

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Department of Agriculture**

**Market and Warren Streets**

**1<sup>st</sup> Floor Auditorium**

**Trenton, NJ 08625**

**REGULAR MEETING**

**December 7, 2017**

Chairman Fisher called the meeting to order at 9:06 a.m.

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

Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

**Members Present**

Chairman Douglas Fisher

Ralph Siegel (rep. State Treasurer Scudder)

Cecile Murphy (rep. NJDEP Commissioner Martin)

Jane Brodhecker

Alan Danser, Vice Chairman

Brian Schilling (rep. Executive Dean Goodman)

Thomas Stanuikynas (rep. DCA Commissioner Richman)

James Waltman

---

**Members Absent**

Pete Johnson

Denis Germano, Esq.

Scott Ellis

---

Susan E. Payne, SADC Executive Director

Jason Stypinski, Esq., Deputy Attorney General

**Others present as recorded on the attendance sheet:** Dan Pace, Mercer County Agriculture Development Board (CADB); Melanie Mason, Hunterdon CADB; Harriet Honigfeld and Sean Pizzio, Monmouth CADB; Laurie Sobel, Middlesex CADB; Katelynn Mintz, Cape May County Planning; Katherine Fullerton, East Amwell Township, and Craig Ambrose, Governor's Authorities Unit;

### **Minutes**

#### **A. SADC Regular Meeting of October 26, 2017 (Open and Closed Sessions)**

It was moved by Mr. Waltman and seconded by Ms. Brodhecker to approve the Open Session and Closed Session minutes of the SADC regular meeting of October 26, 2017. The motion was approved. Ms. Murphy abstained from the vote.

### **REPORT OF THE CHAIRMAN**

- **New Administration**

Chairman Fisher noted that there will be a new administration in place by the next meeting at the end of January. He thanked Governor Christie for his eight years of service to the state. He stated that Governor-elect Phil Murphy has assembled a very robust transition team, including a committee solely looking at agriculture-related issues. He noted that it is always good for the agricultural community to have a set of new eyes examine things.

- **Appropriation Bills**

Chairman Fisher stated that FY2018 Farmland Preservation Program appropriation bills have been introduced in the Senate. Companion bills are needed in the Assembly, but he is hopeful the legislation will clear both houses of the Legislature prior to the end of the legislative session.

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

- **Promotion of Jeffrey Everett to Deputy Executive Director**

Ms. Payne announced the promotion of Jeffrey Everett to Deputy Executive Director of the State Agriculture Development Committee (SADC). She stated that Mr. Everett has a career-long background in farmland preservation and agricultural retention. He joined the SADC five years ago and has been an invaluable asset to the agency, particularly in research and analysis. She stated that the future of the SADC will focus on agricultural development and agricultural viability as much as it does farmland retention, so the agency is trying to focus as many resources as possible on that other piece of its mission.

- **Burlington County Farmland Preservation Milestone**

Ms. Payne congratulated Burlington County on reaching the milestone of 30,000 acres of preserved farmland. Only two other counties in the state – Hunterdon and Salem – have achieved that level.

### **COMMUNICATIONS**

Ms. Payne directed the Committee to a letter from Senator Michael J. Doherty concerning the use of noise cannons as a tool for managing wildlife. This has been an ongoing case with a long and involved history. Staff will respond to that letter in coordination with the Office of the Secretary.

### **PUBLIC COMMENT**

There was no public comment.

### **OLD BUSINESS**

#### **A. Resolution of Rescission of Final Approval and Re-appropriation of Funding**

#### **B. County Planning Incentive Grant Procedure #3 – Amendment**

1. Robert W. Smith, SADC ID #14-0096-PG, (Resolution FY2018R12(1))  
Block 12, Lot 4, Washington Township, Morris County, 101.8 Acres

Heidi Winzinger stated that the SADC granted conditional final approval to the Smith Farm in 2010 and reserved a cost-share. There were some issues after the certified value and final approval that were not resolved. The final approval was conditioned on resolving an issue of the water authority drilling a well in the middle of the farm and the impacts that might have on the value of the land not only for development, but for

farming. The SADC then periodically extended the conditional final approval to come to a resolution on that issue, but there was no resolution. In the meantime, the County pre-acquired the farm. Both the SADC and Morris County agreed to rescind the final approval and return the money to the competitive pot.

Pat O'Connell stated that the question is in which competitive pot should the money be distributed. There is a schedule distributed to the Committee that shows the four competitive pots that are outstanding. If the appropriation bills are passed, there will be a fifth competitive pot. Under current regulations, monies for the Smith farm would go back into the FY2009 pot, which means that when the next farm comes in from a county that is eligible for competitive funds, staff would need to go through these four competitive pots, determine if the county still has availability and then encumber funds in chronological order. This complexity will increase if the SADC goes to annual appropriations where there will be a new competitive pot every year. The problem is that the pots never close currently until the last dollar is spent. In the case of the Smith farm, funding has been encumbered since 2009, it will be freed up assuming the resolution is approved, and therefore it will go back into the old pot. In order to ease this complexity, the SADC is suggesting that when a competitive pot is fully committed – meaning the last dollar has been encumbered – any money that comes back from those encumbered farms should go into the current competitive pot rather than the one where it originated. In the case of the Smith farm, its funds will not go into the FY2009 pot, but rather the FY2017 pot, increasing it from \$20 million to \$20,646,000. In addition to enabling the staff to more easily keep track of funds, one of the benefits of this change is that all counties have availability in this new competitive pot, whereas in the old ones different counties have been blocked out of those because they used up their eligibility.

Ms. Payne stated that when the SADC implemented the County Planning Incentive Grant (PIG) Program, the agency issued a series of procedural documents explaining to partners how things were going to be managed. If the Committee approves staff's recommendation to allocate unused funds back into the account of the current year, staff is recommending updating the procedural document to reflect that so the agency is clear with partners about how these issues will be handled. She noted that it is rare that large sums of money return to a pot; it is more common for the SADC to encumber, for example, a million dollars and when the farm closes it is half an acre less and so maybe \$2,000 or \$4,000 goes back to the pot. If the staff has 20 years' worth of competitive pots, it would extremely inefficient to spend the time trying to track all those.

Mr. Schilling inquired whether there are any restrictions on the 2007 bond funds that would make them different from monies that were allocated in the 2017 pot. Mr. O'Connell stated that the SADC would not actually be taking money out of the 2007

bond fund. The money will still be encumbered from the 2007 bond fund, but it will be under the rules of the 2017 pot. It will keep its identity as 2007 bond funds.

It was moved by Ms. Murphy and seconded by Mr. Danser to approve Resolution FY2018R12(1) to rescind final approval of the Smith farm dated June 24, 2010 and all subsequent amendments, and to reprogram the \$646,823.52 in FY2009 competitive funds allocated to the farm into the County competitive fund, subject to any conditions of said Resolution. Further, the SADC approves updating County PIG Procedure #3 to provide for unused funds encumbered from a competitive grant to be returned to the most current legislatively authorized competitive grant fund for use by any County competing for those grants funds, as discussed and presented. The motion was unanimously approved. A copy of Resolution FY2018R12(1) is attached to and is a part of these minutes.

## **NEW BUSINESS**

### **A. Eight- Year Farmland Preservation Program**

#### **1. Renewal:**

William J. Poinsett, SADC ID# 03-0022-8F  
Woodland Township, Burlington County, 63.36 Acres

Ms. Payne directed the Committee's attention to a renewal under the Eight-Year Farmland Preservation Program. This is for the Committee's information only and no formal action is needed. The Poinsett farm is enrolled in an eight-year program and elected to roll over to a subsequent eight-year program.

### **B. Resolutions of Final Approval: Direct Easement Purchase Program**

Stefanie Miller referred the Committee to two requests for final approval under the SADC's Direct Easement Purchase Program, and one request for final approval under the Nonprofit Program. She reviewed the specifics with the Committee and stated that the recommendation is to grant final approval as outlined in said resolutions.

She noted that in regard to the Herr Farm, Hunterdon County, the farm was pre-acquired by Clinton Township. Hunterdon County required as a condition of its cost-share that the Township obtain the landowners' signature of a restrictive covenant requiring that fields that are not actively farmed are mowed at least once a year. The landowners did not agree to that. The issue was not able to be resolved, so the Township requested that the SADC transfer the funds that were encumbered for the farm under the County program to the Direct Easement program and accept that as a reimbursement, and also for the SADC to

hold the easement. There were some issues with the deed and concerns about an air strip on the property that was recorded as a nonagricultural use. To resolve the issue, a 6.43-acre nonseverable exception was added to encumber the air strip. The Township and landowners have since executed a corrective deed as approved by SADC counsel. Staff is requesting final approval for assignment of the easement to the SADC and a cost share grant to preserve the 159 acres.

Ms. Payne stated that the funding originally was appropriated in the County Easement Purchase Program, so once it became clear that the project was not going to proceed, staff presented to the SADC a re-appropriation of those funds from the County program to the State Acquisition Program in the FY17 appropriation bills. The money has been moved by the Legislature to allow the SADC to spend it in the Direct Easement Purchase Program, so the funding is intact.

Mr. Schilling expressed concern that the landowners would not sign the restrictive covenant. Ms. Payne stated that the deed of easement does not explicitly require mowing once a year. It states that the land must be available for agricultural production and there can be nothing done that is detrimental to the agricultural use of the property. The SADC has interpreted that to mean in wetland areas landowners cannot allow modified agricultural wetlands to grow up because once that happens the land is no longer available for agricultural production. That is pretty clear. The issue in Hunterdon County is that they want all the land mowed so that there is no loss of tillable land. They include that in all of their easements and refuse to cost share on a farm that does not have that. Because the landowners on this farm refused to amend the deed that was executed with Clinton Township, Hunterdon County refused to move forward.

Mr. Schilling stated that the modified wetlands issue means that if the land succeeds to a certain point there will be regulatory restrictions. If this is not mowed and succeeds and is on not on wetlands, it could still be an economic barrier to farming that land in the future if it needs to be reclaimed. That is why he always thought the SADC had a mowing provision to keep the land available for farming, which means economically feasible as well. Ms. Payne stated that if the Committee in the future wants to be clearer about this through its regulations, the SADC could amend future deeds of easement to include that explicit provision. Staff does wrestle with this issue on a handful of farms throughout the state. However, that will have to be a policy decision by the Committee.

It was moved by Mr. Danser and seconded by Ms. Murphy to approve Resolution FY2018R12(2), granting final approval for acquisition of the development easement on the following farm through an Assignment of Corrective Deed of Easement, subject to any conditions of said Resolution:

1. Township of Clinton/Herr Farm, SADC ID #10-0236-DE, (Resolution FY2018R12(2))  
Block 19, Lots 37 and 38, Clinton Township, Hunterdon County, approximately 204.454 Surveyed Acres

The motion was approved. Mr. Siegel and Mr. Schilling abstained from the vote. A copy of Resolution FY2018R12(2) is attached to and a part of these minutes.

2. Van Doren Farm, SADC ID #10-0244-DE, (Resolution FY2018R12(3))  
Block 20, Lots 11, 16, 16.01, and 30  
East Amwell Township, Hunterdon County, Approximately 141.3 Net Acres

### **C. Resolution of Final Approval: Nonprofit Program**

Ms. Miller referred the Committee to one request for final approval under the Nonprofit Program. She reviewed the specifics with the Committee and stated that the recommendation is to grant final approval as outlined in said resolution.

1. The Land Conservancy of New Jersey – Tjalma #2 Farm, SADC ID #21-0032-NP, (Resolution FY2018R10(4))  
Block 38, Lot 6, 6.04 and 6.05, Harmony Township, Warren County, approximately 60.7 Gross Acres

Mr. Danser recommended that the SADC should ensure that the deed for the Tjalma Farm refers to both Lots 6.04 and 6.05 and that they cannot be sold separately without approval. He stated that information should be in the deed somehow because if the farm is sold, the purchaser's title company or attorney will be able to pick this up. It would help avoid the type of subdivision issues the SADC has had to deal with in the past. Ms. Payne stated that the Committee can condition approval on the consolidation of the lots. Chairman Fisher asked about the impact of not consolidating the lots. Ms. Winzinger stated that it relates to ease of transaction – the transaction becomes more complicated. Chairman Fisher asked if consolidation of the lots would incur significant costs for the applicant. Ms. Winzinger stated that there will be an additional cost because the landowner would have to coordinate with the Township to amend the lots. Ms. Payne asked Mr. Stypinski if it was possible to add additional language to the deed to address this issue. Mr. Stypinski stated that could be done and would help a potential division of the premises issue in the future. Ms. Payne stated that the Committee could either require lot consolidation prior to closing or instruct staff to add additional language to the deed of easement to make it clear that the lots have no standing as a separate tax entity. Ms. Murphy recommended

that the resolution read that the landowner can either consolidate lots or have additional language in the deed that explains everything and leave it up to the landowner to decide.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolutions FY2018R12(3) and FY2018R12(4) granting final approval for easement acquisition to the Van Doren Farm under the Direct Easement Purchase Program and the Tjalma Farm under the Nonprofit Program, subject to any conditions of said Resolutions, and including Ms. Murphy's recommended amendment to the Tjalma Farm resolution requiring lot consolidation prior to closing or the addition of clarifying language in the deed of easement. The motion was unanimously approved. Copies of Resolution FY2018R12(3) and FY2018R12(4) are attached to and a part of these minutes.

#### **D. Resolutions of Final Approval: Municipal Planning Incentive Grant Program (PIG)**

Ms. Miller and Katie Garrett referred the Committee to three requests for final approval under the Municipal Planning Incentive Grant Program. Ms. Miller reviewed the specifics of the following two applications with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Stanuikynas to approve Resolutions FY2018R12(5) and FY2018R12(6) granting final approval to the following applications under the Municipal Planning Grant Program, as presented and discussed, subject to any conditions of said resolution:

1. Robert A. DeBoer, SADC ID #21-0598-PG, (Resolution FY2018R12(5))  
Block 32, Lots 8, 8.02, and 8.03, White Township, Warren County, approximately 53.07 Net Acres
2. Richard K. and Brian S. Dalrymple, SADC ID #10-0382-PG, (Resolution FY2018R12(6)), Block 6, Lots 26 and 26.01, Kingwood Township, Hunterdon County, approximately 48 Net 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. Copies of Resolutions FY2018R12(5) and FY2018R12(6) are attached to and a part of these minutes.



Ms. Garrett reviewed the specifics of the Foote farm application with the Committee and stated that the staff recommendation is to grant final approval.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2018R12(7) granting final approval to the following application under the Municipal Planning Grant Program, as presented and discussed, subject to any conditions of said Resolution:

3. Michael and Carolynn Foote, SADC ID #17-0138-PG, (Resolution FY2018R12(7))  
Block 7, Lots 3, 3.01, 3.02 and 3.03, Upper Pittsgrove Township, Salem County, 30.475 Surveyed 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. A copy of Resolution FY2018R12(7) is attached to and a part of these minutes.

#### **E. Resolutions of Final Approval: County Planning Incentive Grant Program (PIG)**

Dan Knox, Ms. Miller and Ms. Garrett referred the Committee to nine requests for final approval under the County Planning Incentive Grant Program. They reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Waltman and seconded by Mr. Danser to approve Resolutions FY2018R12(8) through FY2018R12(16) granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolutions:

1. Marie Cogger, SADC ID #14-0130-PG, (Resolution FY2018R12(8))  
Block 33, Lots 113.01 and 113.02, Chester Township, Morris County, approximately 11.24 Net Acres
2. Dirt Capital Partners LLC, SADC ID #10-0389-PG, (Resolution FY2018R12(9))  
Block 41, Lot 17, Franklin Township, and Block 4, Lot 3, Kingwood Township, Hunterdon County, approximately 81.1 Net Acres
3. Roving Wheel LLC, SADC ID #10-0387-PG, (Resolution FY2018R12(10))

- Block 25, Lots 18.02 and 23, Delaware Township, Hunterdon County, 49.4 Gross Acres
4. Marsha Livingston and Marbern Berry, SADC ID #10-0408-PG, (Resolution FY2018R12(11))  
Block 30, Lot 6.02, Tewksbury Township, Hunterdon County, 46.3301 Gross Acres
  5. Joanne Catalano, SADC ID #17-0168-PG, (Resolution FY2018R12(12))  
Block 3, Lots 6, 7 and 8, and Block 4, Lot 15, Mannington Township, Salem County, approximately 209.98 Gross Acres
  6. E&A Farms, SADC ID #17-0169-PG, (Resolution FY2018R12(13))  
Block 18, Lot 3, and Block 29, Lot 4, Quinton Township, Salem County, approximately 91.8 Gross Acres.
  7. Bezr Homes LLC, SADC ID #08-0188-PG, (Resolution FY2018R12(14))  
Block 1203, Lots 3.11-24, 3.26, Greenwich Township, Gloucester County, 32.040 Gross Surveyed Acres
  8. Diane Testerman Trust, SADC ID #08-0194-PG, (Resolution FY2018R12(15))  
Block 703, Lot 4, Logan Township, Gloucester County, 43.47 Net Surveyed Acres
  9. Linda Snyder, SADC ID #08-0193-PG, (Resolution FY2018R12(16))  
Block 4, Lot 21, Mantua Township, Gloucester County, 22.770 Net 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. Copies of Resolutions FY2018R12(8) through FY2018R12(16) are attached to and are a part of these minutes.

## **F. Stewardship**

### **1. Division of Premises**

- a. Rue Brothers Farm, Block 15.01, Lots 17 and 18, and Block 16, Lot 12, Upper Freehold Township, Monmouth County, 253.58 Acres

Charles Roohr stated that the Rue Farm is currently a 253-acre preserved farm in Upper Freehold. It was a County Easement Purchase in 1996 with three tracts of land – one

north of I-195 and two south of I-195. In 2015 the SADC approved a division of the land north of I-195 which went to Holland Green Farms and that operation is up and running. The two pieces south of I-195 are bisected by Rue's Road. The request is to split the two pieces east and west of the road. The purpose of the request is that the Rues are under contract to sell Parcel B, on the east side of Rue Road, to Patrick O'Connell. Mr. O'Connell has been farming a property with his brother, which his brother currently owns and operates, called Cheesequake Farms in Old Bridge Township. Mr. O'Connell and his wife have started a niche vegetable business raising Central and South American vegetables, which they sell both retail locally and wholesale to distributors that market their product down the East Coast. It has become a very successful niche business for them and they would like to branch out and have their own farm. They would like to use Parcel B of the Rue Farm for their vegetable business and an orchard. That property would be 113 acres total with 62 tillable acres and 79 acres of prime and statewide soils, with one existing single-family residence, a vegetable packing house and several farm outbuildings. The Rue family would retain Parcel A, 139 acres total, with 121 tillable acres and 131 acres of prime or statewide soils. That property is improved with three single-family homes and several farm outbuildings. Mr. Roohr stated that staff finds that the request meets the SADC's agricultural viability and agricultural purpose tests for a division of the premises, and recommends approval.

Chairman Fisher noted that agricultural viability, in terms of what is being grown, has expanded over the past few years and stated that he is personally very pleased with this. He also thanked Mr. Roohr for all his hard work and efforts with the SADC urban garden project in front of the Health and Agriculture building. The food grown in the garden was donated to a local food pantry. Mr. Roohr stated that it was a group effort. Ms. Payne stated that if it were not for Mr. Roohr this project could not take place and he made a huge impact in a lot of people's lives.

It was moved by Mr. Schilling and seconded by Mr. Siegel to approve Resolution FY2018R12(17), as presented and discussed, subject to any conditions of said resolution. The motion was unanimously approved. A copy of Resolution FY2018R12(17) is attached to and is a part of these minutes.

- b. Ronald and Patricia Kurek, Block 14, Lots 3 and 4.02, Cranbury Township, Middlesex County, 154.05 Acres

Mr. Roohr stated that the owner of the 154-acre Kurek farm in Cranbury Township has requested to divide the preserved farm along its existing lot lines, which would result in a 98-acre Parcel A and a 56-acre Parcel B. Parcel B includes a 2-acre nonseverable exception area. The purpose of the request is to be able to sell Parcel B to 38 Brickyard LLC, which proposes to construct a 2.3-acre greenhouse on the property. The principal of

38 Brickyard is also the operator of Brickwater Alternative Treatment Center, which is one of the six licensed medical marijuana facilities in New Jersey. They have been growing their plant material at the current location in Cranbury for the past three years, but want to increase production and the greenhouse will help them do that. The majority of the greenhouse will be located on the 2-acre exception area, with only a small portion on the preserved premises. The project also will require related ancillary infrastructure, including a retention basin, parking and loading dock. They estimate that the portion of the preserved premises used to accommodate the greenhouse and associated infrastructure will be confined to a maximum of 2 acres. The project would occur over time and in stages. Mr. Roohr stated that Parcel B would be 100 percent tillable and 100 percent prime and statewide important soils, and currently has no improvements on it. The Kureks would retain Parcel A (98 acres preserved plus a 7-acre severable exception area). Of the 98 acres, 90 acres are tillable and 92 acres are prime and statewide important soils. The severable exception has a house, some barns and about 5 more tillable acres. Mr. Roohr noted that the SADC has approved projects in the past with 2 acres of soil disturbance or a bit more and has determined that medical marijuana can be grown on preserved farms. He stated that staff believes that the proposed project meets the SADC's agricultural purpose and agricultural viability tests, and that staff recommendation is for approval.

Ms. Payne stated that the SADC produced a handout in 2011 that helps clarify the production of medical marijuana as it relates to programs the agency administers. Medical marijuana may be grown on a preserved farm because it is considered an agricultural crop based on New Jersey's agricultural statutes. A dispensary may not be constructed on a preserved farm because that would be considered a nonagricultural use. Farmers seeking to construct facilities like this cannot seek Right to Farm protection because growing marijuana is not in compliance with federal law. That information has been shared with the applicant.

Mr. Roohr stated that Andrew Zaleski, the purchaser, and Stanley Skeba, his Realtor, were present to answer any questions that the Committee may have. Ms. Payne asked Mr. Zaleski if he could help educate the Committee more about the medical marijuana industry in New Jersey. Mr. Zaleski stated that it appears that the program is going to expand. His facility is trying to provide more medicine to people who need it. Chronic pain and anxiety are some of the ailments that would be added to the list. They have been pursuing this since 2011 and having medical marijuana designated as a crop was a real win for the industry. They would like to continue to work with the N.J. Department of Agriculture and the SADC to help expand the program. Regarding any concerns with security, Mr. Zaleski stated that the cannabis would be grown on the farm and then transported to another location. The farm has only a dozen or so employees, most of them

trimmers. They have on staff farmers, horticulturalists and other people who have worked in the agricultural industry separate from cannabis, so it is an agricultural business.

Ms. Murphy stated that the parcel is a fairly large piece of land for the facility's intended purpose. She asked Mr. Zaleski what their plans are for the land outside the greenhouse and why they did not site the greenhouse in an urban area, since the greenhouse does not appear to be soil-based. Mr. Zaleski stated that the operation would change as far as the growing method. They have been restricted inside and they do not see that as the future of the industry. They would like to be considered farmers and treated as such, and move the industry from using indoor lighting and really use the sun and grow it, he thinks, in the way it was intended to be grown. Ms. Murphy asked if he anticipates it will be a field crop in the future. Mr. Zaleski stated that he thinks that is a possibility, but the industry will need a lot of help with that. At this point, the greenhouse is the first step. It would be a slow process to get to what they are looking to do. He would like to work with the SADC for many years. Ms. Murphy asked what will happen with the fields outside of the greenhouse area in the meantime. Mr. Zaleski stated that they would work with local farmers to continue to farm it. Ms. Murphy asked if they anticipate leasing the unused portion of the farm, and Mr. Zaleski replied yes, they would not be utilizing all the acreage at the outset.

Mr. Waltman asked staff if there were any formal actions taken by the municipality or the CADB regarding this proposal. Mr. Roohr stated that he was unaware of any action by the Township. The CADB had to review the division of the premises and approved it at their November meeting. Chairman Fisher asked Mr. Zaleski if he is aware that there is no Right to Farm protection for his operation. Mr. Zaleski replied that he is very aware of that.

It was moved by Mr. Siegel and seconded by Mr. Stanuikynas to approve Resolution FY2018R12(18), for a division of the premises, as presented and discussed, subject to any conditions of said Resolution. The motion was approved. Mr. Danser and Mr. Schilling recused from the discussion and vote. Mr. Danser is Chairman of the Middlesex County Agriculture Development Board and Mr. Schilling is a member of the Cranbury Township Planning Board. A copy of Resolution FY2018R12(18) is attached and is a part of these minutes.

## 2. Renewable Energy Generation Facilities

- a. Willis Farm, Block 80, Lot 18, Hopewell Township, Cumberland County, 83.71 Acres

Mr. Roohr reviewed with the Committee a request to construct a ground-mounted solar energy facility on the Willis Farm in Hopewell Township, Cumberland County. The array is about 750 square feet, utilizing screw-in posts and no concrete, resulting in about 2 square feet of impervious cover. With the trench that would be needed to connect to the house it would have about 182 square feet of soil disturbance. It is an 11.21 kW system that would provide 99 percent of the power for the house and barns on the property. It meets all of the SADC's regulatory requirements and the staff recommendation is to approve the request.

It was moved by Ms. Brodecker and seconded by Mr. Waltman to approve Resolution FY2018R12(19) approving the construction, installation, operation and maintenance of photovoltaic energy generation facilities, structures and equipment on the Willis Farm, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. A copy of Resolution FY2018R12(19) is attached to and is a part of these minutes.

#### **G. Right to Farm Program**

##### **1. 2018 Outreach and Development Efforts – Feedback from the CADBs**

Mr. Everett reviewed Right to Farm outreach efforts to date and stated that in August 2017, SADC staff reached out to its agricultural partners to seek their feedback. The goal was to help identify where Right to Farm technical assistance is needed most over the next few years to coordinate outreach and program development efforts. This will hopefully lead to fewer Right to Farm conflicts and a better resolution of issues when conflicts do arise.

The following six CADBs provided feedback: Burlington, Gloucester, Hunterdon, Monmouth, Morris and Sussex. A common theme was that Right to Farm outreach efforts should be focused on helping to educate local officials. CADBs identified many types of local officials who could benefit from more education. Meetings, webinars, and PowerPoint presentations were suggested as the main formats for providing outreach to local officials, with the CADBs noting that the SADC has already developed many good printed materials.

Mr. Everett asked the Committee for any suggestions that they may have to assist with this endeavor.

Ms. Payne stated that CADBs have to deal with Right to Farm issues all the time and staff wants to be accommodating to what individual counties need. If a CADB wants the SADC to give a Right to Farm class to CADB members or invite planning board chairs or

land use attorneys from a particular portion of their county that grapples with these issues, then staff will do that. Staff is trying to get the basic information on the web and doing presentations at the League of Municipalities and other public venues. They are now looking to take it to the next step to drill down into the communities, but the CADBs need to take a lead on helping to set that up, see what towns should be invited and do that legwork. That will enable SADC staff to reach more people. Mr. Waltman stated that most towns have environmental commissions, which is where most complaints are directed. There is also an Association of New Jersey Environmental Commissions (ANJEC). He noted that there is a lot of misinformation or misunderstanding or no knowledge of Right to Farm.

Mr. Schilling stated that Rutgers Cooperative Extension has been happy to work with SADC staff in the past as another means of statewide outreach. The Office of the Director of Extension has had a number of webinars, primarily for internal communication, and they are making plans to continue that in 2018 – maybe holding a monthly webinar for 10 months of the year. Right to Farm is the most common reason that county agricultural agents contact him.

Chairman Fisher asked if there was any information specifically regarding Right to Farm for wineries. Ms. Payne stated that the SADC has issued several winery-related Right to Farm decisions at the State level forth setting forth what is protectable and what is not, and the SADC has the winery pilot program, so she understands his suggestion regarding Right to Farm outreach specifically related to wineries. Ms. Murphy stated that the SADC has had decades of experience with Right to Farm and hundreds of decisions were made, local as well as court decisions. It may save time in the long run if there was a summary of what has been established, case studies, etc. Ms. Payne stated that all of the cases are posted on the SADC's website. She was on a panel at the League of Municipalities conference recently along with a municipal attorney who addressed Right to Farm. He complimented the SADC's website, saying that it should be a model for all State agencies. The attorney commented that every decision is on the website and it is well indexed and accessible. Ms. Payne stated that all of the credit for the Right to Farm website should go to David Kimmel. Ms. Payne stated that based on the feedback from the Committee, staff will finalize a plan and provide the Committee with a copy.

