house gets demolished? Mr. Roohr stated that burden staff is putting on Parcel A. Mr. Danser stated that it doesn't look like it would be that big of a deal to take it down so he is wondering if we should just make it part of this approval and give the replacement on the property. Mr. Roohr stated that

when they came in with this request Ms. Payne suggested that and he went back to meet with the landowners. The reason staff came to this conclusion was to take into consideration their wishes. Their father lived there his entire life and it has deep sentimental meaning for him so the family couldn't ask him to knock it down.

Ms. Payne stated that staff could share an idea with the family, which is these deeds could have a provision in it where the owner of Parcel A has an easement on the house and that they have a right to take that house down when they seek to construct the new unit on Parcel A. It would be up to the Committee if they would want to make that amendment. Mr. Germano stated he would move the resolution with that amendment.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2017R9(10) granting a request by the following landowner to divide the premises as outlined in said Resolution with the above-noted amendment, subject to any conditions of said Resolution.

1. Joseph Goodenough
Block 23, Lots 1.01, 2 and 4, Mansfield Township, Burlington County, 247.01 Acres

The motion was approved. (Mr. Johnson recused himself from the vote.) This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R9(10) is attached to and is a part of these minutes.

2. House Replacement Request

- a. Ken and Amy Kazahaya, Voorhees Township, Camden County

Mr. Roohr referred the Committee to Resolution FY2017R9(11) for a request by Ken and Amy Kazahaya, owners of Block 199, Lot 5, Voorhees Township, Camden County, comprising 69.81 acres, to replace the existing single-family residence on the property. The deed restrictions recorded against this farm included that there are two existing single-family residences on the farm. In the event that improvements are made to the existing residential units, the maximum heated living space of the units shall not exceed the current sizes of 3,000 and 1,700 square feet. In the event that one of the existing residences is replaced with a new single-family residential unit, the owners will be required to raze both of the residences existing at the time of preservation. The two homes may only be replaced with one home. The maximum heated living space of the

new single-family residential unit shall not exceed 3,500 square feet. The construction of the new unit must occur within the designated 5.9-acre building envelope area as shown on the survey.

Mr. Roohr stated that the owners have requested and the SADC on February 28, 2011 did approve the ability to replace both of the homes on the farm with a new single-family residential unit. The owners had intended to begin construction on their new home in the fall. The 2011 approval has since expired and the owners are seeking a renewed approval to construct a similar home in the same location that was approved in 2011. The new home includes unfinished basement and attic space. The owners are aware that the new unit is limited to a maximum of 3,400 square feet of heated living space and will be in the same northern corner building envelope where a barn is currently located. This location was chosen to locate the house away from heavily traveled White Horse Road to provide for a central location for security and management of the agricultural operation and for drainage. Mr. Roohr stated that one of the two original residences has been razed and the one remaining home is uninhabitable and is not used for residential purposes.

Mr. Roohr stated that the owners have requested that the remaining home be permitted to remain on the property until the new house is completed to allow for continued office and restroom space. SADC staff has verified that the remaining residence is not listed on the NJ Register of Historic Places. Staff recommendation is to approve the request.

Mr. Roohr reviewed the specifics of the request with the Committee and stated that staff recommendation is to approve the request, as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2017R9(11) finding that the construction of a single-family residence on the property owned by Ken and Amy Kazahaya, known as of Block 199, Lot 5, Voorhees Township, Camden County, comprising 69.81 acres, to replace the original two houses that existed on the property at the time of preservation, is consistent with the provisions of the Deed of Easement. The Committee approves the construction of a single-family residence, consisting of approximately 3,500 square feet of above-grade heated living space, in the location shown in Schedule A of said Resolution to replace both of the existing single-family residences on the property at the time of preservation. The owners are aware and agree that the attic and basement spaces of said single-family residence may not be converted to heated living spaces. The remaining original residence shall be removed. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A.

4:1C-4f. (A copy of Resolution FY2017R9(11) is attached to and is a part of these minutes.)

G. Agricultural Mediation

1. Certification of New Mediator – Megan Bucknum

Mr. Kimmel stated that at the Committee recently recertified its roster of agricultural mediators. Since that time staff has received a request by Megan Bucknum to be added to the list of agricultural mediators. Mr. Kimmel reviewed Ms. Bucknum's qualifications with the Committee and stated that staff recommendation is to certify Ms. Bucknum as an agricultural mediator.

It was moved by Mr. Waltman and seconded by Ms. Jones to approve Resolution FY2017R9(12) adding Megan Bucknum to the list of the SADC's certified Agricultural Mediators, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R9(12) is attached to and is a part of these minutes.)

PUBLIC COMMENT

Amy Hansen from the New Jersey Conservation Foundation thanked the SADC for the appropriations request and stated that it is great news. She stated that the New Jersey Conservation Foundation has submitted applications and they are happy that things are moving forward. She asked if the stewardship money for soil and water is just for preserved farms or is it for any farms. Ms. Payne stated that it is for preserved farms and eight-year program farms.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, November 3, 2016, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 11:16 a.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Germano 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. Danser to approve the following Certifications of Value for the following applicants as discussed in Closed Session:

County Planning Incentive Grant Program

1. Linda Snyder, SADC # 08-0193-PG
Block 4, Lot 21, Mantua Township, Gloucester County, 23 Acres
2. 715 Harmony Station LLC, SADC #21-0550-PG
Block 44, Lot 14, Harmony Township, Warren County, 103 Acres
3. Burke & Dinsmore Farm, SADC #21-0561-PG **AMENDED**
Block 9, Lot 51.02, Harmony Township, Warren County, 18.381 Acres (AOC)

Municipal Planning Incentive Grant Program

1. Michael and Carolynn Foote, SADC #08-0192-PG
Block 46, Lot 7.02, Elk Township
Block 9, Lot 8, Upper Pittsgrove Township, Gloucester/Salem County, 35 Net Acres (Appraisal Order Checklist [AOC]) and 40 Gross Acres (AOC)
2. Michael and Carolynn Foote, SADC # 17-0138-PG
Block 7, Lots 3, 3.01, 3.02, 3.03, Upper Pittsgrove Township, Salem County, 31 Acres (AOC)
3. Paul and Linda Grefe, Lot 14, SADC #10-0358-PG
Block 11, Lot 14, Alexandria Township, Hunterdon County, 17.70 Net Acres (AOC); 19.53 Gross Acres (AOC)

4. Paul and Linda Grefe, Lot 14.01, SADC #10-0359-PG
Block 11, Lot 14.01, Alexandria Township, Hunterdon County, 25.18 Net Acres (AOC); 26.18 Gross Acres (AOC)
5. Jason R. Vartikar-McCullough and Sarah Christian, SADC #10-0375-PG
Block 23, Lots 8.01, 8.20, 8.21, 8.22, Franklin Township, Hunterdon County, 62.1 Net Acres (AOC); 69.7 Gross Acres (AOC)
6. Larry C. Ambruster, SADC #17-0167-PG
Block 10, Lot 10, Upper Pittsgrove Township, Salem County, 25 Acres
7. Michael N. Brooks, SADC #17-0166-PG
Block 81, Lot 7, Upper Pittsgrove Township,
Block 1301, Lot 5, Pittsgrove Township, Salem County, 66 Acres
8. James and Patricia Moffett, SADC #17-0165-PG
Block 31, Lot 4, Upper Pittsgrove Township,
Block 43, Lot 5, Pilesgrove Township, Salem County, 45.30 Net Acres (AOC);
46.45 Gross Acres (AOC)

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (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 Ms. Brodhecker and seconded by Mr. Germano and unanimously approved to adjourn the meeting at 11:51 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

State Board Resolution on Soil Disturbance

WHEREAS, the Agriculture Retention and Development Act (ARDA) of 1981 was created to foster the continued prominence of farming as a major part of the economy in a rapidly developing state; and

WHEREAS, in addition to encouraging development of a vibrant agricultural industry, the Act also sought to retain a land base for future agricultural use through the method of buying the non-agricultural development rights of land owners and preserving the use of the land for agriculture; and

WHEREAS, the State Agriculture Development Committee (SADC) was subsequently created “in order that the State’s regulatory action with respect to agricultural activities may be undertaken with a more complete understanding of the needs and difficulties of agriculture,” N.J.S.A. 4:1C-4, and to administer the Farmland Preservation Program, with a particular emphasis on working with farmers to preserve their land for farming activities; and

WHEREAS, the funds paid to farmers to enroll in the Farmland Preservation Program purchase the non-agricultural development rights from farmers, while enabling the farmer to continue to develop their agricultural operations; and

WHEREAS, in recent years, discussions have taken place among the SADC members and their staff regarding the implementation of “standards” for soil disturbance as such standards could apply to the development of buildings, roads, bogs, reservoirs, terraces and other infrastructure necessary for a farm’s ability to remain viable; and

WHEREAS, the delegates to the 2015 State Agricultural Convention overwhelmingly objected, through much discussion and, finally, a strongly worded resolution, to the regulatory approach of SADC to set those standards; and

WHEREAS, a subcommittee appointed by the State Board of Agriculture has proposed that creating “guidelines” regarding soil disturbance would be more agreeable to, and workable for, the agricultural community than the creation of regulatory standards.

NOW, THEREFORE BE IT RESOLVED, that the State Board of Agriculture, meeting on September 15, 2016, does hereby strongly urge the SADC to focus its work on soil-disturbance to creating guidelines, and not on regulations about soil disturbance.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

ADOPTION OF AN AGRICULTURAL DEED RESTRICTION TEMPLATE FOR
CONTIGUOUS CLUSTER AND NONCONTIGUOUS CLUSTER
PURSUANT TO P.L. 2013, CHAPTER 106

RESOLUTION #FY2017R9(1)

September 22, 2016

WHEREAS, P.L. 2013, c. 106 amended the Municipal Land Use Law (N.J.S.A. 40:55D-1, et. seq.) to specifically authorize the use of contiguous cluster and noncontiguous cluster zoning, further providing municipalities greater flexibility to offer alternatives to traditional zoning by allowing growth to be concentrated in areas where it can best be accommodated and maximized while preserving agricultural lands, open space and historic sites; and

WHEREAS, N.J.S.A. 40:55D-39.1a. requires that a municipal ordinance authorizing the planning board to approve planned developments, subdivisions, or site plans that allow for contiguous or noncontiguous cluster shall provide for the permanent protection of land as public open space or common open space, as a historic site, or as agricultural land; and

WHEREAS, N.J.S.A. 40:55D-39.1d.(1) requires that land identified for preservation as agricultural land be conveyed or dedicated by agricultural restriction using an agricultural restriction template prepared or approved by the State Agriculture Development Committee (SADC); and

WHEREAS, pursuant to N.J.S.A. 40:55D-3, "agricultural restriction" means "an agricultural deed restriction for farmland preservation purposes" as defined in section 3 of P.L. 1983, c. 32 (C.4:1C-11 et seq.), the "Agriculture Retention and Development Act"; and

WHEREAS, N.J.S.A. 40:55D-39.1d.(2) provides that an agricultural restriction may contain provisions:

1. To allow limited non-agricultural uses that the SADC finds compatible with agricultural use and production.
2. To allow future amendments to the area subject to the agricultural restriction in order to accommodate public improvements including but not limited to roadways, drainage facilities and other public infrastructure so long as the amendments result in only de minimis impacts to the original area subject to the restriction.

3. To allow the inclusion of existing dwelling units or limited additional future housing opportunities that directly support the property's agricultural operations and are appropriate to the scale of the preserved farmland; and

WHEREAS, the SADC has prepared an "Agricultural Deed Restriction Template For Farmland Preservation Purposes" attached hereto as "Schedule A", the development of which is based on the SADC's standard Farmland Preservation Program deed provisions contained at N.J.A.C. 2:76-6.15, as well as the statutory provisions referenced herein; and

WHEREAS, if use of an agricultural restriction other than the SADC template is requested, N.J.S.A. 40:55D-39.1d.(3) states that the SADC shall grant or deny approval of a proposed agricultural restriction within 60 days of receipt of a request and, if the SADC fails to act within that period, the failure shall be deemed to be an approval of the agricultural restriction; and

WHEREAS, N.J.S.A. 40:55D-39.1d.(4) requires that municipalities authorizing agricultural restrictions shall have adopted a "Right to Farm" ordinance consistent with the model ordinance adopted by the SADC pursuant to the "Right to Farm Act", P.L. 1983, c. 31 (C.4:1C-1 et seq.); and

WHEREAS, N.J.S.A. 40:55D-39.1d.(5) states that agricultural land subject to an agricultural restriction approved by the SADC shall be provided the benefits of the "Right to Farm Act" and other benefits provided pursuant to the "Agriculture Retention and Development Act,"; and

WHEREAS, N.J.S.A. 40:55D-39.1f. requires that any development restriction be enforceable by the municipality and the State of New Jersey and, if authorized by municipal ordinance, another public agency or non-profit conservation organization.

NOW, THEREFORE BE IT RESOLVED that the SADC adopts the "Agricultural Deed Restriction Template For Farmland Preservation Purposes" as shown on the attached "Schedule A"; and

BE IT FURTHER RESOLVED, that the SADC supports the implementation of contiguous and noncontiguous clustering, where appropriate, for the retention of agricultural land in coordination with traditional farmland preservation efforts; 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.



9/22/16
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

**AGRICULTURAL DEED RESTRICTION TEMPLATE
FOR FARMLAND PRESERVATION PURPOSES
[Municipal Form] OF _____**

This Agricultural Deed Restriction is made _____, 20__.

BETWEEN _____, whose address is _____ and is referred to as the Grantor;

AND the [Municipal Form] of _____, whose address is _____ and is referred to as the Grantee and/or [Municipal Form].

The Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns grants and conveys to the Grantee all of the nonagricultural development rights and credits on the area subject to the Agricultural Deed Restriction, also referred to as "Premises".

The tax map reference for the Premises is:
[Municipal Form] of _____, County of _____
Block(s) _____, Lot(s) _____

WHEREAS, the [Municipal Form] of _____ acknowledges that development of agriculture and retention of farmland is important to the economy and welfare of its citizens; and

WHEREAS, as set forth in N.J.S.A. 40A:55D-2p., a stated purpose of the Municipal Land Use Law is to provide municipalities with the flexibility to employ planning tools, such as cluster development, to accommodate growth while preserving agricultural lands, open space, and historic sites; and

WHEREAS, N.J.S.A. 40:55D-3 defines "cluster development" as "a contiguous cluster or noncontiguous cluster that is not a planned development"; and

WHEREAS, N.J.S.A. 40:55D-39h.(1) authorizes municipalities to include in their subdivision or site plan ordinances provisions for cluster development in order to permanently protect land for agricultural purposes; and

WHEREAS, N.J.S.A. 40:55D-39.1d.(1) provides that a municipal ordinance authorizing cluster development for the purpose of permanently protecting agricultural land contains a requirement that such preservation be effectuated by a recorded agricultural deed restriction using a template prepared or approved by the State Agriculture Development Committee; and

WHEREAS, at its meeting of _____, 20__, the State Agriculture Development Committee granted approval to the [Municipal Form] of _____'s agricultural restriction; and

WHEREAS, Ordinance _____ permits the use of clustering and/or non-contiguous clustering (as applicable) within the [Municipal Form] of _____ to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands; and

WHEREAS, Grantor received final subdivision and/or site plan approval (as applicable) for Block(s) _____, Lot(s) _____ on _____, 20__ as memorialized in _____ [Municipal Form] Planning Board Resolution # [or "No."] _____ dated _____, and

WHEREAS, final subdivision and/or site plan (as applicable) approval permitted transfer of density from Block(s) _____, Lot(s) _____ in connection with the development of Block(s) _____, Lot(s) _____, pursuant to Ordinance _____; and

Prepared by: _____

Print name and title

WHEREAS, it is the intention of the Grantee to permanently preserve Block(s) ____, Lot(s) __ through this Agricultural Deed Restriction for Farmland Preservation Purposes (hereinafter, the "Agricultural Deed Restriction"); and

NOW THEREFORE, THE GRANTOR, GRANTOR'S HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL OR LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS PROMISES that the Premises will be owned, used and conveyed subject to, and not in violation of the following restrictions:

1. Any development of the Premises for nonagricultural purposes is expressly prohibited unless specifically authorized herein.

2. Except as otherwise provided herein, the Premises shall be retained for agricultural use and production. Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading of product, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.

3. Grantor certifies that at the time of the execution of this Agricultural Deed Restriction the nonagricultural uses indicated on attached Schedule (A) existed on the Premises. All other nonagricultural uses are prohibited except as expressly provided in this Agricultural Deed Restriction.

4. All nonagricultural uses, if any, existing on the Premises at the time of the execution of this Agricultural Deed Restriction as set forth in Section 3 above may be continued and any structure may be restored or repaired in the event of partial destruction thereof, subject to the following:

- i. No change in the pre-existing nonagricultural use is permitted ;
- ii. No expansion of the pre-existing nonagricultural use is permitted; and
- iii. In the event that the Grantor abandons the pre-existing nonagricultural use, the right of the Grantor to continue the use is extinguished.

5. The [Municipal Form] of _____ may, in its discretion and pursuant to N.J.S.A. 40:55D-39.1d.(2)(a), permit limited non-agricultural uses on the Premises, and such uses shall be governed by the applicable standards set forth in N.J.S.A. 4:1C-32.1 and 32.3 (P.L.2015, c.275) and attendant regulations.

6. The boundaries of the Premises may be adjusted to accommodate future public improvements including, but not limited to, roadways, drainage facilities and other public infrastructure following a determination by the _____ [Municipal Form] Planning Board, in consultation with the [Municipal Form] Agricultural Advisory Committee, if applicable, that the amendment would result in only a de minimis impact to the area of the Premises.

7. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.

8. No dumping or placing of trash shall be permitted on the Premises. The placement of other waste material shall be permitted on the Premises only if expressly recommended by the State Agriculture Development Committee as an agricultural management practice pursuant to N.J.A.C. 2:76-2A.1, et seq.

9. No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises. Activities performed in conformance with a farm conservation plan approved by the local soil conservation district that meet or exceed the Basic Assessment Level in the U.S. Department of Agriculture Natural Resources Conservation Service *National and State Resource Concerns and Planning Criteria* in Section III of the Field

Office Technical Guide, as may be amended and supplemented, shall be permitted.

10. Grantee, and the entities identified in Paragraph 19, shall be permitted access to, and to 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 Agricultural Deed Restriction. Grantee agrees to give Grantor, and the entities identified in Paragraph 19, at least 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week.

11. Grantor may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.

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

13. Nothing shall impose upon the Grantor any duty to maintain the Premises in any particular state, or condition, except as provided for in this Agricultural Deed Restriction.

14. Nothing in this Agricultural Deed Restriction shall be deemed to restrict the right of Grantor, to maintain all roads and trails existing upon the Premises as of the date of this Agricultural Deed Restriction. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary.

15. At the time of this conveyance, Grantor has ____ () existing single family residential buildings on the Premises, ____ () residential buildings used for agricultural labor purposes and ____ () recreational buildings. Grantor may use, maintain, and improve existing buildings on the Premises for agricultural, residential and recreational uses subject to the following conditions:

- i. Improvements to agricultural buildings shall be consistent with agricultural uses;
- ii. Improvements to residential buildings shall be consistent with agricultural or single and extended family residential uses. Improvements to residential buildings for the purpose of housing agricultural labor are permitted only if the housed agricultural labor is employed on the Premises; and
- iii. Improvements to recreational buildings shall be consistent with agricultural and recreational uses; and

16. Limited additional future housing opportunities that directly support the property's agricultural operations and are appropriate to the scale of the preserved farmland may be permitted... **(SEE FOLLOWING THREE OPTIONS FOR INCLUSION IN THE AGRICULTURAL DEED RESTRICTION. OPTIONS 2 AND 3 REQUIRE SADC APPROVAL PRIOR TO USE OF THE TEMPLATE IN CONNECTION WITH ANY CLUSTER DEVELOPMENT PROJECT.)**

OPTION 1: ...so long as the total number of housing units constructed does not exceed a gross density of one dwelling unit per 50 acres, including existing residential dwelling units identified in paragraph 15, above; or

OPTION 2: ...so long as the total number of housing units constructed does not exceed a gross density of ____ dwelling unit per ____ acres, including residential dwelling units identified in paragraph 15, above; **(MUNICIPALITY TO INSERT VALUES);** or

OPTION 3: ...pursuant to [Municipal Form] Ordinance **(INSERT ORDINANCE REFERENCE)**, dated **(INSERT DATE OF ORDINANCE EXISTING AT THE TIME OF SADC TEMPLATE APPROVAL)**. Any future amendments to the ordinance that have the effect of increasing future housing opportunities beyond those set forth in Ordinance **(INSERT ORDINANCE REFERENCE)** shall not be valid for purposes of this Agricultural

Easement unless and until they are approved by the State Agriculture Development Committee.

For the purpose of this Agricultural Deed Restriction:

"Limited additional future housing opportunities that directly support the property's agricultural operations and are appropriate to the scale of the preserved farmland", means at least one person residing in the residential unit shall be regularly engaged in common farmsite activities on the Premises including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage, water management and grazing.

OR

16. No additional future housing opportunities shall be permitted on the Premises.

17. Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

- i. To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee. If Grantee grants approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural; and
- ii. To construct a single family residential building anywhere on the Premises in order to replace any single family residential building in existence at the time of conveyance of this Agricultural Deed Restriction but only with the approval of the Grantee.
- iii. To construct limited additional future housing opportunities subject to the requirements set forth in Paragraph 16 above. (IF APPLICABLE)

18. The land and its buildings which are affected may be sold collectively or individually for continued agricultural use as defined in Paragraph 2 of this Agricultural Deed Restriction. Division of the Premises is prohibited unless the _____ [Municipal Form] Planning Board, in consultation with the _____ Agricultural Advisory Committee, if applicable, determines that the division is for an agricultural purpose and results in agriculturally viable parcels. Division means any division of the Premises, for any purpose, subsequent to the effective date of this Agricultural Deed Restriction.

(SEE FOLLOWING THREE OPTIONS FOR INCLUSION IN THE AGRICULTURAL DEED RESTRICTION. OPTIONS 2 AND 3 REQUIRE SADC APPROVAL PRIOR TO USE OF THE TEMPLATE IN CONNECTION WITH ANY CLUSTER DEVELOPMENT PROJECT.)

i. For purposes of this Agricultural Deed Restriction, "Agriculturally viable parcels" means...