## **H. Agriculture Development**

### **1. Agricultural Leasing Pilot Project**

Mr. Everett stated that the SADC in 2007 purchased in fee simple the 87-acre former Case farm in West Amwell Township, Hunterdon County. Since that time, the SADC has rented it through a series of one- and two-year leases. The last time the SADC attempted

to auction the property in 2010 it was unsuccessful. The current lease expires at the end of the calendar year and the SADC needs feedback from the Committee on how to proceed with managing the property moving forward. The SADC could try to auction the farm again or could retain it and try to address some longstanding issues he has heard from the agricultural community. First, there is the short-term nature of agricultural leases, which hinders long-range planning and investments. Because the current lease is expiring soon, there is an opportunity on this farm to depart from short-term leases and offer farmers something long-term. As part of this idea, staff has also looked at opportunities for conservation, incubators for young and beginning farmers, and deer fencing on the farm. He stated that staff has a concept to potentially engage in a 12-year leasing period. The first two years would give a farmer the opportunity to apply for Farm Bill programs for conservation. If the farmer is able to obtain conservation funding, perhaps the SADC grants a five-year extension and another five-year extension after that. He introduced Dave Clapp to explain how this might work.

Mr. Clapp stated that as a State agency, the SADC is unable to apply for federal funding for conservation measures. However, a farmer having control of a piece of State land can apply for conservation assistance, which is a way for the SADC to leverage State conservation dollars on State-owned land for which the SADC would not otherwise be eligible. The SADC monitors the Case farm once a year like other farms. There are some conservation concerns, so it is important for the SADC to do what it can to model the behavior it is asking of farmers and landowners. One area of the farm has a Category One tributary to a creek. Part of this area is existing buffered and the remainder of the area is farmed right down to the stream, which can be detrimental to water quality. The goal would be to utilize federal funding to install a riparian forest buffer to improve water quality and trap sediment, runoff and nutrients from the farmland. That would be one area staff proposes as part of a potential conservation practice that would be implemented as part of the lease terms. The second area staff would like to focus on has an existing diversion, which is a swale that catches water that otherwise would be running downhill and would create a gully. Over time this diversion has exceeded its life span, transferring the gully to the end of the field. It has become a conservation concern necessitating repair. There is an area leading up from the gully along the property line where potentially a grass waterway could be installed to address gully erosion.

Mr. Everett stated that any farmer cost-share for these conservation repairs can be offset as a credit to lease payments. The repair costs would be incurred and then the federal government would pay for the repair. The tenant would be responsible for that cost and the SADC would credit the tenant for that cost. Mr. Clapp stated that while the farmer would only pay the lease amount, the State would receive an additional benefit of almost \$50,000 in conservation.



In response to a question from Chairman Fisher, Mr. Everett stated that the minimum lease period for a tenant farmer would be two years. If the farmer were to receive a Farm Bill contract, the first lease term would automatically extend for five years, which would give the farmer enough time to implement the federal contract. It takes 12 to 18 months to go through the entire process to obtain a federal contract. The first two years of the lease term is important to give the farmer time to apply for a federal grant, receive it, and then implement it over the next five years.

Chairman Fisher questioned whether the farmer is obligated to stay longer than a certain amount of time even though they have taken a grant. Ms. Payne stated that the farmer is obligated to do the project because they are taking the extension and have secured the federal funds, so they are obligated to install the project. Ms. Murphy asked if farmers are obligated to apply to the NRCS for the conservation agreement. Mr. Everett stated this is all conceptual at this point, but if they do not apply, no harm/no foul and the SADC can terminate the lease after two years. If the farmer gets the contract, the SADC would provide a 5-year lease, which can also be extended for another five years for a total of 12 years. This will allow the farmer to plan ahead. Ms. Murphy suggested that if there are conservation problems, the lessee should be required to apply. Ms. Payne stated that could be made a requirement in the lease. Chairman Fisher stated that the second five-year option would be pre-negotiated, so there would be no surprises. Mr. Everett replied yes, if the farmer wanted to he or she could renew it for another five years if both sides wished to continue that relationship. Mr. Schilling asked if there could be a lease to purchase after 12 years. Mr. Everett stated that is another concept to discuss perhaps next month. Mr. Siegel asked when the SADC last tried to sell the property and Mr. Everett stated it was in 2010.

Mr. Siegel stated that he might suggest trying to auction the property again as it has been seven years. Mr. Schilling stated that this is an innovative idea to see the land in agriculture and improve the agricultural and conservation value of the land. Mr. Siegel stated that he was a little concerned about proxying a private-party lessee to file for a federal grant to improve the property the SADC owns. Mr. Everett stated that the federal government has opined on this and there is language in the federal code that states that lessees on public land can apply for federal grants. Ms. Payne asked Mr. Everett to discuss the other concept in this proposal. Mr. Everett stated that another objective could be trying to cultivate young and beginning farmers. This would potentially result in established farmers and young farmers farming side by side. The property is configured to allow for one incubator site or potentially two sites – about 9 and 6 acres each. The SADC would reserve the right at a future time to pull that land out of production and reduce the lease payments accordingly with advance notice to the tenant farmer, in order to make the land available for the incubator project.

Ms. Payne stated that the issue of new and beginning farmers is gaining momentum nationally and at the state level. Staff has discussed with the Committee before its goals and work that is being done with staff to develop curricula for new and beginning farmer trainers through a national American Farmland Trust effort. The SADC Farm Link website has also been helpful. However, staff is increasingly thinking that having a place to experiment on agricultural incubators – giving access to people who are just getting into farming – is a part of the puzzle. The SADC owns three pieces of ground, staff has evaluated all of them, and this is the only one that has the characteristics to be a successful incubator based on its soil, water, location, etc. The goal is to improve conservation on this property, give farmers the longer-term leases that they have requested and reserve the SADC's right to turn this on as an incubator, should the SADC get to that point in the next few years.

Mr. Danser asked if that would involve a division of premises. Ms. Payne stated that it would not because the farm belongs to the SADC. Therefore, the SADC can lease the entire property; the lease would state that with ample notice of a year or two the 15-acre portion can be leased to someone else. Mr. Danser asked Ms. Payne why someone would lease this property as an incubator if it is just a rental property. Ms. Payne stated that will depend on the terms of that lease in the future. If the SADC were going to make those 15-acres available to two farmers, what should the lease terms be? What length, what access to irrigation would they have, what would be the lease payments? Staff is just starting to talk to this growing group that is focused on access to land for new and beginning farmers to see what are the conditions on a lease that would be successful for startup operations. She does not know what they are at this point, but thinks that staff will get there. Staff is trying to carve this piece out so if the SADC reaches the point where it knows what it wants to do it will have that opportunity.

Mr. Waltman stated that there were two observations that he had, one related to farmland assessment and the other leasing. There are places where farmers are not paying to lease farms, but rather they are being paid to farm because the property tax factor is so important to the landowner. He does not know if that is just in certain parts of the state. Does that make the idea of an incubator farm questionable? Mr. Schilling stated that the incubator program is not just about lease terms. Rutgers has a growing incubator program and there are two locations now. It helps in navigating through the regulatory environment and helping to access programs like value-added programs through the U.S. Department of Agriculture. Under Rutgers' incubator program, farmers are helped with developing a process and to develop a marketing plan around it, but it is not field-based. To obtain lending from Farm Credit, a farmer needs some experience/track record. He thinks staff's idea is a good one. Mr. Siegel asked if this was integrated with the farm conservation project. Mr. Everett said they were integrated at this point. Mr. Siegel stated that the Treasury Department generally frowns on sub-market leases on State-owned land,

but he thinks if the two concepts were integrated, the imputed value of a conservation project might offset that. Ms. Payne stated that this is just an idea for now. Staff is just asking to reserve the right to do an incubator at some point in the future. There will be many considerations and legal hurdles to get through before that can happen. Chairman Fisher stated that the state of Delaware offers a young farmers program quite often and Mr. Everett said that it is a great program to model.

Mr. Danser questioned the dates for the program and whether there will be adequate time for a tenant farmer to plan for and plant in 2018. Ms. Payne reviewed the timeline with Mr. Everett and estimated that a request for proposals would go out by the end of the month and there would be a 30-day timeframe for bids to be received. Mr. Danser stated that if the SADC can award the lease in February it enables the farmer to plan.

Mr. Everett stated that because small incubator farms typically have vegetable production, deer depredation will occur. Deer fencing, through the SADC's Deer Fencing Program, could be installed around the incubator acreage to protect from damage to crops. Mr. Danser questioned whether the Deer Fencing program should be limited to other farmers in the program, rather than for the SADC to improve one of the farms it owns. Mr. Siegel asked if the funding for the Deer Fencing program was appropriated for local applicants. Ms. Payne stated that the funding was appropriated for stewardship activities, and the SADC directed that to deer fencing and soil and water conservation grants. She believes the SADC could use some stewardship funds on the SADC's own farms if it has funds in excess of what the applications are demanding. Chairman Fisher stated that he could see where people could think that this was not being consistent with the original intent. Ms. Payne stated that the SADC does not need to make that decision now; it can make the decision down the road if the farmers who rent the ground find that deer fencing is necessary.

It was the consensus of the Committee to proceed with offering the opportunity for a long-term lease on the former Case farm as discussed.

#### **I. Nonprofit Grant Program FY2019 Round Approval**

Ms. Payne stated that the SADC needs the Committee's authorization to advertise the Fiscal Year 2019 Nonprofit application round. Under the SADC's regulations, the SADC has to announce it and that announcement and solicitation of applications must be published in the *New Jersey Register*. The proposed public notice is in the Committee members' binders. The application deadline would be April 2, 2018, with the Committee taking action on preliminary approval at the May 24, 2019 meeting. Should the SADC receive applications

and approve them in May, the funds to fund these projects would be in next year's appropriation request.

It was moved by Ms. Murphy and seconded by Mr. Schilling to approve the announcement of the availability of State grant funds for the FY2019 Nonprofit Grant Program, as presented and discussed. The motion was unanimously approved.

## **PUBLIC COMMENT**

There was no public comment.

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

**SADC Regular Meeting:** Thursday, January 25, 2018, beginning at 9 a.m.  
**Location:** Health/Agriculture Building, First Floor Auditorium.

## **CLOSED SESSION**

At 11:26 a.m., Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss matters falling within the attorney client privilege; the certification of values for property acquisitions under the Farmland Preservation Program; personnel matters; and any pending or anticipated litigation, pursuant to N.J.S.A. 10:4-12b(7). The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Siegel and seconded by Ms. Murphy to approve the resolution to go into Closed Session. The motion was unanimously approved.

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

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

County Planning Incentive Grant Program

It was moved by Mr. Siegel and seconded by Mr. Stanuikynas to approve the Certification of Value for the following application as discussed in Closed Session:

1. Estate of Anthony Zimbicki, Sr., SADC ID# 12-0025-PG  
Block 20, Lots 12.03 and 14.03, Monroe Township, Middlesex County, 36.8 Acres

The motion was approved. Mr. Danser recused from the vote. 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 the Certification of Value Report is attached to and is a part of the Closed Session minutes.)

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve the Certification of Value for the following County and Municipal Planning Incentive Grant applications as discussed in Closed Session:

2. B-JAC Farms, LLC, SADC ID# 05-0020-PG  
Block 55.01, Lot 33, Middle Township, Cape May County, 6.78 Acres

Municipal Planning Incentive Grant Program

1. Mary Louise Morda, SADC ID# 17-0177-PG  
Block 21, Lot 6, Pilesgrove Township, Salem County, 86.47 Net Acres
2. Joseph H. Robbins and Chloe L. Williams, SADC ID# 17-0142-PG  
Block 12, Lot 2, Alloway Township, Salem County, 48.5 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 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.)

**ADJOURNMENT**

There being no further business, it was moved by Mr. Danser and seconded by Mr. Siegel and unanimously approved to adjourn the meeting at 11:53 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director

State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2018R12(1)**

**RESCISSION OF CONDITIONAL FINAL APPROVAL  
OF A PLANNING INCENTIVE GRANT TO**

**MORRIS COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT**

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

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

**December 7, 2018**

WHEREAS, on June 30, 2009 the State Agriculture Development Committee (SADC) received an application for the sale of a development easement from Morris County for the Robert W. Smith farm, identified as Block 12, Lot 4, Washington Township, Morris County, totaling approximately 101.8 acres (Schedule A); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Robert W. Smith farm and encumbered \$646,823.52 in FY2009 County competitive funds for the purchase of the development easement (Schedule B);and

WHEREAS, the approval on June 24, 2010 was conditioned on the SADC's evaluation of the results of a condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm; and

WHEREAS, specifically the SADC reserved the right to revisit all aspects of the application if the WTMUA was successful in its condemnation action because it could have easement valuation and farming impacts; and

WHEREAS, subsequently because the WTMUA encountered delays in securing proper well drilling, water supply and other required permits and approvals from all necessary agencies including the New Jersey Department of Environmental Protection (NJDEP) and the New Jersey Highlands Council, the County requested several extensions; and

WHEREAS, the SADC Amended the original final approval dated June 24, 2010 in order to extend the timeframe for addressing the conditions and continued encumbrance of \$646,823.52 in FY2009 County competitive funds on July 28, 2011, June 28, 2012, January 24, 2013, June 27, 2013, and finally on July 24, 2014 the SADC granted a twenty four (24) month extension until July 24, 2016 (Schedule B); and

WHEREAS, on December 26, 2013 Morris County acquired the development easement on the Robert W. Smith farm, subject to a 0.716 acre well easement granted to the WTMUA; and

WHEREAS, because of the delays encountered by the WTMUA the County has been unable to provide the necessary documentation for SADC review to address any impacts the WTMUA well would have on the development potential of the Property and the type and extent of farming activities including the ability to obtain irrigation permits in order to address any changes to the certified market easement value obtained on March 25, 2010; and

WHEREAS, the County has agreed that the final approval for the Smith farm may be rescinded and the \$646,823.52 in FY2009 competitive funding allocated to the Smith farm should be unencumbered;


NOW THEREFORE BE IT RESOLVED, the SADC rescinds final approval of the Smith farm dated June 24, 2010 and all subsequent amendments thereto; and

BE IT FURTHER RESOLVED, the \$646,823.52 in FY 2009 competitive funds allocated to the Smith farm be reprogrammed into the County competitive fund; 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.

12/7/17  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

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



# Wetlands

# Schedule A

Application within the Highlands Preservation Area

x:\counties\morco\projects\smith10\www.mxd



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

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

	Property in Question
	EA - (non-Severable) Exception
	ES - (severable) Exception
	Wetlands Boundaries
	300 ft Buffered Wetlands
	Municipal, County and Non-Prob Preserved Open Space
	State Owned Conservation Easement
	State Owned QRS & Recreation Easement
	Federal Land



500 250 0 500 1,000 Feet

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

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

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJ0170GIS 2007/2008 Digital Aerial Image

July 29, 2009

# Schedule B

## STATE AGRICULTURE DEVELOPMENT COMMITTEE

### RESOLUTION #FY10R6(12)

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

#### MORRIS COUNTY for the PURCHASE OF A DEVELOPMENT EASEMENT

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

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

June 24, 2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on September 23, 2009 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and

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

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

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4f.

6/24/10

Date



Susan E. Craft, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2012R7(33)**

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

**MORRIS COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT**

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

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

**July 28, 2011**

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

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

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

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

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

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

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

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

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

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

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

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

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



6.11 at the request of Morris County; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and


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

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

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

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

7/28/11  
Date

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

**VOTE WAS RECORDED AS FOLLOWS**

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2012R6(1)

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

MORRIS COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

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

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

June 28, 2012

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

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

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

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

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

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

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

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

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

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

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

6/28/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2013R1(1)

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

MORRIS COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

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

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

January 24, 2013

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

1-24-13

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2013R6(1)

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

MORRIS COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

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

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

June 27, 2013

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-27-13

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE f

EXTENSION OF

RESOLUTION #FY2014R7(1)

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

MORRIS COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Robert W. Smith

Washington Township, Morris County

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

SADC ID# 14-0096-PG

July 24, 2014

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

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

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

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

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

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

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

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

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

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

WHEREAS, the NJDEP denied the WTMUA request for a Highlands Exemption for the public water supply well on the Smith Farm; and

WHEREAS, Morris County pre-acquired the development easement on the Robert W. Smith Farm on December 26, 2013 with funding from the Morris County Preservation Trust Fund with the intention to enroll the development easement in the State of New Jersey Agriculture Retention and Development Program at a future date; and

WHEREAS, on February 12, 2014, representatives from the WTMUA, the Highlands Council and the NJDEP met to discuss the Highlands Applicability Determination Application process which will require additional time for the WTMUA to prepare detailed plans associated with the proposed public water supply well; and

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

WHEREAS, Morris County has submitted a letter dated July 3, 2014 requesting a twelve month extension (Schedule F) based on significant progress in obtaining all necessary permits and approvals.

NOW THEREFORE BE IT RESOLVED that the SADC finds that the County has made significant progress in addressing all outstanding issues and has provided supporting documentation highlighting sufficient reasons to warrant an extension of twenty-four months until July 28, 2016; and

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

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

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

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval, the SADC's July 28, 2011 amended and conditional final approval, the June 28, 2012 amended and conditional final approval, the January 24, 2013 amended and conditional final approval and the June 27, 2013 amended and conditional final approval to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

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

7/24/2014

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

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

S:\Planning Incentive Grant -2007 rules County\Morris\Smith\5th amended final conditional approval 7 24 14 post mtg.docx



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2018R12(2)

SADC Direct Easement Purchase Final Approval and  
Rescission of SADC 2004 County Easement Purchase Final Approval & Amendment

On the Property of  
Township of Clinton / Herr Farm ("Easement Owner")  
Herr, C. Ryman, Jr., and Herr, Cowles W & Janet C. ("Landowners")

DECEMBER 7, 2017

Subject Property: Township of Clinton / Herr Farm ("Easement Owners")  
Block 19, Lots 37 and 38  
Clinton Township, Hunterdon County  
SADC # 10-0236-DE

WHEREAS, on September 12, 2003, the State Agriculture Development Committee ("SADC") received an application for the sale of a development easement from Hunterdon County ("the County") in the 2004A County Easement Purchase Round for the subject farm identified as Block 19, Lots 37 and 38, Clinton Township, Hunterdon County ("County"), totaling 204.454 surveyed acres hereinafter referred to as "the Property"; and

WHEREAS, the Township of Clinton ("the Township") had purchased the development easement from C. Ryman Herr, Jr. and Cowles W. Herr on December 30, 1999 for \$1,014,000.00 (\$6,129 per acre on 165.454 acres) with the transaction recorded in the Hunterdon County Clerk's Office, Deed Book 1231, Page 6677; and

WHEREAS, the Property originally included one (1) approximately 9-acre non-severable exception area limited to zero (0) housing opportunities and one (1) approximately 30-acre non-severable exception area limited to zero (0) housing opportunities both for Open Space purposes resulting in approximately 165.454 net acres being preserved; and

WHEREAS, the portion of the Property outside the exception areas includes one (1) existing single family residential unit with an apartment over the garage, two (2) existing single family residential units, zero (0) agricultural labor units and one (1) pre-existing non-agricultural use consisting of an aircraft landing strip on the premises measuring approximately 280,000 square feet (100' X 2,800'), used strictly for daylight flights; and

WHEREAS, the Property is in the Hunterdon County ADA and the Highlands Planning Area; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-6.8, on March 25, 2004 the SADC certified a development easement value of \$9,000 per acre based on zoning and environmental regulations in place as of November 3, 1998; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.9, on May 10, 2004, the Owners submitted a confidential offer to the SADC for \$6,500 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC granted final approval to the 2004 County Easement Purchase Round on June 24, 2004, Resolution #FY04R5(9) included approval for the Herr Farm for \$6,500 per acre (Schedule A); and

WHEREAS, the Township passed Ordinance 879-05, on March 9, 2005 which authorized the Township to assign the Deed of Easement to the County; and

WHEREAS, the County requested that the 9-acre and 30-acre exception areas be combined into one exception area and the restriction on the acreage be changed from Open Space to Agricultural Use for the exception area acreage to have restrictions more consistent to the remainder of the Property; and

WHEREAS, the County also requested the Township obtain the Landowner's signature of the Hunterdon County Restrictive Covenant, required by the County which ensures that the fields, not actively farmed, are mowed at least once a year; and

WHEREAS, the original Final Approval was amended on March 16, 2009 to combine the two exception areas and clarify the restrictive easement language would be modified from Open Space to language clarifying the exception area would be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and all other rules promulgated by the SADC (Schedule B); and

WHEREAS, the Township was unable to obtain the Landowners acceptance of the Hunterdon County Restrictive Covenant, required by the County which ensures that the fields, not actively farmed, are mowed at least once a year therefore the application was significantly delayed; and

WHEREAS, as a result the County has refused to accept the assignment of the Deed of Easement or provide a cost share; and

WHEREAS, subsequently the Township requested assistance from SADC staff to access the SADC funding reserved for this farm from the 2004 County Easement Purchase Round; and

WHEREAS, SADC staff and the Township agreed the application could be processed through the Direct Easement Program for a cost share grant equal to the SADC grant amount it would have received in the 2004 County Easement Purchase Program and the Deed of Easement would be assigned to the SADC; and

WHEREAS, in anticipation of accepting the Property into the SADC Direct Easement Purchase Program the \$655,942.38 previously encumbered through the County Easement Purchase Program was reprogrammed into the SADC Direct Easement Purchase Program through the SADC FY17 appropriation and therefore funding is now available to provide a cost share to the Township; and

WHEREAS, pursuant to N.J.A.C. 2:76-6:11(d), the SADC shall calculate its cost share grant by utilizing the \$6,129 per acre easement purchase price, since it is lower than the SADC

certified \$9,000 per acre easement value and the Owners offer to sell for \$6,500 per acre, for an SADC cost share grant of \$3,964.50 per acre; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 24, 2015, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 55) because it is 165.454 net easement acres and has a quality score of 67.10; and

WHEREAS, SADC legal staff reviewed the recorded Deed of Easement and survey submitted by the Township and in order to clarify several discrepancies and resolve concerns regarding the language defining the aircraft landing strip it was agreed to amend the application to include a 6.43-acre nonseverable exception around the aircraft landing strip (Schedule C); and

WHEREAS, under the County Easement Purchase program the estimated cost share grant breakdown would have been as follows (based on 159.024 acres); and

SADC	\$ 630,450.66	(\$3,964.50/acre)
Hunterdon County	\$ 172,103.72	(\$1,082.25/acre)
<u>Clinton Township</u>	<u>\$ 172,103.72</u>	<u>(\$1,082.25/acre)</u>
Total Easement Purchase	\$ 974,658.10	(\$6,129/acre)

WHEREAS, the Township has advised the SADC it will accept the \$630,450.66 (\$3,964.50 per acre) cost share and will forgo the \$172,103.72 reimbursement from the County; and

WHEREAS, on October 17, 2017 the Township executed a Corrective Deed of Easement with the Landowners that had been approved by SADC legal staff; and

WHEREAS, closing documents for the Assignment of the Corrective Deed of Easement will be prepared and shall be subject to review by the Office of the Attorney General.

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement through an Assignment of Corrective Deed of Easement at a value of \$3,964.50 per acre for a total of approximately \$630,450.66 subject to the conditions contained in (Schedule D); and

BE IT FURTHER RESOLVED, the Property includes a 39-acre non-severable exception area limited to zero (0) residential opportunities that shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and all other rules promulgated by the SADC and a 6.43-acre nonseverable exception for an aircraft landing strip on the premises measuring approximately 280,000 square feet (100' x 2,800'), used strictly for daylight flights, resulting in approximately 159.024 net acres to be preserved; and

BE IT FURTHER RESOLVED, that the portion of the Property outside the exception area includes one (1) existing single family residential unit with an apartment over the garage, two (2) single family residences, zero (0) agricultural labor units and zero (0) pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that the SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception area 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, and closing documents shall be prepared subject to review by the Office of the Attorney General; and

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

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

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

12/7/17  
 \_\_\_\_\_  
 Date

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

**VOTE WAS RECORDED AS FOLLOWS:**

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2018R12(3)**

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

**On the Property of  
Van Doren, Fred & Jo-An' & Stratton, Lawrence ("Owners")**

**DECEMBER 7, 2017**

**Subject Property: Van Doren Farm – SADC # 10-0244-DE  
Block 20, Lots 11, 16, 16.01, and 30  
East Amwell Township, Hunterdon County**

WHEREAS, on April 21, 2017, the State Agriculture Development Committee ("SADC") received a development easement sale application from Van Doren, Fred & Jo-An' & Stratton, Lawrence, hereinafter "Owners," identified as Block 20, Lots 11, 16, 16.01, and 30, East Amwell Township, Hunterdon County, hereinafter "the Property," totaling approximately 144 Gross Acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1), approximate 2.7-acre non-severable exception area limited to zero (0) single family residential units, resulting in approximately 141.3 net acres to be preserved; and

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

WHEREAS, the lots are currently under different ownership and must be consolidated under one ownership prior to closing; and

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 61) because it is approximately 141.3 net easement acres and has a quality score of 73.06; and

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

- WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and
- WHEREAS, on October 26, 2017, the SADC certified the development easement value at \$9,800 per acre based on current zoning and environmental conditions as of August 2017; and
- WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$9,800 per acre; and
- WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and
- WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;
- NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$9,800 per acre for a total of approximately \$1,384,740.00 subject to the conditions contained in (Schedule B); and
- BE IT FURTHER RESOLVED, the Property includes one (1), approximate 2.7-acre non-severable exception area limited to zero (0) single family residential units, resulting in approximately 141.3 net acres to be preserved; and
- BE IT FURTHER RESOLVED, the portion of the Property to be preserved outside of the exception area includes one (1) single family residential units, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and
- BE IT FURTHER RESOLVED, this final approval is conditioned on all the lots being under one ownership prior to closing; and
- BE IT FURTHER RESOLVED, that the SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; and
- BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and
- BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement; and

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

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

12/7/17  
Date

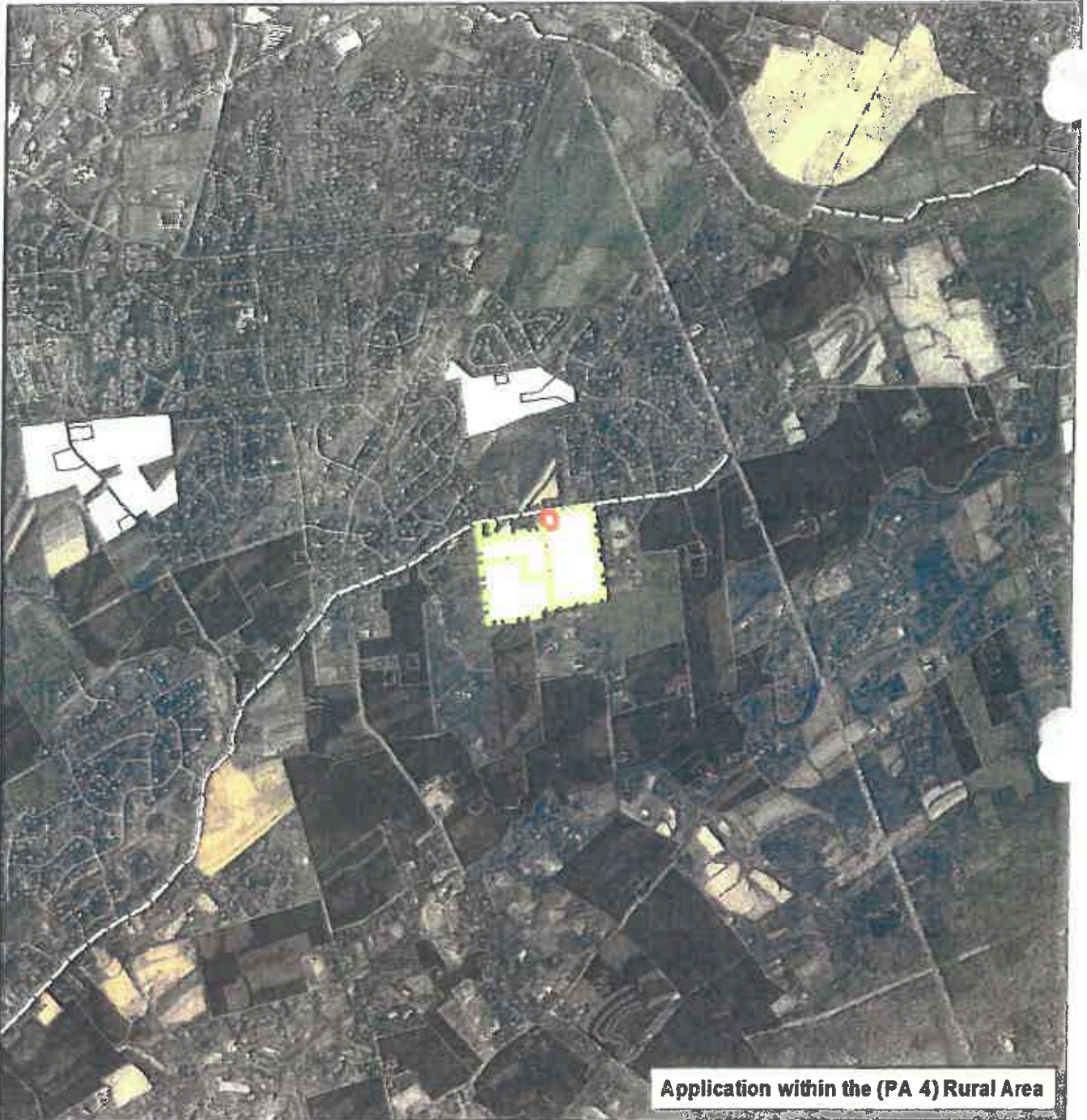
  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Preserved Farms and Active Applications Within Two Miles

X:\counties\hunc\projects\Van\_Doren\_Fred\_JoAn\_and\_Lawrence\_Stratton\_2mile.mxd



**Application within the (PA 4) Rural Area**

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Van Doren, Fred, JoAn' and Lawrence Stratton  
Block 20 Lots 11 (28.9 ac); 16.01 (1.2 ac); P/O 16 (63.5 ac);  
P/O 16-EN (non-severable exception - 2.7 ac) & 30 (47.7 ac)  
Gross Total = 144.0 ac  
East Amwell Twp., Hunterdon County



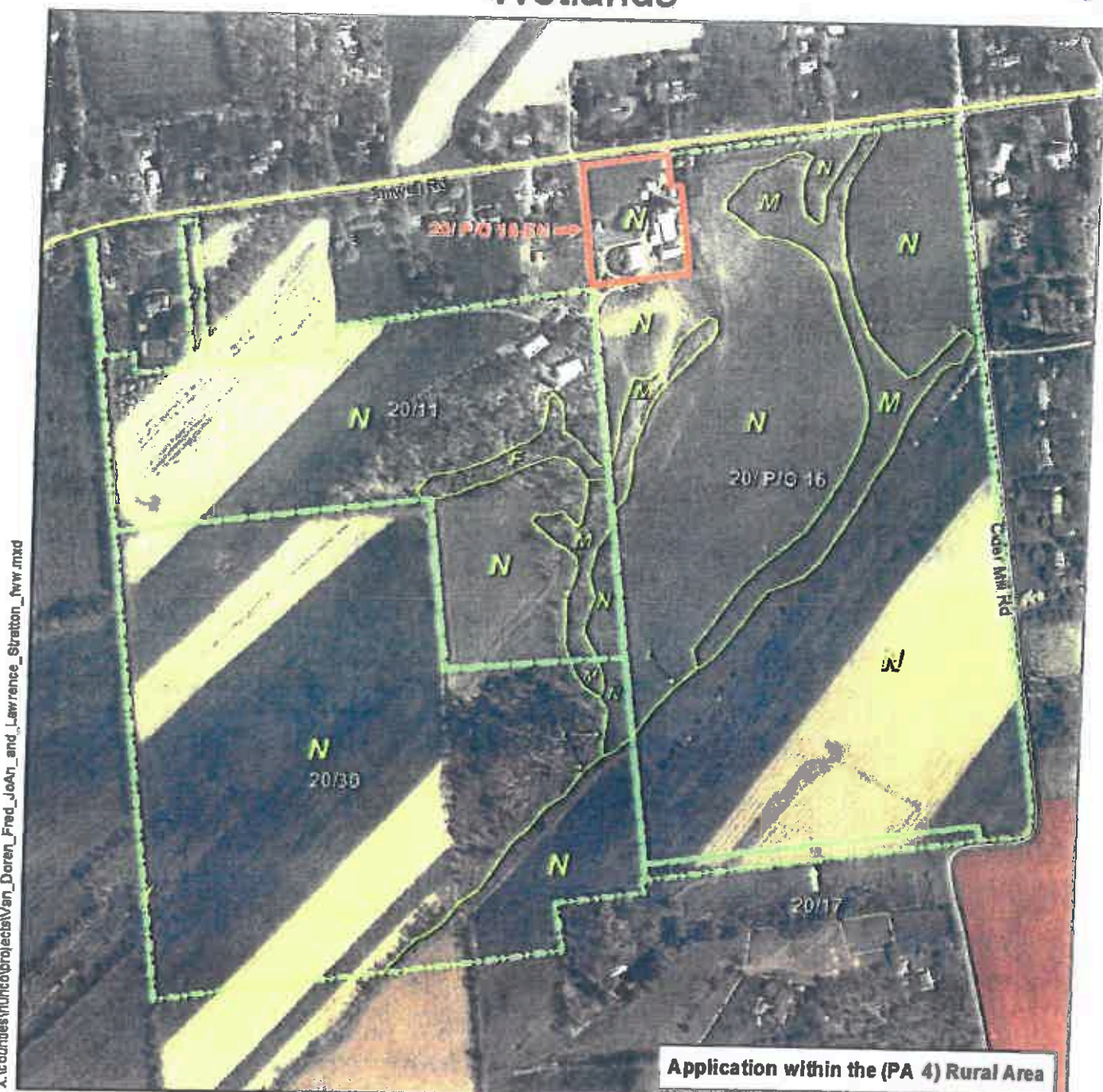
- Property In Question
- ER - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Preserved With Federal Funds
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easement

**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  
NICTD GIS 2018 Digital Aerial Image

April 24, 2017





X:\c:\outlets\hunc\projects\Van\_Doren\_Fred\_JoAn\_and\_Lawrence\_Statton\_fwv.mxd

Application within the (PA 4) Rural Area

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

Van Doren, Fred, JoAn' and Lawrence Statton  
Block 20 Lots 11 (28.9 ac); 16.01 (1.2 ac); P/O 16 (63.5 ac);  
P/O 16-EN (non-severable exception - 2.7 ac) & 30 (47.7 ac)  
Gross Total = 144.0 ac  
East Amwell Twp., Hunterdon County



- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NHDOT 06/2016 Digital Aerial Image

Wetlands Legend:  
F - Freshwater Wetlands  
L - Lower 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 grade, shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and associated notes, are intended to be relied upon in matters requiring detailed location and location of true ground horizontal and/or vertical control as would be obtained by an actual ground survey conducted by a Licensed Professional Land Surveyor.

2

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Van Doren, Fred, Jo-An' & Lawrence Stratton  
Easement Purchase - SADC  
141 Acres

Block 20	Lot 11	East Amwell Twp.	Hunterdon County
Block 20	Lot 16	East Amwell Twp.	Hunterdon County
Block 20	Lot 30	East Amwell Twp.	Hunterdon County
Block 20	Lot 16.01	East Amwell Twp.	Hunterdon County

<b>SOILS:</b>	Other	14% * 0	=	.00
	Prime	37% * .15	=	5.55
	Statewide	49% * .1	=	4.90
				<b>SOIL SCORE: 10.45</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested	84% * .15	=	12.60
	Wetlands	1% * 0	=	.00
	Woodlands	15% * 0	=	.00
				<b>TILLABLE SOILS SCORE: 12.60</b>
<b>FARM USE:</b>	Beef Cattle Feedlots	39 acres		
	Hay	80 acres		

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

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (2.7) acres for Existing buildings Future Flexibility  
Exception is not to be severable from Premises  
Exception is restricted to zero (0) residential units
  - 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(4)**

**FINAL REVIEW AND APPROVAL**

**The Land Conservancy of New Jersey - Tjalma #2 Farm**

**2016 Non Profit Round - SADC #21-0032-NP**

**DECEMBER 7, 2017**

WHEREAS, on May 18, 2015 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLC-NJ) for the Tjalma #2 farm identified as Block 38, Lots 6, 6.04 & 6.05, Harmony Township, Warren County, totaling approximately 60.7 gross acres hereinafter referred to as "Property" (Schedule A-1); and

WHEREAS, the Property is located in the Highlands Planning Area; and

WHEREAS, the Property includes no exception areas; 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, the Owner(s) has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the landowner understands that there will be zero (0) residential opportunities on the Property; and

WHEREAS, at the time of application, the Property was in corn production and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on November 12, 2015 the SADC granted preliminary approval by Resolution #FY2016R11(11) to the TLC-NJ application and appropriated \$1,425,000 for the acquisition of development easement on five farms including the Tjalma #2 farm; and

WHEREAS, at this time \$848,176.75 has been encumbered for the Murphy and Shoemaker I & II farms, therefore approximately \$576,823.25 is still available; and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 60.22 which is greater than 70% of the County average quality score of 39 as determined by the Committee on July 24, 2014; and

WHEREAS, Pursuant to N.J.A.C. 2:76 15(b) 2. if two appraisals have been obtained on a parcel, and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values; and

WHEREAS, on June 27, 2017 the SADC acknowledged the development easement value of the Property to be \$4,900 per acre based on current zoning and environmental regulations in place as of February 20, 2017; and

WHEREAS, the SADC advised TLC-NJ of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of TLC-NJ's eligible costs and subject to available funds from the \$1,450,000 appropriated in the 2016 Nonprofit round; and

WHEREAS, on October 19, 2017 TLC-NJ informed the SADC that it will accept the SADC cost share of \$2,450 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLC-NJ dated January 25, 2017 which provides 50% matching funds from Warren County for TLC-NJ easement acquisition on the Tjalma #2 farm and agreed to accept assignment of the development easement from TLC-NJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on approximately 60.7 acres is as follows:

Warren County	\$148,715	(\$2,450/acre or 50% total cost)
SADC Nonprofit Grant Funds	\$148,715	(\$2,450/acre or 50% total cost)
Total	\$297,430	(\$4,900/acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to TLC-NJ for up to 50% of the eligible ancillary costs which will be deducted from its 2016 appropriation and subject to the availability of funds; and

WHEREAS, N.J.A.C. 2:76-16.1(a)3.iii allows for the conveyance of the development easement to the Federal Government, the State, the County, or another qualifying tax exempt organization for farmland preservation purposes; and

WHEREAS, TLC-NJ is under contract with the County and will assign the Deed of Easement to the Warren County Board of Chosen Freeholders immediately after closing on the Deed of Easement; and

WHEREAS, in order to clarify that lots 6.04 and 6.05 cannot be sold separately from Lot 6 except as otherwise permitted in section 15 of the standard Deed of Easement all of the lots in application shall be consolidated simultaneously or immediately after closing or an extra provision will be added to the Deed of Easement; the Owners may choose their preferred resolution; and

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to TLC-NJ for the Tjalma #2 farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the Property, outside the exception area, includes no exception areas, zero (0) housing opportunities, zero (0) agricultural labor units and (0) ~~non-agricultural uses~~; and

BE IT FURTHER RESOLVED, the SADC approves the assignment of the Deed of Easement from TLC-NJ to Warren County provided the SADC reviews and approves, in advance, all documentation to accomplish the assignment, including but not limited to review of survey, title, and assignment document; and

BE IT FURTHER RESOLVED, the SADC grant and final approval is conditioned upon the landowner either consolidating the lots simultaneously or immediately after closing or agreeing to an extra provision in the Deed of Easement explicitly addressing that lots 6.04 and 6.05 cannot be sold separately from Lot 6 except as otherwise permitted in section 15 of the easement; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$2,450 per acre (total of approximately \$148,715 based on 60.7 acres) to TLC-NJ for the development easement acquisition on the Tjalma #2 farm, subject to the availability of funds; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to TLC-NJ for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to The Land

Conservancy of New Jersey for the acquisition of a development easement on the Tjalma #2 farm; 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.

12/7/17  
Date



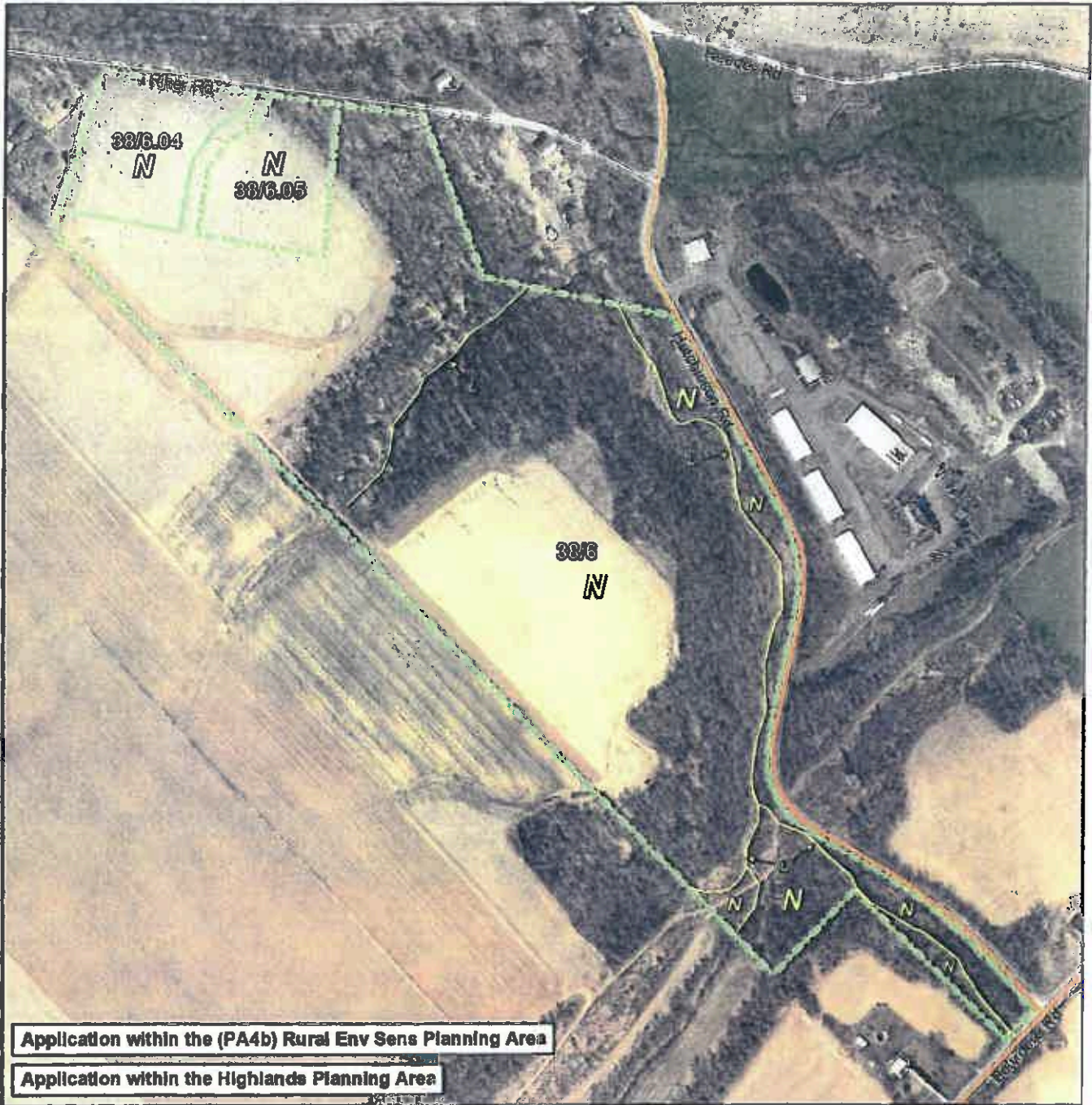
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands

Drainage A



X:\coun\tlwa\waco\projects\jalma2\_fw\_2017.mxd

Application within the (PA4b) Rural Env Sens Planning Area

Application within the Highlands Planning Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tjalma Farms (#2)  
Block 38 Lots 6 (53.9 ac); 6.04 (3.6 ac); & 6.05 (3.2 ac)  
Gross Total = 60.7 ac  
Harmony Twp., Warren County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJ Highlands Council Data  
NJDT/OGIS 2016 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 geospatial 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.

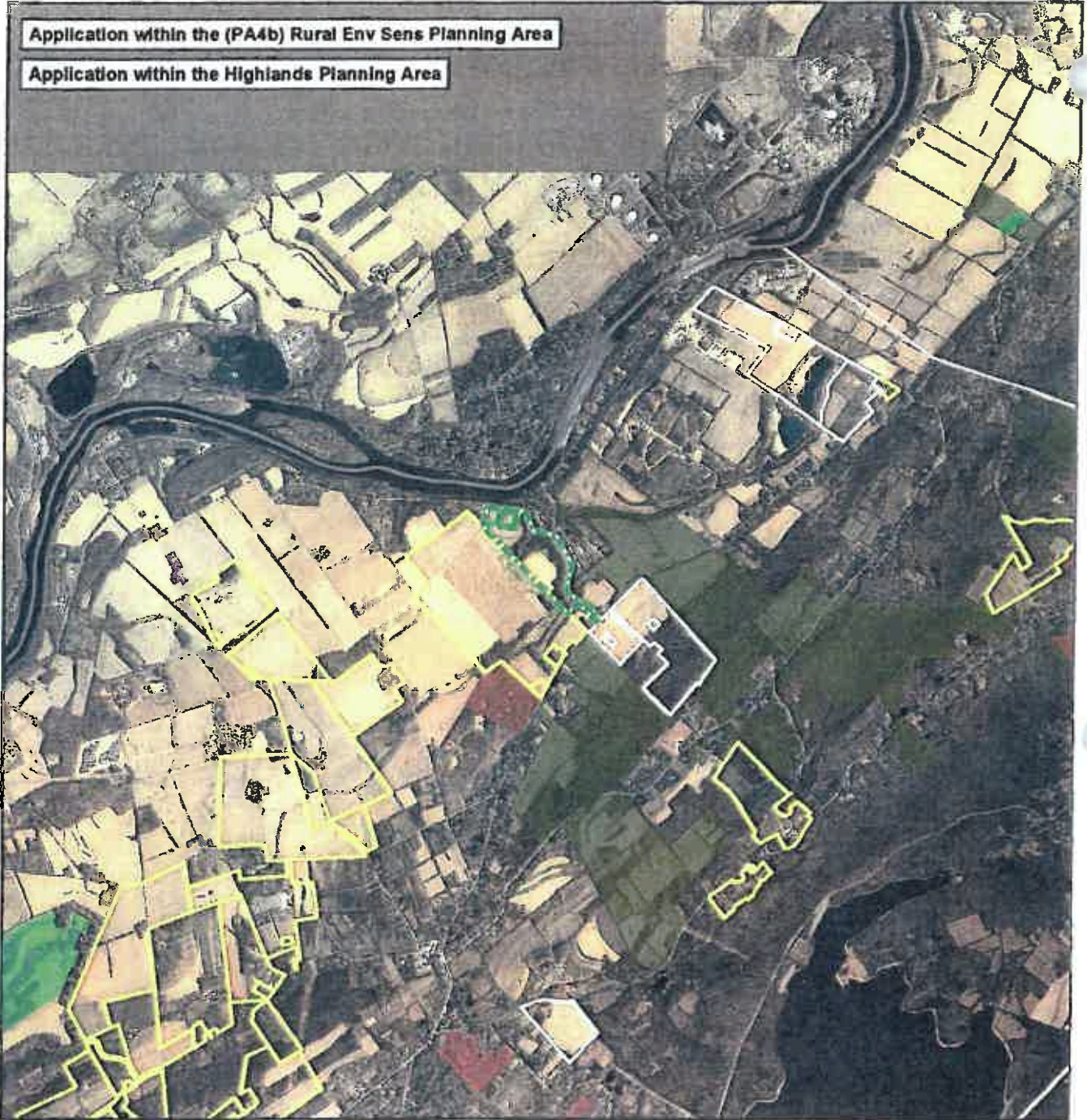
	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	State Owned O/S & Recreation Easement

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

# Preserved Farms and Active Applications Within Two Miles

Application within the (PA4b) Rural Env Sens Planning Area

Application within the Highlands Planning Area



X:\counties\warren\projects\tjalma2\_2mile.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tjalma Farms (#2)  
Block 38 Lots 6 (53.9 ac); 6.04 (3.6 ac); & 6.05 (3.2 ac)  
Gross Total = 60.7 ac  
Harmony Twp., Warren County

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



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

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJGIS/OGIS 2015 Digital Aerial Image  
June 10, 2015



D

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Tjalma, Bouke & Aukje #2 (TLCNJ)  
21- 0032-NP  
FY 2016 Easement Purchase = Nonprofit  
61 Acres

Block 38	Lot 6	Harmony Twp.	Warren County		
Block 38	Lot 6.04	Harmony Twp.	Warren County		
Block 38	Lot 6.05	Harmony Twp.	Warren County		
<b>SOILS:</b>		Other	37% * 0	=	.00
		Prime	46% * .15	=	6.90
		Statewide	17% * .1	=	1.70
				<b>SOIL SCORE:</b>	<b>8.60</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	47% * .15	=	7.05
		Woodlands	53% * 0	=	.00
				<b>TILLABLE SOILS SCORE:</b>	<b>7.05</b>
<b>FARM USE:</b>	Corn-Cash Grain		acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Requested
  - 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 eligible costs ancillary to 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, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(5)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

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

**On the Property of  
DeBoer, Robert A. ("Owner")  
White Township, Warren County**

**N.J.A.C. 2:76-17A. et seq.  
SADC ID# 21-0598-PG**

**DECEMBER 7, 2017**

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 White Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, White Township received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on August 18, 2016 the SADC received an application for the sale of a development easement from White Township for the subject farm identified as Block 32, Lots 8, 8.02, and 8.03, White Township, Warren County, totaling approximately 56.07 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 3-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 53.07 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 (0) non-agricultural uses; and

WHEREAS, at the time of application the Property was in corn and Christmas tree 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 October 14, 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. 2:76-17.11, on March 23, 2017 the SADC certified a development easement value of \$5,100 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$5,100 per acre based on zoning and environmental regulations in place as of the current valuation date December 2016; and

WHEREAS, the Owner accepted the Township's offer of \$5,100 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 12, 2017 the White Township Committee approved the application and a funding commitment of \$825 per acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on October 19, 2017 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the \$825 per acre required local match on October 25, 2017; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 53.07 net easement acres):

	<u>Total</u>	
SADC	\$183,091.50	(\$3,450 per acre)
Warren County	\$ 43,782.75	(\$ 825 per acre)
White Twp.	<u>\$ 43,782.75</u>	<u>(\$ 825 per acre)</u>
Total Easement Purchase	\$270,657.00	(\$5,100 per acre)

WHEREAS, White Township is requesting \$183,091.50 and sufficient funds are available (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 ~~White Township~~ for the purchase of a development easement on the Property, comprising approximately 53.07 net easement acres, at a State cost share of \$3,450 per acre, (67.65% of certified easement value and purchase price), for a total grant need of \$183,091.50 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 3-acre non-severable exception area for and limited to one future single family residential unit(s) and to afford future flexibility of uses; and

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

BE IT FURTHER RESOLVED, should additional funds be needed and grant funding becomes available the grant may be adjusted to utilize unencumbered grant funds; and

BE IT FURTHER RESOLVED, the SADC will be providing its grant directly to Warren 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 Township 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-C; 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.

12/7/17

Date



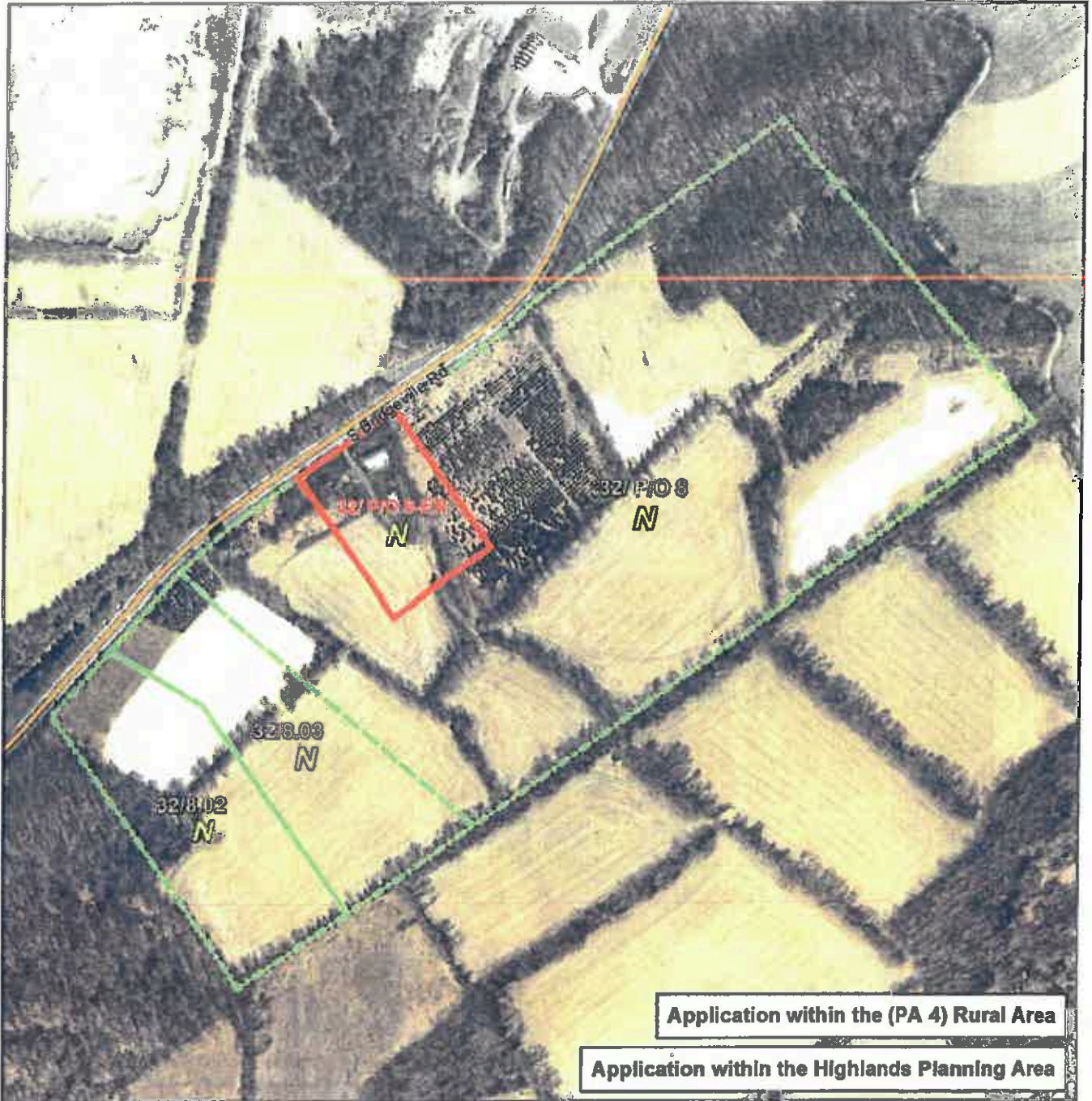
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands

Schedule A



X:\counties\warco\projects\DeBoer\_Robert\_www.mxd

Application within the (PA 4) Rural Area

Application within the Highlands Planning Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

DeBoer, Robert A./DeBoer Farm  
Block 32 P/O Lots 8.02 (6.5 ac); 8.03 (6.2 ac); P/O 8 (39.1 ac),  
& P/O 8-EN (non-severable exception - 3.0 ac)  
Gross Total - 54.8 ac  
White Twp., Warren County



Sources:  
NJ Farmland Preservation Program  
Open Acres Conservation Easement Data  
NJ DEP Wetlands Data  
NJ Highlands Council Data  
NJOT/OGIS 2015 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 geospatial 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
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned OAS & Recreation Easement

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

# Preserved Farms and Active Applications Within Two Miles

X:\counties\warren\projects\DeBoer\_Robert\_2mile.mxd



Application within the (PA 4) Rural Area

Application within the Highlands Planning Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

DeBoer, Robert A./DeBoer Farm  
Block 32 P/O Lots 8.02 (6.5 ac); 8.03 (6.2 ac); P/O 8 (39.1 ac),  
& P/O 8-EN (non-severable exception - 3.0 ac)  
Gross Total - 54.8 ac  
White Twp., Warren County



- Property in Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Preserved With Federal Funds
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned OS & Recreation Easements



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

Source:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJOTFCGIS 2015 Digital Aerial Image

September 29, 2016





State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

DeBoer, Robert A.  
21- 0598-PG  
PIG EP - Municipal 2007 Rule  
49 Acres

Block 32	Lot 8	White Twp.	Warren County
Block 32	Lot 8.02	White Twp.	Warren County
Block 32	Lot 8.03	White Twp.	Warren County

<b>SOILS:</b>	Other	45% * 0	=	.00
	Prime	2% * .15	=	.30
	Statewide	53% * .1	=	5.30
				<b>SOIL SCORE: 5.60</b>

<b>TILLABLE SOILS:</b>	Cropland Harvested	80% * .15	=	12.00
	Woodlands	20% * 0	=	.00
				<b>TILLABLE SOILS SCORE: 12.00</b>