OPTION 1: ...the total number of ~~subdivisions~~ divisions that may be permitted on the Premises may not exceed a ~~gross density of one division per~~ each 50 acres of the Premises as it exists on the effective date of this Agricultural Deed Restriction and all such divisions shall result in parcels containing a minimum of 25 acres capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from each parcel's agricultural output; or

OPTION 2: ...the total number of ~~subdivisions~~ divisions that may be permitted on the Premises may not exceed a ~~gross density of one division per~~ each _____ acres of the Premises as it exists on the effective date of this Agricultural Deed Restriction and all such divisions shall result in parcels containing a minimum of _____ acres capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal

conditions, solely from each parcel's agricultural output; **(MUNICIPALITY TO INSERT VALUES)**; or

OPTION 3: ...the total number of ~~subdivisions~~ divisions that may be permitted on the Premises may not exceed ~~at the gross density as described pursuant to the permitted by [Municipal Form] Ordinance~~ at the gross density as described pursuant to the permitted by [Municipal Form] Ordinance **(insert ordinance reference)**, dated **(insert date of ordinance existing at the time of SADC template approval)**. Any future amendments to the ordinance that have the effect of increasing future division opportunities beyond those set forth in Ordinance **(insert ordinance reference)**, shall not be valid for purposes of this Agricultural Easement unless and until they are approved by the State Agriculture Development Committee.

- ii. The requirements of this section do not obviate the need for any additional approvals to effectuate the division.

OR

18. The land and its buildings which are affected may be sold collectively or individually for continued agricultural use as defined in Paragraph 2 of this Agricultural Deed Restriction. However, no division of the land shall be permitted.

19. In the event of any violation of the terms and conditions of this Agricultural Deed Restriction, Grantee, the State of New Jersey or, if authorized by municipal ordinance, another public agency or non-profit conservation organization pursuant to N.J.S.A. 40:55D-39.1f., may institute any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition. Grantee, the State of New Jersey or _____ does not waive or forfeit the right to take any other legal action necessary to insure compliance with the terms, conditions, and purpose of this Agricultural Deed Restriction by a prior failure to act.

20. This Agricultural Deed Restriction imposes no obligation or restriction on the Grantor's use of the Premises except as specifically set forth in this Agricultural Deed Restriction.

21. This Agricultural Deed Restriction is binding upon the Grantor, the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns and the Grantee; it shall be construed as a restriction running with the land and shall be binding upon any person to whom title to the Premises is transferred as well as upon the heirs, executors, administrators, personal or legal representatives, successors, and assigns of all such persons.

22. Throughout this Agricultural Deed Restriction, the singular shall include the plural, and the masculine shall include the feminine, unless the text indicates otherwise.

23. The word 'Grantor' shall mean any and all persons who lawfully succeed to the rights and responsibilities of the Grantor, including but not limited to the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns.

24. Wherever in this Agricultural Deed Restriction any party shall be designated or referred to by name or general reference, such designation shall have the same effect as if the words, 'heirs, executors, administrators, personal or legal representatives, successors and assigns' have been inserted after each and every designation.

25. Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns further transfers and conveys to Grantee all of the nonagricultural development rights and development credits appurtenant to the lands and Premises described herein.

26. This Agricultural Deed Restriction may be assigned, provided advanced written approval is obtained from the State Agriculture Development Committee, to the federal government, the State, a county, or a qualifying tax exempt nonprofit organization.

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

_____(L.S.)

_____(L.S.)

Secretary

(Corporate Seal)
(For use by corporations only)

(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, that this person (or if more than one, each person):

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

Print name and title below signature

(CORPORATE ACKNOWLEDGMENT)

STATE OF NEW JERSEY, COUNTY OF _____ SS.:

I CERTIFY that on _____, 20____, the subscriber(s) _____, personally appeared before me, who, being by me duly sworn on his or her oath, deposes and makes proof to my satisfaction, that he or she is the Secretary of _____, the Corporation named in the within Instrument; that _____ is the President of said Corporation; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the Board of Directors of the said Corporation, that deponent well knows the corporate seal of said Corporation; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said President as and for the voluntary act and deed of said Corporation, in presence of deponent, who thereupon subscribed his or her name thereto as attesting witness..

Sworn to and subscribed before me, the date aforesaid

Print name and title below signature

(LIMITED LIABILITY COMPANY ACKNOWLEDGMENT)

STATE OF NEW JERSEY, COUNTY OF _____ SS.:

I CERTIFY that on _____, 20____, the subscriber(s) _____ personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) are the managing member(s) of _____, the Limited Liability Company named in the within Agricultural Deed Restriction;
- (b) are the managing members of said company;
- (c) that the execution, as well as the making of this Agricultural Deed Restriction, have been duly authorized by the Operating Agreement of the said Company, that said

Agricultural Deed Restriction was signed and delivered by _____, as and for the voluntary act and deed of said Company.

Print name and title below signature

([Municipal Form])

THE UNDERSIGNED, being _____ of the _____ [Municipal Form], hereby accepts and approves the foregoing restrictions, benefits and covenants.

ACCEPTED AND APPROVED this _____ day of _____, 20____.

Print name and title below signature
_____ [Municipal Form]

STATE OF NEW JERSEY, COUNTY OF _____ SS.:

I CERTIFY that on _____, 20____,

_____ personally came before me and acknowledged under oath, to my satisfaction that this person:

- (a) is named in and personally signed this Agricultural Deed Restriction;
- (b) signed, sealed and delivered this Agricultural Deed Restriction as the [Municipal Form]'s act and deed; and
- (c) Is the Administrator / Clerk of _____ [Municipal Form].

Signed and sworn to before me on _____,

Print name and title below signature
_____ [Municipal Form]

STATE AGRICULTURE DEVELOPMENT COMMITTEE
REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN
AGRICULTURAL DEVELOPMENT AREA
NEW JERSEY NATURAL GAS SOUTHERN RELIABILITY LINK PROJECT IN
BURLINGTON, MONMOUTH AND OCEAN COUNTIES
RESOLUTION FY2017R9(2) - AMENDED

September 22, 2016

WHEREAS, pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-19, any public body or public utility which intends to exercise the power of eminent domain within an Agricultural Development Area (ADA), or which intends to advance a grant, loan, interest subsidy or other funds within an ADA for the construction of dwellings, commercial or industrial facilities, transportation facilities or water or sewer facilities to serve nonfarm structures, shall file a Notice of Intent (NOI) with the County Agriculture Development Board (CADB) and the State Agriculture Development Committee (SADC) 30 days prior to the initiation of the action; and

WHEREAS, CADBs and the SADC are charged with the responsibility, pursuant to N.J.S.A. 4:1C-19, to review the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and overall State agriculture preservation and development policies; and

WHEREAS, while N.J.S.A. 4:1C-25 of ARDA gives public bodies the authority to condemn preserved farmland, the statute does not provide such authority to public utilities; accordingly, public utilities such as natural gas companies can only institute condemnation proceedings on preserved farmland for interstate transmission of natural gas pursuant to the Natural Gas Act, 15 U.S.C.A. § 717, *et seq.* (Natural Gas Act), and after obtaining a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission (FERC); and

WHEREAS, New Jersey Natural Gas (NJNG), through its environmental consultants, submitted initial NOI documents to the Burlington, Monmouth and Ocean CADBs and the SADC in June 2015 for a new natural gas pipeline project proposal, the Southern Reliability Link (SRL), identified in Schedule A; and

WHEREAS, as the SRL project is not an interstate natural gas transmission project, it is not regulated under the Natural Gas Act and, therefore, NJNG does not possess the power of eminent domain on preserved farmland in implementing the project; and

WHEREAS, according to NJNG, the SRL is needed to provide NJNG's Ocean, Burlington and southern Monmouth County customers an alternate interstate natural gas transmission source for the southern end of its distribution system; and

WHEREAS, the proposed 30-inch diameter steel pipeline would connect the NJNG transmission system in Manchester Township, Ocean County with a proposed compressor station associated with the Transcontinental Pipeline Company (Transco) interstate pipeline in Chesterfield Township, Burlington County; and

WHEREAS, as shown on Schedule B, and documented in the Southern Reliability Link Alternatives Analysis dated April 2015, before selecting the final alignment the environmental consultants evaluated a number of alternative pipeline routes to select a route that avoids or minimizes adverse impacts to agriculture, the cultural / built environment and the natural environment to the extent possible while maintaining the viability and technical feasibility of the SRL project; and

WHEREAS, due to the extensive presence of preserved farmland in the project study area outside of the New Jersey Pinelands, few “cross-country” opportunities were identified and the 30-mile pipeline project has been designed to be placed largely within existing County and Municipal road rights-of-way; and

WHEREAS, once the pipeline route was selected, the environmental consultants identified 2 non-preserved parcels within the Burlington County ADA that would be directly impacted by the construction of the pipeline; and

WHEREAS, the pipeline right-of-way will traverse Block 502, Lot 16.01 in Chesterfield Township, as shown on Schedule C, to avoid impacts to the historic village of Chesterfield and to preserved farmland, resulting in a permanent easement approximately 1,215 feet in length with an associated 1.7 acres of temporary workspace required; and

WHEREAS, a valve site with an easement area of approximately 50 feet x 50 feet (0.06 acres) was also proposed on Block 1000, Lot 1 in Chesterfield Township; and

WHEREAS, the NOI indicates that for all potential sites in the ADA:

1. Best management practices set forth in Soil Conservation District approved Soil Erosion and Sediment Control Plans will be implemented to prevent soil erosion and sedimentation.
2. The top 12 inches of topsoil within the entire right-of-way will be removed, stockpiled in a windrow parallel to the pipeline trench, and replaced following construction to avoid soil mixing, rutting and compaction.
3. Temporary fencing will be provided as necessary to restrict access to active work areas by livestock until adequate vegetative cover over the work area is reestablished
4. Following construction, disturbed areas will be regraded, revegetated and otherwise restored to pre-existing conditions in accordance with Soil Erosion and Sediment Control Plans unless variations on typical practice are requested by the landowner.

5. NJNG will employ third party environmental inspectors to monitor all construction and restoration to ensure consistency with Soil Erosion and Sediment Control Plans and landowner agreements.
6. NJNG will provide each landowner, landowner's designee and/or tenant a single point of contact to address concerns; and

WHEREAS, the NOI provides that on agricultural lands, the pipeline will be constructed with a minimum of 4 feet of cover, allowing most regular field cultivation activities to continue unrestricted; and

WHEREAS, the NOI indicates that easement agreements with landowners will identify certain restrictions to be placed on agricultural uses in the permanent right of way, including a prohibition on permanent structures built over the pipeline, limitations on tree height and tree placement over and within 5 feet of the pipeline, and use of certain heavy machinery; and

WHEREAS, the NOI states that for all potential sites in the ADA, the pipeline project and the temporary impact areas have been designed to allow farmer access to remaining fields during construction and to avoid or minimize impacts to existing buffer areas, surface waters and groundwater aquifers; and

WHEREAS, the NOI states that traffic control will be set up to provide either a safe travel way for passing traffic while maintaining adequate workspace or a roadway detour to permit local traffic property access; and

WHEREAS, at its July 30, 2015 meeting, the Ocean CADB found the SRL project, as described in the NOI, would not cause unreasonably adverse effects on preserved farms, the ADA, or State agricultural preservation and development policies. This finding was transmitted to NJNG via letter dated August 4, 2015; and

WHEREAS, on January 12, 2016 the Monmouth CADB issued a similar finding as memorialized in Monmouth CADB resolution #2016-1-1; and

WHEREAS, at its meeting of January 14, 2016, the Burlington CADB found the SRL project would cause unreasonably adverse effects on the ADA, citing the need for additional information regarding the restoration of agricultural drainage systems and soil, and concerns regarding impacts of road closure and/or detours on local farm markets. This finding was transmitted to NJNG via letter dated March 3, 2016; and

WHEREAS, NJNG issued a response and, pursuant to N.J.S.A. 4:1C-19(b), a public hearing was held by the Burlington CADB on March 10, 2016 and a report outlining recommendations of the CADB to address concerns discussed at the hearing was issued; and

WHEREAS, the SADC reviewed the project at its April 22, 2016 meeting and issued a finding, via Resolution FY2016R4(6), that the project would not cause unreasonably adverse

effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19; and

WHEREAS, on June 28, 2016 consultants for NJNG submitted revised plans showing removal of the proposed valve site on Block 1000, Lot 1 in Chesterfield Township and the addition of four additional temporary work areas on the following lots:

- Block 108, Lot 2.01, Chesterfield Township, Burlington County
- Block 500, Lot 1.01, Chesterfield Township, Burlington County
- Block 500, Lot 9.01, North Hanover Township, Burlington County
- Block 53, Lot 11, Upper Freehold Township, Monmouth County; and

WHEREAS, upon review Burlington County CADB staff determined that each of the 3 proposed Burlington County work areas were located on parcels that are below the 20 acre minimum acreage criteria required for inclusion in the Burlington County ADA and therefore further review of the project pursuant to N.J.S.A. 4:1C-19 was not required; and

WHEREAS, Block 53, Lot 11 in Upper Freehold Township is within the Monmouth County ADA but is owned by the Monmouth County Park System and listed on the County's Recreation and Open Space Inventory; and

WHEREAS, pursuant to N.J.A.C. 7:36-25.14, the Monmouth County Park System, in coordination with the New Jersey Green Acres Program, granted NJNG a Temporary Right of Entry for the project; and

WHEREAS, the Monmouth County CADB reviewed the impacts of the additional 4.3 acres of temporary workspace on Block 53, Lot 11, as shown on Schedule D, at its meeting of August 2, 2016 and concluded that the proposed project would not have an unreasonably adverse effect on Monmouth County's ADA; and

WHEREAS, the SADC has reviewed the NOI documents submitted by NJNG and its environmental consultants, discussed the project amendments submitted June 28, 2016 with the Burlington and Monmouth CADB staffs, and determined that NJNG has adequately addressed all requirements and information about the project pursuant to N.J.S.A. 4:1C-19 and N.J.A.C. 2:76-7.1, et seq.

NOW, THEREFORE, BE IT RESOLVED that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and upon overall State agriculture preservation and development policies, and finds that disturbance associated with a permanent easement approximately 1,215 feet in length and an associated 1.7 acres of temporary workspace in the Burlington County ADA and 4.3 acres of temporary workspace in the Monmouth County ADA would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the following reasons:

1. The project has been designed to avoid preserved farmlands and, where impacts on non-preserved agricultural land are proposed, practices to minimize disturbance are to be implemented.
2. NJNG and its consultants have evaluated multiple options and proposed a route that is almost exclusively within existing road right-of-ways that will have minor permanent agricultural effects; and

BE IT FURTHER RESOLVED that this finding is conditioned on NJNG updating the SADC should additional workspace, access or staging areas be necessary and ensuring that the following practices not specifically described in the NOI be implemented on all farmland:

1. Subsoil shall not be stored directly on unstripped topsoil without a barrier or spread on the surface of existing farmland as a means of disposal.
2. Should excess backfill be necessary such material shall be of similar texture and quality to existing subsoils and under no circumstance should topsoil be used for this purpose.
3. Should any underground drainage tile or irrigation system be damaged by pipeline construction it will be immediately repaired in a manner that assures pre-construction operation.
4. Should it be necessary to pump water from open trenches NJNG shall do so in a manner that will avoid inundation of crops for more than 24 hours or deposition of sediment upon the surface of farm fields and pasture land or in ditches and other water sources.
5. Testing for post-construction soil compaction should be performed by environmental monitors and, if necessary, mitigation measures taken to ensure restoration to pre-construction conditions.
6. Unless otherwise required by law, the use of pipeline markers should be minimized within active agricultural areas and, if installed, such markers should be located at roads, fence lines and the edges of fields in order to reduce the potential for damage to or interference with normal farming operations.

BE IT FURTHER RESOLVED that the SADC will work with NJNG, the Burlington, Monmouth and Ocean CADBs, farmers and landowners as needed to resolve site-specific impacts to farms in the ADAs, particularly with respect to soils in agricultural production and surface and subsurface drainage systems, during and after construction; and

BE IT FURTHER RESOLVED that this action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

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.



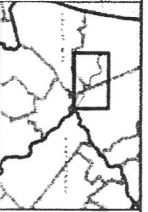
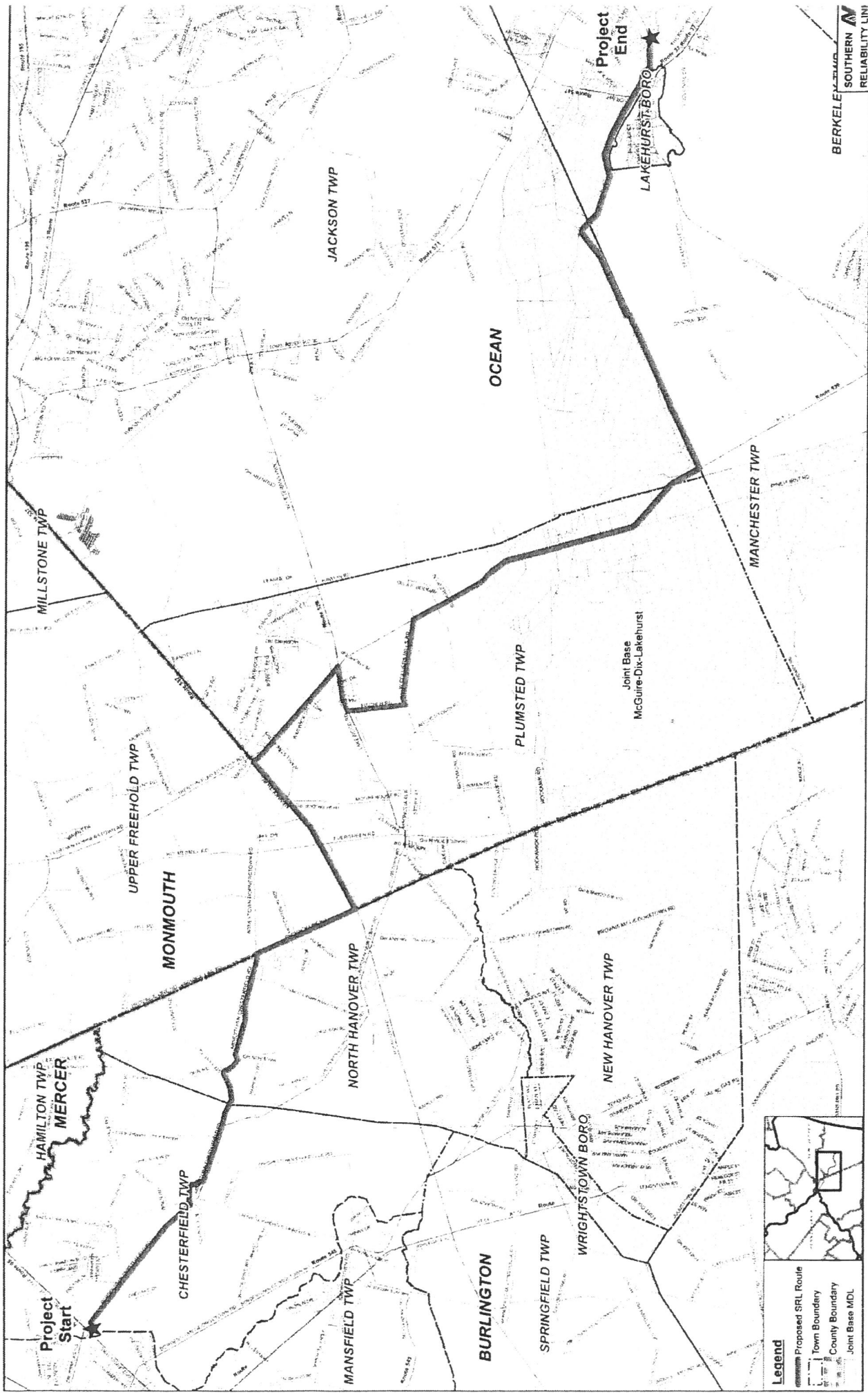
9/22/16
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

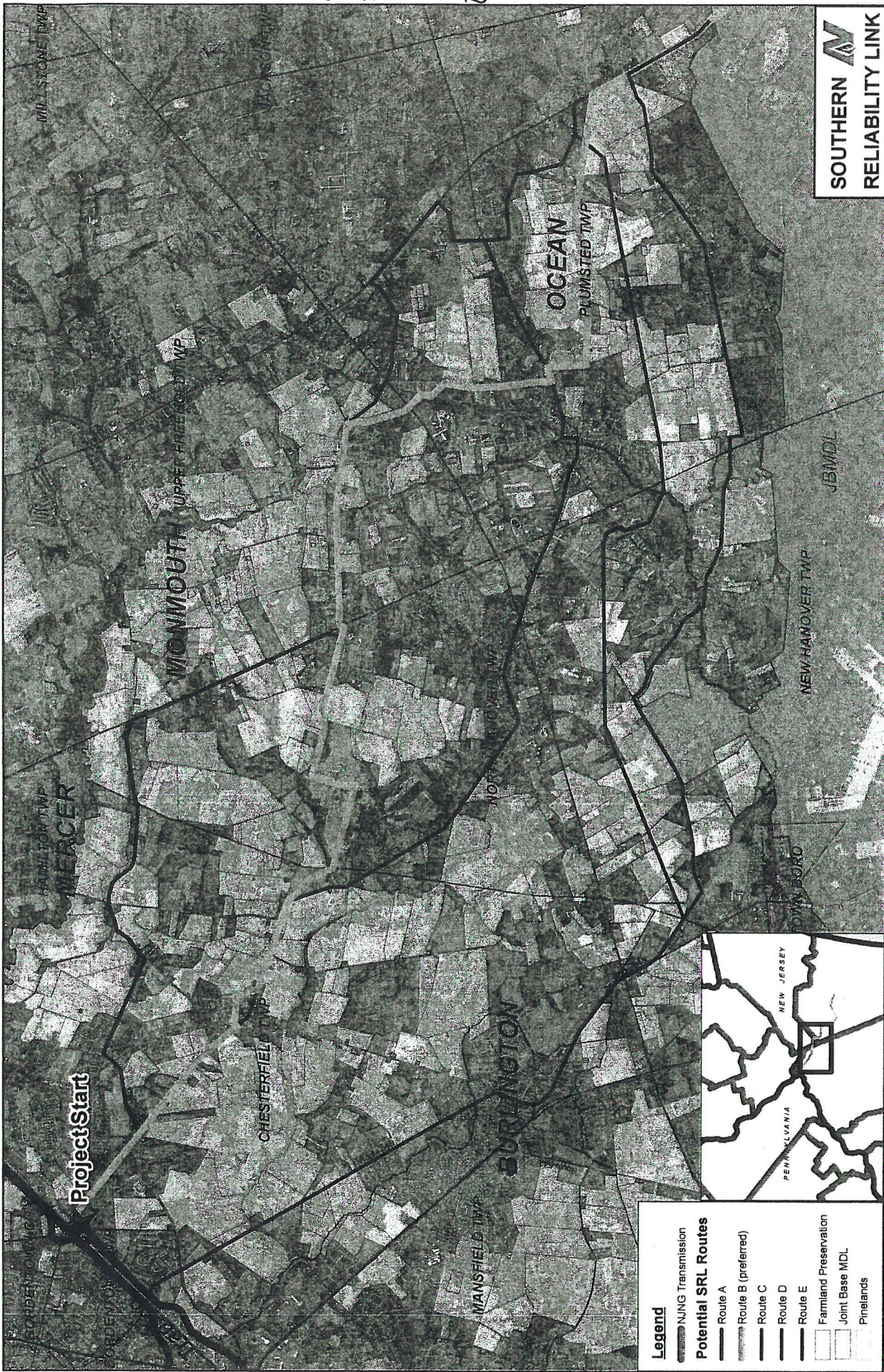
Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	ABSTAINED