<b>FARM USE:</b>	Corn-Cash Grain	33 acres
	Christmas Trees	6 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 residence & flexibility
    - 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 Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION FY2018R12(6)**  
**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**  
**KINGWOOD TOWNSHIP**  
**for the**  
**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**  
**Dalrymple, Richard K. & Brian S. ("Owner")**  
**Kingwood Township, Hunterdon County**

**N.J.A.C. 2:76-17A. et seq.**  
**SADC ID# 10-0382-PG**

**DECEMBER 7, 2017**

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 Kingwood Township, Hunterdon County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Kingwood Township received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on November 30, 2015 the SADC received an application for the sale of a development easement from Kingwood Township for the subject farm identified as Block 6, Lots 26 and 26.01, Kingwood Township, Hunterdon County, totaling approximately 52 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for and limited to one (1) existing and one (1) future single family residential units and to afford future flexibility of uses resulting in approximately 48 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 (0) 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, pursuant to N.J.A.C. 2:76-17.9A(b) on December 28, 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 September 28, 2017 the SADC certified a development easement value of \$6,500 per acre based on zoning and environmental regulations in place as of the current valuation date August 2017; and

WHEREAS, the Owner accepted the Township's offer of \$6,500 per acre for the development easement for the Property; and

WHEREAS, a parcel application was submitted by the Hunterdon Land Trust (HLT) to the FY2016 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 estimated ALE grant amount will be calculated based on the highest appraised current easement value of \$7,600 per acre in the ALE appraisal which was submitted for federal approval equating to an ALE grant of \$3,800 per acre (50% of \$7,600) or approximately \$182,400 in total ALE funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including a restriction to one (1) future Division of the Premises and a 4.67% maximum impervious coverage restriction (approximately 2.24 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 from the Township and Hunterdon County the requested ALE grant funds are to be used to cover the entire local cost share and any remaining funds will be used to offset the SADC grant need; and

WHEREAS, should alternate ALE 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, pursuant to N.J.A.C. 2:76-17A.13, on October 5, 2017 the Kingwood Township Committee approved the application but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on November 9, 2017 and secured a commitment of funding from the Hunterdon County Board of Chosen Freeholders on November 21, 2017, but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, the County has agreed to hold the development easement; and

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

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 48 net easement acres):

	<u>Total</u>
SADC	\$199,200 (\$4,150 per acre)
Hunterdon County	\$56,400 (\$1,175 per acre)
Kingwood Twp.	<u>\$56,400 (\$1,175 per acre)</u>
Total Easement Purchase	\$312,000 (\$6,500 per acre)

Estimated Cost share breakdown if the \$182,400 ALE Grant is finalized and applied:

	Total	ALE \$	New Cost Share
SADC	\$199,200	\$69,600	\$129,600 (\$2,700/acre)
Hunterdon County	\$ 56,400	\$ 56,400	\$ 0
Kingwood Township	\$ 56,400	\$ 56,400	\$ 0
<u>ALE Grant</u>			<u>\$182,400 (\$3,800/acre)</u>
TOTAL	\$312,000	\$182,400	\$ 312,000 (\$6,500/acre)

WHEREAS, Kingwood Township is requesting SADC to encumber \$2,700 per acre or approximately \$129,600 from the municipal PIG funding and sufficient funds are available (Schedule B); 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 Kingwood Township for the purchase of a development easement on the Property, comprising approximately 48 net easement acres, at a State cost share of \$2,700 per acre, (41.54% of certified easement value and purchase price), for a total grant of approximately \$129,600 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 4- acre non-severable exception area for and limited to one (1) existing and one (1) future single family residential units and to afford future flexibility of uses; and

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

BE IT FURTHER RESOLVED, that after being applied to the County and Municipal cost share, the SADC will utilize any remaining ALE grant funds (estimated \$182,400 total ALE grant) to offset SADC grant needs on the Property; 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 or, in absence of ALE funding, a resolution by the Township and the County Board of Chosen Freeholders to commit the funds needed to cover the total local cost share; and

BE IT FURTHER RESOLVED, should additional SADC grant funds be needed and grant funding be available the grant may be adjusted to utilize unencumbered grant funds; and

BE IT FURTHER RESOLVED, the SADC will be providing its grant directly to Hunterdon 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 Township 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-C; 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

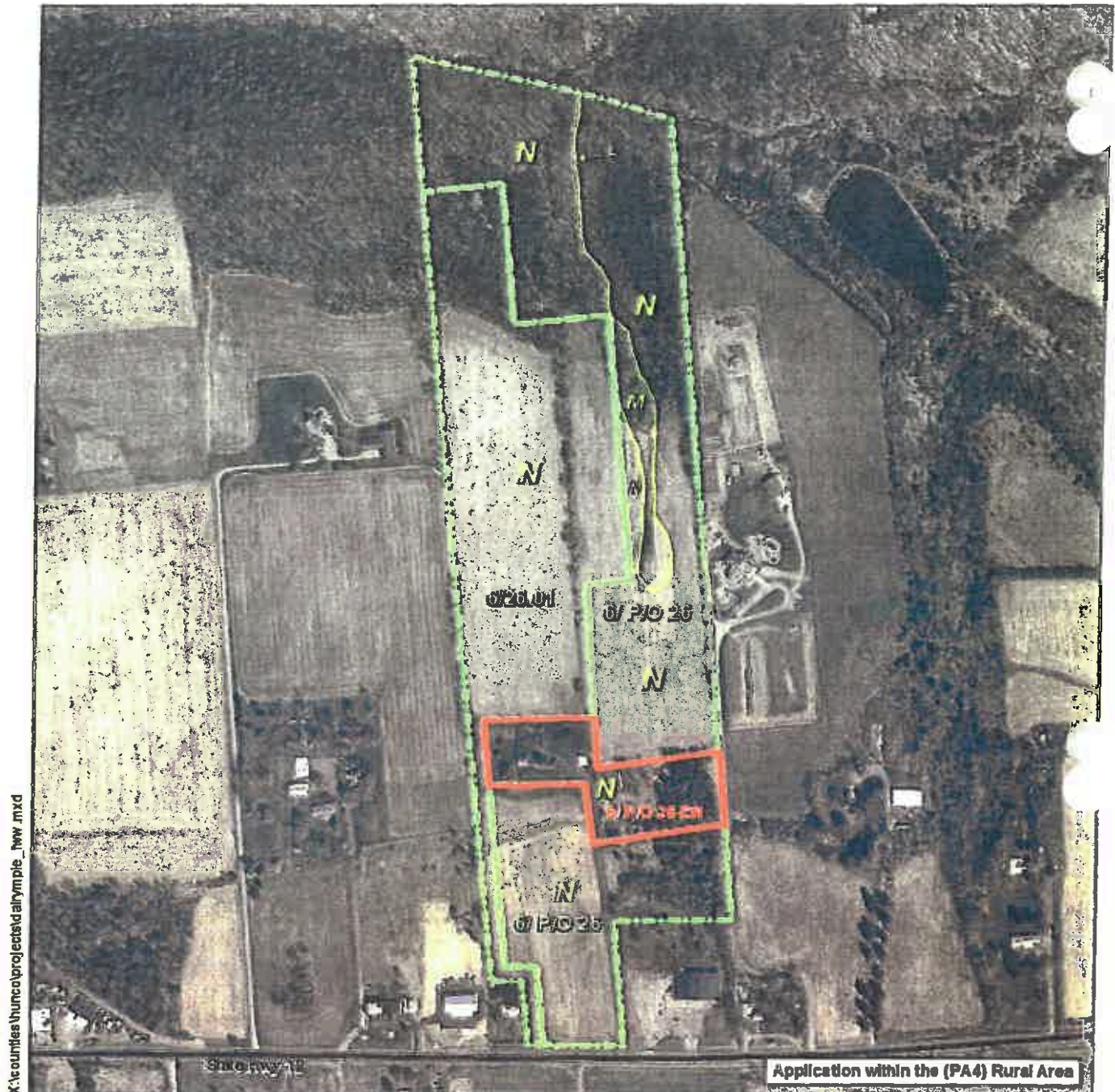
BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

12/7/17  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



X:\counties\hunc\project\dalrymple\_nhw.mxd

Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Richard and Brian Dalrymple  
Block 6 Lots 26.01 (18.5 ac); P/O 26 (29.4 ac);  
& P/O 26-EN (non-severable exception - 4.0 ac)  
Gross Total = 52.0 ac  
Kingwood Twp., Hunterdon County

	Property to be shown
	200 - (Non-Severable) Exception
	200 - (Severable) Exception
	Wetlands - Agricultural
	Wetlands - Non-Agricultural
	Wetlands - State Parks
	Wetlands - State Forests
	Wetlands - State Game Lands
	Wetlands - State Game Lands
	Wetlands - State Game Lands
	Wetlands - State Game Lands



**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 H - Wetlands Identified for Agriculture  
 T - Total Wetlands  
 N - Non-Wetlands  
 B - 300 Buffer  
 W - Water

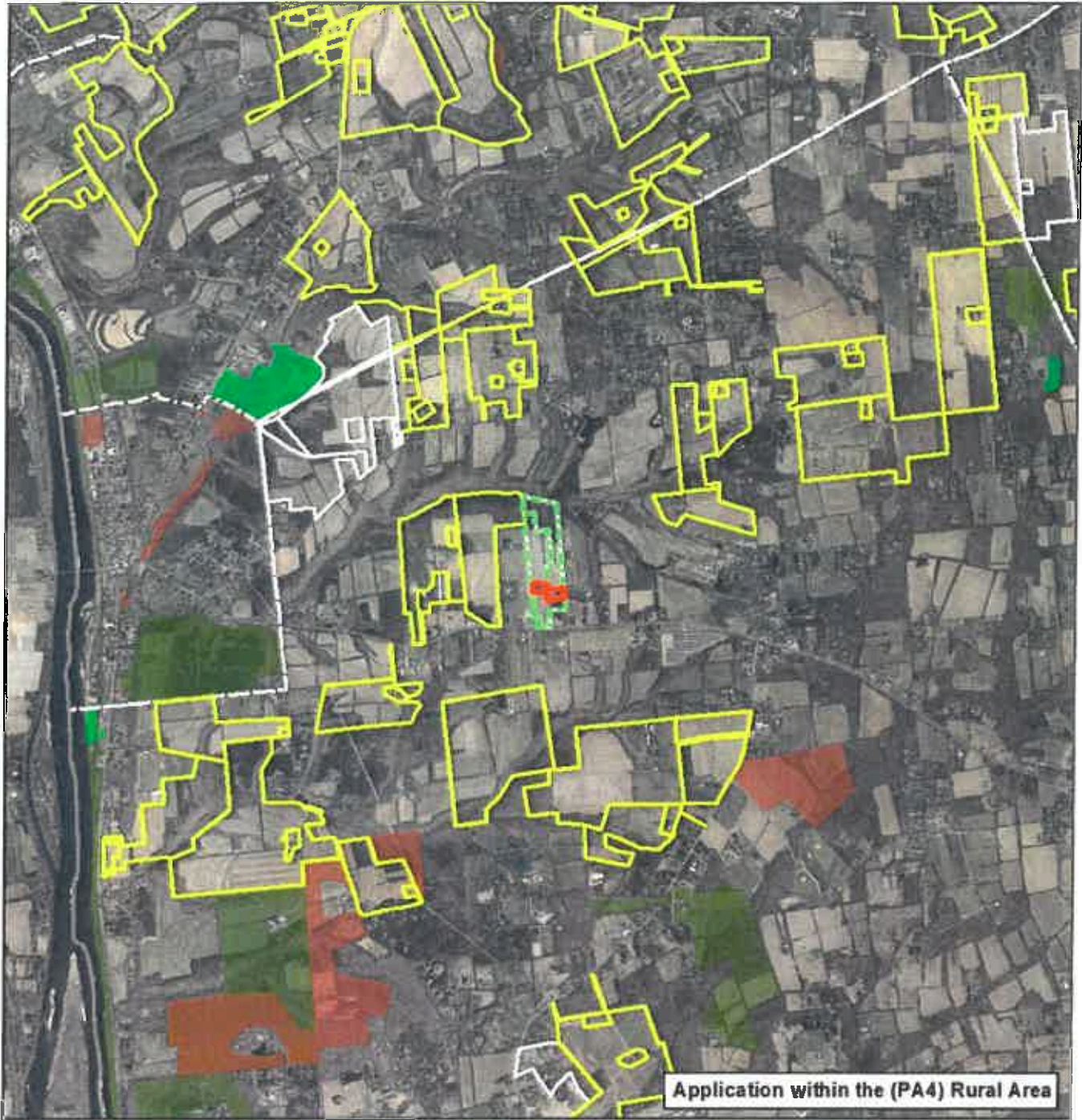
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geospatial accuracy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

Source:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement  
 NJDEP Wetlands Data  
 NJOTCGIS 2012 Digital Aerial Image



# Preserved Farms and Active Applications Within Two Miles

X:\counties\huncoc\project\dalrymple\_2mile.mxd



Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Richard and Brian Dalrymple  
 Block 6 Lots 26.01 (18.5 ac); P/O 26 (29.4 ac);  
 & P/O 26-EN (non-severable exception - 4.0 ac)  
 Gross Total = 52.0 ac  
 Kingwood Twp., Hunterdon County

	Property in the office
	PA - Green Designation Exception
	PA - Orange Designation
	Preserved Boundaries
	Active Applications
	Building Footprints
	Proposed P/Options
	County Boundaries
	Watershed Boundaries
	Waterbody, County and Non-Paved
	Preserved Open Space
	State Owned Open Space; No Interest
	State Owned Open Space; No Interest



Sources:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJOT/048 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

Dalrymple, Richard K. & Brian S.  
10- 0382-PG  
PIG EP - Municipal 2007 Rule  
48 Acres

Block 6	Lot 26	Kingwood Twp.	Hunterdon County		
Block 6	Lot 26.01	Kingwood Twp.	Hunterdon County		
<b>SOILS:</b>		Other	40% * 0	=	.00
		Prime	22% * .15	=	3.30
		Statewide	38% * .1	=	3.80
					<b>SOIL SCORE: 7.10</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	60% * .15	=	9.00
		Woodlands	40% * 0	=	.00
					<b>TILLABLE SOILS SCORE: 9.00</b>
<b>FARM USE:</b>	Soybeans-Cash Grain		29 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 four (4) acres for existing and future single family residence
    - Exception is not to be severed from Premises
    - Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)
  - c. Additional Restrictions:
    1. FY16 ALE via HLT subject to one (1) future Division of the Premises and a 4.67% maximum impervious cover restriction.
  - 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 FY2018R12(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER PITTSBORO TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Michael and Carolynn Foote ("Owner")

Upper Pittsgrove Township, Salem County

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

SADC ID#17-0138-PG

December 7, 2017

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 FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on August 1, 2014, the SADC received an application for the sale of a development easement from Upper Pittsgrove Township for the subject farm identified as Block 7, Lots 3, 3.01, 3.02, & 3.03, Upper Pittsgrove Township, Salem County, totaling 30.475 surveyed 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 zero (0) housing opportunities, zero (0) agricultural labor units and (0) non-agricultural uses; and

WHEREAS, at the time of application the Property was in soybean and corn 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 June 24, 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. 2:76-17.11, on September 22, 2016 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of the current valuation date August 1, 2016; and

WHEREAS, the Owner accepted the Township's offer of \$7,100 per acre for the development easement for the Property, which is higher than the certified easement value, but not higher than the highest appraised value of \$7,850; and

WHEREAS, the New Jersey Conservation Foundation submitted a parcel application to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Regional Conservation Partnership Program (RCPP) 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, because the original appraisal valuation dates of August 1, 2016 were over twelve months old NJCF conducted a new appraisal as required by NRCS and submitted this appraisal for approval on October 10, 2017; and

WHEREAS, at this time the ALE approved current easement value has not been finalized, therefore, the ALE grant will be calculated based on the per acre value of the ALE appraisal submitted equating to an ALE grant of \$3,973.94 per acre (50% of \$7,947.88) or approximately \$121,105.82 in total ALE funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including a 6% maximum impervious coverage restriction (approximately 1.83 acres) for the construction of agricultural infrastructure on the Property, which is the maximum allowable for this property through the ALE program at this time; and

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

WHEREAS, should alternate ALE 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, pursuant to N.J.A.C. 2:76-17A.13, on February 14, 2017, the Upper Pittsgrove Township Committee approved the application but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, the Salem County Agriculture Development Board approved the application on September 27, 2017, and the Salem County Board of Chosen Freeholders approved the application on October 18, 2017, but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, the County has agreed to hold the development easement; and

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

WHEREAS, the cost share breakdown is approximately as follows (based on 30.475 net surveyed easement acres):

	<u>Total</u>	
SADC	\$134,090.00	(\$4,400 per acre based on \$7,000/ acre)
Salem County	\$ 39,617.50	(\$1,300 per acre based on \$7,000/ acre)
Upper Pittsgrove	\$ 42,665.00	(\$1,400 per acre based on \$7,100/ acre)
<b>Total Easement</b>	<b>\$216,372.50</b>	<b>(\$7,100 per acre)</b>

Estimated Cost share breakdown if the \$121,105.82 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>
SADC	\$134,090.00	\$38,823.32	\$95,266.68 (\$3,126.06/ acre)
Salem County	\$ 39,617.50	\$39,617.50	\$0
Upper Pittsgrove	\$ 42,665.00	\$42,665.000	\$0
<b>ALE Grant</b>			<b>\$121,105.82 (\$3,973.94/ acre)</b>
<b>TOTAL</b>	<b>\$216,372.50</b>	<b>\$121,105.82</b>	<b>\$216,372.50 (\$7,100/ acre)</b>

WHEREAS, Upper Pittsgrove Township is requesting that SADC encumber \$3,126.06 per acre or approximately \$95,266.68 from the municipal PIG funding and sufficient funds are available (Schedule B); 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 Upper Pittsgrove Township for the purchase of a development easement on the Property, comprising approximately 30.475 surveyed easement acres, at a State cost share of \$3,126.06 per acre, (44.66% of certified easement value and 44.02% of purchase price), for a total grant of approximately \$95,266.68 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and (0) non-agricultural uses; and

BE IT FURTHER RESOLVED, that after being used to offset County and Municipal cost share, the SADC will utilize any remaining ALE grant funds (estimated \$38,823.32) to offset SADC grant needs on the Property; 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 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 total local cost share; and

BE IT FURTHER RESOLVED, should additional funds be needed and grant funding be available the grant may be adjusted to utilize unencumbered grant funds; and

BE IT FURTHER RESOLVED, the SADC will be providing its grant directly to Salem 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 Township 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-C; 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.

12/7/17

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands



X:\counties\sa\projects\foia\_michael\_fwv2.mxd

Application within the (PA4b) Rural Env Sens Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Foote, Michael and Carolyn  
 Block 7 Lots 3 (6.1 ac); 3.01 (5.2 ac);  
 3.02 (8.9 ac) & 3.03 (10.5 ac)  
 Gross Total = 30.7 ac  
 Upper Pittsgrove Twp., Salem County



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands 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 OS & 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

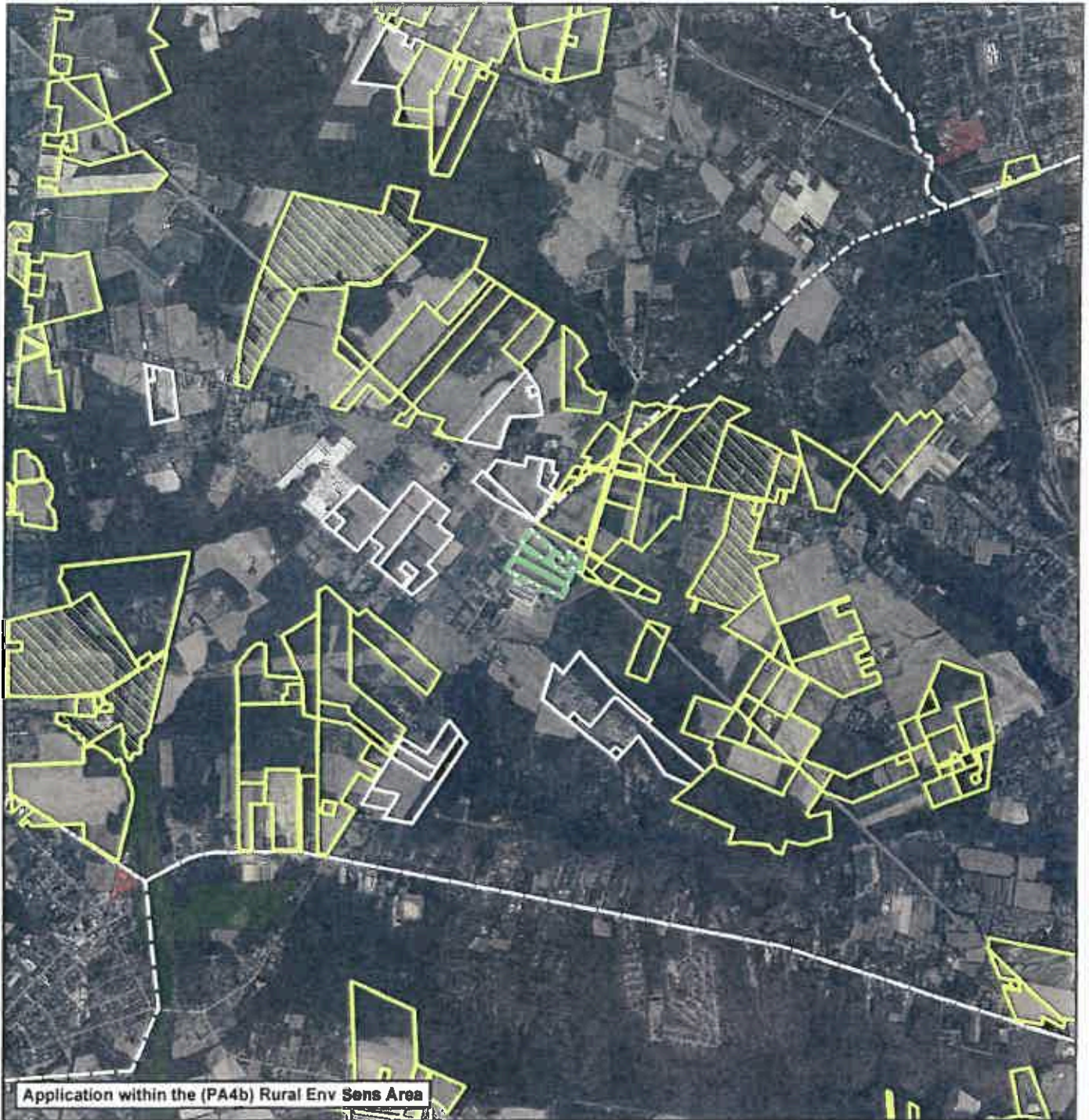
**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDEP Wetlands Data  
 NJDOT/OGIS 2012 Digital Aerial Image

June 7, 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 geospatial 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

2/16/16 11



X:\counties\saico\projects\foote\_michael\_2miles2.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Foote, Michael and Carolyn  
Block 7 Lots 3 (6.1 ac); 3.01 (5.2 ac);  
3.02 (8.9 ac) & 3.03 (10.5 ac)  
Gross Total = 30.7 ac  
Upper Pittsgrove Twp., Salem County



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



**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  
NJOT/OGIS 2012 Digital Aerial Image

June 7, 2016

# SADC Municipal Pig Financial Status Schedule B

## Upper Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	SADC		Federal Grant		Grant					
			Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance		
											Fiscal Year 09	Fiscal Year 11
17-0096-PG	Kernan	75.3050	316,281.00	219,890.60			221,920.00	219,890.60		219,890.60	219,890.60	2,250,000.00
17-0097-PG	Newkirk	59.6220	383,812.00	245,049.20	191,906.00	53,143.20	245,049.20	191,906.00		191,906.00	191,906.00	500,000.00
17-0108-PG	Schmid	22.8450	133,074.00	86,498.10			86,498.10	86,498.10		86,498.10	86,498.10	500,000.00
17-0111-PG	Lewis	19.1160	112,179.10	72,777.35			72,777.35	72,777.35		72,777.35	72,777.35	500,000.00
17-0113-PG	Kramme	30.8720	203,755.20	129,662.40			129,662.40	129,662.40		129,662.40	129,662.40	
17-0120-PG	Sottile	57.5340	276,163.20	188,711.52	166,548.60	79,396.92	188,711.52	109,314.60		109,314.60	109,314.60	
17-0136-PG	Newkirk/Kernan ancillary	90.6200	451,825.00	302,637.50			331,215.00	302,637.50		302,637.50	302,637.50	
17-0137-PG	Jasper	81.0000	469,800.00	307,800.00	234,900.00	72,900.00	307,800.00					818,775.95
17-0156-PG	Bishop Bros	64.3500	360,360.00	238,095.00			227,798.45	238,095.00		238,095.00	238,095.00	580,680.95
17-0162-PG	Thumliert, LeRoy J.	22.0020	82,507.50	58,305.30			58,300.00	58,305.30		58,305.30	58,305.30	522,375.65
08-0192-PG	Williams, Steven R. & Katherine E.	8.6020	57,633.40	19,748.64	41,325.52	2,626.93	19,748.69					502,626.96
	Foote, Michael & Carolyn										10,337.50	492,289.46
	Jasper ancillary										5,996.50	486,292.96
	Thumliert ancillary										3,522.00	482,770.96
	Williams ancillary											393,070.96
17-0158-PG	Hackett, James & Pauline	23.0000	138,000.00	89,700.00			89,700.00					217,520.96
17-0159-PG	Seery, David J.	55.0000	255,750.00	175,450.00			175,450.00					96,370.96
17-0167-PG	Ambruster, Larry C.	25.0000	197,500.00	121,250.00			121,250.00					1,104.28
17-0138-PG	Foote, Michael & Carolyn	30.4750	216,372.50	95,266.68	121,105.82		95,266.68					
<b>Closed</b>		<b>442.2660</b>	<b>2,319,957.00</b>	<b>1,541,626.97</b>	<b>358,554.60</b>	<b>132,540.12</b>						
<b>Encumbered</b>		<b>223.0770</b>	<b>527,566.88</b>	<b>496,769.64</b>	<b>446,465.52</b>	<b>247,515.93</b>						
					<b>Encumber/Expended FY09</b>						<b>759,000.00</b>	
					<b>Encumber/Expended FY11</b>		<b>64,170.66</b>				<b>435,829.35</b>	
					<b>Encumber/Expended FY13</b>		<b>266,005.00</b>				<b>233,995.00</b>	
					<b>Encumber/Expended FY17</b>		<b>403,629.04</b>				<b>95,266.68</b>	
					<b>Total</b>							<b>1,104.28</b>
												<b>1,104.28</b>

Scanned

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Foote, Michael & Carolynn  
17- 0138-PG  
PIG EP - Municipal 2007 Rule  
31 Acres

Block 7	Lot 3	Upper Pittsgrove Twp. Salem County
Block 7	Lot 3.01	Upper Pittsgrove Twp. Salem County
Block 7	Lot 3.02	Upper Pittsgrove Twp. Salem County
Block 7	Lot 3.03	Upper Pittsgrove Twp. Salem County

<b>SOILS:</b>	Statewide	100% * .1	=	10.00	
				<b>SOIL SCORE:</b>	<b>10.00</b>

<b>TILLABLE SOILS:</b>	Cropland Harvested	100% * .15	=	15.00	
				<b>TILLABLE SOILS SCORE:</b>	<b>15.00</b>

<b>FARM USE:</b>	Soybeans-Cash Grain	28 acres
	Corn-Cash Grain	11 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: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    1. Language in Deed for Block 7, Lot 3, 3.01, 3.02, and 3.03 that prohibits intensive swine or fowl operations on the property, was removed by the Township Committee on January 21, 2016 and it was directed to amend the deeds and re-record them.
  - 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 FY2018R12(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Cogger, Marie ("Owner")

Chester Township, Morris County

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

SADC ID# 14-0130-PG

December 7, 2017

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Morris County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on May 9, 2017 the SADC received an application for the sale of a development easement from Morris County for the subject farm identified as Block 33, Lots 113.01 and 113.02, Chester Township, Morris County, totaling approximately 13.04 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1.8 acre non-severable exception area for and limited to one existing single family residential unit and to afford future flexibility of uses resulting in approximately 11.24 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 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 69.42 which exceeds 46, which is 70% of the County's average quality score as determined by the SADC on July 28, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 30, 2017 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 June 22, 2017 the SADC certified a development easement value of \$30,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$12,000 per acre based on zoning and environmental regulations in place as of the current valuation date March 21, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$30,000 per acre for the development easement for the Property; and