S:\ADAS\IMPACT REVIEWS (Subchapter 7)\New Jersey Natural Gas\Amended Resolution - 090916.doc

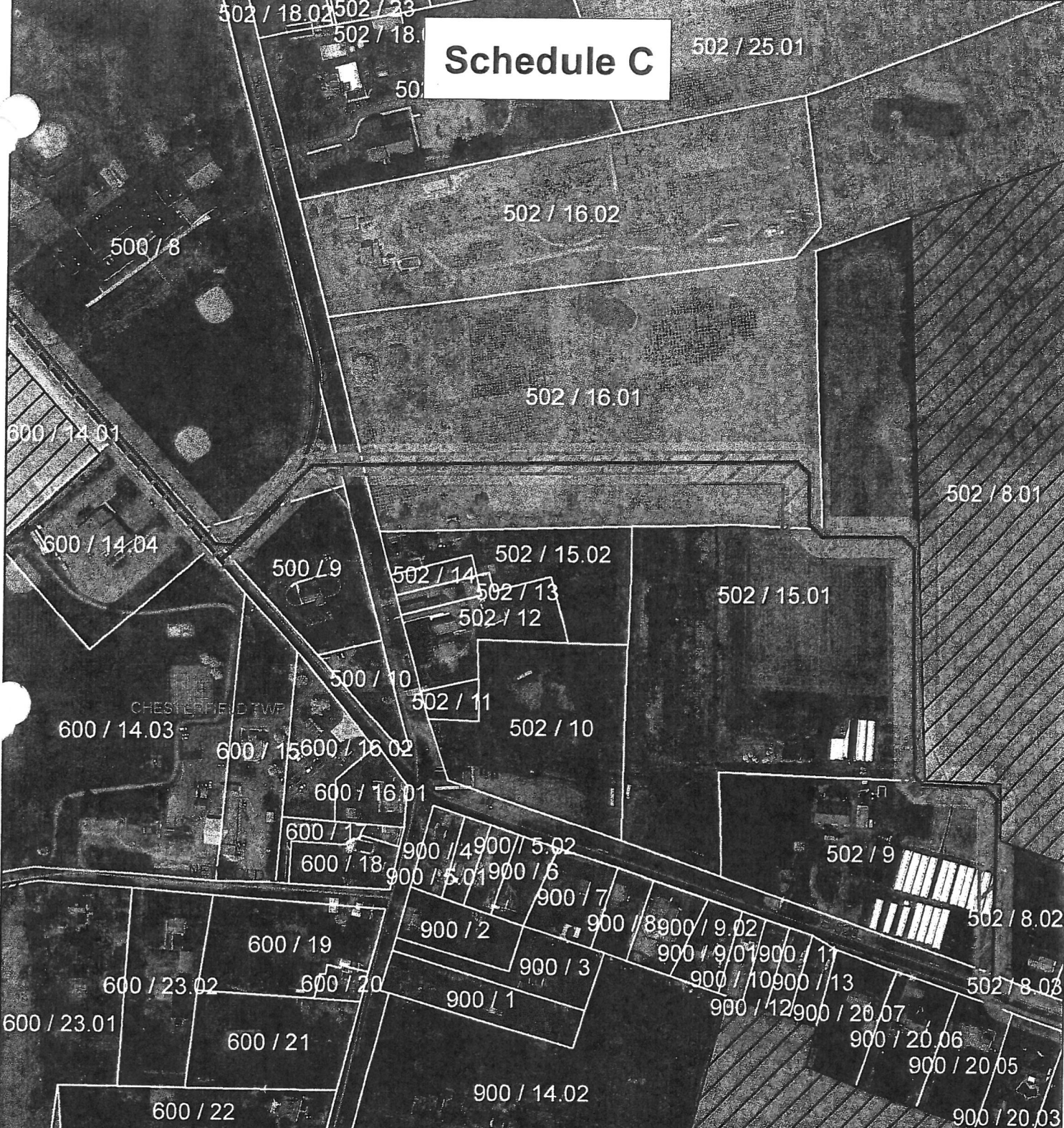


Legend

- Proposed SRL Route
- Town Boundary
- County Boundary
- Joint Base MDL



Schedule C



Legend

- NJNG Southern Reliability Link Centerline
- NJNG Permanent Easement
- NJNG Temporary Limit of Disturbance
- SADC Preserved Easements
- ADA Properties
- Municipal Boundaries
- Burlington County Parcel Boundaries

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
AMENDING RESOLUTION 2016-1-1 REGARDING THE PROPOSED NEW
JERSEY NATURAL GAS SOUTHERN RELIABILITY LINK**

Mr. DeFelice offered the following resolution and moved its adoption:

WHEREAS, New Jersey Natural Gas (NJNG) is a natural gas service provider that serves over half a million customers in New Jersey; and

WHEREAS, NJNG's distribution system is currently served by one primary interstate pipeline feed that supplies natural gas to customers in 49 municipalities in Monmouth County; and

WHEREAS, NJNG is planning to construct and operate the Southern Reliability Link (SRL), a 30-mile, 30" transmission pipeline, that will connect to a second interstate pipeline feed; and

WHEREAS, the proposed route of the Southern Reliability Link traverses portions of Burlington, Ocean, and Monmouth counties; and

WHEREAS, the current proposed route of the Southern Reliability Link passes through sections of Province Line Road and Arneytown-Hornerstown Road in Upper Freehold Township; and

WHEREAS, there are several preserved farms and Monmouth County Park System-owned parcels near the proposed pipeline route; and

WHEREAS, the majority of Upper Freehold Township lies within a Monmouth County Agriculture Development Board (MCADB) designated Agricultural Development Area; and

WHEREAS, N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-7 dictates that NJNG submit a Notice of Intent (NOI) for Non-Agricultural Development in Agricultural Development Areas so the MCADB and State Agriculture Development Committee can determine if the proposed project would result in "unreasonably adverse effects on the agriculture development area, or State agricultural preservation and development policies..."; and

WHEREAS, New Jersey Natural Gas submitted a Notice of Intent to the MCADB on June 22, 2015; and

WHEREAS, the MCADB deemed the initial submission incomplete and requested additional information and revisions on July 15, 2015 and again on

November 19, 2015; and

WHEREAS, on July 19, 2016 New Jersey Natural Gas submitted additional documentation describing a proposed 4.3-acre construction yard to be used for twelve months during the Southern Reliability Link Project; and

WHEREAS, the construction yard will be located on a portion of Block 53 Lot 11 in Upper Freehold Township; and

WHEREAS, the lot is owned by Monmouth County and managed by the Monmouth County Park System; and

WHEREAS, the lot is listed on the County's Recreation and Open Space Inventory, and therefore comes under the oversight of the NJ DEP Green Acres Program; and

WHEREAS, the Monmouth County Park System has granted New Jersey Natural Gas a Temporary Right of Entry for Block 53 Lot 11; and

WHEREAS, due to the temporary nature of the construction yard, NJ DEP Green Acres Program coordination is occurring under N.J.A.C. 7:36-25.14 (leases or use agreements regarding funded or unfunded parkland for purposes other than recreation or conservation); and

WHEREAS, after reviewing the NOI and supplemental submissions, the Board makes the following findings of fact:

1. Within Monmouth County, the proposed pipeline shown on the December 7, 2015 plans is to be housed solely within road rights of way.
2. Within Monmouth County, the temporary construction yard on Block 53 Lot 11 in Upper Freehold is being coordinated with the Monmouth County Park System and NJ DEP Green Acres Program.
3. Within Monmouth County, as long as the pipeline route and construction footprint do not exceed the boundaries shown on the plans dated December 7, 2015 and July 18, 2016, no condemnation action would be required.

NOW, THEREFORE, BE IT RESOLVED by the Monmouth County Agriculture Development Board that the proposed pipeline would not have an unreasonably adverse effect on Monmouth County's Agricultural Development Areas.

BE IT FURTHER RESOLVED that NJNG must obtain a road opening permit from the Monmouth County Division of Engineering as well as any other approvals deemed necessary by local, county, and State authorities.

BE IT FURTHER RESOLVED that NJNG is encouraged to use every means and method possible to ensure that construction of the pipeline results in minimal impacts to the historic resources that may be adjacent to the proposed pipeline.

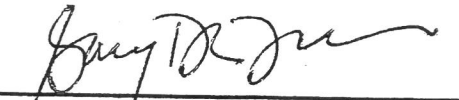
BE IT FURTHER RESOLVED that the Secretary of the Board forward a certified true copy of this resolution to NJNG, the State Agriculture Development Committee, Upper Freehold Township, Burlington County, Ocean County, and the Monmouth County Park System.

Seconded by Mr. Dill and adopted by the following roll call vote:

	Yes	No	Abstain	Absent
Mr. Bullock				X
Mr. Buscaglia	X			
Ms. Butch	X			
Mr. Clayton*	X			
Mr. DeFelice	X			
Mr. Dill*	X			
Mr. Foster	X			
Mr. Giambrone				X
Ms. Grbelja	X			
Mr. Holmes	X			
Mr. Potter	X			

* Alternate member

I do hereby certify that the foregoing is a true copy of a resolution adopted and memorialized by the Monmouth County Agriculture Development Board at a meeting on August 2, 2016.



Gary DeFelice, Secretary

New Jersey State Agriculture Development Committee
 FARMLAND PRESERVATION PROGRAM
Eight Year Program Summary
 SADC Meeting September 22nd, 2016

8 Year/ SADC ID#	Perm Prsv	Project (Farm) Applicant / Owner	County Municipality	Acres	Eligible Dollars	Paid Dollars	Date Expiration	Date Recorded
0511-01F-01 05- 0002-8F		Chiappini, Edward V. & Virginia D.	Cape May Upper Twp.	27.5	\$16,500.00	\$0.00	08-MAY-16	11-AUG-16
0613-20F-01 06- 0010-8F		Coombs, Alfred C. Jr. & Katherine J. (formerly Pendola)	Cumberland Upper Deerfield Twp.	7.5	\$4,500.00	\$0.00	13-JUL-16	15-JUL-16
Farms				2	\$21,000.00	\$0.00		

XI B-1+2

Wetlands

TideGrid # 1681956



X:\counties\capool\projects\Chiappini_8Year_FWW.mxd

TideGrid # 1681956

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

CHIAPPINI, EDWARD V & VIRGINIA

Block 12 Lots 7.01 (7.11 ac.), 7.02 (8.41 ac.),
7.04 (2.86 ac.), 7.05 (2.95 ac.) 7.06 (3.83 ac.) & 7.07 (3.04 ac.)

Gross Total – 28.2 ac.

Upper Twp. Cape May County

250 125 0 250 500 Feet

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

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



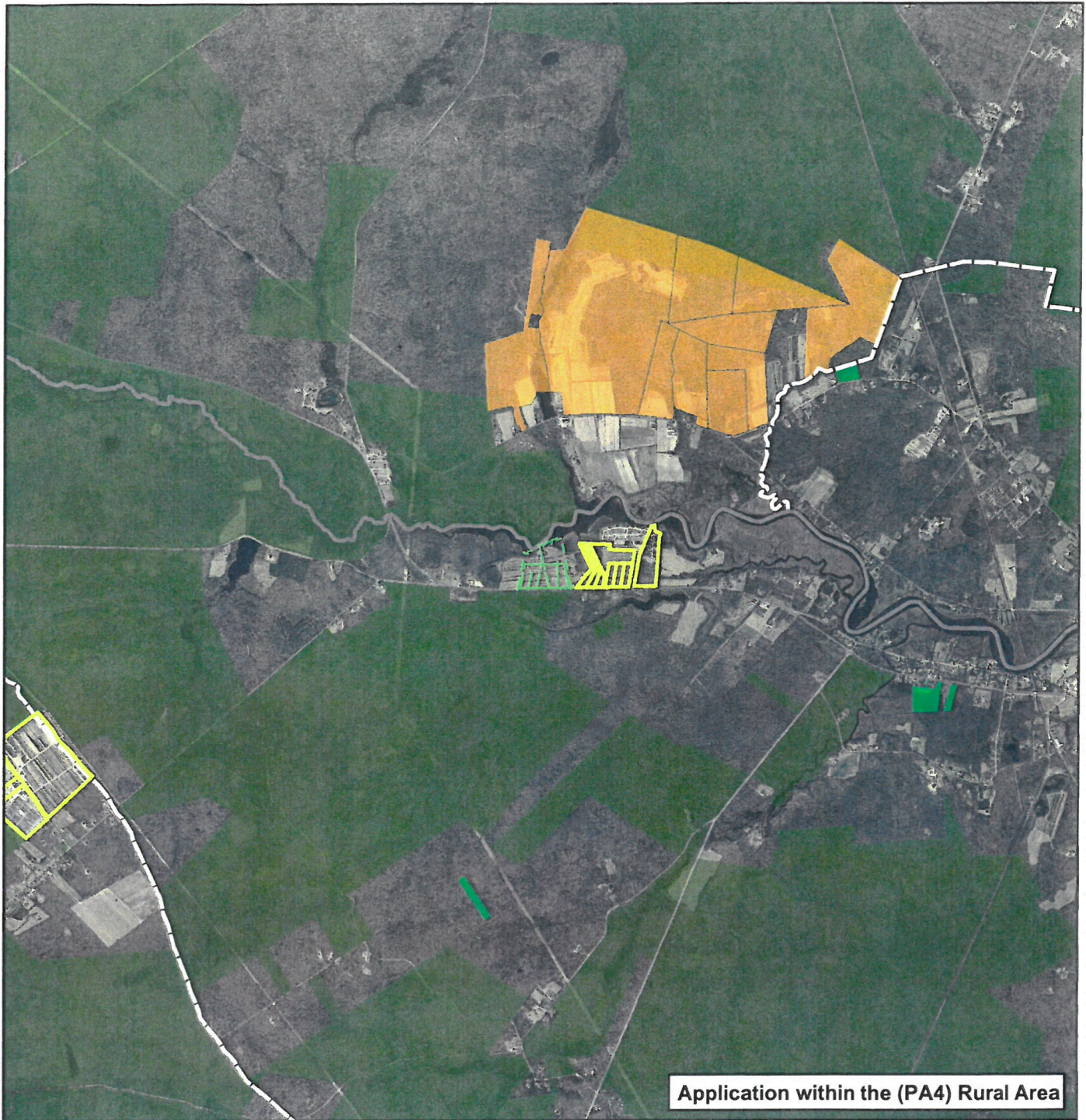
	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	300 ft Buffered Wetlands
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Tidelands Boundary
	Highlands (or Pinelands) Development Credits
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OIS & Recreation Easement

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

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

Date: 9/8/2016

Preserved Farms and Active Applications Within Two Miles



X:\counties\capco\projects\Chiappini_8Year_2Mile.mxd

Application within the (PA4) Rural Area

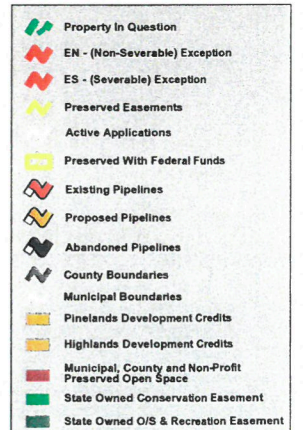
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

CHIAPPINI, EDWARD V & VIRGINIA
Block 12 Lots 7.01 (7.11 ac.), 7.02 (8.41 ac.),
7.04 (2.86 ac.), 7.05 (2.95 ac.) 7.06 (3.83 ac.) & 7.07 (3.04 ac.)
Gross Total – 28.2 ac.
Upper Twp. Cape May County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJ Pinelands Commission PDC Data
NJ Highlands Council Data
NJOT/OGIS 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



Wetlands



X:\counties\curmco\projects\Coombs_8Year_FWW.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Coombs, Alfred C. Jr. & Katherine J. (formerly Pendola)
Block 1102 Lot 2.01 (7.35 ac)
Gross Total = 7.35 ac
Upper Deerfield Twp., Cumberland County



Application within the (PA3) Fringe Area

	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwy
	County Roads
	Municipal/Local Roads
	Highlands (or Pinelands) Development Credits
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O/S & Recreation Easement



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

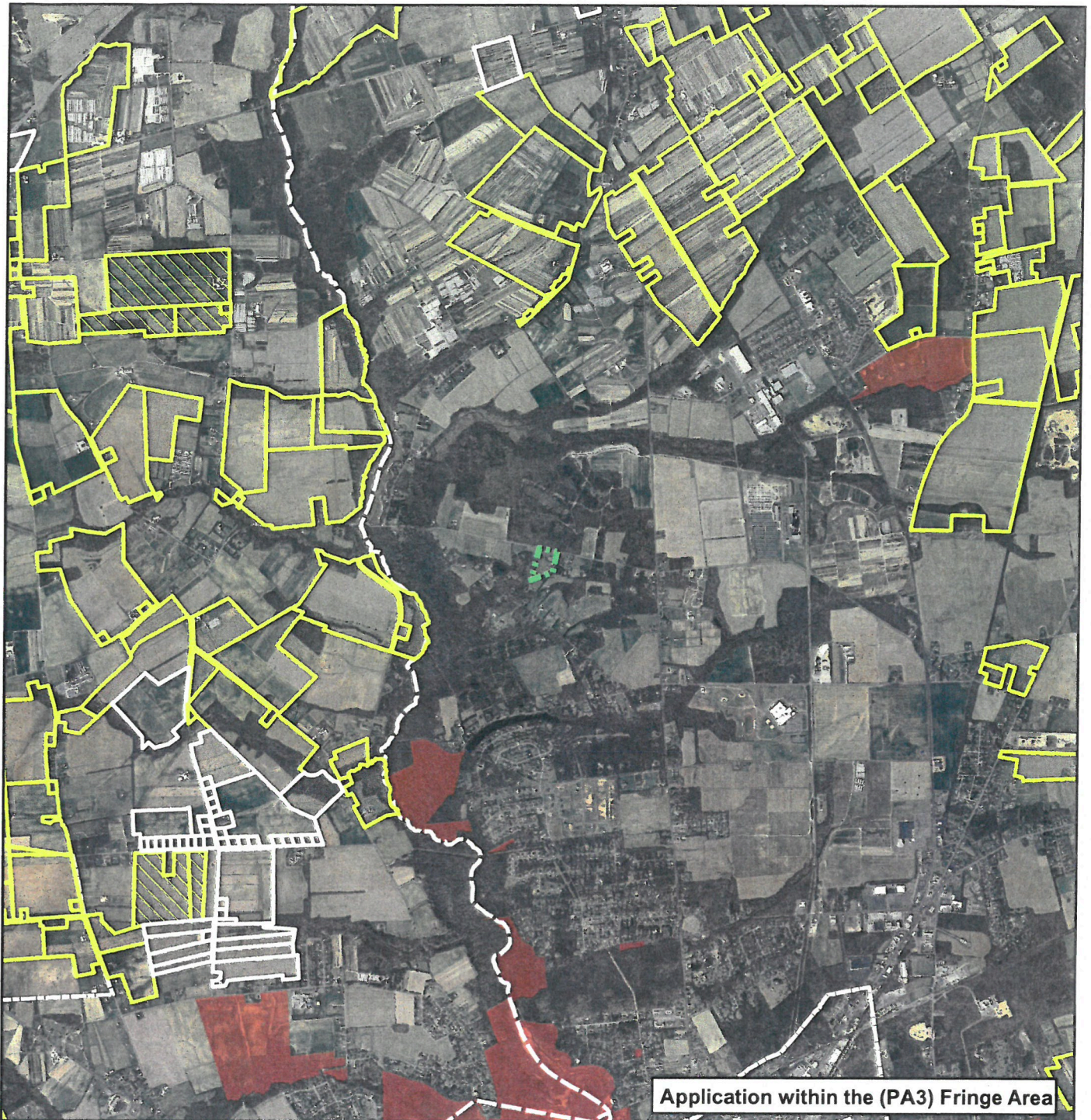
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data
NJ Pinelands Commission PDC Data
NJ Highlands Council Data
NJOIT/OGIS 2012 Digital Aerial Image

Date: 9/8/2016

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

Preserved Farms and Active Applications Within Two Miles

X:\counties\cumco\projects\Coombs_8Year_2Mile.mxd



Application within the (PA3) Fringe Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Coombs, Alfred C. Jr. & Katherine J. (formerly Pendola)
Block 1102 Lot 2.01 (7.35 ac)
Gross Total = 7.35 ac
Upper Deerfield Twp., Cumberland County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJ Pinelands Commission PDC Data
NJ Highlands Council Data
NJOIT/OGIS 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

- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Preserved With Federal Funds
- Existing Pipelines
- Proposed Pipelines
- Abandoned Pipelines
- County Boundaries
- Municipal Boundaries
- Pinelands Development Credits
- Highlands Development Credits
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned O/S & Recreation Easement



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R9(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

COLTS NECK TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Molnar, Laurie & Jessop, Paul ("Owner")
Crystal Brook Training Center
Colts Neck Township, Monmouth County

N.J.A.C. 2:76-17A. et seq.
SADC ID#13-0452-PG

September 22, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Colts Neck Township, Monmouth County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Colts Neck Township received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on April 15, 2015 the SADC received an application for the sale of a development easement from Colts Neck Township for the subject farm identified as Block 10, Lot 8, Colts Neck Township, Monmouth County, totaling approximately 41.65 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Colts Neck Township's Colts Neck/Marlboro/Holmdel Project Area; and

WHEREAS, the Property includes one (1), approximately 4.51-acre non-severable exception area for and limited to zero (0) future single family residential units and for future flexibility of uses; and three (3) 1-bedroom trailers with no foundations, along the western boundary of the exception, used for agricultural labor housing, resulting in approximately 37.14 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes one (1) single family residential unit and one (1) agricultural labor housing unit, (one-bedroom, 480 square feet) and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in equine production with approximately 29.5 acres utilized for growing hay and pasturing (Schedule B); and

WHEREAS, approximately 0.10 acres, is devoted to equine service (boarding services,) outside the exception area; and

WHEREAS, the equine map (Schedule B) and specialized "*Equine Schedule B*" (see template - Schedule C) will be recorded with the Deed of Easement; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on October 5, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 23, 2016 the SADC certified a development easement value of \$33,000 per acre based on zoning and environmental regulations in place as of the current valuation date December 22, 2015; and

WHEREAS, the Owner accepted the Township's offer of \$33,000 per acre for the development easement on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on August 24, 2016 the Colts Neck Township Committee approved the application by Resolution 2016-97 and a funding commitment of an estimated \$5,280 per acre; and

WHEREAS, the Monmouth County Agriculture Development Board approved the application on August 2, 2016 and secured a commitment of funding from the Monmouth County Board of Chosen Freeholders for the \$7,920 required local match on September 8, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 37.14 net easement acres):

	<u>Total</u>	
SADC	\$ 735,372.00	(\$ 19,800 per acre)
Monmouth County	\$ 294,148.80	(\$ 7,920 per acre)
Colts Neck Twp.	\$ 196,099.20	(\$ 5,280 per acre)
Total Easement Purchase	\$1,225,620.00	(\$ 33,000 per acre); and

WHEREAS, Colts Neck Township is requesting \$735,372 and sufficient funds are available (Schedule D); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Colts Neck Township for the purchase of a development easement on the Property, comprising approximately 37.14 net easement acres, at a State cost share of \$19,800 per acre, (60% of certified easement value and purchase price), for a total grant need of \$735,372 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule E);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 4.51 acre non-severable exception area for and limited to zero (0) single family residential unit(s) and for future flexibility of uses; and three (3) 1-bedroom trailers with no foundations, along the western boundary of exception, used for agricultural labor housing (Schedule A); and

BE IT FURTHER RESOLVED , the portion of the Property outside the exception area includes one (1) existing single family residential unit and one (1) agricultural labor unit, (one-bedroom, 480 square foot) and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, the equine map (Schedule B) and specialized "*Equine Schedule B*" (see template - Schedule C) will be recorded with the Deed of Easement; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the 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 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/16
Date



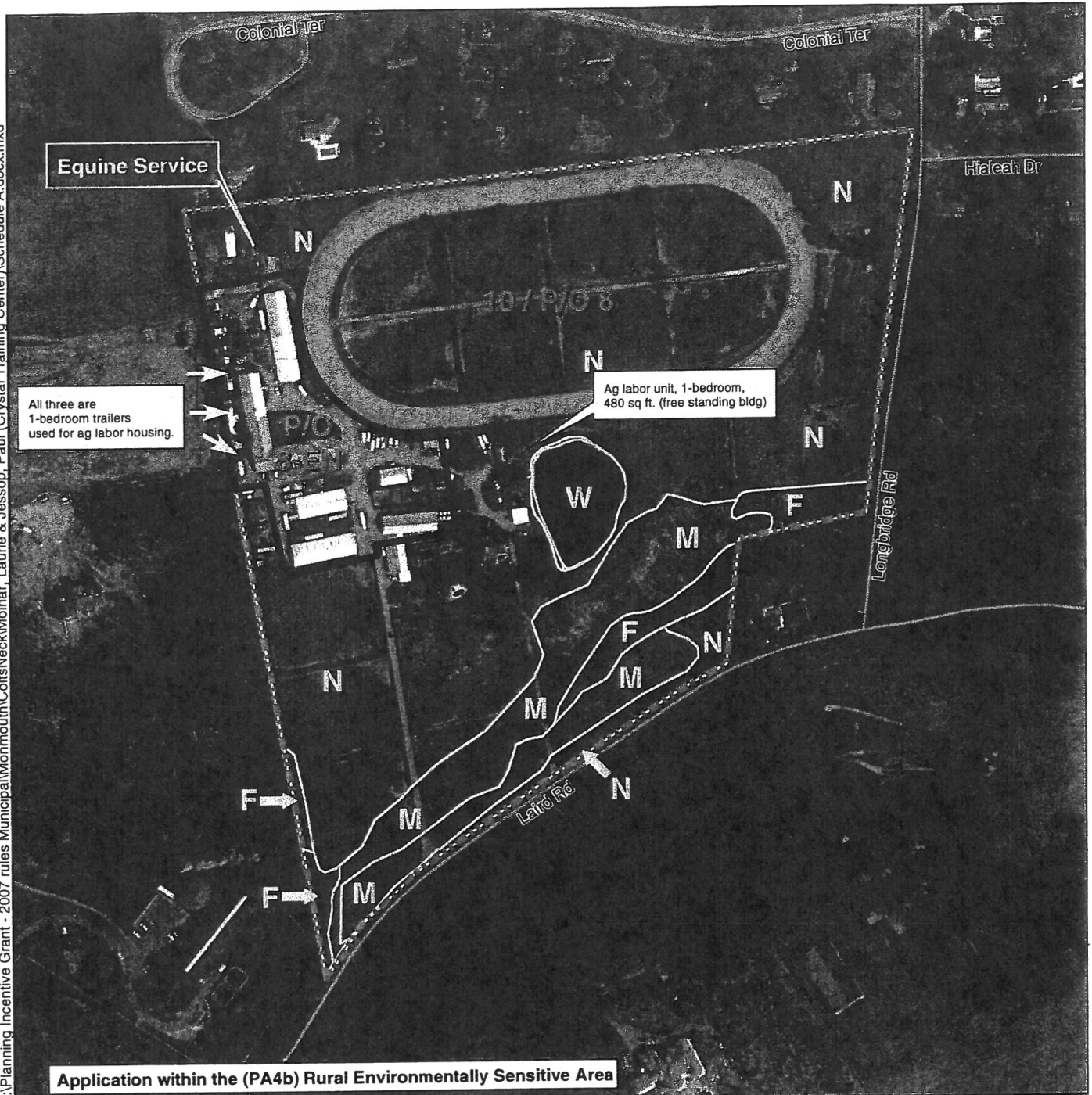
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

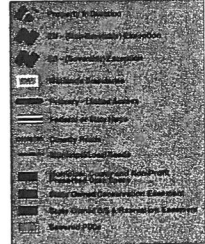
Schedule A

S:\Planning Incentive Grant - 2007 rules Municipal\Monmouth\ColtsNeck\Molnar, Laurie & Jessop, Paul (Crystal Training Center)\Schedule A.docx.mxd



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

Jessop, Paul & Laurie Molnar
(Crystal Brook Training Center)
Block 10 P/O Lot 8 (37.15 ac) & P/O Lot 8-EN (non-severable exception – 4.51 ac)
Gross Total – 41.65 ac
Colts Neck Twp., Monmouth County



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

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

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

Schedule A-continued

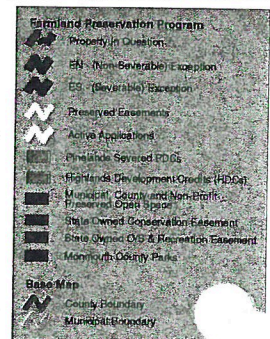
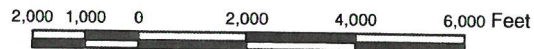
X:\counties\monco\projects\Crystal_Brook_Training_2_2Mile.mxd



Application within the (PA4b) Rural Environmentally Sensitive Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

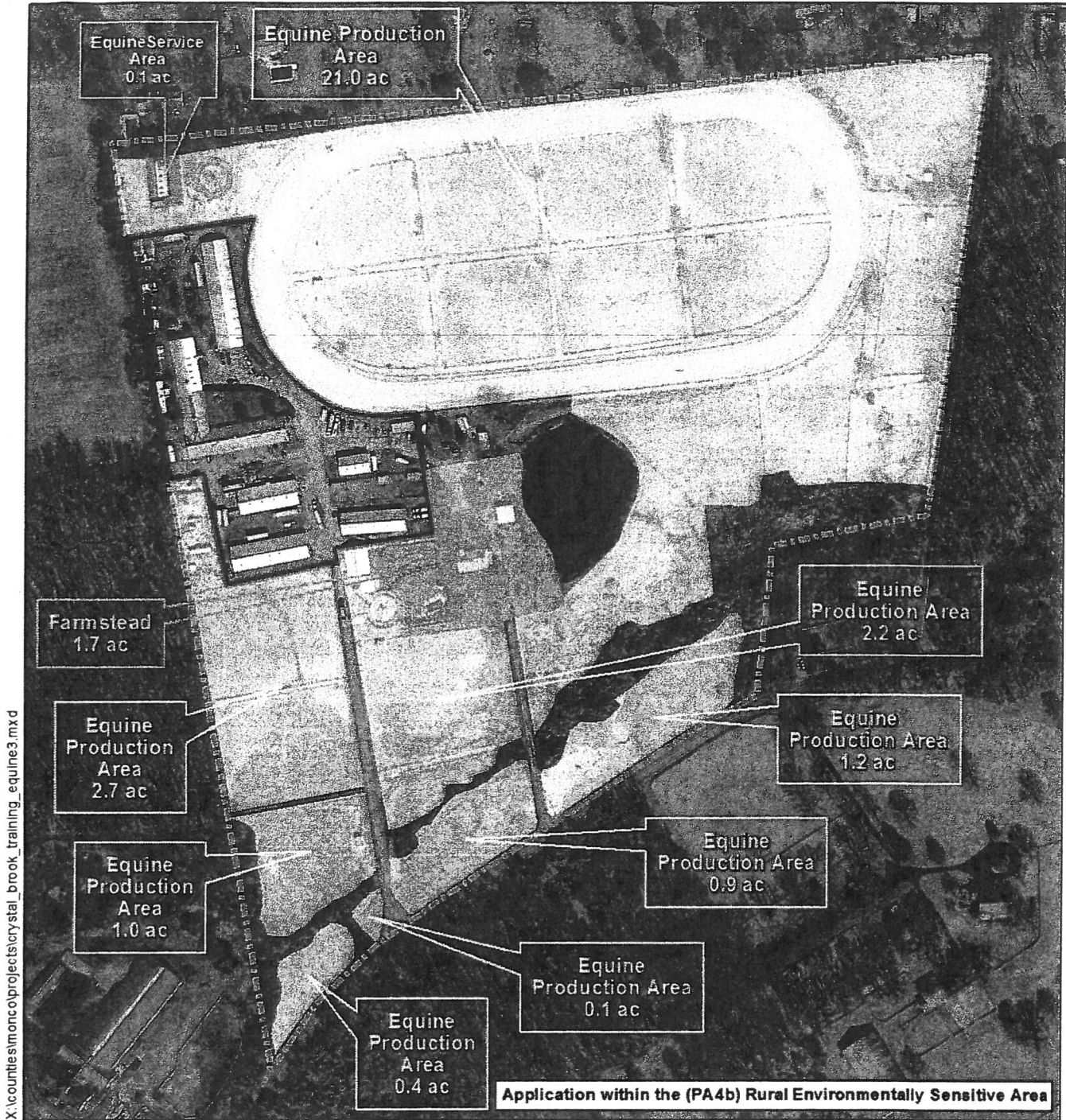
Jessop, Paul & Laurie Molnar
 (Crystal Brook Training Center)
 Block 10 P/O Lot 8 (37.15 ac) & P/O Lot 8-EN (non-severable exception – 4.51 ac)
 Gross Total – 41.65 ac
 Colts Neck Twp., Monmouth County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJ Pinelands Commission PDC Data
 NJGIT/OGIS 2012 Digital Aerial Image
 Date: 9/22/2015

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

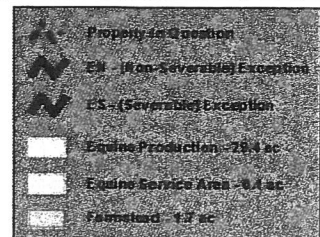
Crystal Brook Training/Molnar Farm - Equine Areas



X:\counties\monco\project\crystal_brook_training_equine3.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jessop, Paul & Laurie Molnar
 (Crystal Brook Training Center)
 Block 10 P/O Lot 8 (40.65 ac) & P/O Lot 8-EN (non-severable exception – 1.0 ac)
 Gross Total – 41.65 ac
 Colts Neck Twp., Monmouth County



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

Sources:
 NJDOT Road Data
 NJOT/OGIS 2012 Digital Aerial Image

September 30, 2015

EQUINE SCHEDULE B

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the following uses occur on the Premises:

Boarding, training and schooling horses, in the stalls, on the track, paddocks as depicted on the survey dated _____, prepared by _____.

Grantor further certifies that the above uses (hereinafter "equine service activities") are currently ancillary to equine-related production, including pasturing, horse breeding and hay production. "Ancillary" means that the area of land on which equine service activities are conducted is subordinate, secondary and auxiliary in comparison to the area of the farm devoted to equine production activities. Grantor understands and agrees that because the equine service activities are ancillary to equine-related production, the said equine service activities are deemed agricultural uses and are not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement. The areas occupied by equine service activities and equine production activities are depicted on the attached aerial photograph identified as Schedule B1.

Grantor also understands and agrees that if, in the future, equine service activities are no longer "ancillary" as defined above, then the equine service activities will be deemed non-agricultural and will be subject to the restrictions contained in Paragraphs 3 and 4 of the Deed of Easement.

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase
 September 22, 2016

Molnar, Laurie & Jessop, Paul (Crystal Brook Training Center)
 13- 0452-PG
 PIG EP - Municipal 2007 Rule
 37 Acres

Block 10	Lot 8	Colts Neck Twp.	Monmouth County
SOILS:		Other	67% * 0 = .00
		Prime	24% * .15 = 3.60
		Statewide	9% * .1 = .90
			SOIL SCORE: 4.50
TILLABLE SOILS:		Cropland Pastured	64% * .15 = 9.60
		Other	10% * 0 = .00
		Wetlands	7% * 0 = .00
		Woodlands	19% * 0 = .00
			TILLABLE SOILS SCORE: 9.60
FARM USE:	Horse & Other Equine	23 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:
 - b. Exceptions:
 - 1st (4.51) acres for future flexibility around ag buildings and 3 ag labor housing units.
 - Exception is not to be severed from Premises
 - Exception is to be limited to
 - No residential use permitted.
 - 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:
 - Manufactured with Foundation - 480 square foot, one-bedroom unit for ag labor
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 FY2017R9(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
HOPE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Malon Family Farm ("Owners")
Hope Township, Warren County

N.J.A.C. 2:76-17A. et seq.
SADC ID#21-0588-PG

SEPTEMBER 22, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hope Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Hope Township received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on October 27, 2015 the SADC received an application for the sale of a development easement from Hope Township for the subject farm identified as Block 1100, Lot 1900, Hope Township, Warren County, totaling approximately 65.95 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Hope Township's Project Area 1 and is in the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 2.15-acre non-severable exception area, for and limited to one (1) future single family residential unit and for future flexibility of uses resulting in approximately 63.8 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area to be preserved 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 production; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on January 15, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on April 22, 2016 the SADC certified a development easement value of \$4,500 per acre based on January 1, 2004 zoning and environmental regulations and \$4,500 per acre based on current zoning and environmental regulations in place as of March 2, 2016 ; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 13, 2016 the Hope Township Committee approved the application and a funding commitment for \$700 per acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on July 21, 2016 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the \$700 per acre required local match on August 10, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 63.8 net easement acres):

	Total	
SADC	\$197,780	(\$3,100 per acre)
Warren County	\$ 44,660	(\$ 700 per acre)
Hope Twp.	\$ 44,660	(\$ 700 per acre)
Total Easement	\$287,100	(\$4,500 per acre)

WHEREAS, Hope Township is requesting \$197,780 and sufficient funds are available at this time (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Hope Township for the purchase of a development easement on the Property, comprising approximately 63.8 net easement acres, at a State cost share of \$3,100 per acre, (68.88% of certified easement value and purchase price), for a total grant need of \$197,780 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2.15-acre non-severable exception area, for and limited to one (1) future single family residential unit and future flexibility of uses; 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, if the Township and County agree to the SADC providing its grant directly to Warren County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that 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 for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that 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.

9/22/16
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

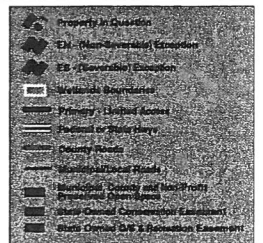
Schedule A



X:\counties\warco\project\malon_fwv.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gabriele Malon ET AL/Malon Family Farm
Block 1100 Lots P/O 1900 (62.1 ac);
& P/O 1900-EN (non-severable exception - 2.15 ac)
Gross Total = 64.25 ac
Hope Twp., Warren County



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

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

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

November 12, 2015

Schedule A (continued)

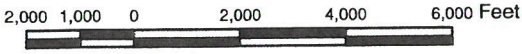


X:\counties\warco\projects\malon_2mile.mxd

Application within the (PA4b) Rural Env Sens Area
 Application within the Highlands Planning Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gabriele Malon ET AL/Malon Family Farm
 Block 1100 Lots P/O 1900 (62.1 ac);
 & P/O 1900-EN (non-severable exception - 2.15 ac)
 Gross Total = 64.25 ac
 Hope Twp., Warren County



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Preserved Easements
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned E/B & Recreation Easement

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJ Highlands Council Data
 NJ/OIT/OGIS 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

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Malon, Gabriele, Andrea, Howard, Nicole & Matt
 21- 0588-PG
 PIG EP - Municipal 2007 Rule
 62 Acres

Block 1100	Lot 1900	Hope Twp.	Warren County
SOILS:		Other	100% * 0 = .00
			SOIL SCORE: .00
TILLABLE SOILS:		Cropland Harvested	50% * .15 = 7.50
		Wetlands	12% * 0 = .00
		Woodlands	38% * 0 = .00
			TILLABLE SOILS SCORE: 7.50
FARM USE:	Hay		31 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:
 - b. Exceptions:
 - 1st (2.15) acres for future single family residential unit along with septic
 - Exception is not to be severed 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
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 FY2017R9(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

PILESGROVE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Ostrum, Gordon J. Jr. ("Owner")
Pilesgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0144-PG

September 22, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pilesgrove Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Pilesgrove Township received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016 and

WHEREAS, on January 16, 2015 the SADC received an application for the sale of a development easement from Pilesgrove Township for the subject farm identified as Block 26, Lot 1.01, Pilesgrove Township, Salem County, totaling approximately 34.64 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Pilesgrove Township's Northern Project Area; and

WHEREAS, the Property includes one (1), approximately 3-acre severable exception area for and limited to one (1) future single family residential unit and for future flexibility of uses resulting in approximately 31.64 net acres to be preserved; and

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

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

WHEREAS, the owner has read and signed SADC Guidance Documents regarding

Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 6, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 24, 2015 the SADC certified a development easement value of \$7,250 per acre based on current zoning and environmental regulations in place as of June 8, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$8,000 per acre for the development easement on the Property, which is (higher than the certified easement value but less than the highest appraised easement value of \$8,100); and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2014 United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Agriculture Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE) grant; and

WHEREAS, the NRCS has determined that the Property and Landowner qualified for ALE grant funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including a 7% maximum impervious coverage restriction (approximately 2.22 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, due to a shortage of available funds the Township and Salem County have requested that the ALE grant funds be used to cover the entire local cost share and any remaining funds will be used to offset the SADC grant needs; and

WHEREAS, at this time the ALE approved current easement value has not been finalized, however, the ALE grant will be calculated based on the highest appraised value of \$8,100 per acre in the ALE appraisal which was submitted for federal approval on July 13, 2016, equating to an estimated ALE grant of \$4,050 per acre (50% of \$8,100) or approximately \$128,142 in total ALE funds; and

WHEREAS, should alternate ALE funding or other federal funding become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding; and

WHEREAS, the use of ALE funding is conditioned upon the satisfactory resolution of any

changes to the Deed of Easement language with the NRCS, prompted by ACEP and FY14 Farm Bill; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on June 28, 2016 the Township Pilesgrove Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

WHEREAS, the Salem County Agriculture Development Board approved the application on July 27, 2016 and secured a commitment of funding from the Salem County Board of Chosen Freeholders who approved the application on August 3, 2016 but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, based on the certified value per acre price of \$7,250 the SADC's cost share would be \$4,525 per acre for a total of \$143,171 as per N.J.A.C. 2:76-6.11; and

WHEREAS, Pilesgrove Township's SADC PIG account has \$138,687.58 in available funding which is a shortfall of approximately \$4,483.42; and

WHEREAS, the ALE funding is anticipated to cover the Municipal and County cost share, the shortfall of SADC funding and may further reduce the SADC cost share; and

WHEREAS, this final approval is conditioned upon ALE funding in an amount sufficient enough to cover the County and Township's cost shares and the shortfall of SADC funding; and

WHEREAS, the original cost share breakdown would be approximately as follows (based on approximately 31.64 net easement acres):

	<u>Total</u>	
SADC	\$143,171.00	(\$4,525.00 per acre) <i>based on CMV</i>
Salem County	\$ 43,109.50	(\$1,362.50 per acre) <i>based on CMV</i>
<u>Pilesgrove Twp.</u>	<u>\$ 66,839.50</u>	<u>(\$2,112.50 per acre) <i>based on purchase price</i></u>
Total Easement Purchase	\$253,120.00	(\$8,000.00 per acre)

Estimated Cost share breakdown with the \$128,142 ALE Grant finalized and applied - this scenario cover the \$4,483.42 SADC grant shortfall and offsets the SADC grant need by approximately \$13,709.58:

	<u>Total</u>		<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$138,687.58	(\$4,383.30/ac.)	\$ 18,193.00	\$ 124,978 (\$ 3,950/ac.)
Salem County	\$ 43,109.50	(\$1,362.50/ac.)	\$ 43,109.50	\$ 0
Pilesgrove Twp.	\$ 66,839.50	(\$2,112.50/ac.)	\$ 66,839.50	\$ 0
<u>ALE Grant</u>				<u>\$ 128,142 (\$ 4,050/ac.)</u>
TOTAL	\$ 248,636.58	(\$8,000.00/ac.)	\$128,142.00	\$ 253,120 (\$ 8,000/ac.)