WHEREAS, on September 18, 2017 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 5, 2014 and on November 8, 2017 the Chester 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 August 23, 2017, the Board of Chosen Freeholders of the County of Morris passed a resolution granting final approval and a commitment of funding for \$12,000 per acre to cover the local cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 14, 2017 the Morris CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 11.58 of payable acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 11.58 acres); and

SADC	\$208,440	(\$ 18,000/acre)
<u>Morris County</u>	<u>\$138,960</u>	<u>(\$ 12,000/acre)</u>
Total Easement Purchase	\$347,400	(\$ 30,000/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 Morris County Agriculture Development Board is requesting \$208,440 in FY2017 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 subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Morris County for the purchase of a development easement on the Property, comprising approximately 11.5 net easement acres, at a State cost share of \$18,000 per acre, (60% of certified easement value and purchase price), for a total grant need not to exceed \$208,440 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 1.8 acre non-severable exception for and limited to one existing single family residential unit and to afford future flexibility of use; and

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

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

12/7/17

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands

Schedule H



X:\counties\morris\projects\Cogger\_Maria\_(Young\_Farm\_#2)\_www.mxd

Application within the Highlands Preservation Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Cogger, Maria (Young Farm #2)  
Block 33 Lots 113.01 (2.0 ac); P/O 113.02 (9.2 ac)  
& P/O 113.02-EN (non-severable exception – 1.8 ac)  
Gross Total = 13.0 Ac.  
Chester Twp., Morris County



- 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
- State Owned O/S & Recreation Easement

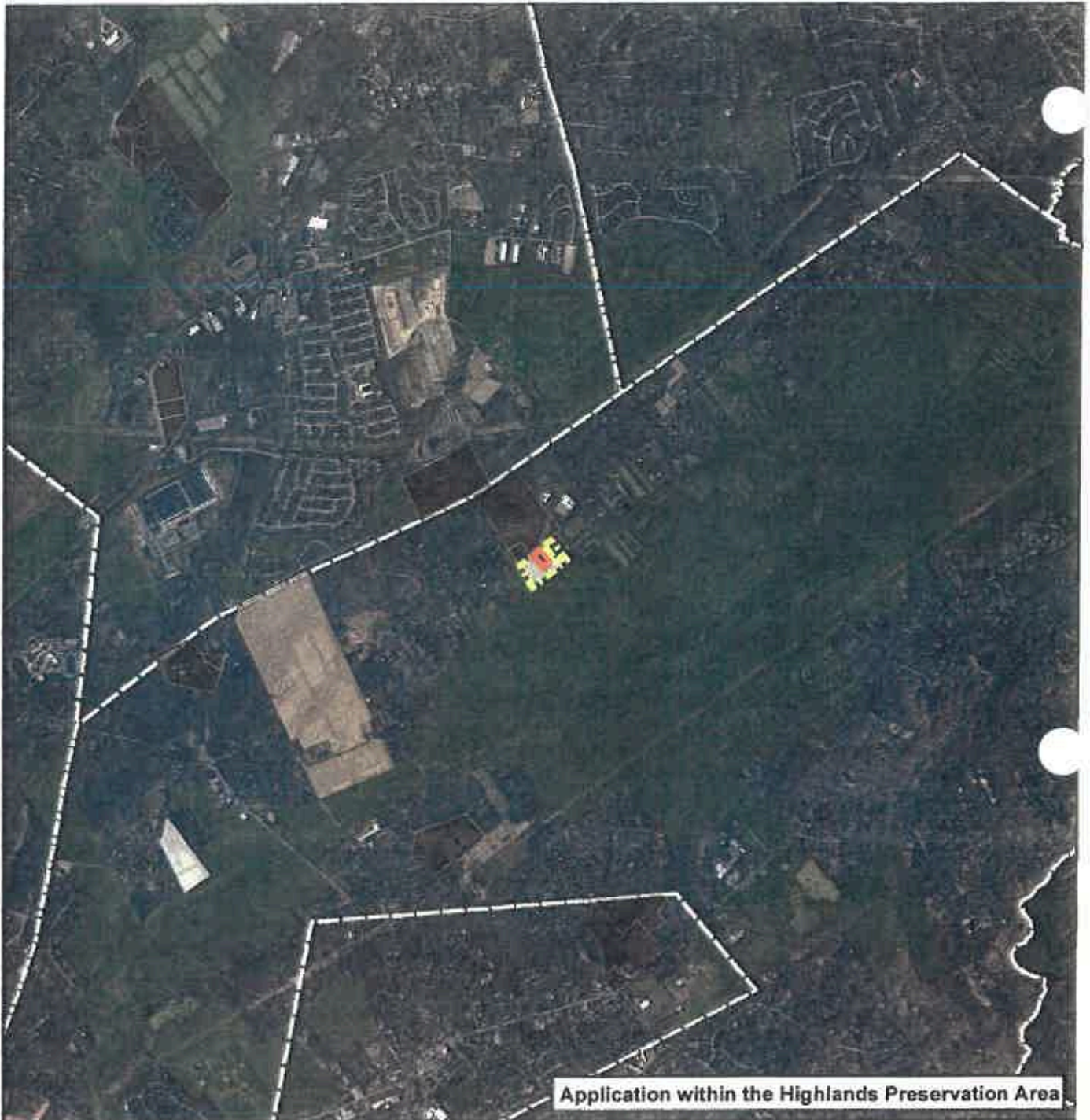
Sources:  
NJ Farmland Preservation Program  
Open Area Conservation Easement Data  
NJDEP Wetlands Data  
NJ Wetlands Council Data  
NJCH/DOGS 2015 Digital Aerial Image

**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 geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

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

# Preserved Farms and Active Applications Within Two Miles

X:\counties\morris\projects\Cogger\_Maria\_(Young\_Farm\_#2)\_2miles.mxd



Application within the Highlands Preservation Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

**Cogger, Maria (Young Farm #2)**  
 Block 33 Lots 113.01 (2.0 ac); P/O 113.02 (9.2 ac)  
 & P/O 113.02-EN (non-severable exception – 1.8 ac)  
 Gross Total = 13.0 Ac.  
 Chester Twp., Morris County



- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Preserved With Federal Funds
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

**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  
 Grass Acres Conservation Easement Data  
 N.J.DIT/ODIS 2015 Digital Aerial Image

May 12, 2017



Schedule C

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
December 7, 2017

Cogger, Marie  
14- 0130-PG  
County PIG Program  
11 Acres

Block 33	Lot 113.01	Chester Twp.	Morris County
Block 33	Lot 113.02	Chester Twp.	Morris County

<b>SOILS:</b>	Prime	100% * .15 = 15.00	
			<b>SOIL SCORE: 15.00</b>

<b>TILLABLE SOILS:</b>	Cropland Harvested	73% * .15 = 10.95	
	Woodlands	27% * 0 = .00	
			<b>TILLABLE SOILS SCORE: 10.95</b>

<b>FARM USE:</b>	Vegetable & Melons	8 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 (1.8) acres for Existing single family residential unit, and includes out buildings and a pool  
Exception is not to be severed from Premises
  - c. Additional Restrictions:
    1. Exception limited to one single family residential unit
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(9)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**HUNTERDON COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**Dirt Capital Partners, LLC ("Owners")**

**Franklin & Kingwood Township, Hunterdon County**

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

**SADC ID# 10-0389-PG**

**DECEMBER 7, 2017**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hunterdon 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, Hunterdon County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on July 15, 2016 the SADC received an application for the sale of a development easement from Hunterdon County for the subject farm identified as Block 41, Lot 17, Franklin Township, and Block 4, Lot 3 Kingwood Township, Hunterdon County, totaling approximately 83.6 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Hunterdon County's West Project Area; and

WHEREAS, the Property includes one (1), approximately 2.5-acre non-severable exception area for the existing single family residential unit and to afford future flexibility of uses resulting in approximately 81.1 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, the Owner(s) has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 67.09 which exceeds 43, 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 October 12, 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 June 22, 2017 the SADC certified a development easement value of \$9,100 per acre based on zoning and environmental regulations in place as of the current valuation date April 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$9,100 per acre for the development easement for the Property; and

WHEREAS, on October 13, 2017 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 September 14, 2017 the Franklin Township Committee approved the Owner's application for the sale of development easement and a commitment of funding for \$1,820 per acre to cover the local cost share; and

WHEREAS, Kingwood Township has indicated support for the preservation of this property which includes approximately 0.5 acre within Kingwood Township and intends to pass a resolution of support without a cost share on December 7, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11(a)1.i., SADC final approval is conditioned upon receipt of a resolution of support from Kingwood Township; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 14, 2017 the Hunterdon CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 3, 2017, the Board of Chosen Freeholders of the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$1,820 per acre to cover the local cost share as well as Kingwood Township's portion on 0.5 acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 83.533 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 83.533 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$456,090.18	(\$5,460/acre)
Franklin Township	\$151,120.06	(\$1,820 /acre on 83.033 acres)
Kingwood Township	\$ 910.00	(\$1,820 /acre on 0.5 acres)
Covered by the County		
<u>Hunterdon County</u>	<u>\$152,030.06</u>	<u>(\$1,820 /acre on 83.533 acres)</u>
Total Easement Purchase	\$760,150.30	(\$ 9,100/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 Hunterdon County Agriculture Development Board is requesting \$ 456,090.18 in FY17 base grant 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 subject to available funds and 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 Hunterdon County for the purchase of a development easement on the Property, comprising approximately 83.533 net easement acres, at a State cost share of \$5,460 per acre, (60% of certified easement value and purchase price), for a total grant not to exceed ~~\$456,090.18~~ pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 2:76-17.11(a)1.i. SADC final approval is conditioned upon a resolution of support from Kingwood Township for the preservation of this farm; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2.5- acre non-severable exception area for the existing single family residential unit and to afford future flexibility of use; and

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

BE IT FURTHER RESOLVED, 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception

areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

12/7/17

Date



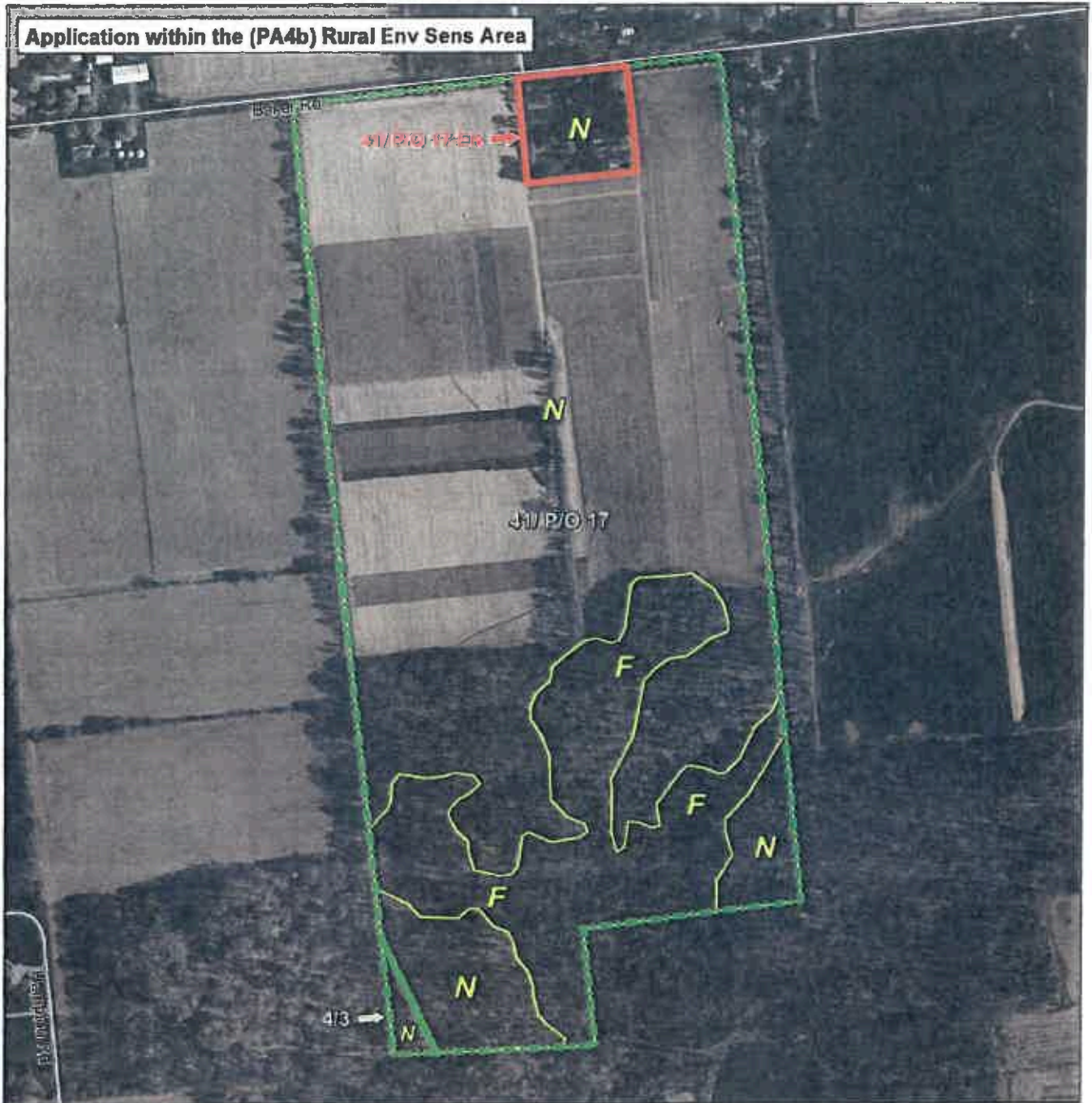
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Schedule A

Application within the (PA4b) Rural Env Sens Area



X:\counties\huncoc\project\dir\_ capitol\_ fww.mxd

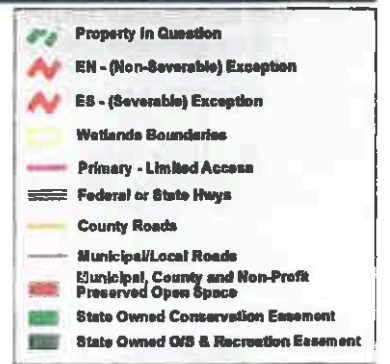
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dirt Capital Partners, LLC  
Franklin Twp. - Block 41 Lots P/O 17 (80.6 ac)  
& P/O 17-EN (non-severable exception - 2.5 ac); &  
Kingwood Twp. - Block 4 Lot 3 (0.5 ac);  
Gross Total = 83.6 ac  
Raritan Twp., Hunterdon County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJOT/OGIS 2018 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 geospatial 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 - Total Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

# Preserved Farms and Active Applications Within Two Miles



X:\coun\esthunc\project\dir\_2mile.mxd

Application within the (PA4b) Rural Env Sens Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dirt Capital Partners, LLC  
Franklin Twp. - Block 41 Lots P/O 17 (80.6 ac)  
& P/O 17-EN (non-severable exception - 2.5 ac); &  
Kingwood Twp. - Block 4 Lot 3 (0.5 ac);  
Gross Total = 83.6 ac  
Raritan Twp., Hunterdon County



Source:  
NJ Farmland Preservation Program;  
Geac; Acres Conservation; Eastern Ct Data  
NJDOT 09/8/2018 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
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements





State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
December 7, 2017

Dirt Capital Partners, LLC (Baker Road)  
10- 0389-PG  
County PIG Program  
81 Acres

Block 41	Lot 17	Franklin Twp.	Hunterdon County		
Block 4	Lot 3	Kingwood Twp.	Hunterdon County		
<b>SOILS:</b>		Other	15% *	0	= .00
		Prime	26% *	.15	= 3.90
		Statewide	59% *	.1	= 5.90
					<b>SOIL SCORE: 9.80</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	59% *	.15	= 8.85
		Wetlands	18% *	0	= .00
		Woodlands	23% *	0	= .00
					<b>TILLABLE SOILS SCORE: 8.85</b>
<b>FARM USE:</b>		Vegetable & Melons	33	acres	
		Berry	5	acres	
		Deciduous Tree Fruit	10	acres	
		Grape	1	acres	
		Citrus Fruit	2	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 (2.5) acres for Area around single family residence and improvements  
Exception is not to be severed from Premises
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    1. pursuant to N.J.A.C. 2:76-17.11(a)1.i, SADC final approval is conditioned upon a resolution of support from Kingwood Township for the preservation of this farm.
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(10)**

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

**On the Property of  
Roving Wheel, LLC ("Owners")  
Delaware Township, Hunterdon County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID# 10-0387-PG  
DECEMBER 7, 2017**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hunterdon 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, Hunterdon County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on July 20, 2016 the SADC received an application for the sale of a development easement from Hunterdon County for the subject farm identified as Block 25, Lots 18.02 and 23, Delaware Township, Hunterdon County, totaling approximately 49.4 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Hunterdon County's South Project Area; and

WHEREAS, the Property includes one (1), approximately 4.6-acre non-severable exception area for one (1) existing and one (1) future single family residential unit and to afford future flexibility of uses resulting in approximately 44.9 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, the Owner(s) has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 63.17 which exceeds 43, 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 January 6, 2017 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 June 22, 2017 the SADC certified a development easement value of \$10,500 per acre based on zoning and environmental regulations in place as of the current valuation date April 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$10,500 per acre for the development easement for the Property; and

WHEREAS, on October 13, 2017 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on October 10, 2017 the Delaware Township Committee approved the Owner's application for the sale of development easement and a commitment of funding for \$2,100 per acre to cover the local cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 14, 2017 the Hunterdon CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 3, 2017, the Board of Chosen Freeholders of the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$2,100 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 46.247 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 46.247 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$291,356.10	(\$6,300/acre)
Delaware Township	\$ 97,118.70	(\$2,100 /acre)
<u>Hunterdon County</u>	<u>\$ 97,118.70</u>	<u>(\$2,100 /acre)</u>
Total Easement Purchase	\$485,593.50	(\$ 10,500/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Hunterdon County Agriculture Development Board is requesting \$291,356.10 in FY17 base grant funds, 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 subject to available funds and 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 Hunterdon County for the purchase of a development easement on the Property, comprising approximately 46.247 net easement acres, at a State cost share of \$6,300 per acre, (60% of certified easement value and purchase price), for a total grant not to exceed \$291,356.10 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 4.6-acre non-severable exception area for one (1) existing and one (1) future single family residential unit and to afford future flexibility of uses; and

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

BE IT FURTHER RESOLVED, 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

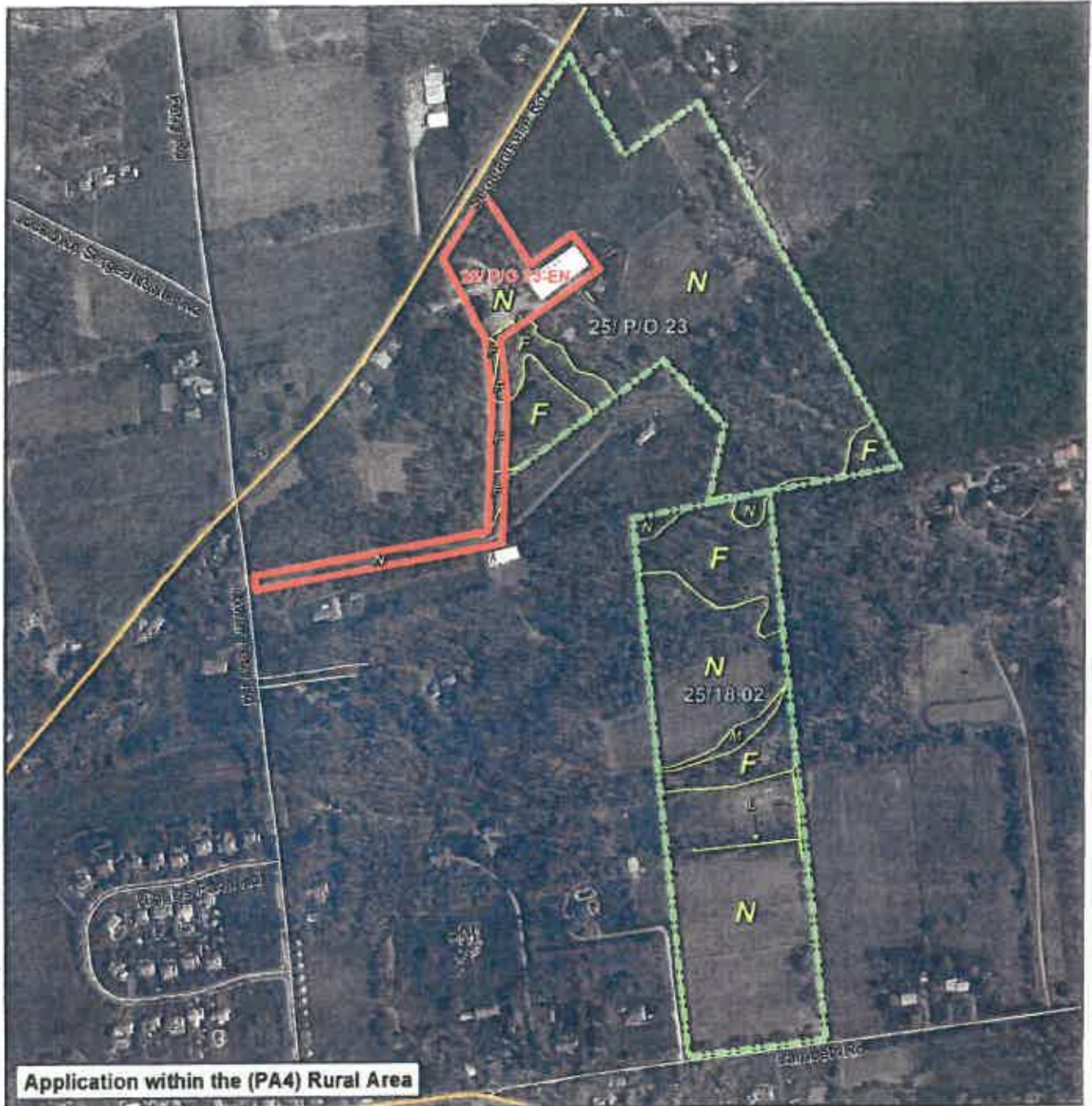
12/7/17  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands



X:\counties\huncolor\projects\roving\_wheel\_fw.mxd

Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Roving Wheel, LLC/Taylor, Charles and Ravenna  
Block 25 Lots 18.02 (20.3 ac); P/O 23 (24.5 ac);  
& P/O 23-EN (non-severable exception - 4.6 ac)  
Gross Total = 49.4 ac  
Delaware Twp., Hunterdon County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJOT/OGIS 2015 Digital Aerial Image

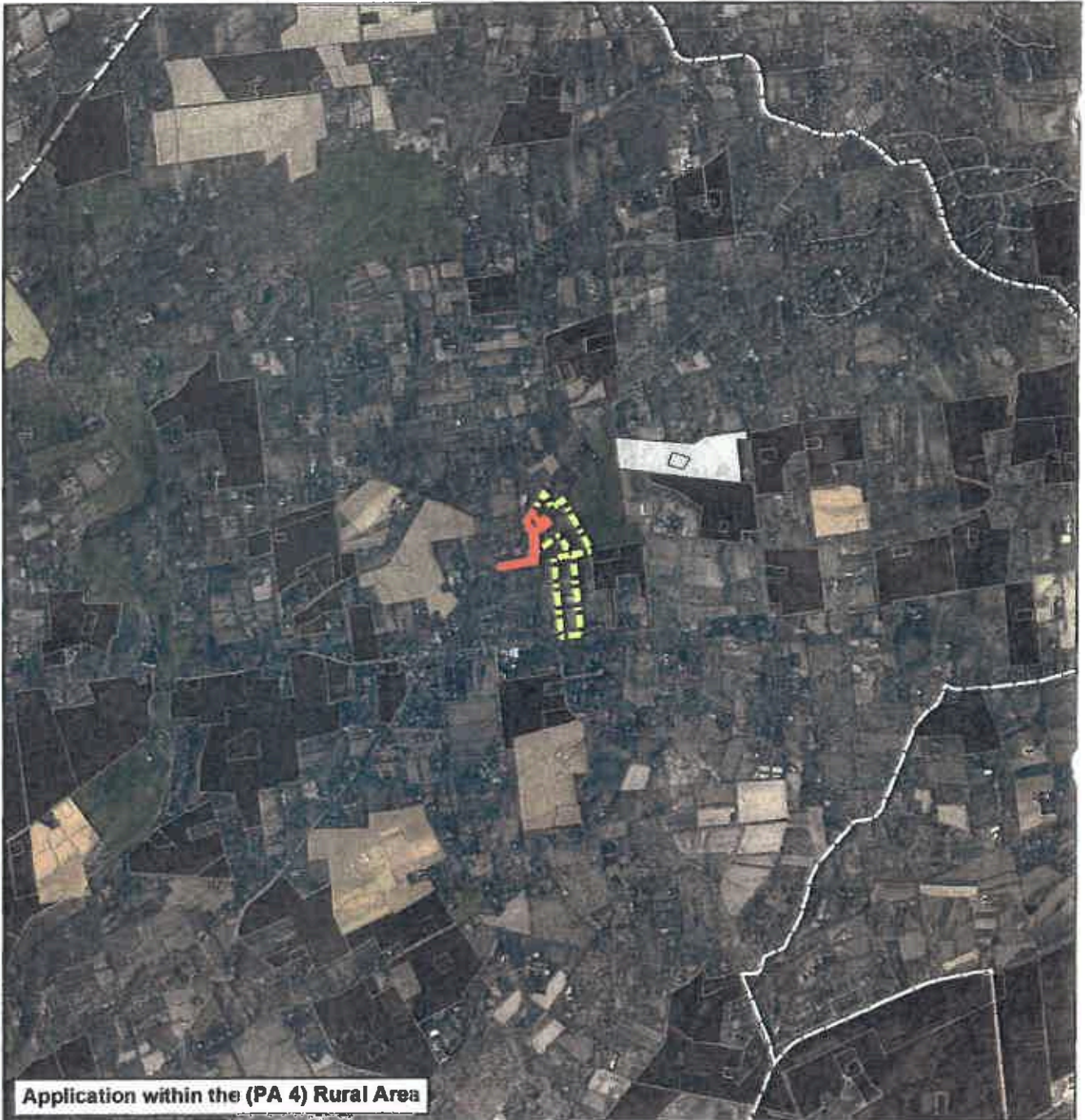
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and resolution 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

September 12, 2016

# Preserved Farms and Active Applications Within Two Miles



X:\counties\hurco\project\roving\_wheel\_2mile.mxd

Application within the (PA 4) Rural Area

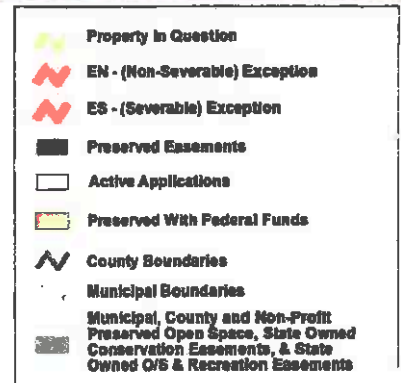
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Roving Wheel, LLC/Taylor, Charles and Ravenna  
Block 25 Lots 18.02 (20.3 ac); P/O 23 (24.5 ac);  
& P/O 23-EN (non-severable exception - 4.6 ac)  
Gross Total = 49.4 ac  
Delaware Twp., Hunterdon County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJOT/OGIS 2015 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

Roving Wheel, LLC  
10- 0387-PG  
County PIG Program  
45 Acres

Block 25	Lot 18.02	Delaware Twp.	Hunterdon County
Block 25	Lot 23	Delaware Twp.	Hunterdon County
<b>SOILS:</b>		Other	7% * 0 = .00
		Prime	56% * .15 = 8.40
		Statewide	37% * .1 = 3.70
			<b>SOIL SCORE: 12.10</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	70% * .15 = 10.50
		Wetlands	17% * 0 = .00
		Woodlands	13% * 0 = .00
			<b>TILLABLE SOILS SCORE: 10.50</b>
<b>FARM USE:</b>	Hay		36 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 (4.6) acres for Future flexibility  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and 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 Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(11)**

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

**On the Property of  
Livingston, Marsha and Marbern Berry ("Owners")  
Tewksbury Township, Hunterdon County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID# 10-0408-PG  
DECEMBER 7, 2017**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hunterdon 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, Hunterdon County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on July 20, 2016 the SADC received an application for the sale of a development easement from Hunterdon County for the subject farm identified as Block 30, Lot 6.02, Tewksbury Township, Hunterdon County, totaling approximately 46.3301 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Hunterdon County's North Project Area and the Highlands Preservation Area; and

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

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

WHEREAS, the landowner understands that there will be zero (0) residential opportunities on the Property; and