WHEREAS, Pilesgrove Township is requesting the SADC to encumber the remaining balance \$124,978 from their municipal PIG funding (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Pilesgrove Township for the purchase of a development easement on the Property, comprising approximately 31.64 net easement acres, at a State cost share of \$3,950 per acre, (54.48% of certified easement value and 49.37% of purchase price), for a total grant not to exceed \$124,978 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining ALE grant funds (estimated \$18,193.00) to cover the SADC shortfall of funds and offset SADC grant needs on the Property; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 3-acre severable exception area limited to one (1) future single family residential unit and for future flexibility of uses; and

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

BE IT FURTHER RESOLVED, this approval is conditioned upon receipt of ALE funds sufficient enough to cover the Township and County's cost share and the SADC's shortfall of funds, or in absence of ALE funding, a resolution by the Township and the County Board of Chosen Freeholder's to commit the funds needed to cover the Township's and County's cost share and the shortfall of SADC funding; and

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

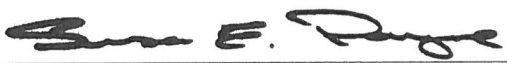
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, 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 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

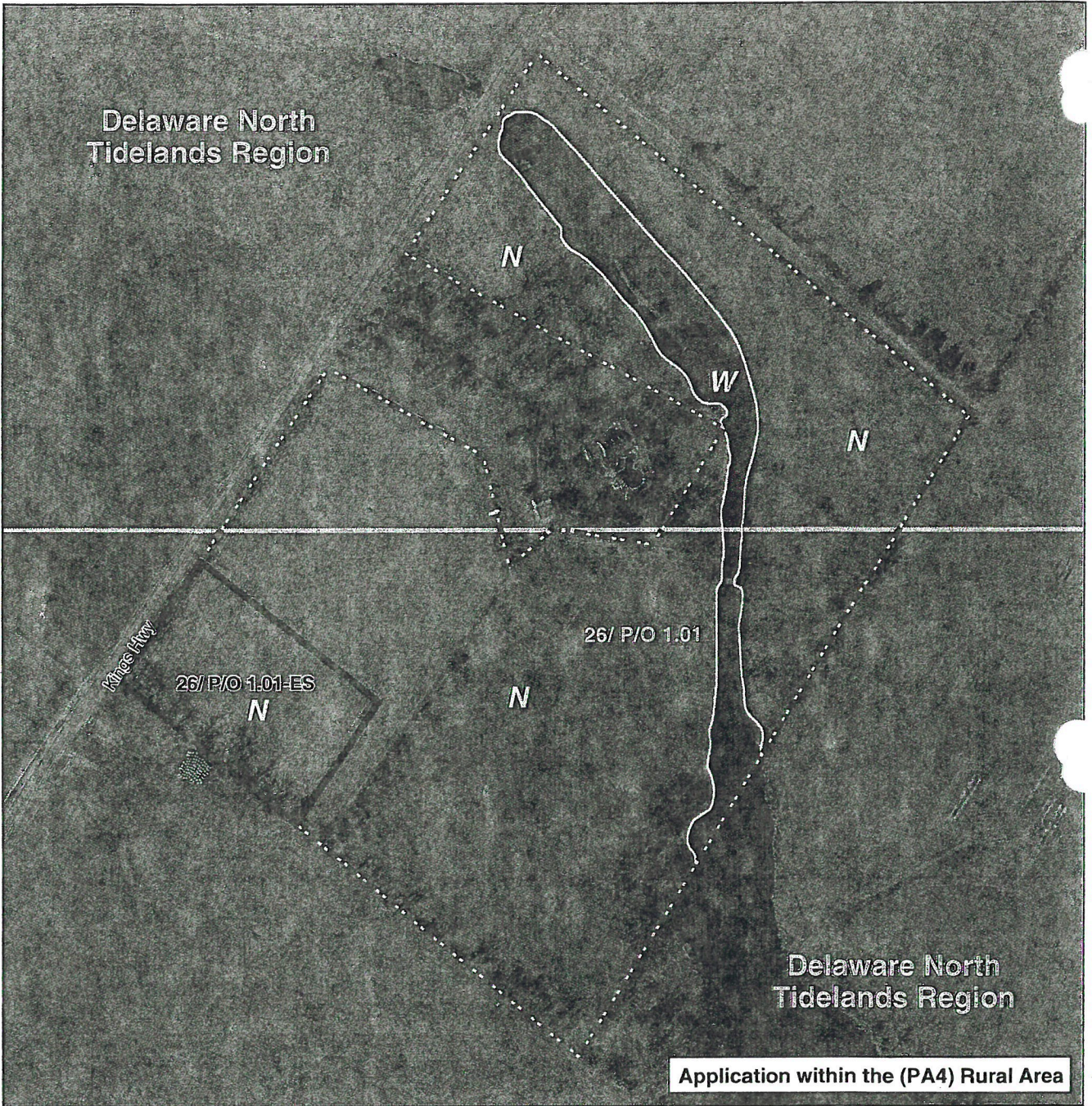
9/22/16
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

Schedule A



X:\counties\salco\projects\ostrum_fw.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

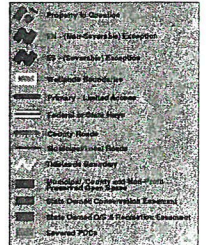
Gordon Ostrum, Jr
Block 26 Lots P/O 1.01 (30.5 ac)
& P/O 1.01-ES (severable exception - 3.0 ac)
Gross Total = 33.5 ac
Pilesgrove Twp., Salem County



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

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

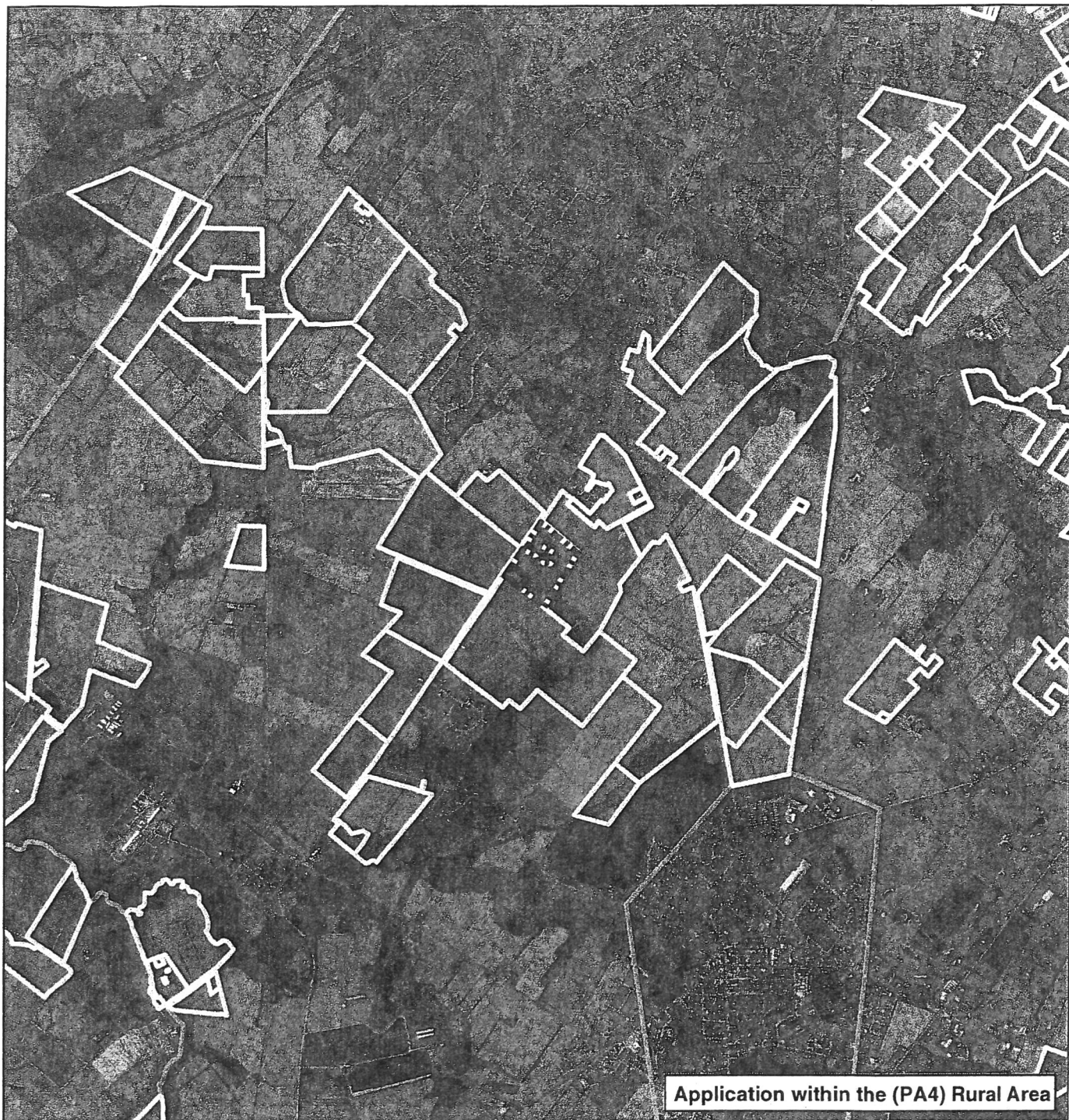
Application within the (PA4) Rural Area



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 L
NJDOT Road Data
NJOT/OGIS 2012 Digital Aerial Image

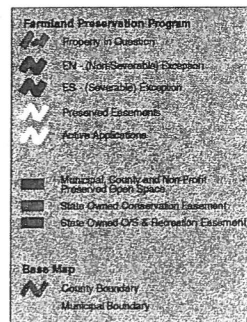
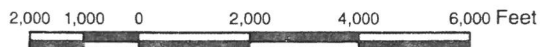
X:\counties\sarco\projects\ostrum_2mile.mxd



Application within the (PA4) Rural Area

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

Gordon Ostrum, Jr
Block 26 Lots P/O 1.01 (30.5 ac)
& P/O 1.01-ES (severable exception - 3.0 ac)
Gross Total = 33.5 ac
Pilesgrove Twp., Salem County



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

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

February 10, 2015

SADC Municipal Pig Financial Status
Schedule B

Pilesgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC			Federal Grant		Grant		
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
17-0094-PG	Williams Lot 1	29.719	29.719	9,800.00	5,880.00	291,246.20	174,747.72	145,139.28	28,640.80	146,106.92	146,106.92	146,106.92	1,750,000.00
17-0092-PG	Lippincott Robbins	452.834	152.834	8,200.00	5,000.00	1,253,238.80	764,170.00	643,538.12	154,469.32	609,700.68	609,700.68	609,700.68	500,000.00
17-0126-PG	Lippincott Ancillary Williams Ancillary	72.119	72.106	9,050.00	5,430.00	652,559.30	391,535.58	331,687.59	70,663.88	320,871.70	320,871.70	320,871.70	500,000.00
17-0054-PG	Fitton	50.061	50.061	9,700.00	5,820.00	485,591.70	291,355.02			291,355.02	291,355.02	291,355.02	
17-0143-PG	Peters	37.020	37.020	9,300.00	5,580.00	344,286.00	206,571.60			206,571.60	206,571.60	206,571.60	
17-0144-PG	Fitton and Peters Ancillary Osirum	31.640	31.640	8,000.00	4,383.30	253,120.00	138,687.58	128,142.00	18,193.00	138,687.58	138,687.58	138,687.58	
Totals Closed	5	342.253	341.740			3,026,922.00	1,828,379.92	1,420,364.99	253,774.00	1,420,364.99	1,420,364.99	1,420,364.99	
Totals Encumbered	1	31.640	31.640			253,120.00	138,687.58	128,142.00	18,193.00	138,687.58	138,687.58	138,687.58	
								Encumber/Expended Fy09		Encumber/Expended Fy11	750,000.00	750,000.00	
								Encumber/Expended Fy13		Encumber/Expended Fy13	437,184.92	437,184.92	
								Total		Total	424,127.50	424,127.50	0.00

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ostrum, Gordon J., Jr.
17- 0144-PG
PIG EP - Municipal 2007 Rule
31 Acres

Block 26	Lot 1.01	Pilesgrove Twp.	Salem County		
SOILS:		Other	1% * 0	=	.00
		Prime	95% * .15	=	14.25
		Statewide	4% * .1	=	.40
				SOIL SCORE:	14.65
TILLABLE SOILS:		Cropland Harvested	84% * .15	=	12.60
		Other	16% * 0	=	.00
				TILLABLE SOILS SCORE:	12.60
FARM USE:		Soybeans-Cash Grain	22 acres		
		Beef Cattle Except Feedlots	4 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:
 - b. Exceptions:
 - 1st three (3) acres for future single family residential unit
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions:
 1. ALE monies via NJCF subject to 7% maximum impervious cover restriction on the Premises. (approx. 2.2 acres)
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R9(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER PITTSBORO TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Thumlert, LeRoy J. ("Owner")
Upper Pittsgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0156-PG

September 22, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Pittsgrove Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Upper Pittsgrove Township received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on November 9, 2015 the SADC received an application for the sale of a development easement from Upper Pittsgrove Township for the subject farm identified as Block 10, Lots 9 and 9.03, Upper Pittsgrove Township, Salem County, totaling approximately 66.46 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Upper Pittsgrove Township's Project Area; and

WHEREAS, the Property includes one (1), approximately 2-acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses resulting in approximately 64.46 net acres to be preserved; 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 corn 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, pursuant to N.J.A.C. 2:76-17.9A(b) on February 29, 2016 it was determined that
the application for the sale of a development easement was complete and accurate and
satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, Right to Farm provisions from a previous Upper Pittsgrove Township's
Ordinance, are included in the vesting deeds for lots 9 and 9.03 and contain language
restricting swine and intensive fowl operations, which conflicts with the future DOE;
and

WHEREAS, this final approval is conditioned upon this restrictive Right to Farm language
being removed from the vesting deeds for lots 9 and 9.03, prior to settlement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 23, 2016 the SADC certified a
development easement value of \$5,600 per acre based on zoning and environmental
regulations in place as of the current valuation date April 6, 2016; and

WHEREAS, the Owner accepted the Township's offer of \$5,600 per acre for the
development easement for the Property; and

WHEREAS, based on the certified value per acre price of \$5,600 the maximum eligible
SADC cost share is \$3,700 per acre for a total of \$238,502; and

WHEREAS, Upper Pittsgrove Township's SADC PIG account currently has \$227,798.45 in
available funding which is a shortfall of approximately \$10,703.55; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 12, 2016 the Upper Pittsgrove
Township Committee approved the application and a funding commitment of
\$1,116.05 per acre; and

WHEREAS, the Salem County Agriculture Development Board (CADB) approved the
application on July 27, 2016 and secured a commitment of funding from the Salem
County Board of Chosen Freeholders for the \$950 required local match on August 3,
2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 64.46 net easement acres):

		<u>Total</u>
SADC	\$227,798.45	(\$3,533.95 per acre)
Salem County	\$ 61,237	(\$ 950.00 per acre)
<u>Upper Pittsgrove Twp.</u>	<u>\$ 71,940.55</u>	<u>(\$1,116.05 per acre)</u>
Total Easement Purchase	\$360,976.00	(\$5,600.00 per acre)

WHEREAS, Upper Pittsgrove Township is requesting \$227,798.45 it's remaining SADC funds (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Pittsgrove Township for the purchase of a development easement on the Property, comprising approximately 64.46 net easement acres, at a State cost share of \$3,533.95 per acre, (63.11% of certified easement value and purchase price), for a total grant need of \$227,798.45 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 (1) future single family residential unit and to afford future flexibility of uses; and

BE IT FURTHER RESOLVED, 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

BE IT FURTHER RESOLVED, Right to Farm provisions from a previous Upper Pittsgrove Township's Ordinance, are included in the vesting deeds for lots 9 and 9.03 and contain language restricting swine and intensive fowl operations, which conflicts with the future DOE;

BE IT FURTHER RESOLVED, this final approval is conditioned upon this restrictive Right to Farm language being removed from the vesting deeds for lots 9 and 9.03, prior to settlement; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the 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 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/16
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

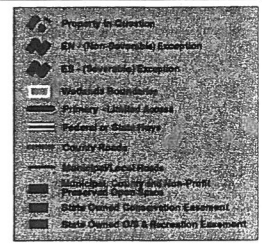
Schedule A

S:\Planning Incentive Grant - 2007 rules Municipal\Salem\Upper Pittsgrove\Thumliert\thumliert_SchA.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Le Roy Thumliert
Block 10 Lots 9.03 (24.3 ac); P/O 9 (39.7 ac) &
P/O 9-EN (non-severable exception - 2.0 ac)
Gross Total = 66.0 ac
Upper Pittsgrove Twp., Salem County



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

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

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

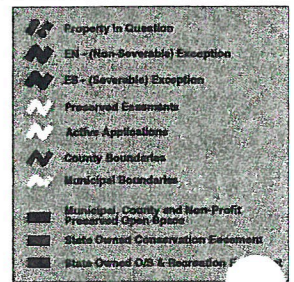
Schedule A- continued

S:\Planning Incentive Grant - 2007 rules Municipal\Salem\Upper Pittsgrove\Thumliert\Thumliert_scheAcont.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Thumliert, Leroy J.
Block 10 Lots 9.03 (24.3 ac); P/O 9 (39.7 ac) &
P/O 9-EN (non-severable exception - 2.0 ac)
Gross Total = 66.0 ac
Upper Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data

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

SADC Municipal Financial Status
Schedule B

Upper Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant			Balance
						Cost Basis	Share	Total Federal Grant	Federal Grant	Encumbered	PV	Expended	
17-0096-PG	Kernan	75,305	75,305	4,200.00	2,920.00	316,281.00	219,880.60	191,906.00	219,880.60	221,920.00	219,880.60	219,880.60	1,750,000.00
17-0097-PG	Newkirk	59,622	59,048	6,500.00	4,150.00	383,812.00	245,049.20	53,143.20	191,906.00	245,049.20	191,906.00	191,906.00	1,530,109.40
17-0108-PG	Schmid	22,845	22,179	6,000.00	3,900.00	133,074.00	86,498.10	191,906.00	86,498.10	86,498.10	86,498.10	86,498.10	1,336,203.40
17-0111-PG	Lewis	19,116	18,542	6,050.00	3,925.00	112,179.10	72,777.35	72,777.35	72,777.35	72,777.35	72,777.35	72,777.35	1,251,705.30
17-0112-PG	Madosky	16,000	16,000	6,000.00	3,900.00	96,000.00	62,400.00	62,400.00	62,400.00	62,400.00	62,400.00	62,400.00	1,178,927.95
17-0113-PG	Kramme	30,872	30,872	6,600.00	4,200.00	203,755.20	129,662.40	129,662.40	129,662.40	129,662.40	129,662.40	129,662.40	1,116,527.95
17-0120-PG	Sottile Newkirk/Kernan ancilcost	57,534	57,534	4,800.00	3,280.00	276,163.20	188,711.52	79,396.92	109,314.60	188,711.52	109,314.60	109,314.60	986,865.55
17-0136-PG	Jasper	93,300	93,300	5,300.00	3,550.00	494,490.00	331,215.00	331,215.00	331,215.00	331,215.00	331,215.00	331,215.00	877,550.95
17-0137-PG	Bishop Bros	81,000	81,000	5,800.00	3,800.00	469,800.00	307,800.00	72,900.00	307,800.00	307,800.00	307,800.00	307,800.00	866,613.45
17-0156-PG	Thumliert, Leroy	64,460	64,460	5,600.00	3,593.95	390,976.00	227,798.45	227,798.45	227,798.45	227,798.45	227,798.45	227,798.45	227,798.45
Totals Closed		265,294	263,480			1,425,264.50	942,589.17	358,554.60	358,554.60	132,540.12	49,265.55	700,734.45	0.00
Totals Encumbered		254,760	254,760			1,421,266.00	929,213.45	234,900.00	234,900.00	72,900.00	379,947.90	120,052.10	0.00
											Encumber/Expended FY09	700,734.45	
											Encumber/Expended FY11	120,052.10	
											Encumber/Expended FY13	500,000.00	
											Total	0.00	

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R9(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CAPE MAY COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robbins, Rickson- Estate of ("Owner")
(Myers Farm)
Middle Township, Cape May County

N.J.A.C. 2:76-17 et seq.
SADC ID# 05-0019-PG

September 22, 2016

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cape May 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, Cape May County received SADC approval of its FY2017 Annual PIG Plan update for on May 26, 2016; and

WHEREAS, on November 13, 2014 the SADC received an application for the sale of a development easement from Cape May County for the subject farm identified as Block 1, Lot 21, Middle Township, Cape May County, totaling approximately 33.4 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Cape May County's Middle Project Area; and

WHEREAS, the Property includes one (1), approximately 3.5-acre severable exception for and limited to one (1) existing single family residential unit and for future flexibility of uses, resulting in approximately 29.9 acres to be preserved; and

WHEREAS, 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

WHEREAS, at the time of application the Property was in vegetable 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 69.01 which exceeds 34, which is 70% of the County's average quality score as determined by the SADC on July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 19, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 25, 2016 the SADC certified a development easement value of \$6,000 per acre based on zoning and environmental regulations in place as of the current valuation date August 25, 2015; and

WHEREAS, both the certification of the development easement value and this final approval are conditioned upon a maintenance and farming access easement being recorded over the existing farm lane located along the property's northern boundary for access to farm fields on state owned lands, on the western side of the property (Block 1, Lot 1, Middle Township owned the New Jersey Department of Conservation and Economic Development); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$6,000 per acre for the development easement for the Property; and

WHEREAS, on June 16, 2016 the Cape May County Agriculture Development Board (CADB) submitted its application 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 April 18, 2016 the Middle 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 March 28, 2016 the Cape May CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 14, 2016, the Board of Chosen Freeholders of the County of Cape May passed a resolution granting final approval and a commitment of funding for \$2,100 per acre to cover the county cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 30.79 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 30.79 acres); and

SADC	\$ 120,081.00	(\$3,900/acre)
<u>Cape May County</u>	\$ 64,659.00	(\$2,100/acre)
Total Easement Purchase	\$ 184,740.00	(\$6,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Cape May County Agriculture Development Board is requesting \$120,081.00 in base 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 Cape May County for the purchase of a development easement on the Property, comprising approximately 30.79 gross easement acres, at a State cost share of \$3,900 per acre, (65% of certified easement value and purchase price), for a total grant need of \$120,081.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 3.5-severable exception for and limited to one (1) existing single family residential unit and for future flexibility of uses; 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, both the certification of the development easement value and this final approval are conditioned upon an access easement limited to maintenance and farming access being recorded over the existing farm lane located along the property's northern boundary and leading to farm fields on state owned lands, on the western side of the property (Block 1, Lot 1, Middle Township owned the New Jersey Department of Conservation and Economic Development); and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/14
Date