WHEREAS, the Property has a quality score of 62.86 which exceeds 43, 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 March 8, 2017 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 28, 2017 the SADC certified a development easement value of \$24,800 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$16,300 per acre based on zoning and environmental regulations in place as of the current valuation date December 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$24,800 per acre for the development easement for the Property; and

WHEREAS, on October 13, 2017 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 September 12, 2017 the Tewksbury Township Committee approved the Owner's application for the sale of development easement and a commitment of funding for \$4,960 per acre to cover the local cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 14, 2017 the Hunterdon CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 3, 2017, the Board of Chosen Freeholders of the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$4,960 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 46.041 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 47.72 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$710,073.60	(\$14,880/acre)
Tewksbury Township	\$236,691.20	(\$4,960 /acre)
<u>Hunterdon County</u>	<u>\$236,691.20</u>	<u>(\$4,960 /acre)</u>
Total Easement Purchase	\$1,183,456.00	(\$24,800/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 Hunterdon County Agriculture Development Board is requesting \$252,553.72 in FY17 base grant and \$457,519.58 in FY13 competitive grant funds, 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 subject to available funds and 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 Hunterdon County for the purchase of a development easement on the Property, comprising approximately 46.041 net easement acres, at a State cost share of \$14,880 per acre, (60% of certified easement value and purchase price), for a total grant not to exceed \$710,073.30 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 no exception areas, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

12/7/17

Date

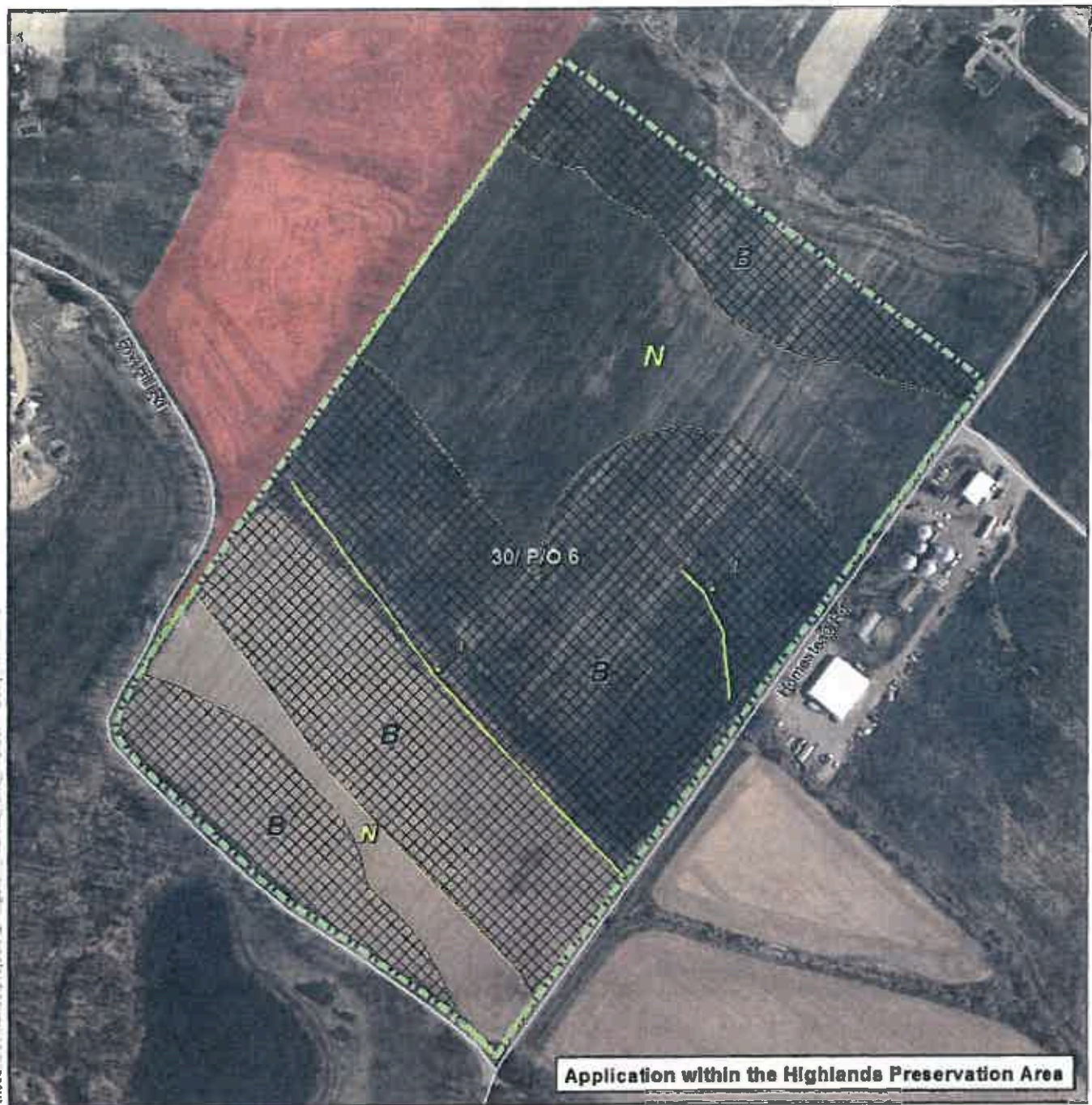


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands



X:\count\huncolor\tech\Livingston Marsha and Marbern Berry fww.mxd

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

Livingston, Marsha and Marbern Berry  
 Block 30 Lot 6.02 (44.7 ac)  
 Gross Total = 44.7 ac  
 Tewksbury Twp., Hunterdon County



Sources:  
 NJ Farmland Preservation Program  
 Open Acres Conservation Easement Data  
 NJCFP Wetlands Data  
 NJ Highlands Council Data  
 NJ Office of GIS 2010 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. This product's accuracy and precision of the GIS data contained in this file and horizontal and/or vertical controls as would be contained by an actual ground survey conducted by a Licensed Professional Land Surveyor.

Application within the Highlands Preservation Area

- Property in Question
- E1 - (Non-Severable) Exception
- E2 - (Severable) Exception
- Wetlands Boundaries
- 200 ft Buffered Wetlands
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned ONS & Recreation Easement



**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Lotic Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 W - Non-Wetlands  
 B - 200 Buffer  
 W - Water

# Preserved Farms and Active Applications Within Two Miles

X:\counties\hunc\project\Livingston, Marsha\_and\_Marberm\_Berry\_2miles.mxd



Application within the Highlands Preservation Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Livingston, Marsha and Marberm Berry  
Block 30 Lot 6.02 (44.7 ac)  
Gross Total = 44.7 ac  
Tewksbury Twp., Hunterdon County



- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Preserved With Federal Funds
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O.S & Recreation Easements



**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 Easements Data  
NJDOT, GIS 2012 Digital Aerial Image

December 27, 2016

SADC County Financial Status  
Schedule B

Hunterdon County

Farm	Acres	SADC		Federal Grant		Base Grant			Competitive Funds					
		Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Maximum Grant		FY11 Balance	FY13 Balance	FY17 Balance
										Fiscal Year 11	Fiscal Year 13			
Hill & Dale #1 (Lot 1.04)	90.3600	1,527,807.00	916,684.20	404,419.60	956,046.00	916,684.20	916,684.20	3,500,000.00	374,934.28	374,934.28	2,386,510.72	0.00	0.00	
Readington Lot 19/Little Hills Papazian	81.9810	983,772.00	469,905.00		215,328.92	215,328.92	215,328.92	1,264,690.72	252,886.80	70,387.67	2,318,153.05	298,469.49	298,469.49	
KJA Holdings	66.3400	588,060.00	352,836.00					1,966,317.05	376,216.00	352,836.00	1,966,317.05			
Zander 1	26.3173	194,748.02	121,068.68					1,844,257.47	127,926.00	121,068.68	1,844,257.47			
Zander 2	24.4022	193,997.49	116,960.73					1,725,296.74	120,510.00	118,960.73	1,725,296.74			
Amwell Chase, Inc.	183.1620	1,593,422.40	981,548.00		39,361.80	39,361.80	1,000,000.00	4,801,210.96	978,757.50	981,548.00	4,801,210.96			
Schley	19.4180	316,480.80	188,888.48		456,080.18		543,909.82		172,178.60	150,526.88	812,011.11			
Dirt Capital Partners	83.5330	760,150.30	456,080.18		281,356.10		252,553.72		457,519.88		4,343,691.07		5,000,000.00	
Roving Wheel	46.2470	486,593.60	281,356.10		252,553.72									
Livingston, Marsha C. & Berry, Marbom C.	47.7200	1,183,466.00	710,073.60											
	14	808,8196	8,564,640.51		825,860.80	54,833.55								
3	177.5000	2,429,199.80	1,457,519.88		0.00	0.00								
					Encumber/Expended FY09									
					Encumber/Expended FY11				457,519.88		612,011.11		4,343,691.07	
					Encumber/Expended FY13					2,187,988.88	198,789.08			
					Encumber/Expended FY17	1,000,000.00		0.00			812,011.11	4,343,691.07	5,000,000.00	
					Total								5,000,000.00	

JENNIFER U

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
December 7, 2017

Livingston, Marsha & Marbern, Berry  
10- 0408-PG  
County PIG Program  
45 Acres

Block 30	Lot 6.02	Tewksbury Twp.	Hunterdon County
<b>SOILS:</b>		Other	26% * 0 = .00
		Prime	19% * .15 = 2.85
		Statewide	55% * .1 = 5.50
			<b>SOIL SCORE: 8.35</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	98% * .15 = 14.70
		Other	2% * 0 = .00
			<b>TILLABLE SOILS SCORE: 14.70</b>
<b>FARM USE:</b>		Corn-Cash Grain	30 acres
		Soybeans-Cash Grain	14 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: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(12)**

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

**On the Property of  
Joanne Catalano ("Owner")  
Mannington Township, Salem County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID#17-0168-PG**

**December 7, 2017**

WHEREAS, on December 15, 2008 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 FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on April 16, 2016, the SADC received a Direct Easement application for the sale of a development easement from Joanne Catalano for the subject farm identified as Block 3, Lot 6, 7, & 8, and Block 4, Lot 15, Mannington Township, Salem County, totaling approximately 209.98 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, SADC and Salem County staff coordinated in the transfer of this application to the County PIG program due to a lack of funding for the SADC Direct Easement program with the condition that the SADC would apply for and obtain an Agricultural Land Easement (ALE) grant through the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Agriculture Conservation Easement Program (ACEP) program to offset Salem County's cost share; and

WHEREAS, the targeted Property is located in Salem County's Project Area #2; and

WHEREAS, the Property includes one (1), approximately 10 acre severable exception area for and limited to one (1) single family residential unit and to afford future flexibility of uses, and one (1) approximately 3 acre severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses, resulting in approximately 196.98 net acres to be preserved; and

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

uses; and

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

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

WHEREAS, the Property has a quality score of 71.76 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 July 25, 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 February 23, 2017, the SADC certified a development easement value of \$4,350 per acre based on zoning and environmental regulations in place as of the current valuation date December 5, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,350 per acre for the development easement for the Property; and

WHEREAS, a parcel application was submitted to NRCS by the SADC for a FY2017 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 5% maximum impervious coverage restriction (approximately 9.849 acres) for the construction of agricultural infrastructure on the Property outside of exception areas, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, at this time the ALE approved current easement value has not been finalized, therefore the ALE grant will be calculated based on the per acre value of the ALE appraisal submitted for a value of \$4,750 per acre equating to an ALE grant of \$2,375 per acre (50% of \$4,750) or approximately \$481,863.75 in total ALE funds; and

WHEREAS, due to a shortage of available funds the County has 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 ALE funding or other federal funding, such as Federal Farms and Ranch Lands Program grants, 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, on October 16, 2017, 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 November 2, 2017, the Mannington 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 or ALE funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 25, 2017, the Salem CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 1, 2017, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 202.89 acres will be utilized to calculate the grant need; and

WHEREAS, estimated cost share breakdown (based on 202.89 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$610,698.90	(\$3,010 per acre)
<u>Salem County</u>	<u>\$271,872.60</u>	<u>(\$1,340 per acre)</u>
Total Easement	\$882,571.50	(\$4,350 per acre)

Estimated cost share breakdown when the \$481,863.75 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>
SADC	\$610,698.90	\$209,991.15	\$400,707.75 (\$1,975 per acre)
Salem County	\$271,872.60	\$271,872.60	\$0
<u>ALE Grant</u>			<u>\$481,863.75 (\$2,375 per acre)</u>
TOTAL	\$882,571.50	\$481,863.75	\$882,571.50 (\$4,350 per 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 \$400,707.75 in base grant 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 subject to available funds and 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 202.89 net easement acres, at a State cost share of \$1,975 per acre, (45.40% of certified easement value and purchase price), for a total grant of approximately \$400,707.75 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 10 acre severable exception area for limited to one (1) single family residential unit and to afford future flexibility of uses, and one (1) approximately 3 acre severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses, resulting in approximately 196.98 net acres to be preserved; and

BE IT FURTHER RESOLVED, the portion of the Property outside the exception area includes one (1) single family residence, 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 County's cost share or in absence of ALE funding a resolution by the County Board of Chosen Freeholder's to commit the funds needed to cover the County's cost share; and

BE IT FURTHER RESOLVED, that if ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the county cost share and then, with the remaining funds (estimated \$209,991.15), to reduce the SADC's cost share; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception

areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

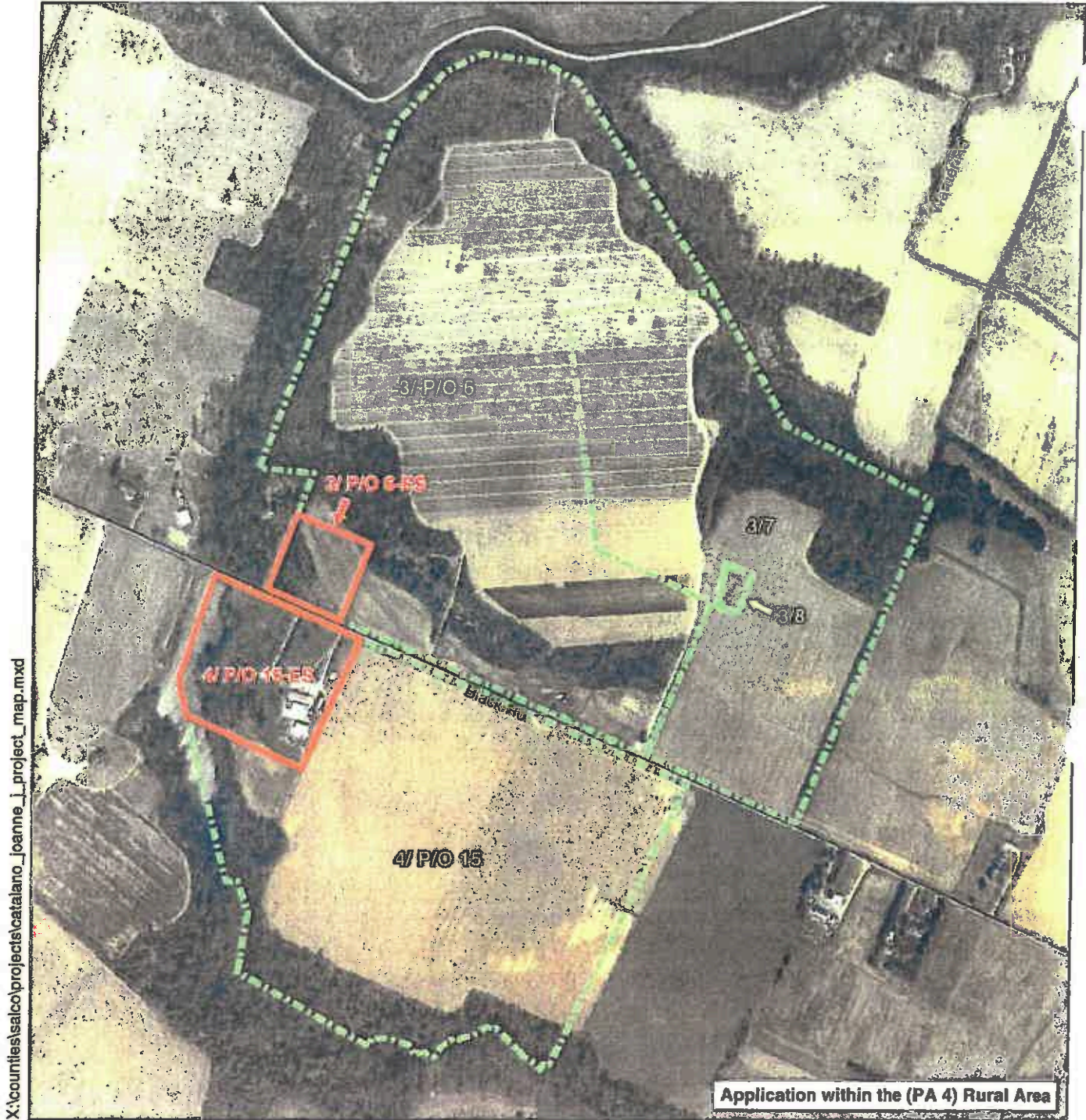
12/7/17  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



X:\counties\salc\projects\catalano\_joanne\_j\_project\_map.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Catalano, Joanne J.  
 Block 3 Lots P/O 6 (84.3 ac);  
 P/O 6-ES (severable exception - 3.0 ac); 7 (49.1 ac) & 8 (0.5 ac)  
 Block 4 Lots P/O15 (61.7 ac) & P/O 15-ES (severable exception - 10.0 ac)  
 Gross Total = 208.6 ac  
 Mannington Twp., Salem County



	Property In Question
	ES - (Non-Severable) Exception
	ES - (Severable) Exception
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads

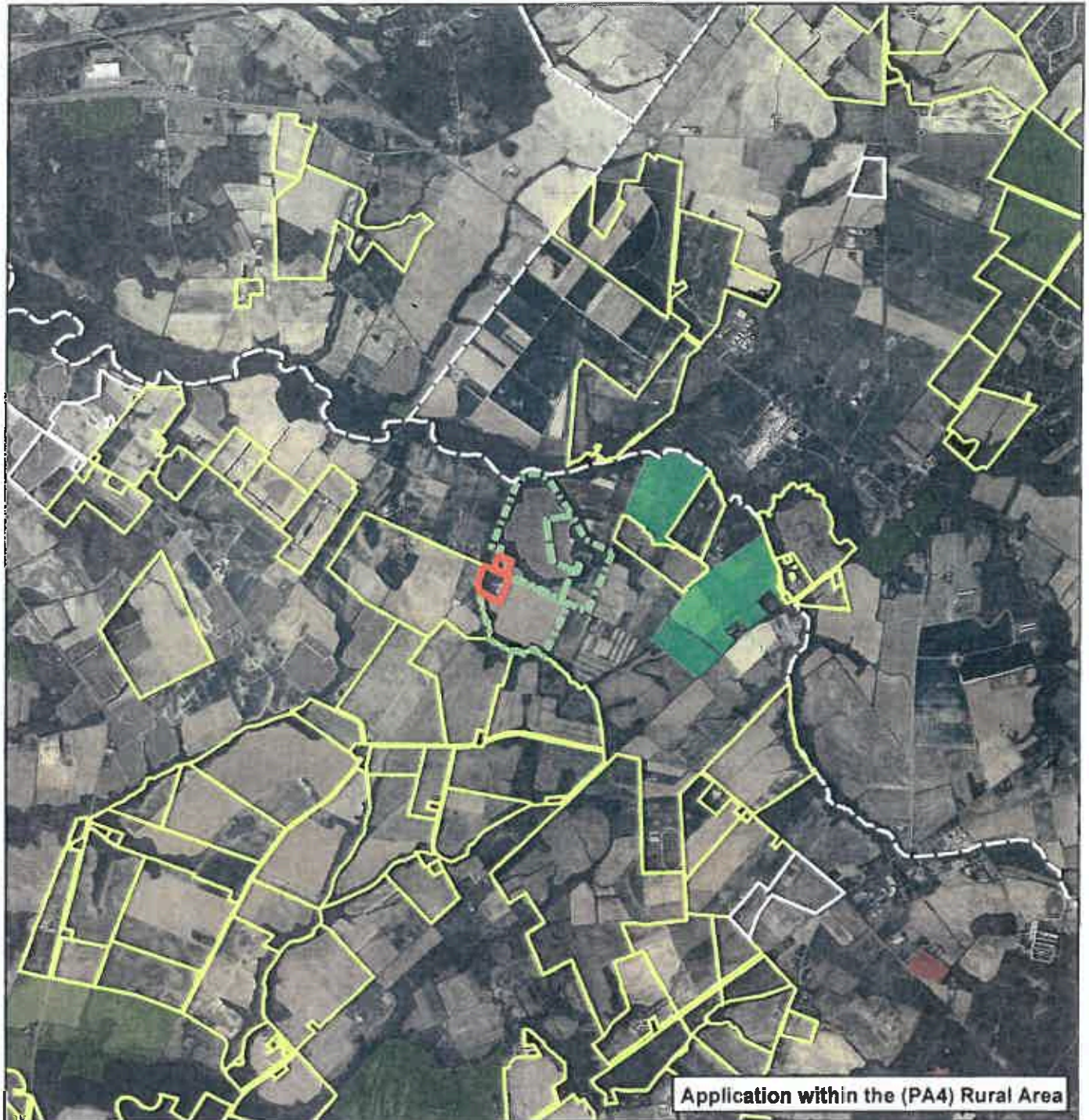


**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and 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:  
 Green Acres Conservation Easement Data  
 N.J.OIT/OGIS 2015 Digital Aerial Image

# Preserved Farms and Active Applications Within Two Miles

X:\counties\es\co\project\catalano\_joanne\_1\_2mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Catalano, Joanne J.  
 Block 3 Lots P/O 6 (84.3 ac);  
 P/O 6-ES (severable exception - 3.0 ac); 7 (49.1 ac) & 8 (0.5 ac)  
 Block 4 Lots P/O15 (61.7 ac) & P/O 15-ES (severable exception - 10.0 ac)  
 Gross Total = 208.6 ac  
 Mannington Twp., Salem 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 O/S & Recreation Easement

Source:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDOT/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



Schedule C

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Catalano, Joanne J.  
17- 0168-PG  
County PIG Program  
196 Acres

Block 3	Lot 6	Mannington Twp.	Salem County
Block 3	Lot 7	Mannington Twp.	Salem County
Block 3	Lot 8	Mannington Twp.	Salem County
Block 4	Lot 15	Mannington Twp.	Salem County

<b>SOILS:</b>	Other	24% *	0	=	.00
	Prime	74% *	.15	=	11.10
	Statewide	2% *	.1	=	.20
					<b>SOIL SCORE: 11.30</b>

<b>TILLABLE SOILS:</b>	Cropland Harvested	73% *	.15	=	10.95
	Other	1% *	0	=	.00
	Wetlands	6% *	0	=	.00
	Woodlands	20% *	0	=	.00
					<b>TILLABLE SOILS SCORE: 10.95</b>

<b>FARM USE:</b>	Corn-Cash Grain	55 acres	
	Vegetable & Melons	29 acres	Spinach
	Soybeans-Cash Grain	52 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 ten (10) acres for existing single family residence and agricultural buildings  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd three (3) acres for Future dwelling  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

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 FY2018R12(13)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**SALEM COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of  
E&A Farms ("Owner")  
Quinton Township, Salem County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID#17-0169-PG**

**December 7, 2017**

WHEREAS, on December 15, 2008 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 FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on November 9, 2015, the SADC received a direct easement application for the sale of a development easement from E&A Farms for the subject farm identified as Block 18, Lot 3 and Block 29 Lot 4, Quinton Township, Salem County, totaling approximately 91.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, SADC and Salem County staff coordinated in the transfer of this application to the County PIG program due to a lack of funding for the SADC Direct Easement program with the condition that the SADC would apply for and obtain an Agricultural Land Easement (ALE) grant through the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Agriculture Conservation Easement Program (ACEP) program to offset Salem County's cost share; and

WHEREAS, the targeted Property is located in Salem County's Project Area #3; and

WHEREAS, the Property includes one (1) approximately 1 acre non-severable exception area for and limited to one (1) single family residential unit and to afford future flexibility of uses resulting in approximately 90.8 net acres to be preserved; and

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

- WHEREAS, at the time of application the Property was in soybeans, corn, and hay production; and
- WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises for Non-contiguous Parcels, and Non-agricultural uses; and
- WHEREAS, the Property has a quality score of 66.87 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 August 1, 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, the Property includes approximately 11.34 acres of Tidelands, therefore the appraisals were based on an adjusted net acreage of 79.46 upland and/or wetland acres as per the SADC Appraisal Handbook; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 26, 2017, the SADC certified a development easement value of \$3,950 per acre based on zoning and environmental regulations in place as of the current valuation date December 5, 2016; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,950 per acre for the development easement for the Property; and
- WHEREAS, a parcel application was submitted to NRCS by the SADC for a FY2017 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 5% maximum impervious coverage restriction (approximately 3.97 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, at this time the ALE approved current easement value has not been finalized, therefore the ALE grant will be calculated based on the per acre value of the ALE appraisal submitted for a value of \$2,000 per acre (50% of \$4,000) or approximately \$163,680 in total ALE funds; and
- WHEREAS, due to a shortage of available funds the County has 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 ALE 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 ALE funding; and

WHEREAS, on October 16, 2017, 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 November 7, 2017, the Quinton 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 or ALE funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 25, 2017, the Salem CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 1, 2017, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval, but is not participating financially in the easement purchase due to the anticipated receipt of FRPP or ALE funds; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 81.84 acres of uplands will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 81.84 acres); and

	<u>Total</u>	<u>Per acre</u>
SADC	\$226,696.80	(\$2,770 per acre)
<u>Salem County</u>	<u>\$ 96,571.20</u>	<u>(\$1,180 per acre)</u>
Total Easement	\$323,268.00	(\$3,950 per acre)

Estimated Cost share breakdown if the \$163,680 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>
SADC	\$226,696.80	\$67,108.80	\$159,588 (\$1,950 per acre)
Salem County	\$ 96,571.20	\$96,571.20	\$0
<u>ALE Grant</u>			<u>\$163,680 (\$2,000 per acre)</u>
TOTAL	\$323,268.00	\$163,680	\$323,268 (\$3,950 per 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 \$159,588 in FY17 base grant 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 subject to available funds and 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 81.84 net upland easement acres, at a State cost share of \$1,950 per acre, (49.36% of certified easement value and purchase price), for a total approximate grant of \$159,588 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 approximately 1 acre non-severable exception area for and limited to one (1) single family residential unit and to afford future flexibility of uses resulting in approximately 90.8 net acres to be preserved; and

BE IT FURTHER RESOLVED, the portion of the Property outside the exception area includes zero (0) single family residential units, 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 County's cost share or in absence of ALE funding a resolution by the County Board of Chosen Freeholder's to commit the funds needed to cover the County's cost share; and

BE IT FURTHER RESOLVED, that if ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the County cost share and then, with the remaining funds (estimated \$67,108.80) to reduce the SADC's cost share; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as

determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

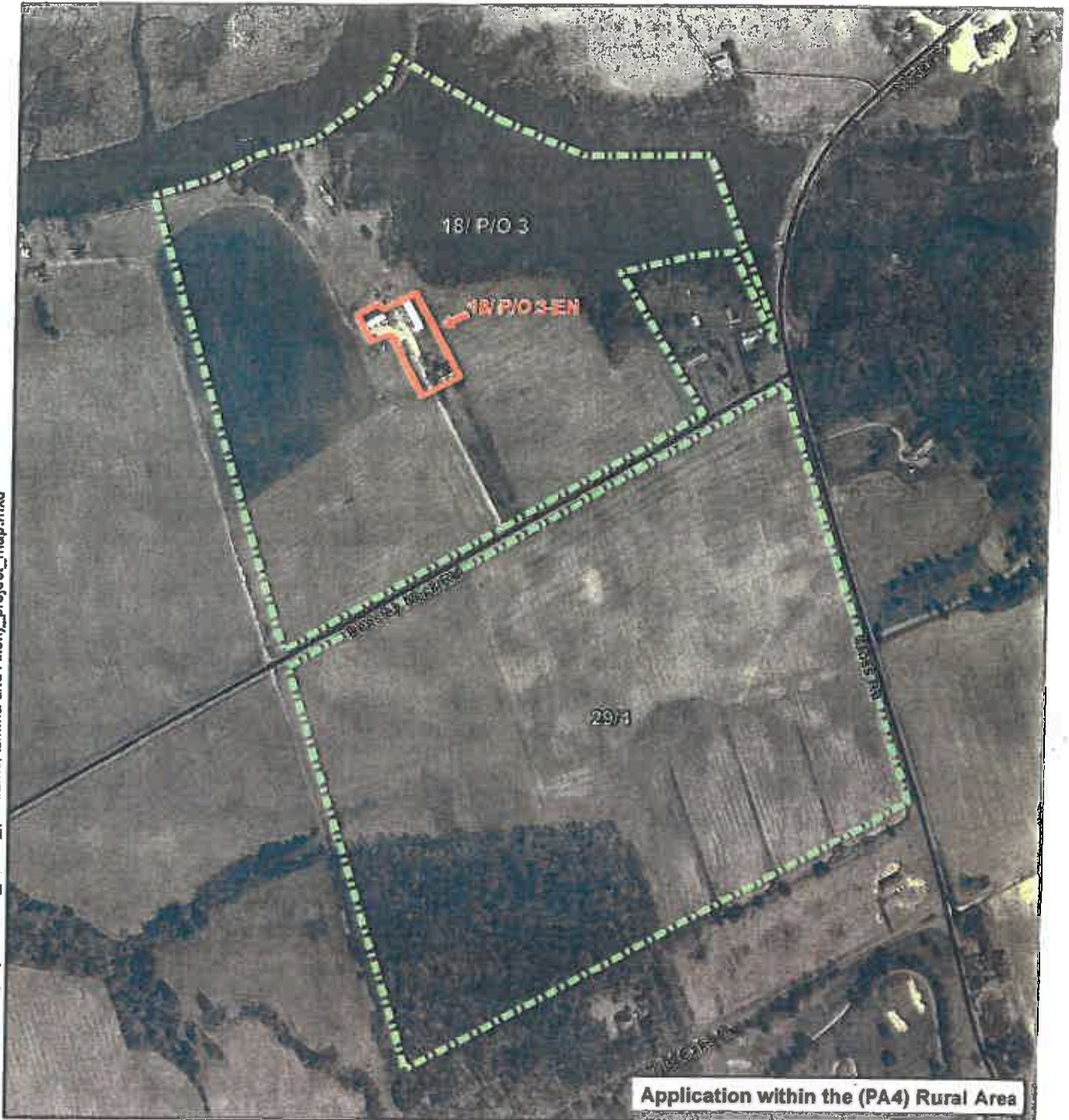
12/7/17  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

X:\counties\salco\projects\E&A\_Farms\_(Williams, Emma and Allen)\_project\_map.mxd



Application within the (PA4) Rural Area

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

E & A Farm/Williams, Emma & Allen  
 Block 29 Lot 4 (50.2 ac) & Block 18 Lots P/O 3 (40.6 ac)  
 & P/O 3-EN (non-severable exception - 1.0 ac)  
 Gross Total = 91.8 ac  
 Quinton Twp., Salem County

500 250 0 500 1,000 Feet

	Property In Question
	EN - (Non-Severable) Exception
	E8 - (Severable) Exception
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads



**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 definition and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

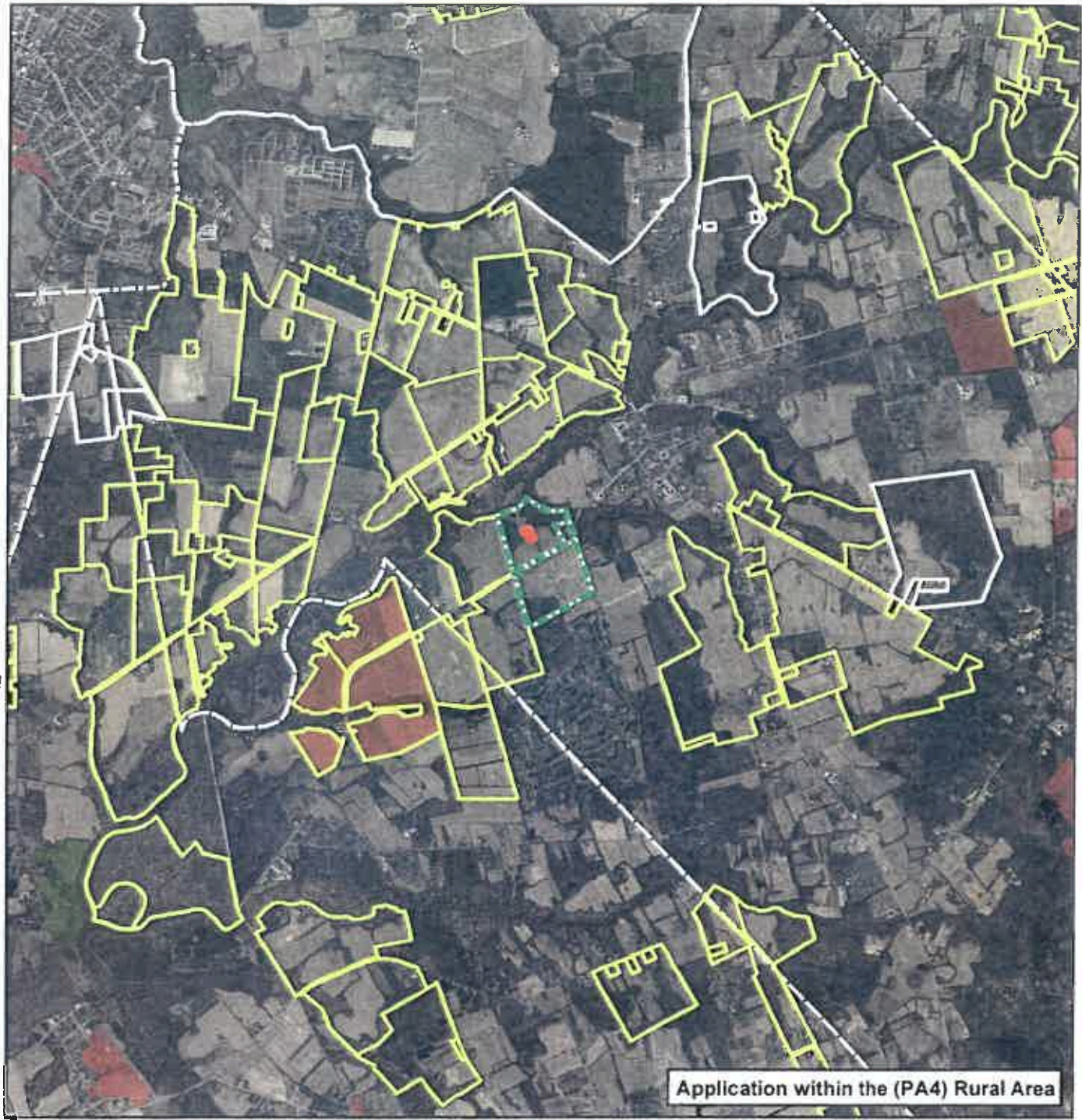
Sources:  
 Green Acres Conservation Easement Data  
 NJGIT/OGIS 2012 Digital Aerial Image

November 22, 2016

2011/11/23

# Preserved Farms and Active Applications Within Two Miles

X:\counties\saico\projects\E&A\_Farms\_(Williams, Emma and Allen)\_2mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Allen and Emma Williams/E & A Farm  
 Block 29 Lot 4 (50.2 ac) & Block 18 Lots P/O 3 (40.6 ac)  
 & P/O 3-EN (non-severable exception - 1.0 ac)  
 Gross Total = 91.8 ac  
 Quinton Twp., Salem County

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



Source:  
 NJ Farmland Preservation Program  
 Grass 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





JERRY L

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

E&A Farms  
17- 0169-PG  
County PIG Program  
91 Acres

Block 18	Lot 3	Quinton Twp.	Salem County	
Block 29	Lot 4	Quinton Twp.	Salem County	
<b>SOILS:</b>		Other	20% * 0	= .00
		Prime	53% * .15	= 7.95
		Statewide	26% * .1	= 2.60
		Unique zero	1% * 0	= .00
				<b>SOIL SCORE: 10.55</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	73% * .15	= 10.95
		Wetlands	20% * 0	= .00
		Woodlands	7% * 0	= .00
				<b>TILLABLE SOILS SCORE: 10.95</b>
<b>FARM USE:</b>		Corn-Cash Grain	12 acres	
		Soybeans-Cash Grain	39 acres	
		Hay	16 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 one (1) acres for Future flexibility/existing buildings  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
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 FY2018R12(14)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**GLOUCESTER COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**Bezr Homes, LLC ("Owner")**

**East Greenwich Township, Gloucester County**

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

**SADC ID#08-0188-PG**

**December 7, 2017**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester 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, Gloucester County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on April 30, 2015, the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 1203, Lots 3.11-24, 3.26, East Greenwich Township, Gloucester County, totaling 32.040 gross surveyed acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Gloucester County's Repaupo-Mantua Creek Project Area; and

WHEREAS, the Property has zero (0) exceptions, 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 and melon 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 64.19 which exceeds 47, which is 70% of the County's average quality score as determined by the SADC, July 24, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 9, 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 June 23, 2016, the SADC certified a development easement value of \$14,300 per acre based on zoning and environmental regulations in place as of the current valuation date February 6, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$14,300 per acre for the development easement for the Property; and

WHEREAS, on September 5, 2017, 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 February 14, 2017, the East Greenwich 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 15, 2017, the Board of Chosen Freeholders of the County of Gloucester passed a resolution granting final approval and a commitment of funding for \$14,300 per acre; and

WHEREAS, in order to clear title to certain areas of the Property prior to recording the Deed of Easement the County coordinated the termination of the Rights of Way, Storm Water, Utility/Sidewalk, Site Triangle Easements and Wetlands Restriction Rights Agreement and Drainage Easements Agreement and this termination was recorded in the County Clerk's office in Book 5654, Page 334, which will be reviewed and approved by SADC staff prior to issuing a cost share grant; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development easement on April 27, 2017 for \$458,172.00 (\$14,300 per acre on 32.040 acres) which was recorded on May 19, 2017 in the Gloucester County Clerk's Office in Deed Book 5654, Page 320; and

WHEREAS, on June 1, 2017 a Deed of Consolidation was recorded in Book 5662, Page 224 which consolidated the individual lots into a single Block 1203, Lot 3; and

WHEREAS, on August 31, 2017, the Gloucester CADB passed a resolution confirming final approval for the development easement acquisition on the Property; and

WHEREAS, there is an existing 13.492-acre conservation easement on the Premises which was not terminated and is held by New Jersey Department of Environment Protection that contains restrictions that are inconsistent with the Farmland Preservation Program Deed of Easement although the Farmland Preservation Deed of Easement will cover this area, the SADC will not cost share on this acreage (Schedule A); and

WHEREAS, the estimated cost share breakdown is as follows (based on 18.548 payable surveyed acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$159,141.84	(\$8,580/acre)
County	\$106,094.56	(\$5,720/acre)
Total Easement Purchase	\$265,236.40	(\$14,300/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 Gloucester County Agriculture Development Board is requesting \$159,141.84 in FY17 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 subject to available funds and 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 Gloucester County for the purchase of a development easement on the Property, comprising 18.548 net payable surveyed easement acres, at a State cost share of \$8,580 per acre, (60% of certified easement value and per acre purchase price), for a total grant of approximately \$159,141.84 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception

areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

12/7/17

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

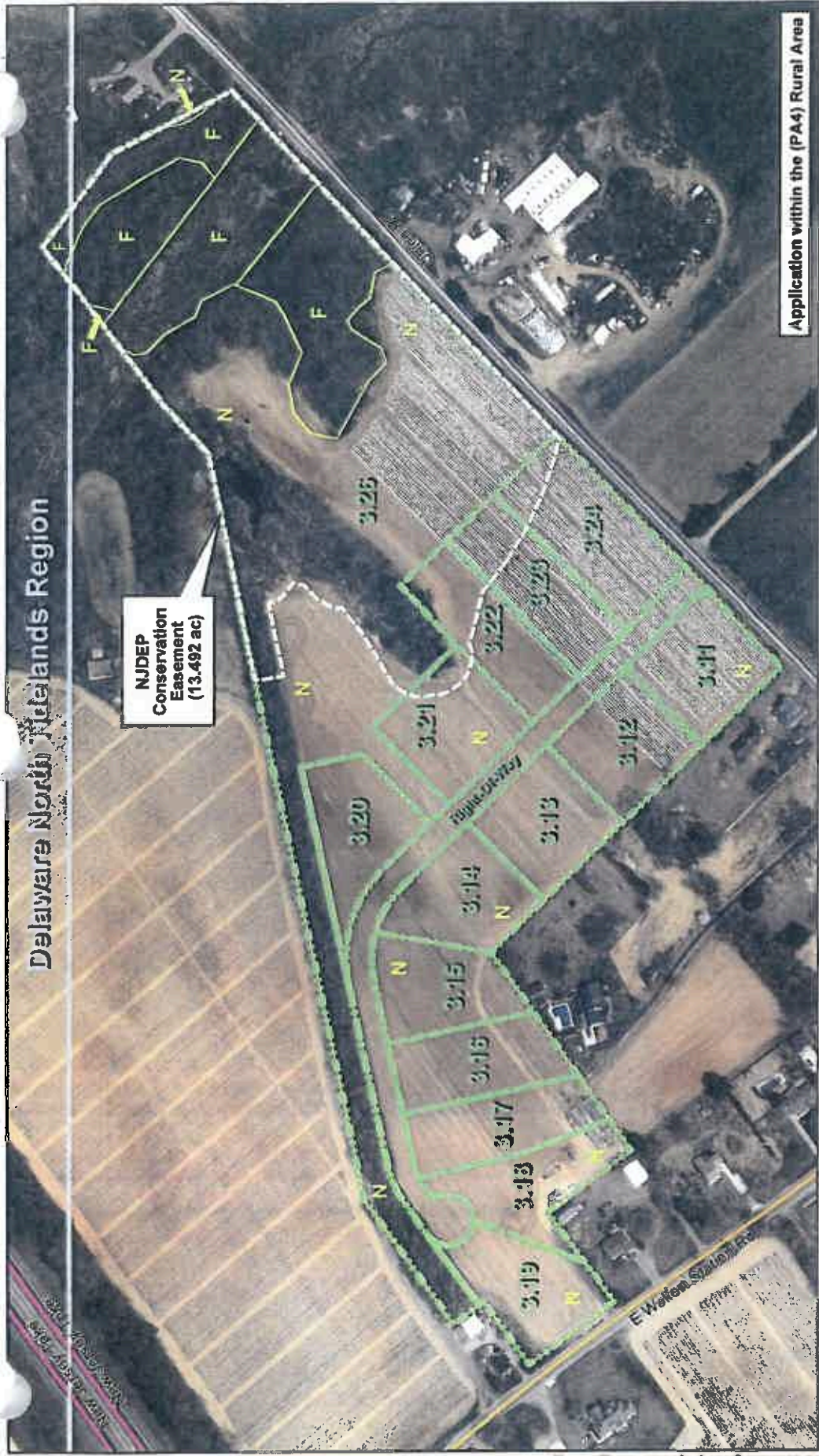
VOTE WAS RECORDED AS FOLLOWS:

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

# V Lands

## Delaware North Highlands Region

**NJDEP Conservation Easement (13,492 ac)**



Application within the (PA4) Rural Area



**Map Data Legend:**  
 F - Farmland  
 L - Local Roads  
 P - Private  
 W - Wetlands  
 N - Non-Wetlands  
 W - Water

**Source:**  
 NJ Farmland Preservation Program  
 NJ State Agriculture Development Committee  
 NJDEP Wetlands Data  
 NJDOT Road Data  
 INDIANIS 2013 Digital Aerial Image  
 November 15, 2017

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

**Bezz Home LLC / Ron Zeck**  
 Block 1203 Lots 3.11 (1.02 ac), 3.12 (1.02 ac), 3.13 (1.02 ac), 3.14 (1.02 ac), 3.15 (1.0 ac), 3.16 (1.0 ac), 3.17 (1.0 ac), 3.18 (1.0 ac), 3.19 (1.07 ac), 3.20 (1.03 ac), 3.21 (1.07 ac), 3.22 (1.04 ac), 3.23 (1.04 ac), 3.24 (1.37 ac), 3.26 (15.24 ac) & Road R-O-W (1.89 ac)  
 Gross Total - 31.82 ac  
 East Greenwich Twp, Gloucester County



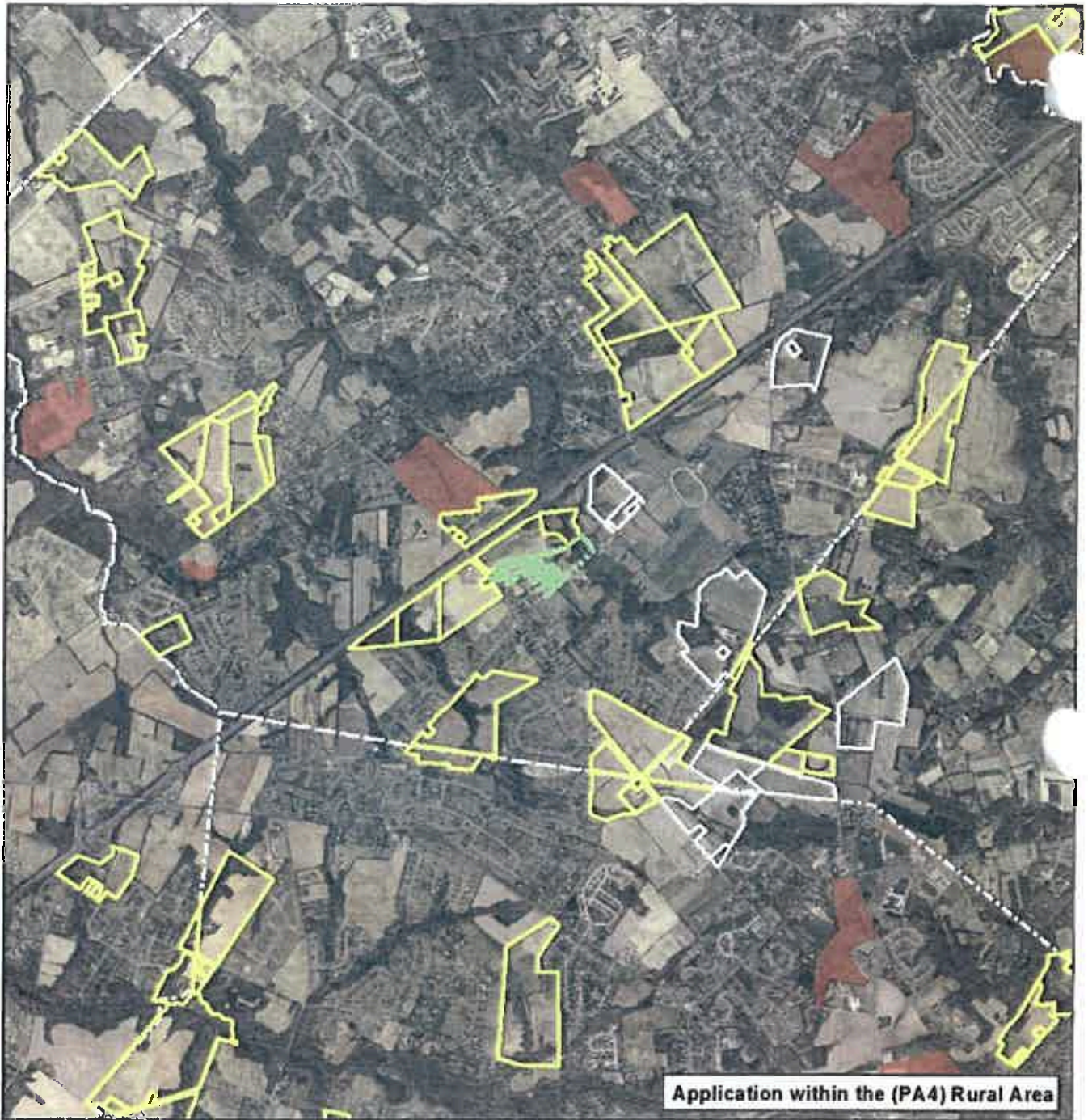
**DISCLAIMER:** This map was derived from the NJDEP, CD ROM series 1, Volume 4, "Wetlands, Oldies Map". These data were not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Wetlands Management can perform an official determination of Wetlands/Regulation status.

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

X:\counties\gloucester\projects\BEZR\_ZECK\_FWW.mxd

# Preserved Farms and Active Applications Within Two Miles

X:\counties\gto\projects\BEZR\_ZECK\_2Mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

BeZR Home LLC / Ron Zeck  
 Block 1203 Lots 3.11 (1.02 ac), 3.12 (1.02 ac), 3.13 (1.02 ac)  
 3.14 (1.02 ac), 3.15 (1.0 ac), 3.16 (.99 ac), 3.17 (.99 ac), 3.18 (1.0 ac), 3.19 (1.07 ac), 3.20 (1.03 ac)  
 3.21 (1.07 ac), 3.22 (1.04 ac), 3.23 (1.04 ac), 3.24 (1.37 ac), 3.26 (15.24 ac) & Road R-O-W (1.89 ac)  
 Gross Total - 31.82 ac  
 East Greenwich Twp. Gloucester County



- Property in Question
- Ex - (Non-Residential) Exception
- Ex - (Res. Subj.) Exception
- Preserved Estates
- Active Applications
- County Boundaries
- Municipal Boundaries
- Potential Development Areas
- Highways/Designated Corrs
- Parcels, Subdivisions, Forest Land, Open Space
- State Open Conservation Easement
- Sub-Order O&B & Recreation Easement



Sources:  
 NJ Farmland Preservation Program  
 Open Acres Conservation Easement  
 NJ Planning Commission POC Data  
 NJ Highlands Council Data  
 NJ City/County 2012 Digital Aerial Image  
 Date: 8/10/2015

**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



SADC County Financial Status  
Schedule B

Gloucester County

Farm	Acres	SADC		Federal Grant		Base Grant				Competitive Funds				
		Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	P.V.	Maximum Grant	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fund Balance
Bezr Homes LLC (Zeck)	111.8000	3,107,440.00	1,864,464.00	1,500,000.00	1,500,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	864,464.00	864,464.00	864,464.00	4,469,756.32	
Maccheronia, Sarto JJ	110.3210	1,312,819.90	787,691.94	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	787,691.94	787,691.94	787,691.94	3,682,066.38	
Holtzhauser, Charles & Son	90.0000	1,899,000.00	1,139,400.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,139,400.00	1,139,400.00	1,139,400.00	2,542,666.38	
Patene, Afilo & Mary T.	124.6600	1,533,318.00	846,832.86	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	846,832.86	846,832.86	846,832.86	1,696,633.52	
Urban, George and Robert	116.1000	1,010,800.00	606,480.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	606,480.00	606,480.00	606,480.00	1,089,353.52	
Stefka, Robert Sr. & William Jr. (H)	32.2520	419,276.00	214,078.80	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	214,078.80	214,078.80	214,078.80	875,274.72	
Maccheronia, Sarto J., Lewall, Fardella	77.1150	1,696,930.00	331,089.18	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	331,089.18	331,089.18	331,089.18	544,185.54	
Brown	37.4180	401,738.25	241,042.95	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	241,042.95	241,042.95	241,042.95	303,142.59	
Call	37.0760	385,590.40	231,354.24	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	231,354.24	231,354.24	231,354.24	71,786.35	
Dormann, John & Karen	16.9800	151,200.00	91,692.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	91,692.00	91,692.00	91,692.00	4,759,304.48	
Pieroli Homes	49.8240	1,434,931.20	771,275.52	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	771,275.52	771,275.52	771,275.52	4,593,704.48	
Phiviera et al.	95.8000	766,400.00	469,420.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	469,420.00	469,420.00	469,420.00	4,552,101.88	
Bartholomew, Claire	22.0600	287,040.00	165,600.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	165,600.00	165,600.00	165,600.00	3,961,099.88	
Diano, Marco	16.6410	58,243.50	41,602.50	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	41,602.50	41,602.50	41,602.50	3,603,874.03	
Shuts, Mark et al	42.8180	383,562.00	226,940.85	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	226,940.85	226,940.85	226,940.85	3,067,493.03	
Cohanwkh Road, LLC	32.3610	606,768.75	364,061.25	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	364,061.25	364,061.25	364,061.25	2,710,481.03	
Harian Corporation	64.3470	595,209.75	357,125.85	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	357,125.85	357,125.85	357,125.85	2,414,309.03	
Austin, Jeanette	46.0000	400,900.00	240,540.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	240,540.00	240,540.00	240,540.00	2,075,969.03	
Silli Run Properties, LLC #4	42.8900	493,235.00	295,941.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	295,941.00	295,941.00	295,941.00	1,911,482.95	
Silli Run Properties, LLC #3	49.5950	595,020.00	357,012.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	357,012.00	357,012.00	357,012.00	1,603,787.95	
Leone, Russell & April	43.3000	530,425.00	296,172.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	296,172.00	296,172.00	296,172.00	1,312,630.85	
Slayton, Herbert & Stylades, George	58.3900	597,734.00	338,340.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	338,340.00	338,340.00	338,340.00	1,153,469.01	
Musumeci, Joseph, Victoria & Anna	29.4760	274,126.80	164,476.08	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	164,476.08	164,476.08	164,476.08	882,669.01	
Hazelton, Shirley (Estate)	41.0260	512,625.00	307,695.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	307,695.00	307,695.00	307,695.00	776,542.01	
Raguea, Mollie	46.4310	485,278.50	291,167.10	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	291,167.10	291,167.10	291,167.10	776,542.01	
Bezr Homes, LLC	18.5490	265,236.40	159,141.64	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	159,141.64	159,141.64	159,141.64	776,542.01	
Testerman, Diane E. (Trust)	43.4700	434,700.00	260,820.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	260,820.00	260,820.00	260,820.00	776,542.01	
Snyder, Linda	22.7700	191,266.00	116,127.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	116,127.00	116,127.00	116,127.00	776,542.01	
<b>17</b>	<b>1,256.6100</b>	<b>18,860,875.35</b>	<b>10,519,803.65</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>18</b>	<b>763.5570</b>	<b>8,912,903.90</b>	<b>5,223,457.99</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
				Enumber/Expended FY09	Enumber/Expended FY11	Enumber/Expended FY13	Enumber/Expended FY17	Total						
				-	-	-	-	2,731,102.89	1,492,355.10	3,000,000.00	5,000,000.00	0.00	776,542.01	
				-	-	-	-	0.00	0.00	0.00	0.00	0.00	776,542.01	



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

7. Review and approval by the SADC legal counsel for compliance with legal requirements.



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(15)**

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

**On the Property of  
Diane Testerman Trust ("Owner")  
Logan Township, Gloucester County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID#08-0194-PG**

**December 7, 2017**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester 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, Gloucester County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on June 3, 2016, the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 703, Lot 4, Logan Township, Gloucester County, totaling 44.47 gross surveyed acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Gloucester County's Delaware River Project Area; and

WHEREAS, the Property includes one (1), 1 acre non-severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in 43.47 net surveyed 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 wheat production; and

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

WHEREAS, the Property has a quality score of 67.08 which exceeds 46, 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 October 12, 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 January 26, 2017, the SADC certified a development easement value of \$10,000 per acre based on zoning and environmental regulations in place as of the current valuation date November 16, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$10,000 per acre for the development easement for the Property; and

WHEREAS, on September 7, 2017, 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 May 2, 2017, the Logan Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 3, 2017, the Board of Chosen Freeholders of the County of Gloucester passed a resolution granting final approval and a commitment of funding for \$10,000 per acre to cover the easement pre-acquisition; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development easement on June 9, 2017 for \$434,700.00 (\$10,000 per acre) which was recorded on June 21, 2017 in the Gloucester County Clerk's Office in Deed Book 5675, page 167; and

WHEREAS, on August 31, 2017, the Gloucester CADB passed a resolution confirming the submission to SADC for final approval and a cost share for the development easement acquisition on the Property; and

WHEREAS, the cost share breakdown is as follows (based on 43.47 surveyed acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$260,820	(\$6,000/acre)
Gloucester County	\$173,880	(\$4,000/acre)
Total Easement Purchase	\$434,700	(\$10,000/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 Gloucester County Agriculture Development Board is requesting \$260,820 in FY17 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 subject to available funds and 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 Gloucester County for the purchase of a development easement on the Property, comprising 43.47 net surveyed easement acres, at a State cost share of \$6,000 per acre, (60% of certified easement value and purchase price), for a total grant of \$260,820 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), 1 acre non-severable exception area for and limited to 1 future single family residential unit and to afford future flexibility of use; and

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

BE IT FURTHER RESOLVED, 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

12/7/17

Date

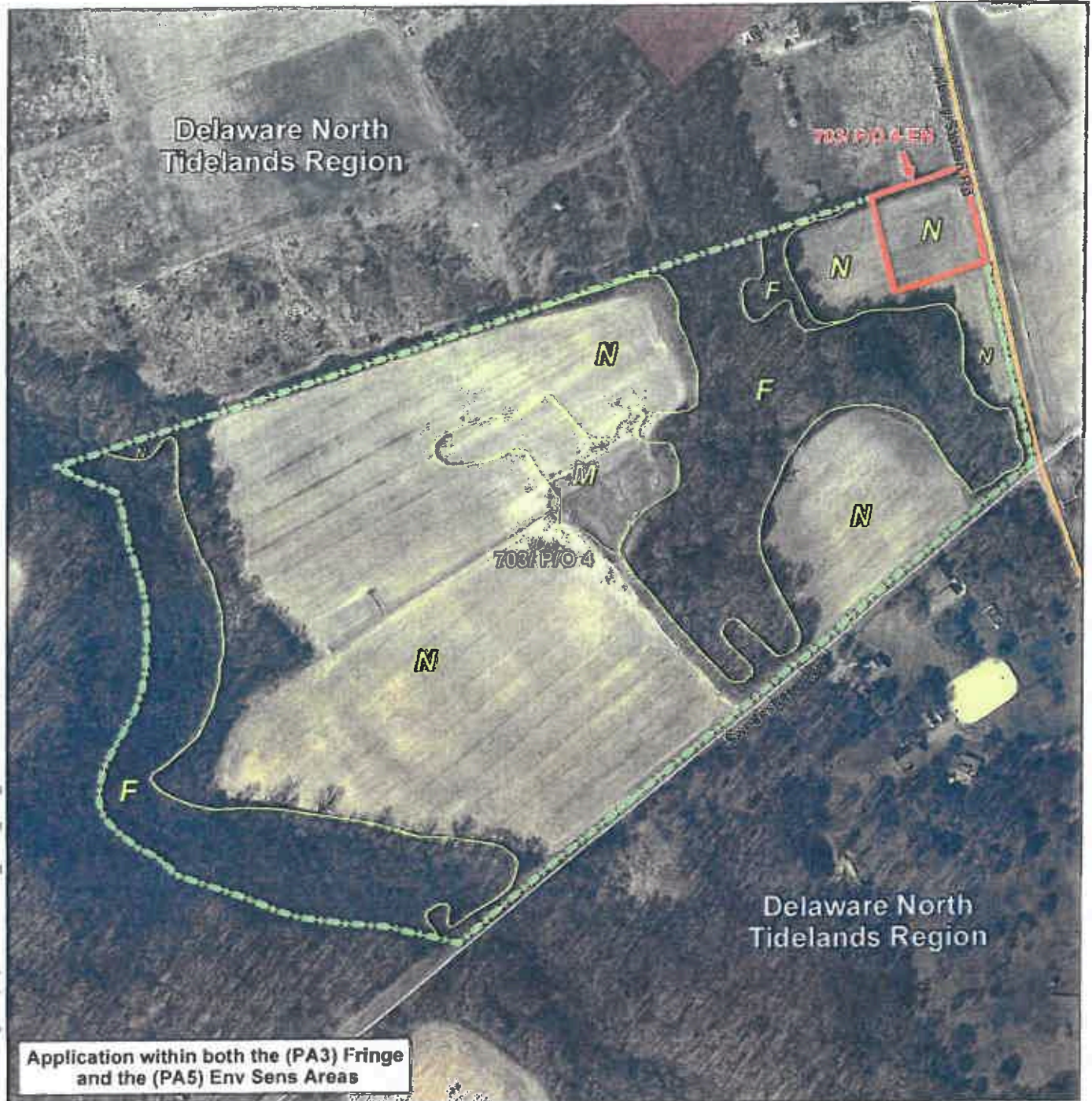


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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





X:\counties\gloucester\testerman\_diane\_trust\_nrw.mxd

Application within both the (PA3) Fringe and the (PA5) Env Sens Areas

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

Testerman, Diane E. (Trust)  
 Block 703 Lots P/O 4 (44.2 ac); &  
 P/O 4-EN (non-severable exception - 1.0 ac)  
 Gross Total - 45.2 ac  
 Logan Twp. Gloucester County



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

**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/Wetland 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 geospatial 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.