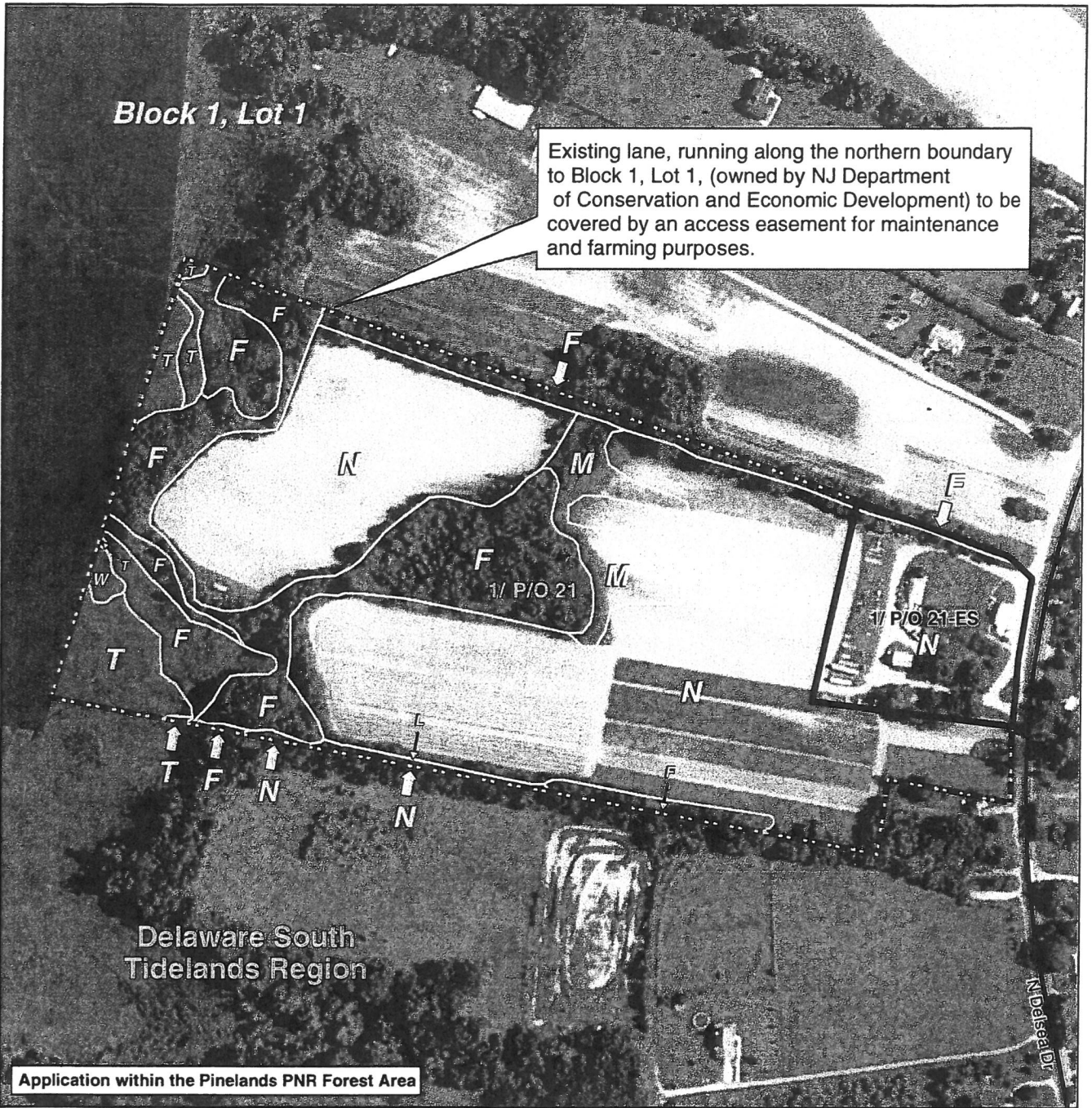

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

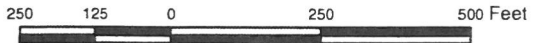
Schedule A

S:\Planning Incentive Grant -2007 rules County\Cape May\Robbins, Ricksom Estate of\maps\robbins_myers_SchedA.mxd



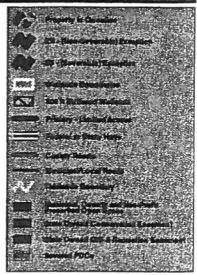
**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Ricksom Robbins Estate/Myers Farm
Block 1 Lots P/O 21 (29.9 ac);
& P/O 1-ES (severable exception - 3.5 ac)
Gross Total = 33.4 ac
Middle Twp., Cape May County



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

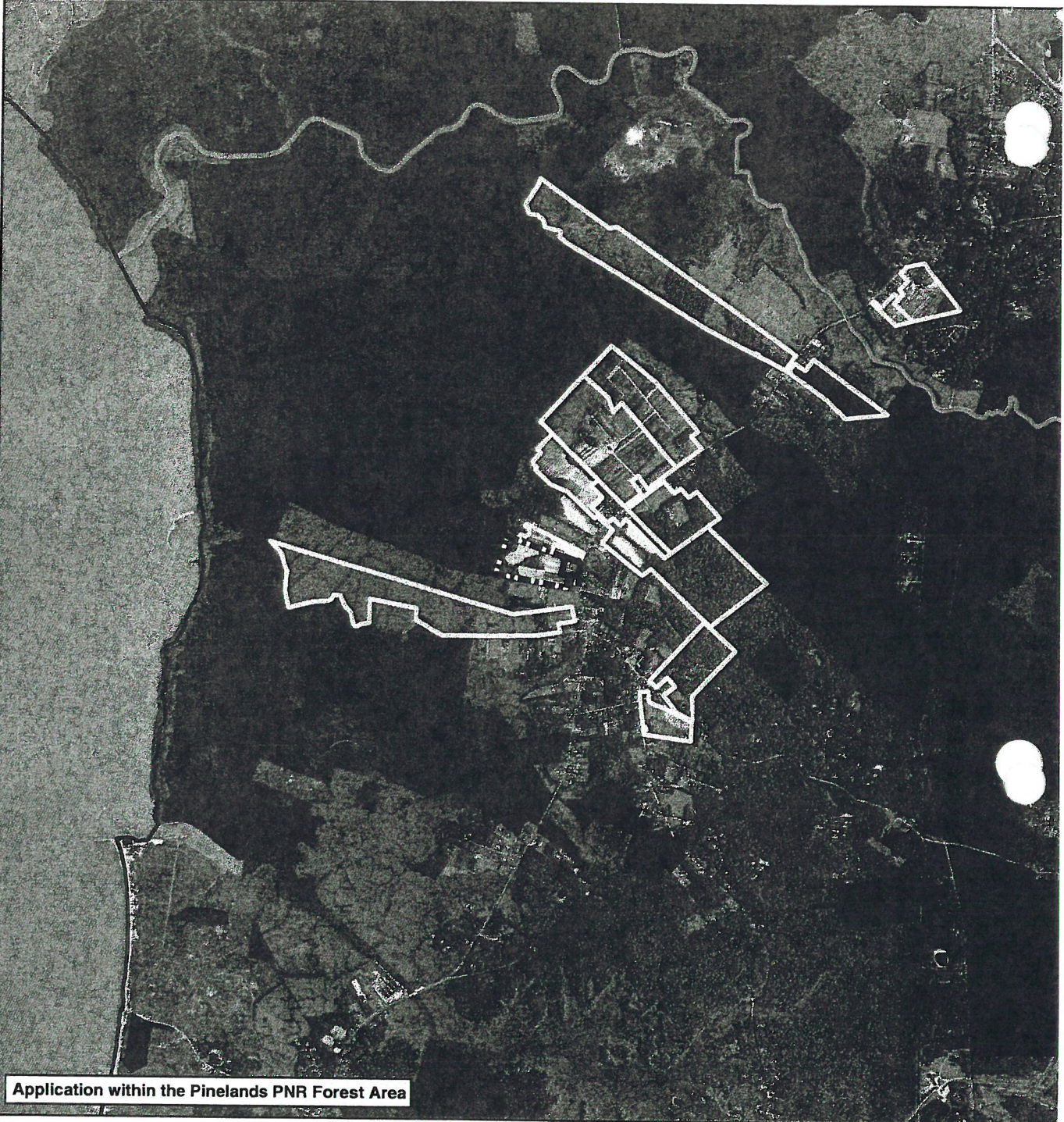
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision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



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
NJDOT Road Data
NJGIT/OGIS 2012 Digital Aerial Image

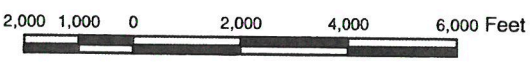
S:\Planning Incentive Grant -2007 rules County\Cape May\Robbins Estate\maps\robbins_myers_Sched A cont.mxd



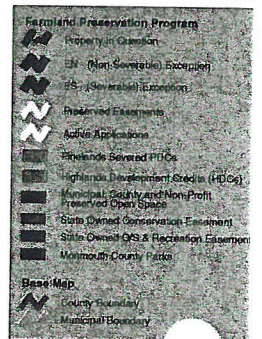
Application within the Pinelands PNR Forest Area

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

Ricksom Robbins Estate/Myers Farm
Block 1 Lots P/O 21 (29.9 ac);
& P/O 1-ES (severable exception - 3.5 ac)
Gross Total = 33.4 ac
Middle Twp., Cape May County



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



Sources:
NJ Farmland Preservation Pro...
Green Acres Conservation Ea...
NJ Pinelands Commission PDC...
NJIT/OGIS 2012 Digital Aerial Image
Da...
April 1, 201

SADC County Financial Status
 Schedule B

Cape May County

SADC ID#	Farm	Municipality	Acres	Pay Area	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant		Competitive Funds		Fund Balance
							Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 11 Fiscal Year 13	Maximum Grant Fiscal Year 11 Fiscal Year 13	Encumbered	Expended	
05-0019-PG	Robbins Estate	Middle	29.9000	30.7900	6.0000	3.9000	184,740.00	120,081.00	120,081.00	1,500,000.00 500,000.00	2,000,000.00 7,879,919.00	120,081.00		3,000,000.00 3,000,000.00	0.00 1,300,032.06
Totals Closed			29.9000	30.7900			184,740.00	120,081.00							
Totals Encumbered									Encumbered/Expended Fy09 Encumbered/Expended Fy11 Encumbered/Expended Fy13						
										120,081.00	1,379,919.00 300,000.00				
										Total	1,878,819.00	3,000,000.00			5,000,000.00

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase
 August 25, 2016

Robbins, Rickson Estate of (Myers Farm)
 05- 0019-PG
 County PIG Program
 30 Acres

Block 1	Lot 21	Middle Twp.	Cape May County		
SOILS:		Other	5% *	0	= .00
		Prime	60% *	.15	= 9.00
		Unique .125	7% *	.125	= .88
		Unique zero	28% *	0	= .00
					SOIL SCORE: 9.88
TILLABLE SOILS:		Cropland Harvested	65% *	.15	= 9.75
		Other	6% *	0	= .00
		Wetlands	26% *	0	= .00
		Woodlands	3% *	0	= .00
					TILLABLE SOILS SCORE: 9.75
FARM USE:	Vegetable & Melons		19 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:
 - b. Exceptions:
 - 1st (3.5) acres for Existing single family residential unit, misc. bldgs, non ag use-trucking business, farmstand.
 Exception is severable
 Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. Prior to recording the farmland preservation easement a recorded access easement along the existing driveway, on the northern boundary must be in place. This easement provides (access for maintenance and farming purposes to fields within State owned land Block1, Lot 1)
 - 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 #FY2017R9(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SALEM COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

DuBois, Christian ("Owner")
Pittsgrove Township, Salem County

N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0163-PG

September 22, 2016

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem 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, Salem County received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on February 8, 2016 the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 1401, Lot 8, Pittsgrove Township, Salem County, totaling approximately 30.24 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Salem County's Cohansey-Pole Tavern-Pine Tavern (1) Project Area; and

WHEREAS, the Property includes zero (0), exception areas, one (1) existing 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 corn and beef 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 71.09 which exceeds 48, which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 29, 2016 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 26, 2016 the SADC certified a development easement value of \$7,900 per acre based on zoning and environmental regulations in place as of the current valuation date March 24, 2016;

WHEREAS, the Owner accepted the County's offer of \$7,900 per acre for the development easement for the Property; and

WHEREAS, on June 22, 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 June 22, 2016 the Pittsgrove Township Committee approved the Owner's application for the sale of development easement and a commitment of funding for \$79 per acre to cover the municipal cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 25, 2016 the Salem CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 1, 2016, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval and a commitment of funding for \$2,971 per acre to cover the county cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 31.15 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 31.15 acres); and

SADC	\$151,077.50	(\$4,850/acre)
County	\$ 92,546.65	(\$2,971/acre)
<u>Pittsgrove</u>	<u>\$ 2,460.85</u>	<u>(\$ 79/acre)</u>
Total Easement Purchase	\$246,085.00	(\$7,900/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 Salem County Agriculture Development Board is requesting \$151,077.50 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 Salem County for the purchase of a development easement on the Property, comprising approximately 31.15 net easement acres, at a State cost share of \$4,850 per acre, (61.39% of certified easement value and purchase price), for a total grant need of \$151,077.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes zero (0) exception areas, one (1) existing single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, encumbered from either the base or competitive grants shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; 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, 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4.

9/22/14
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

Schedule A

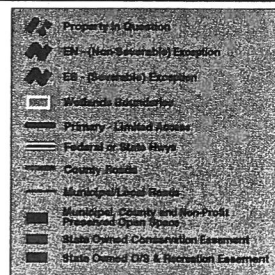


X:\counties\satco\projects\dubois_c_fw\mxd

Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Christian DuBois
Block 1401 Lot 8 (30.1 ac)
Gross Total = 30.1 ac
Pittsgrove Twp., Salem County



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

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

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

Schedule A (continued)

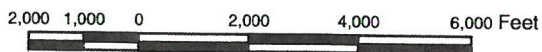
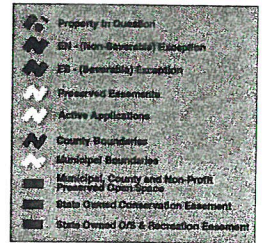
X:\counties\sarco\projects\dubois_c_2mile.mxd



Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Christian DuBois
Block 1401 Lot 8 (30.1 ac)
Gross Total = 30.1 ac
Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 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

SADC County Financial Status
 Sc. File B

Salem County

SADC ID#	Farm	Municipality	Acres	Priv Acres	SADC Certified on Priv Acres	SADC Grant Per Acre	SADC		Federal Grant		Base Grant			Competitive Funds		Fund Balance	
							Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Maximum Grant Fiscal Year 13	Encumbered		Expended
17-0123-PG	Graco	Pittsrover	313,431.00	313,431.00	6,100.00	3,450.00	1,687,937.10	1,080,887.45	1,122,008.00	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45
17-0124-PG	Graco	Pittsrover	313,431.00	313,431.00	6,100.00	3,450.00	1,687,937.10	1,080,887.45	1,122,008.00	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45
17-0125-PG	Dunham World Wide	Mannington	313,431.00	313,431.00	6,100.00	3,450.00	1,687,937.10	1,080,887.45	1,122,008.00	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45	1,080,957.45
17-0126-PG	Mahoney	Mannington	26,822.00	26,822.00	5,300.00	3,650.00	165,062.30	101,883.65	146,775.00	143,043.75	143,043.75	143,043.75	143,043.75	143,043.75	143,043.75	143,043.75	143,043.75
17-0127-PG	Moore	Mannington	149,746.00	149,746.00	6,050.00	3,425.00	756,217.30	512,880.95	511,523.25	297,834.75	297,834.75	297,834.75	297,834.75	297,834.75	297,834.75	297,834.75	297,834.75
17-0128-PG	Dubois Props, LLC	Pittsrover	312,230.00	312,230.00	7,800.00	4,850.00	246,881.70	151,431.55	148,885.00	208,272.35	208,272.35	208,272.35	208,272.35	208,272.35	208,272.35	208,272.35	208,272.35
17-0129-PG	Brown	Upper Pittsrover	58,288.00	58,288.00	6,350.00	3,975.00	311,680.30	208,272.35	213,070.80	97,650.00	93,947.50	93,947.50	93,947.50	93,947.50	93,947.50	93,947.50	93,947.50
17-0130-PG	Harris, Allen	Upper Pittsrover	46,620.00	46,620.00	2,000.00	4,500.00	17,826.80	13,347.60	11,363.20	11,363.20	11,363.20	11,363.20	11,363.20	11,363.20	11,363.20	11,363.20	11,363.20
17-0131-PG	Eckert, Hebert & Rowena	Quinton	49,317.00	49,317.00	3,000.00	2,500.00	172,809.80	123,392.40	108,882.30	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01
17-0132-PG	Harris	Upper Pittsrover	26,483.00	26,483.00	6,800.00	4,150.00	166,639.80	108,744.45	108,882.30	108,882.30	108,882.30	108,882.30	108,882.30	108,882.30	108,882.30	108,882.30	108,882.30
17-0133-PG	Basile	Upper Pittsrover	42,000.00	42,000.00	5,100.00	3,450.00	229,626.00	149,747.00	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01	59,248.01
17-0134-PG	Davis, Betty	Upper Pittsrover	30,970.00	30,970.00	4,800.00	3,100.00	137,686.50	94,850.70	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50
17-0135-PG	Dubois, David & Jessica	Upper Pittsrover	34,650.00	34,650.00	3,000.00	2,500.00	137,686.50	94,850.70	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50
17-0136-PG	Dubois, David & Jessica	Upper Pittsrover	34,650.00	34,650.00	3,000.00	2,500.00	137,686.50	94,850.70	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50	51,077.50
17-0137-PG	Hannel, Robert and Georgia	Upper Pittsrover	94,600.00	94,600.00	5,800.00	3,700.00	548,654.00	369,329.00	288,530.00	103,364.00	103,364.00	103,364.00	103,364.00	103,364.00	103,364.00	103,364.00	103,364.00
Totals Closed			826,347.00	826,347.00	28,122.00	4,200,082.02	2,813,037.83	1,813,037.83	488,282.64	254,865.29	488,282.64	254,865.29	488,282.64	254,865.29	488,282.64	254,865.29	488,282.64
Totals Encumbered			197,427.00	197,427.00	1,160,061.80	785,703.20	288,530.00	103,364.00	617,338.97	148,750.90	617,338.97	148,750.90	617,338.97	148,750.90	617,338.97	148,750.90	617,338.97
Totals Expended			826,347.00	826,347.00	28,122.00	4,200,082.02	2,813,037.83	1,813,037.83	488,282.64	254,865.29	488,282.64	254,865.29	488,282.64	254,865.29	488,282.64	254,865.29	488,282.64
Totals Encumbered/Expended FY13			801,604.49	801,604.49	28,916.23	4,372,590.04	2,890,984.77	1,890,984.77	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01
Totals Encumbered/Expended FY11			801,604.49	801,604.49	28,916.23	4,372,590.04	2,890,984.77	1,890,984.77	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01
Totals Encumbered/Expended FY13 Balance			801,604.49	801,604.49	28,916.23	4,372,590.04	2,890,984.77	1,890,984.77	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01
Totals Encumbered/Expended FY11 Balance			801,604.49	801,604.49	28,916.23	4,372,590.04	2,890,984.77	1,890,984.77	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01	446,751.93	68,248.01

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

DuBois, Christian
17- 0163-PG
County PIG Program
30 Acres

Block 1401	Lot 8	Pittsgrove Twp.	Salem County	
SOILS:		Other	4% * 0	= .00
		Prime	86% * .15	= 12.90
		Statewide	10% * .1	= 1.00
				SOIL SCORE: 13.90
TILLABLE SOILS:		Cropland Harvested	83% * .15	= 12.45
		Other	17% * 0	= .00
				TILLABLE SOILS SCORE: 12.45
FARM USE:		Corn-Cash Grain	21 acres	
		Beef Cattle Except Feedlots	4 acres	7 head

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:
 - b. Exceptions: No Exceptions Requested
 - 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 #FY2017R9(9)

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

On the Property of
Harrell, Robert and George ("Owners")
Upper Pittsgrove Township, Salem County

N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0161-PG

September 22, 2016

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem 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, Salem County received SADC approval of its FY2017 PIG Plan annual update for on May 26, 2016; and

WHEREAS, on August 6, 2015 the SADC received an application for the sale of a development easement from Upper Pittsgrove Township, as a municipal PIG, for the subject farm identified as Block 25, Lot 40, Upper Pittsgrove Township, Salem County, totaling approximately 96.6 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is in Salem County's Cohansey-Pole Tavern-Pine Tavern (1) Project Area; and

WHEREAS, the Property includes one (1) approximately 2-acre non-severable exception, for and limited to one (1) existing single family residential unit and for future flexibility of uses, resulting in approximately 94.6 net acres to be preserved; and

WHEREAS, the portion of the Property outside of the exception area to be preserved 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 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, the Property has a quality score of 68.26 which exceeds 47, which is 70% of the County's average quality score as determined by the SADC on July 24, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 22, 2015 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, after preliminary approval and prior to certification of value, Upper Pittsgrove Township determined that there were insufficient funds in their SADC PIG account to complete the purchase of the development easement and requested transferring the application to the Salem County PIG program; which Salem County and the Owners approved; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 26, 2016 the SADC certified a development easement value of \$5,600 per acre based on zoning and environmental regulations in place as of the current valuation date January, 2016;

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,600 per acre for the development easement for the Property; and

WHEREAS, the New Jersey Conservation Foundation submitted a parcel application to the United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, the NRCS has determined that the Property and Owner qualify for FRPP grant funds; and

WHEREAS, at this time the FRPP approved current easement value has not been finalized, however, the FRPP grant will be calculated based on the estimated FRPP current easement value of \$6,100 per acre (highest of the two appraisals) equating to an FRPP grant of \$3,050 per acre (50% of \$6,100) or approximately \$288,530 in total FRPP funds; and

WHEREAS, the Owner has agreed to the additional restrictions associated with the FRPP Grant, including a 6.67% maximum impervious coverage restriction (approximately 6.31 acres) for the construction of agricultural infrastructure on the Property outside of exception area which is the maximum allowable for this property through the FRPP program at this time; and

WHEREAS, due to a shortage of available funds the Township and Salem County have requested that the ALE grant funds be used to cover the entire local cost share and any remaining funds will be used to offset the SADC grant needs; and

WHEREAS, should alternate FRPP funding or other federal funding, such as ALE, become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits

the easement acquisition and/or the successful use of FRPP funding; and

WHEREAS, on June 22, 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 June 14, 2016 the Upper Pittsgrove Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of FRPP funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 25, 2016 the Salem CADB passed a resolution granting final approval for the proposed acquisition of a development easement on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval on June 1, 2016, but is not participating financially in the easement purchase due to the anticipated receipt of FRPP funds; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 97.44 acres will be utilized to calculate the grant need; and

WHEREAS, this final approval is conditioned upon FRPP funding in an amount sufficient enough to cover the full County and Township's cost share and offset the SADC cost share by approximately \$103,394 ; and

WHEREAS, the estimated cost share breakdown would be as follows (based on 97.44 acres); and

SADC	\$ 360,528	(\$3,700/acre)
Upper Pittsgrove	\$ 92,568	(\$ 950/acre)
Salem County	\$ 92,568	(\$ 950/acre)
Total Easement Purchase	\$ 545,664	(\$5,600/acre)

Cost share breakdown after estimated \$288,530 if FRPP Grant is applied:

	Total	FRPP \$	New Cost Share
SADC	\$360,528	\$103,394	\$ 257,134 (\$2,638.90/ac.)
County	\$ 92,568	\$ 92,568	\$ 0
Twp.	\$ 92,568	\$ 92,568	\$ 0
FRPP			\$ 288,530 (\$2,961.10/ac.)
TOTAL	\$545,664	\$288,530	\$ 545,664 (\$5,600/ac.)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, The SADC will encumber a grant amount of \$257,134 in competitive grant funding which is the estimated amount needed based on the estimated FRPP grant (Schedule B);

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Property, comprising approximately 97.44 gross easement acres, at a State cost share of \$2,638.90 per acre, (47.12% of certified easement value and purchase price), for a total grant not to exceed \$257,134 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, for and limited to one (1) existing single family residential unit and for future flexibility of uses; and

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

BE IT FURTHER RESOLVED, this final approval is conditioned upon FRPP funding in an amount sufficient enough to cover the full County and Township's cost share and offset the SADC cost share by approximately \$103,394; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/16

Date

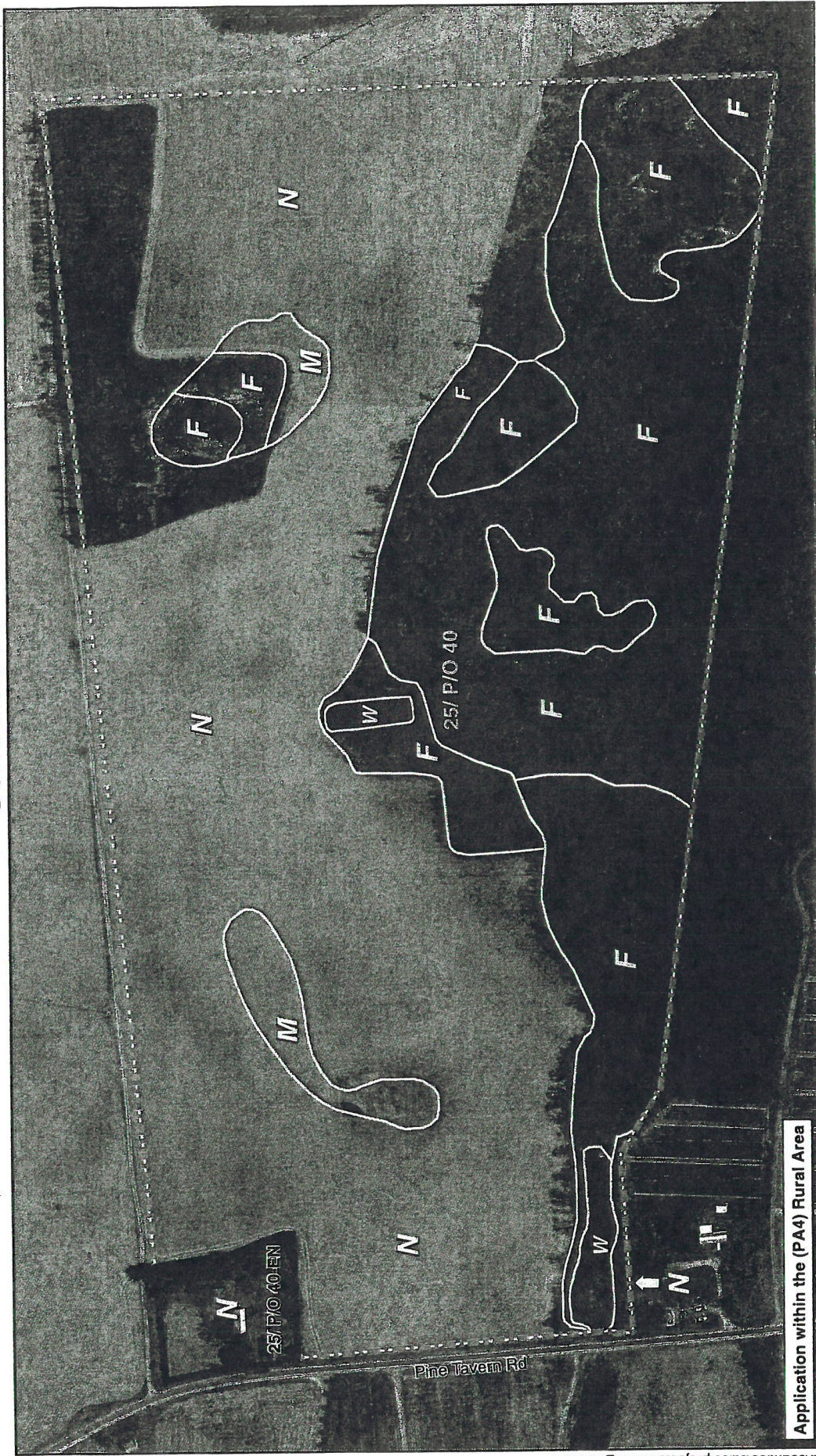


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

Schedule A



Property in Question

- EN - (Non-Sewerable) Exception
- PS - (Severable) Exception
- Soils Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Spaces
- State Owned Conservation Easement
- State Owned O/S & Reclamation Easement

Wetlands Legend:

- F - Freshwater Wetlands
- L - Linear Wetlands
- T - Tidal
- N - N
- M - M
- W - W



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert and George Harrell
Block 25 Lots P/O 40 (91.5 ac);
& P/O 40-EN (non-severable exception - 2.0 ac)
Gross Total = 93.5 ac
Upper Pittsgrove Twp., Salem County

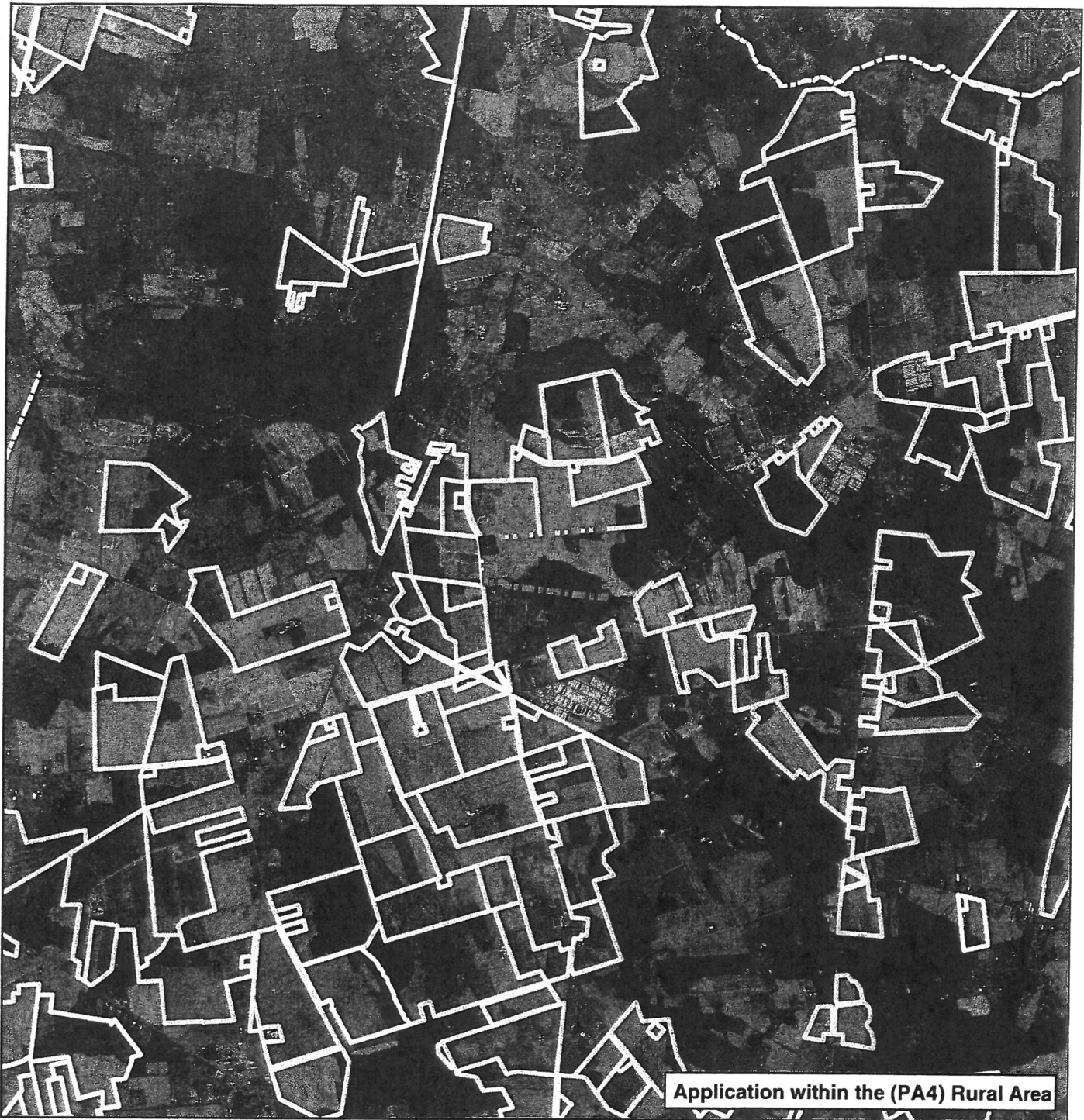


Sources:
Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data
NJDOTGIS 2012 Digital Aerial Image

DISCLAIMER:
Use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The color and geo-referenced location of parcel polygons in this data layer are approximate and were developed for informational purposes. The geospatial accuracy and precision of the GIS data contained in this file and map are not intended to be relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Schedule A (continued)

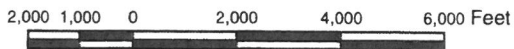
X:\counties\sarco\projects\harrell_2mile.mxd



Application within the (PA4) Rural Area

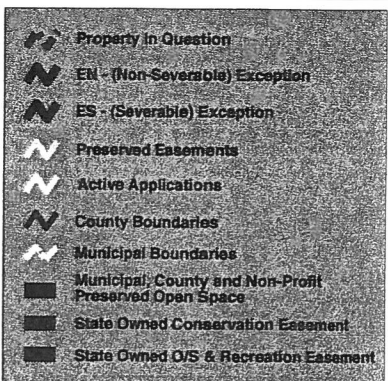
**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Robert and George Harrell
Block 25 Lots P/O 40 (91.5 ac);
& P/O 40-EN (non-severable exception - 2.0 ac)
Gross Total = 93.5 ac
Upper Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 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



SADC County Pig Financial Status
Schedule B

Salem County

SADC ID#	Farm	Municipality	Acres	Pw Acres	SADC Certified Per Acre or Noncertified Per Acre	SADC Grant Per Acre	SADC		Total Federal Grant	Base Grant		Competitive Funds		Fund Balance
							Cost Basis	Share		Fiscal Year 09 Fiscal Year 13	PV	Encumbered	Expended	
17-0123-PG	Greco	Pitts Grove	319,471.0	319,471.0	5,105.00	3,450.00	1,697,937.10	1,080,917.45	1,422,916.00	1,080,917.45	1,635,382.62			
17-0121-PG	Prestige World Wide	Alloway	31,100.0	31,100.0	4,450.00	4,450.00	384,363.12	228,361.64	242,928.00	228,361.64	1,308,020.98			
17-0122-PG	Walden	Mannington	38,483.0	38,483.0	5,700.00	3,750.00	217,426.00	143,043.75	146,775.00	143,043.75	1,164,877.23			
17-0125-PG	Mahoney	Mannington	28,691.0	28,691.0	6,890.00	3,445.00	152,022.30	101,853.05	106,038.00	101,853.05	1,052,124.18			
17-0124-PG	Moore	Mannington	148,746.0	148,746.0	6,880.00	4,880.00	246,861.70	164,421.48	511,923.75	257,924.78	1,172,247.46			
17-0134-PG	Dubois Props, LLC	Pitts Grove	31,230.0	31,230.0	3,800.00	2,600.00	117,576.00	83,947.50	215,570.00	208,272.35	448,486.62			
17-0135-PG	Popo, Harris, Alvin	Upper Pitts Grove	38,758.0	38,758.0	3,800.00	2,600.00	117,576.00	83,947.50	215,570.00	208,272.35	448,486.62			
17-0136-PG	Edwards, Robert & Rowena	Upper Pitts Grove	46,692.0	46,692.0	3,800.00	2,600.00	117,576.00	83,947.50	215,570.00	208,272.35	448,486.62			
17-0137-PG	Edwards, Robert & Rowena	Upper Pitts Grove	46,692.0	46,692.0	3,800.00	2,600.00	117,576.00	83,947.50	215,570.00	208,272.35	448,486.62			
17-0138-PG	Harris	Upper Pitts Grove	49,317.0	49,317.0	3,800.00	2,600.00	117,576.00	83,947.50	215,570.00	208,272.35	448,486.62			
17-0146-PG	Bastie	Upper Pitts Grove	28,483.0	28,483.0	4,150.00	4,150.00	166,659.50	104,754.45	122,292.00	122,292.00	73,253.05			
17-0151-PG	Davis, Betty	Upper Pitts Grove	42,000.0	42,000.0	5,100.00	3,450.00	220,606.00	97,250.70	108,882.00	97,250.70	80,996.00			
17-0157-PG	Barlow, Kevin & Jessica	Upper Pitts Grove	30,600.0	30,600.0	5,800.00	2,538.00	546,664.00	257,134.00	286,530.00	103,384.00	2,930,894.77			
17-0161-PG	Dubois, Christian	Pitts Grove	30,240.0	30,240.0	7,900.00	4,850.00	246,095.00	151,077.50	286,530.00	103,384.00	151,077.50			
Totals Closed	11		826,347.0	826,347.0	1,256,047.02	804,037.03	4,256,047.02	2,616,037.03	488,293.64	264,862.29	617,339.97			
Totals Encumbered	4		197,457.0	197,457.0	1,150,051.80	662,209.20	1,150,051.80	662,209.20	288,530.00	103,384.00	1,600,000.00			
									68,248.01	617,339.97	1,600,000.00			
									488,210.46	69,016.23	440,751.99			
												2,930,894.77		4,475,854.04

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase
 August 25, 2016

Harrell, Robert & George
 17- 0161-PG
 County PIG Program
 95 Acres

Block 25 Lot 40 Upper Pittsgrove Twp. Salem County

SOILS:		Other	28% *	0	=	.00	
		Prime	21% *	.15	=	3.15	
		Statewide	47% *	.1	=	4.70	
		Unique .125	2% *	.125	=	.25	
		Unique zero	2% *	0	=	.00	
						SOIL SCORE:	8.10
TILLABLE SOILS:		Cropland Harvested	56% *	.15	=	8.40	
		Other	1% *	0	=	.00	
		Wetlands	34% *	0	=	.00	
		Woodlands	9% *	0	=	.00	
						TILLABLE SOILS SCORE:	8.40
FARM USE:		Vegetable & Melons		13 acres			Radishes
		Sod		37 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:
 - b. Exceptions:
 - 1st two (2) acres for Existing single family residential unit & out buildings
 - Exception is not to be severed from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. FRPP monies via NJCF subject to 6.67% maximum impervious cover restriction on the Premises (approx. 6.31 acres).
 - 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 FY2017R9(10)

Request for Division of Premises

Joseph Goodenough
September 22, 2016

Subject Property: Joseph Goodenough
Block 23, Lots 1.01, 2 & 4
Mansfield Township, Burlington County
247.01-Acres

WHEREAS, Joseph Goodenough, hereinafter "Owner", is the record owner of Block 23, Lots 1.01, 2 & 4, in Mansfield Township, Burlington County, hereinafter referred to as the "Premises", by deed dated November 21, 2007, and recorded in the Burlington County Clerk's Office in Deed Book 6536, Page 598; and

WHEREAS, the Premises totals approximately 247.01 acres, including 10.6 acres of non-severable exception areas, as shown in Schedule "A"; and

WHEREAS, the Owner conveyed a development easement on the Premises to the County of Burlington, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq., by Deed of Easement dated July 29, 1998, and recorded in the Burlington County Clerk's Office in Deed Book 5624, Page 674; and

WHEREAS, the Deed of Easement for the Premises references one existing residence (of which only the shell of the structure currently remains), no agricultural labor residences, no residual dwelling site opportunities (RDSO's), and two non-severable exception areas (4-acres and 6.6-acres); and

WHEREAS, the 4-acre exception area is unimproved and is restricted to non-residential uses; and

WHEREAS, the 6.6-acre exception includes two (2), existing single family residences, numerous barns and outbuildings; and

WHEREAS, on May 26, 2016, the SADC received an application from the Burlington County Agriculture Development Board ("CADB") on behalf of the Owner to divide the Premises into two parcels as shown in Schedule "A"; and

WHEREAS, the purpose of the division is to split the farm in order to transfer Parcel-A to the Owner's daughter, Marjorie Case, and Parcel-B to Douglas Goodenough, the Owner's son and current manager of the farm; and

WHEREAS, Marjorie Case intends to convert the acreage of Parcel-A into fruit and vegetable production and utilize the exception area to process, and sell the output of the farm while also educating the public about food and farming; and

WHEREAS, Douglas Goodenough will continue to raise hay and grains on Parcel-B and other rented properties utilizing the existing infrastructure on this Parcel to service that business; and

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

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

WHEREAS, the resulting Parcel-A would result in an approximately 112-acre property that is approximately 43% (48.5 acres) tillable, 12% (13 acres) meadow with 50% (56.25 acres) Prime soils, 2% (2.4 acres) soils of Statewide Importance and 44% (49 acres) soils classified as Locally Important; and

WHEREAS, Parcel-A would include the 4.0-acre non-severable exception along Mansfield Road which is limited to non-residential uses; and

WHEREAS, the remnants of the single family residence that existed at the time of preservation, consisting of the shell of the residence which has no plumbing and no electricity and has not been inhabited since the 1950's, are located on proposed Parcel-B, next to an existing hay barn, as shown in Schedule "A"; and

WHEREAS, the Owner has requested that the ability to replace the single family residence existing at the time of preservation, pursuant to paragraph 14 of the Deed of Easement, be assigned to Parcel-A, but that such replacement will occur at some point in the future; and

WHEREAS, the resulting Parcel-B would result in a 135-acre property that is approximately 39% (53 acres) tillable with 69% (93 acres) Prime soils and 23% (31.4 acres) soils of classified as Locally Important; and

WHEREAS, Parcel-B would include a 6.6-acre non-severable exception area around the two existing single family residences, numerous barns and outbuildings; and

WHEREAS, the primary outputs of the Premises have historically been hay, grains and dairy; and

WHEREAS, the configuration of Parcels A and B result in each parcel containing land south of the stream that runs in an East-West direction through the Premises; and

WHEREAS, there is currently one useable access point across this stream suitable for agricultural equipment which would be shared between Parcels A and B and formalized through a recorded access agreement allowing both landowners use of the existing crossing; and

WHEREAS, the Owner is in the process of repairing a second crossing which will allow independent access for each new parcel upon completion; and

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

- 1) The division is being undertaken for purpose of transferring acreage to the Owner's son and daughter, one of which is the current operator of the farm and the other will be returning to the farm to start her own operation; and

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

- 1) Each parcel contains a significant acreage of high quality, tillable soils, as follows:

-Parcel-A, at 112 acres, has 48.5 tillable acres and 13 acres of meadow with approximately 50% (56 acres) Prime soils, 2% (2.4 acres) soils of Statewide Importance, and 44% (49 acres) of Locally Important soils and ;

-Parcel-B, at 135 acres, has 53 tillable acres with approximately 69% (93 acres) of Prime soils, and 23% (31.4 acres) of Locally Important soils ;

WHEREAS, on September 8, 2016, the Burlington CADB approved the Owner's request for a division of the Premises subject to the following conditions;

- Establishment of a formal access agreement to reach interior fields or creation of a new, minimum 10 ft. wide lane, crossing the ditch;
- Submission of subdivision plans to the CADB for review prior to formal subdivision; and
- Preparation of a Deed reflecting conditions of approval for review by CADB staff.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output due to the size of the two proposed parcels and the quality of the soils present on both parcels; and

BE IT FURTHER RESOLVED, that the SADC hereby approves the division of premises request subject to the following conditions:

1. The Owner shall provide a proposed survey and metes and bounds description of the new parcels A and B to the SADC and CADB;
2. The Owner shall include language in the transfer deed(s) indicating that the ability to replace the single family residence associated with the Premises shall be allocated to Parcel-A and that the remains of the existing single family residence on Parcel-B shall be removed prior to the issuance of a building permit for the construction of a new residence on Parcel-A;
3. The Owner shall provide copies of the draft transfer deed(s) to the CADB and Committee for review and approval prior to the transfer, showing the assignment of the ability to replace the previously existing single family residence to Parcel-A;
4. The Owner shall provide a copy of the access agreement across the stream to the Committee for review and approval or, alternatively, provide evidence confirming that the second independent crossing capable of providing access to typical farm machinery has been completed, prior to the transfer of the parcels;
5. If an access easement is needed, then the Owner shall be responsible for recording the easement with the County Clerk's office, after approval of the access easement by the SADC; and
6. Replacement of the existing single family residence will be subject to CADB and SADC approval at the time of replacement; and

BE IT FURTHER RESOLVED, that upon receipt of the updated survey and metes and bounds description, review and approval of the transfer deeds and review of any access easements, if necessary, the SADC shall record a copy of its approval with the Burlington County Clerk's office; and

BE IT FURTHER RESOLVED, this approval is not effective until the SADC records its approval resolution with the Burlington County Clerk; and

BE IT FURTHER RESOLVED, that this approval is subject to approval by the Burlington County Board of Chosen Freeholders; and

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

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

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution, during which the Owners may initiate the requested action; for the purpose of this provision "initiate" means applying for all applicable local, state or federal approvals necessary to effectuate the approved SADC action; 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.

9/22/16
Date



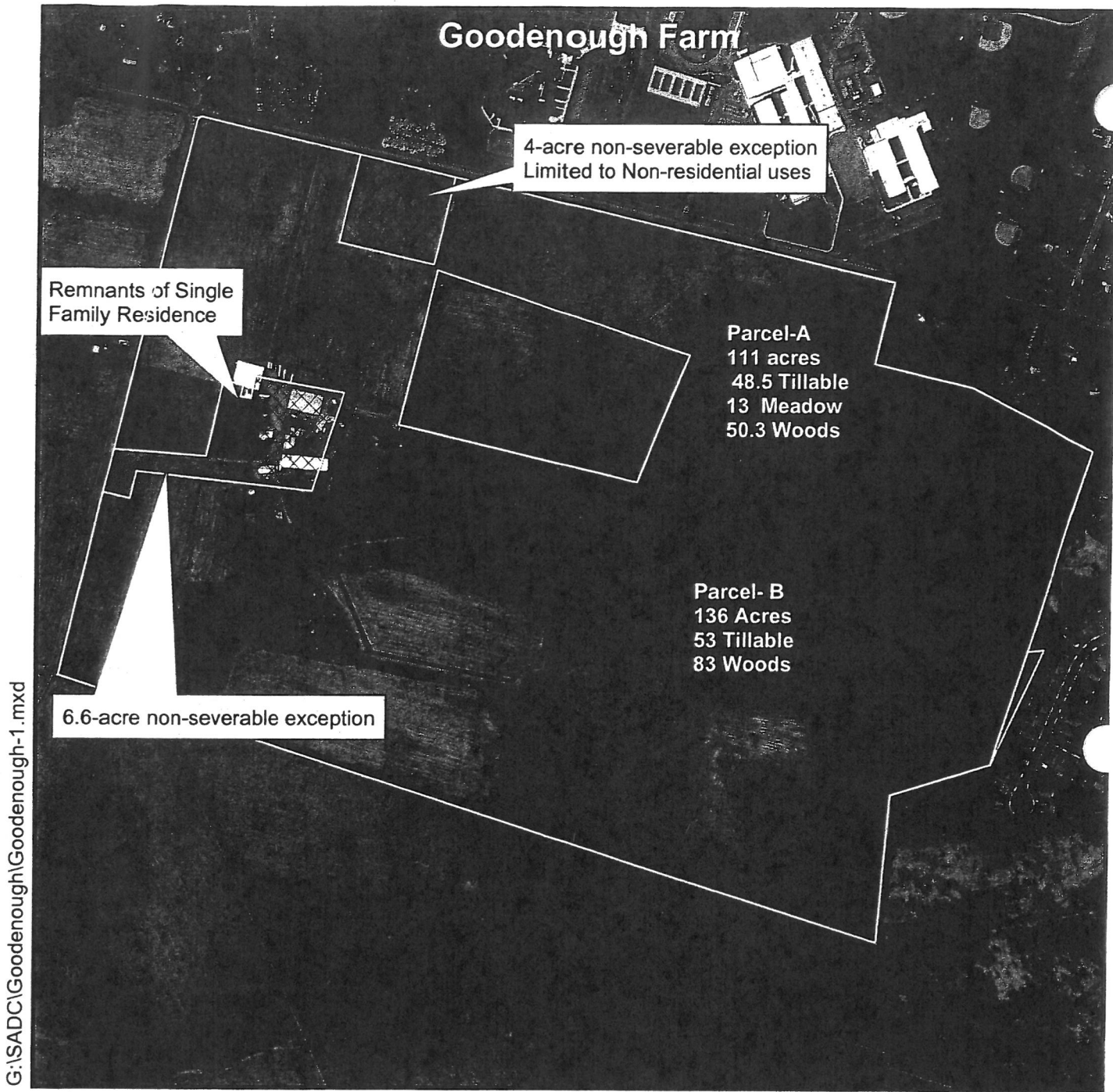
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	RECUSED
James Waltman	YES

Schedule "A"

Goodenough Farm



G:\SADC\Goodenough\Goodenough-1.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Goodenough Farm
Block 23, Lot 1.01, 2 & 4
Mansfield Township, Burlington County



9/13/2016

Farmland Preservation Program		State Planning Areas	
	PRESERVED EASEMENT		(PA1) METRO
	EXCEPTION AREA		(PA2) SUBURBAN
	PRESERVED EASEMENT / NR		(PA3) FRINGE
	EXCEPTION AREA / NR		(PA4) RURAL
	FINAL APPROVAL		(PA4b) RURAL ENV SENS
	PRELIMINARY APPROVAL		(PA5) ENV SENS
	ACTIVE APPLICATION		(PA5b) ENV. SENSITIVE BARRIER IS
	8 YEAR PRESERVED		(P10) PINELANDS
	TARGETED FARM		PARK
	EXCEPTION AREA TARGETED		MILITARY
	INACTIVE APPLICATION		NEW JERSEY MEADOWLANDS
	INACTIVE/FEDERALLY FUNDED		WATER
	NO CORRESPONDING DATA		ELLIS ISLAND- NJ
	PRESERVED/FEDERALLY FUNDED		ELLIS ISLAND- NY
			Base Map
			County Boundaries
			Municipal Boundaries
			Highlands Planning Area
			Highlands Preservation Area
			Pinelands Area
			Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R9(11)

REQUEST FOR HOUSE REPLACEMENT

Ken & Amy Kazahaya

September 22, 2016

Subject Property: Ken & Amy Kazahaya
Block 199, Lot 5
Voorhees Township, Camden County
69.81-Acres

WHEREAS, the State Agriculture Development Committee (SADC) acquired the former Stafford farm, Block 199, Lot 5, consisting of 69.81 acres, in Voorhees Township, Camden County, hereinafter "Premises", on January 6, 2004, as recorded in Deed Book 7317, Page 1117 in the Camden County Clerk's Office (as shown in Schedule "A"); and

WHEREAS, the SADC transferred title to the Property to Ken and Amy Kazahaya, hereinafter "Owners", on February 15, 2005, as recorded in the Camden County Clerk's Office in Deed Book 7749, Page 766; and

WHEREAS, the deed restrictions recorded against the farm include the following:

1. There are two existing single-family residences on the farm.
2. In the event that improvements are made to the existing residential units, the maximum heated living space of the units shall not exceed the current sizes of 3,000 and 1,700 square feet.
3. In the event that one of the existing residences is replaced with a new single family residential unit, the Owners will be required to raze both of the residences existing at the time of preservation. The two homes may only be replaced with one home. The maximum heated living space of the new single family residential unit shall not exceed 3,500 square feet.
4. The construction of the new single family residential unit must occur within the designated 5.9 acre building envelope area as shown on the survey.

WHEREAS, on February 28, 2011, the Owners requested, and the SADC approved, the ability to replace both of the homes on the farm with a new single family residential unit that totals 3,497 sq./ft. of heated living space; and

WHEREAS, the Owners intend to begin construction on their new home this Fall; and

WHEREAS, the approval granted in 2011 has since expired and the Owners are seeking a renewed approval to construct a similar home in the same location approved in 2011; and

WHEREAS, the new home includes unfinished basement and attic space; and

WHEREAS, the Owners are aware that the new single family residential unit is limited to a maximum of 3,500 sq./ft. of heated living space; and

WHEREAS, the proposed location of the new home is in the northern corner of the 5.9 acre building envelope where a barn is currently located; and

WHEREAS, this location was chosen to locate the house away from heavily-travelled White Horse Road, to provide for a central location for security and management of the agricultural operation, and for drainage; and

WHEREAS, the Owners currently reside off the Premises; and

WHEREAS, the Owners utilize portions of the property for raising and selling potted flowers, a greenhouse and evergreens for a Christmas tree operation; and

WHEREAS, upon establishing a full-time residence on the Premises, the Owners intend to increase the agricultural activities on the Premises and are investigating the establishment of a community supported agricultural operation on the property; and

WHEREAS, the Owners anticipate that they will lease a portion of the Premises for equine activities; and

WHEREAS, one of the two original residences has been razed; and

WHEREAS, the one remaining home on the Premises is uninhabitable and is not used for residential purposes; and

WHEREAS, the electrical service for the entire farm, including the farm buildings, originates from the remaining home; and

WHEREAS, the Owners have requested that the remaining home be permitted to remain on the Premises until the new house is complete to allow for continued office and restroom space; and

WHEREAS, pursuant to paragraph 24 of the Deed of Easement, SADC staff have verified that the remaining residence on the Premises is not listed on the NJ Register of Historic Places;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the construction of a single-family residence on the Premises to replace the original two houses that existed on the Premises at the time of preservation is consistent with the provisions of the Deed of Easement; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 3,500 square feet of above-grade heated living space, in the location shown in Schedule "A", to replace both of the existing single family residences on the Premises at the time of preservation; and

BE IT FURTHER RESOLVED, that the Owners are aware and agree that the attic and basement spaces of said single family residence may not be converted to heated living spaces; and

BE IT FURTHER RESOLVED, that the remaining original residence shall be removed from the Premises within 60 days of receipt of the certificate of occupancy for the new residence; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution, during which the Owners may initiate the requested action; for the purpose of this provision "initiate" means applying for all applicable local, state or federal approvals necessary to effectuate the approved SADC action ; and

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

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

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



9/22/16
DATE

Susan E. Payne, Executive Director
State Agriculture Development Committee

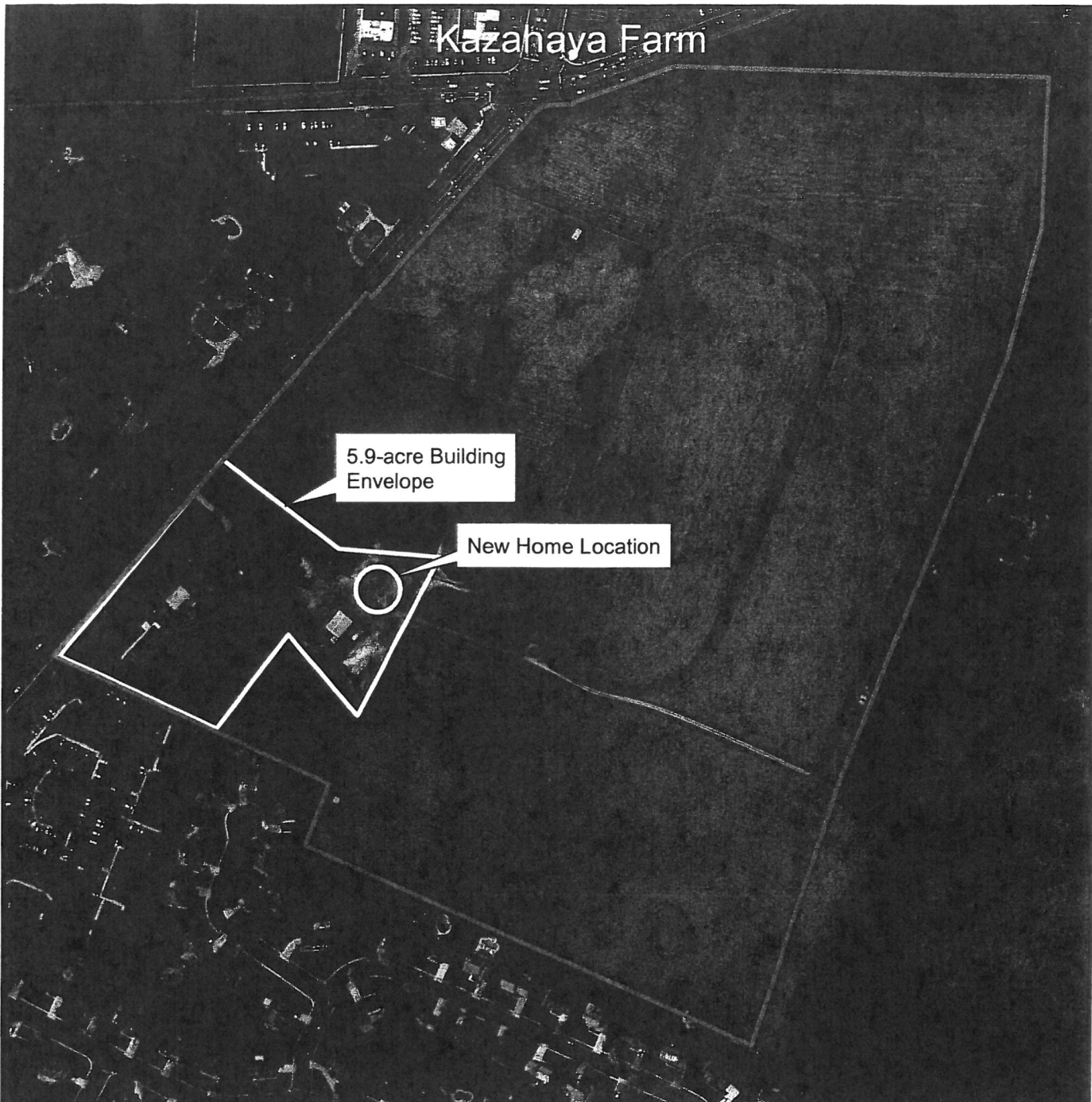
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

Schedule "A"

Kazahaya Farm

E:\SADC work\C-Drive\Stewardship\Kazahaya\Kazahaya 3.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kazahaya Farm
Block 199, Lot 5
Voorhees Township, Camden County
69.81-Acres



9/12/2016

Farmland Preservation Program

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

State Planning Areas

- (PA1) METRO
- (PA2) SUBURBAN
- (PA3) FRINGE
- (PA4) RURAL
- (PA4b) RURAL ENV SENS
- (PA6) ENV SENS
- (PA6a) ENV. SENSITIVE BARRIER IS
- (P10) PINELANDS
- PARK
- MILITARY
- NEW JERSEY MEADOWLANDS
- WATER
- ELLIS ISLAND- NJ
- ELLIS ISLAND- NY

Base Map

- County Boundaries
- Municipal Boundaries
- Highlands Planning Area
- Highlands Preservation Area
- Pinelands Area
- Green Acres Preserved Easements

TX - HI ✓

MEMORANDUM

To: SADC Members

From: David Kimmel, Agricultural Mediation Coordinator

Subject: New Jersey Agricultural Mediation Program: Request by Megan Bucknum to be certified as new agricultural mediator

Date: September 22, 2016

The SADC periodically receives inquiries from individuals interested in becoming mediators with the Agricultural Mediation Program. The SADC has the ability to add these individuals to the program's roster of mediators if they meet the program's certification requirements outlined in N.J.A.C. 2:76-18.3. These requirements include contacting the SADC in writing with their request and satisfying the requirement for 18-hours of appropriate mediation training.

In July 2016, Megan Bucknum contacted the SADC in writing to express her interest in joining the program's roster of mediators (see attached).

Ms. Bucknum's experience and background include:

- Conducting food systems research, feasibility studies, and assessments, including interviewing farmers and food buyers as well as facilitating stakeholder meetings
- Managing sales and marketing for a local food distribution start-up focused on grass-fed beef and pastured pork
- Helping develop the Farm to Institution and Farm to School programs with The Food Trust, a Philadelphia nonprofit
- Planning and teaching sustainable design and food systems courses as an adjunct professor in Rowan University's Department of Geography and Environment
- Serving as a Master Gardener Volunteer
- Learning facilitation and mediation strategies with the Institute for Environmental Negotiation
- Completing a 24-hour basic mediation training course through the Good Shepherd Mediation Program, <http://www.phillymediators.org/training-consulting/basic-mediation-training>

Staff recommends that Megan Bucknum be certified as an Agricultural Mediation Program mediator.

Megan Bucknum

Philadelphia, PA 19147

July 29, 2016

David Kimmel
State Agricultural Resource Specialist
NJ State Agricultural Development Committee
PO Box 330
Trenton, NJ 08625-0330

Dear David Kimmel:

I am writing to express my interest in joining the Agricultural Mediation Program administered through the New Jersey State Agricultural Development Committee. As a consultant who works on various food and agriculture related projects throughout the country, I have heard stories about successful agricultural mediation agreements and would like to contribute to this voluntary conflict resolution process within the State of New Jersey. Although a Pennsylvania resident, I am an adjunct professor at Rowan University and am interested in working more directly with the rich agricultural resource of the Garden State.

I first became aware of the relevance of mediation within resource-based issues through a graduate assistantship for an environmentally focused mediation and facilitation institute at the University of Virginia. Working with the Institute for Environmental Negotiation, I was able to observe how a neutral third party mediator is able to help two parties move from conflict to agreement. In my current consultant role, I lead all outreach efforts for the small firm with whom I work; New Venture Advisors. I not only interview agricultural producers and food buyers but also lead public stakeholder meetings that assemble actors from across the food supply chain. By applying many of the mediation skills learned in both graduate school and a mediation training course, I have been able to create an environment where diverse stakeholder groups are able to comment upon their opinion while maintaining order within the group meeting.

I gladly welcome the opportunity to discuss my potential inclusion in the roster of agricultural mediators and have attached my current CV to this letter, as well as a certificate of mediation training completion. Thank you so much for your time and I hope to hear from you soon.

Sincerely,



Megan Bucknum

MEGAN BUCKNUM

PHILADELPHIA, PA

EDUCATION

Master of Urban and Environmental Planning 2007-2009
University of Virginia, Charlottesville, VA

BA in Political Science 2002-2006
BS in Geographic Science
James Madison University, Harrisonburg, VA

PROFESSIONAL SERVICE

Food Systems Specialist 2014-Present
New Venture Advisors LLC | Chicago, IL (Based in Philadelphia)

- Currently lead primary research efforts – interviews, surveys and stakeholder meetings – for feasibility studies and assessments.
- Have supported the publication of 15 feasibility studies conducted for a range of client types throughout the US, with topics including: produce and meat aggregation, IQF processing, small grain post-harvest handling and processing, as well as investigating the development of a statewide food hub network.
- Collaboratively drafted and successfully submitted a USDA Local Food Promotion Program Grant to study the viability of embedding Food Hubs into Rural Grocery stores in Iowa, Michigan and Kansas. Project partners include USDA Rural Development, Michigan State University Center for Regional Food Systems and Kansas State University Rural Grocery Initiative.
- Developed and maintained a digital marketing strategy for the business, which included creating a blog and newsletter, as well as maintaining all social media channels.

Jr. Market Manager 2011-2013
Philly CowShare | Philadelphia, PA

- Managed all sales and marketing efforts for this start-up business that aggregates grass-fed beef and pastured pork from regional producers and distributes to regional retail and wholesale customers.
- Organized and directly oversaw the storage and transportation logistics for 5 beef producers and 2 pork producers from the point of slaughter to delivery.
- Coordinated production and slaughter schedules with both the meat processor, network of producers and customers.
- Educated consumers about the benefits of meat from grass-based systems through participating in events and lecture series and drafting a weekly and monthly newsletter.

Farm to School Associate Nov. 2012-Feb. 2013

The Food Trust | Philadelphia, PA

- Assisted the Mid-Atlantic National Farm to School Coordinator with research and outreach efforts – including a monthly newsletter – to school districts within the region interested in strengthening or developing a Farm to School program.

Farm to Institution Associate

Nov. 2010-Oct. 2011

Fair Food | Philadelphia, PA

- Supported the School District of Philadelphia's Farm to School Program, as well as helped to facilitate local procurement efforts for several independent schools in the region.
- Developed educational materials for institutional food service providers that are interested in launching a Farm to Institution program, including produce handling guides and a Farm to School handbook.
- Planned and organized a local food trade school that brought together local food producers, artisans and buyers.

Intern

Jan. 2010-Sept. 2010

The Wallace Center at Winrock International | Arlington, VA

- Aided in the management and publication of a national report on value chain coordination, which included organizing a three-day "write-shop" of national food systems leaders to work on the report.
- Provided various support to the National Good Food Network's outreach efforts, including their newsletter and monthly webinars.

Graduate Assistant

Aug. 2008-May 2009

Institute for Environmental Negotiation | Charlottesville, VA

- Learned best practices around facilitation and mediation strategies targeted at environmental issues.
- Coordinated a food policy council workshop, which later led to the formation of the Virginia Statewide Food Systems Council.

Intern

Summer 2008

Metropolitan Planning Commission | Knoxville, TN

- Drafted background reports for a Comprehensive plan and revised the Knoxville/Knox County Greenways and Parks Comprehensive Plan.

Americorps Vista Volunteer

2006-2007

Community Action Corporation | Knoxville, TN

- Worked in four low-income elementary schools teaching recycling, composting and sustainability, as well as repairing and managing four school gardens.

TEACHING EXPERIENCE

Adjunct Professor

Fall 2014-Present

Department of Geography and Environment, Rowan University

- Planned and currently teach the Foundations of Urban Planning and Environmental Design course that examines both the history of the field, as well as current applications of sustainable design.
- Developed and taught a Food Systems Planning course that introduces the food system by examining the different alternative and conventional stages of US food supply chains.

Food Hub Management Course Teaching Assistant

Sept. 2014-May 2015

Continuing Education, University of Vermont [Online Course]

- Worked with the faculty director to help organize the experiential education component of the inaugural course, coordinated the guest lecturers for the weekly virtual meeting and provided feedback on students' assignments.

Teaching Assistant

Oct. 2008-May 2009

Department of Urban and Environmental Planning, University of Virginia

- Assisted in the curriculum development of this course, arranged several field trips and developed a video assignment where students created short films featuring older community member's reflection of the food systems changes they have experienced during their life.

RESEARCH EXPERIENCE

Doctoral Researcher (Part-time)

2011-2014

Curtin University Sustainability Policy Institute, Curtin University of Technology (Perth, Australia)

- Conducted research towards a PhD in sustainability through a distance learning program that I decided not to pursue further. My dissertation topic looked at how food hubs could be used to mainstream the local food movement for economic development.
- Assisted with the institute's urban design research by contributing to a paper examining the economic and social benefits of biophilic design for cities.

PUBLICATIONS

Bentzel D., Weiss S., Bucknum M., & Shore K. (2015). Healthy Food and Small Stores: Strategies to Close the Distribution Gap. Philadelphia, PA: The Food Trust.

Slama, J., Nyquist, K., Bucknum, M., Doshi, S., & Haddad, H. (2012). *Building Successful Food Hubs: A Business Planning Guide for Aggregating and Processing Local Food in Illinois*. Oak Park, IL: FamilyFarmed.org.

Denckla Cobb, T., & Bucknum, M. (2011). Fostering Food Entrepreneurship: Appalachian Center for Economic Networks. In *Reclaiming our food: How the grassroots food movement is changing the way we eat* (pp. 256-257). North Adams, MA, USA: Storey Publishing.

Denckla Cobb, T., & Bucknum, M. (2011). Transforming Abandoned City Land into a Community Farm: Beardsley Community Farm. In *Reclaiming our food: How the grassroots food movement is changing the way we eat* (pp. 84-86). North Adams, MA, USA: Storey Publishing.

Slama, J., Nyquist, K., & Bucknum, M. (2010). *Northern Virginia Local Food Assessment*. Oak Park, IL: FamilyFarmed.org and Wallace Center, 2010.

PROFESSIONAL AFFILIATIONS & VOLUNTEER EXPERIENCE

Board Member

Summer 2016-Present

Share Food Program

- A Philadelphia-based nonprofit organization serving a regional network of community organizations engaged in food distribution, education, and advocacy. Share promotes healthy living by providing affordable wholesome food to those willing to contribute through volunteerism.

Education Working Group Coordinator

Spring 2016-Present

American Planning Association Food Systems Planning Interest Group

- This coalition of planners and allied professionals who have come together to advance food systems planning provides networking, mentoring, and educational opportunities for both professionals either currently engaged, or considering, food systems planning.

Master Gardener Volunteer

Spring 2011-Present

Penn State University Extension, Philadelphia County

- The Penn State Master Gardener volunteer program supports the outreach mission of Penn State Extension by utilizing unbiased research-based information to educate the public and our communities on best practices in sustainable horticulture and environmental stewardship.

REFERENCES

Available upon request

GOOD SHEPHERD MEDIATION PROGRAM

CERTIFIES THAT

MEGAN BUCKNUM

Has completed 24 hours of

BASIC MEDIATION TRAINING

July 20-22, 2016
Philadelphia, PA

Cheryl Cutrona

CHERYL CUTRONA, ESQUIRE
GOOD SHEPHERD MEDIATION PROGRAM
EXECUTIVE DIRECTOR