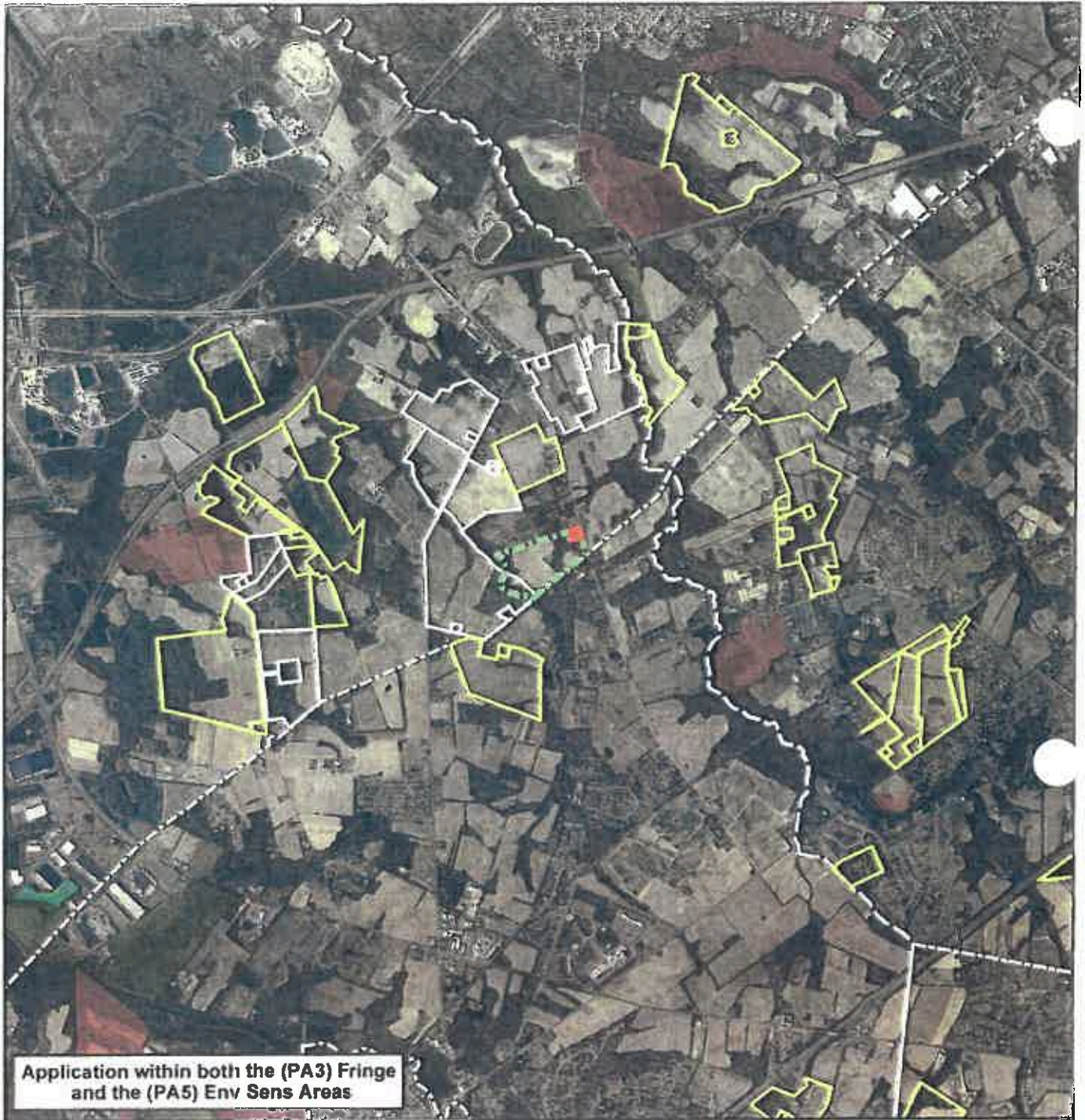
	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Tidelands Boundary
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement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



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

# Preserved Farms and Active Applications Within Two Miles

X:\counties\glocoproject\testerman\_diane\_trust\_2mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Testerman, Diane E. (Trust)  
Block 703 Lots P/O 4 (44.2 ac); &  
P/O 4-EN (non-severable exception - 1.0 ac)  
Gross Total - 45.2 ac  
Logan Twp. Gloucester County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJ Highlands Council Data  
NJGIS/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 Coun Financial Status  
Schedule B

Gloucester County

Farm	Acres	SADC		Federal Grant		Base Grant				Competitive Funds				
		Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance
Bezz Homes LLC (Zack)	111,8000	3,107,440.00	1,854,464.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	864,464.00	864,464.00	864,464.00	4,489,788.32	4,489,788.32	4,489,788.32
Macedorona, Santo J.J	110,3210	1,912,619.80	787,691.94	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	787,691.94	787,691.94	787,691.94	3,692,086.38	3,692,086.38	3,692,086.38
Holtzreuter, Charles & Son	90,0000	1,809,000.00	1,136,400.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,136,400.00	1,136,400.00	1,136,400.00	2,542,866.36	2,542,866.36	2,542,866.36
Pelame, Afio & Mary T.	124,9800	1,533,318.00	846,832.86	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	846,832.86	846,832.86	846,832.86	1,694,833.82	1,694,833.82	1,694,833.82
Urban, George and Robert	118,1000	1,010,800.00	606,460.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	606,460.00	606,460.00	606,460.00	1,089,363.82	1,089,363.82	1,089,363.82
Sarkis, Robert Sr. & William Jr. (W4)	32,2520	419,276.00	214,076.80	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	214,076.80	214,076.80	214,076.80	875,274.72	875,274.72	875,274.72
Macedorona, Santo J., Laverni, Fardalia	77,1180	1,696,530.00	331,088.18	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	331,088.18	331,088.18	331,088.18	544,185.64	544,185.64	544,185.64
Brown	37,4180	401,738.25	241,346.10	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	241,346.10	241,346.10	241,346.10	393,162.59	393,162.59	393,162.59
Call	37,0760	385,590.40	231,354.24	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	231,354.24	231,354.24	231,354.24	71,788.35	71,788.35	71,788.35
Dormany, John & Karen	16,9600	151,200.00	91,692.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	91,692.00	91,692.00	91,692.00	4,759,304.48	4,759,304.48	4,759,304.48
Piercol Homes	49,8240	1,434,831.20	771,275.52	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	771,275.52	771,275.52	771,275.52	4,552,101.98	4,552,101.98	4,552,101.98
Phyllera et al.	95,8000	766,400.00	469,420.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	469,420.00	469,420.00	469,420.00	4,325,181.13	4,325,181.13	4,325,181.13
Bartholomew, Claire	22,0800	287,040.00	165,600.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	165,600.00	165,600.00	165,600.00	3,991,098.88	3,991,098.88	3,991,098.88
Diarlo, Marco	16,6410	59,243.50	41,802.50	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	41,802.50	41,802.50	41,802.50	3,603,874.03	3,603,874.03	3,603,874.03
Shute, Mark et al	42,6180	363,562.00	226,940.85	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	226,940.85	226,940.85	226,940.85	3,097,493.03	3,097,493.03	3,097,493.03
Cochran Road, LLC	32,3610	606,768.75	364,051.25	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	364,051.25	364,051.25	364,051.25	2,710,481.03	2,710,481.03	2,710,481.03
Harian Corporation	64,3470	595,209.75	357,125.85	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	357,125.85	357,125.85	357,125.85	2,414,308.03	2,414,308.03	2,414,308.03
Austin, Jeanette	48,0000	400,900.00	240,540.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	240,540.00	240,540.00	240,540.00	2,075,896.03	2,075,896.03	2,075,896.03
Sill Run Properties, LLC #4	42,8900	493,235.00	295,841.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	295,841.00	295,841.00	295,841.00	1,911,482.95	1,911,482.95	1,911,482.95
Sill Run Properties, LLC #3	49,5850	585,020.00	357,012.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	357,012.00	357,012.00	357,012.00	1,803,797.95	1,803,797.95	1,803,797.95
Leone, Russell & April	43,3000	530,425.00	296,172.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	296,172.00	296,172.00	296,172.00	1,312,630.85	1,312,630.85	1,312,630.85
Stayton, Herbert & Spjeldes, George	96,9900	597,734.00	339,340.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	339,340.00	339,340.00	339,340.00	1,453,486.01	1,453,486.01	1,453,486.01
Musumeci, Joseph, Victoria & Anna	29,4760	274,128.80	164,478.08	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	164,478.08	164,478.08	164,478.08	892,698.01	892,698.01	892,698.01
Hazelton, Shirley (Estate)	41,0280	512,825.00	307,685.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	307,685.00	307,685.00	307,685.00	778,542.01	778,542.01	778,542.01
Regusa, Mollie	46,4310	466,278.50	291,167.10	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	291,167.10	291,167.10	291,167.10	0.00	0.00	0.00
Bezz Homes, LLC	18,5480	285,236.40	159,141.84	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	159,141.84	159,141.84	159,141.84	0.00	0.00	0.00
Tetsman, Diane E. (Trust)	43,4700	434,700.00	260,820.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	260,820.00	260,820.00	260,820.00	0.00	0.00	0.00
Snyder, Linda	22,7700	191,268.00	116,127.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	116,127.00	116,127.00	116,127.00	0.00	0.00	0.00
<b>Total</b>	<b>1,256,6100</b>	<b>18,880,678.35</b>	<b>10,619,903.85</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
	<b>763,5570</b>	<b>8,912,903.90</b>	<b>5,223,457.99</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
				<b>Encumber/Expended FY09</b>	<b>Encumber/Expended FY11</b>	<b>Encumber/Expended FY13</b>	<b>Encumber/Expended FY17</b>	<b>Total</b>						
				<b>0.00</b>	<b>1,560,000.00</b>	<b>1,000,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,731,102.89</b>	<b>3,000,000.00</b>	<b>6,000,000.00</b>	<b>1,492,366.10</b>	<b>0.00</b>	<b>0.00</b>

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Testerman, Diane E. Trust  
08- 0194-PG  
County PIG Program  
44 Acres

Block 703	Lot 4	Logan Twp.	Gloucester County			
<b>SOILS:</b>		Other	18% *	0	=	.00
		Prime	44% *	.15	=	6.60
		Statewide	38% *	.1	=	3.80
						<b>SOIL SCORE: 10.40</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	63% *	.15	=	9.45
		Wetlands	35% *	0	=	.00
		Woodlands	2% *	0	=	.00
						<b>TILLABLE SOILS SCORE: 9.45</b>
<b>FARM USE:</b>						

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 one (1) acres for Future residence
    - Exception is not to be severed from Premises
    - Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R12(16)**

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

**On the Property of  
Linda Snyder ("Owner")  
Mantua Township, Gloucester County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID#08-0193-PG**

**December 7, 2017**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester 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, Gloucester County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on March 31, 2016, the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 4, Lot 21, Mantua Township, Gloucester County, totaling 23.770 gross surveyed acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Gloucester County's Repaupo-Mantua Creek Project Area; and

WHEREAS, the Property includes one (1), 1 acre non-severable exception area for and limited to one single family residential unit and to afford future flexibility of uses resulting in 22.770 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 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, the Property has a quality score of 62.25 which exceeds 46, 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 June 22, 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 September 22, 2016, the SADC certified a development easement value of \$8,400 per acre based on zoning and environmental regulations in place as of the current valuation date July 9, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$8,400 per acre for the development easement for the Property; and

WHEREAS, on May 9, 2017, 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 February 6, 2017, the Mantua Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, on April 20, 2016, the Gloucester CADB passed a resolution confirming final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 1, 2017, the Board of Chosen Freeholders of the County of Gloucester passed a resolution granting final approval and a commitment of funding for \$8,400 per acre to cover the local cost share; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development easement on February 23, 2017 for \$191,268.00 (\$8,400 per acre) which was recorded on February 28, 2017 in Deed Book 5612, Page 15; and

WHEREAS, the cost share breakdown is as follows (based on 22.770 surveyed acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$116,127	(\$5,100 per acre)
<u>Gloucester County</u>	<u>\$ 75,141</u>	<u>(\$3,300 per acre)</u>
Total Easement Purchase	\$191,268	(\$8,400 per 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 Gloucester County Agriculture Development Board is requesting \$116,127.00 FY17 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 subject to available funds

and 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 Gloucester County for the purchase of a development easement on the Property, comprising 22.770 net surveyed easement acres, at a State cost share of \$5,100 per acre, (60.71% of certified easement value and purchase price), for a total grant of approximately \$116,127.00 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 1 acre non-severable exception area for and limited to one single family residential unit and to afford future flexibility of uses resulting in 22.770 net acres to be preserved; 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, 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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.

12/7/17

Date

Susan E. Payne

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



X:\counties\gloucest\projects\snyder\_linda\_fw\w.m.



Application within the (PA4) Rural Area

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

Snyder, Linda  
Block 4 Lots P/O 21 (23.06 ac); &  
P/O 24-EN (non-severable exception - 1.01 ac)  
Gross Total - 24.07 ac  
Mantua Twp. Gloucester County

	Property in Question
	EN - (Non-Severable) Exemption
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OS & Recreation Easement



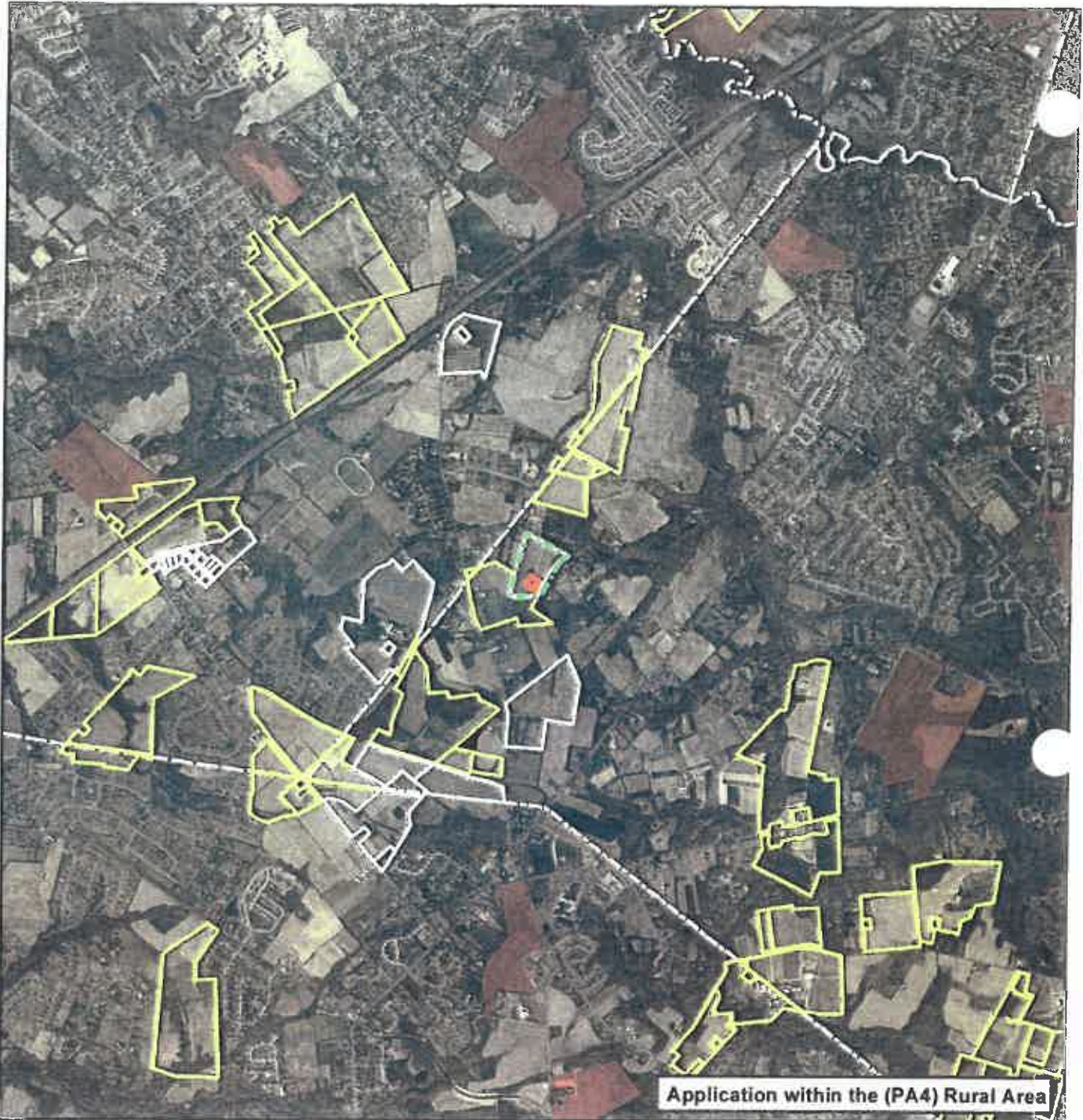
**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
S - 300' Buffer  
W - Water

**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJ Pinelands Commission PDC Data  
NJOIT/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 geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

# Preserved Farms and Active Applications Within Two Miles

X:\counties\glou\projects\snyder\_linda\_2mile.mxd



Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Snyder, Linda  
Block 4 Lots P/O 21 (23.06 ac); &  
P/O 24-EN (non-severable exception - 1.01 ac)  
Gross Total - 24.07 ac  
Mantua Twp. Gloucester County

**Legend**

- Property In Contain
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Segments
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned O/S & Recreation Easement



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easements  
NJ Pinelands Commission PDC Data  
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  
 Schedule B  
 Gloucester County

Farm	Acres	SADC		Federal Grant			Base Grant			Competitive Funds				
		Cost Basis	Cost Share	Total	SADC	Federal Grant	Encumbered	PV	Expended	Balance	Fiscal Year		FY13 Balance	FY17 Balance
											Fiscal Year 11	Fiscal Year 13		
											Maximum Grant	Encumbered		
Bezr Homes LLC (Zack)	111.8000	3,107,440.00	1,664,464.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	3,500,000.00	884,464.00	884,464.00	4,489,788.32	4,489,788.32	
Maccherone, Santo J.J	110.3210	1,312,816.80	787,691.84	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	787,691.84	787,691.84	3,632,068.38	3,632,068.38	
Holtzhauser, Charles & Son	80.0000	1,658,000.00	1,138,400.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,138,400.00	1,138,400.00	2,942,868.38	2,942,868.38	
Pearne, Afro & Mary T.	124.6800	1,633,318.00	646,832.86	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	646,832.86	646,832.86	1,686,833.82	1,686,833.82	
Urban, George and Robert	116.1000	1,010,800.00	609,480.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	609,480.00	609,480.00	1,089,353.52	1,089,353.52	
Stefka, Robert Sr. & William Jr. (#4)	32.2500	419,276.00	214,078.80	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	214,078.80	214,078.80	875,274.72	875,274.72	
Maccherone, Santo J., Lawell, Fardella	77.1150	1,886,630.00	331,088.18	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	331,088.18	331,088.18	544,185.54	544,185.54	
Brown	37.4180	401,738.28	241,042.95	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	241,042.95	241,042.95	303,142.59	303,142.59	
Call	37.0780	365,690.40	231,354.24	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	231,354.24	231,354.24	71,788.35	71,788.35	
Dormery, John & Karen	16.9800	151,200.00	91,692.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	91,692.00	91,692.00	4,759,304.48	4,759,304.48	
Piercol Homes	49.8240	1,434,931.20	771,275.52	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	771,275.52	771,275.52	4,993,704.48	4,993,704.48	
Phyllera et al.	95.8000	766,400.00	469,420.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	469,420.00	469,420.00	4,552,101.98	4,552,101.98	
Bartholomew, Claire	22.9800	267,040.00	165,600.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	165,600.00	165,600.00	4,325,161.13	4,325,161.13	
Disario, Marco	16.8410	56,243.50	41,602.50	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	41,602.50	41,602.50	3,661,099.88	3,661,099.88	
Shute, Mark et al	42.6180	383,562.00	236,940.85	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	236,940.85	236,940.85	3,603,974.03	3,603,974.03	
Cohanlan Road, LLC	32.3610	606,768.75	394,081.25	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	394,081.25	394,081.25	3,393,434.03	3,393,434.03	
Harian Corporation	64.3470	595,208.75	357,125.85	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	357,125.85	357,125.85	3,067,493.03	3,067,493.03	
Auslin, Jeanette	46.0000	400,900.00	240,540.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	240,540.00	240,540.00	2,710,481.03	2,710,481.03	
Silt Run Properties, LLC #4	42.8900	493,235.00	295,841.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	295,841.00	295,841.00	2,414,308.03	2,414,308.03	
Silt Run Properties, LLC #3	49.5850	595,020.00	357,012.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	357,012.00	357,012.00	2,075,888.03	2,075,888.03	
Leone, Russell & April	43.3000	530,425.00	296,172.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	296,172.00	296,172.00	1,811,492.85	1,811,492.85	
Slayton, Herbert & Shirley, George	56.9800	597,734.00	338,340.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	338,340.00	338,340.00	1,603,787.85	1,603,787.85	
Musumed, Joseph, Victoria & Anne	28.4780	274,128.80	164,476.08	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	164,476.08	164,476.08	1,315,930.85	1,315,930.85	
Hazzell, Shirley (Estate)	41.0280	512,925.00	307,665.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	307,665.00	307,665.00	1,153,488.01	1,153,488.01	
Ragusa, Mollie	48.4310	485,278.50	291,167.10	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	291,167.10	291,167.10	882,668.01	882,668.01	
Bezr Homes, LLC	18.5480	265,236.40	159,141.84	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	159,141.84	159,141.84	778,542.01	778,542.01	
Teaserman, Diane E. (Trust)	43.4700	434,700.00	260,820.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	260,820.00	260,820.00	0.00	0.00	
Snyder, Linda	22.7700	191,266.00	116,127.90	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	116,127.90	116,127.90	0.00	0.00	
17	1,258.8100	18,860,875.35	10,518,903.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
18	763.5570	3,912,903.90	5,223,457.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
				Encumber/Expended FY09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
				Encumber/Expended FY11	-	-	-	1,500,000.00	-	-	-	3,000,000.00	-	
				Encumber/Expended FY13	-	-	-	1,000,000.00	-	-	-	5,000,000.00	-	
				Encumber/Expended FY17	1,000,000.00	1,000,000.00	1,000,000.00	-	-	-	-	-	-	
				Total	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	0.00	0.00	
				Encumber/Expended FY17	2,731,102.89	1,492,366.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
				Total	2,731,102.89	1,492,366.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

21000

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Snyder, Linda  
08- 0193-PG  
County PIG Program  
23 Acres

Block 4	Lot 21	Mantua Twp.	Gloucester County		
<b>SOILS:</b>		Other	13% *	0	= .00
		Prime	31% *	.15	= 4.65
		Statewide	56% *	.1	= 5.60
					<b>SOIL SCORE: 10.25</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	80% *	.15	= 12.00
		Other	1% *	0	= .00
		Wetlands	4% *	0	= .00
		Woodlands	15% *	0	= .00
					<b>TILLABLE SOILS SCORE: 12.00</b>
<b>FARM USE:</b>	Soybeans-Cash Grain			18 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 one (1) acres for Future single family residential unit  
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 FY2018R12(17)**

**Request for Division of Premises**

**Rue Brothers, Inc.**

**December 7, 2017**

**Subject Property:**

**Rue Brothers, Inc.**

**Block 15.01, Lots 17, 18**

**Block 16, Lot 12**

**Upper Freehold Township, Monmouth County**

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

WHEREAS, the Premises totals approximately 253.58 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the original 332 acre Premises was conveyed to the Monmouth County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated October 9, 1996 and recorded in the Monmouth County Clerk's Office in Deed Book 5545, Page 402; and

WHEREAS, on March 26, 2015, the SADC approved a division of premises (SADC resolution #2015R3(2)) severing off an approximately 78 acre lot on the north side of Route 195; and

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

WHEREAS, the Premises is bisected by Rue's Road; and

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

WHEREAS, the Owner intends to retain ownership of Block 15.01, Lots 17 & 18, (Parcel-A) on the west side of Rue's Road; and

WHEREAS, the Owner proposes to sell Block 16, Lot 12 (Parcel-B), on the east side of Rue's Road, to Patrick O'Connell, hereinafter "Purchaser"; and

WHEREAS, the Purchaser, has operated a farm, in conjunction with his brother, in Old Bridge Township, Middlesex County since 1980 which raises a large variety of vegetables, plants, ornamentals and grain for the retail and wholesale industry on approximately 475 acres; and

WHEREAS, the Purchaser and his wife have begun a niche vegetable business specializing in central and south American vegetables which they sell locally and to wholesalers distributing their product down the east coast; and

WHEREAS, the Purchaser proposes to utilize the Premises to support and expand his existing operation as well as to plant an orchard to develop a pick-your-own operation at this location; and

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

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

WHEREAS, by resolution dated November 14, 2017, the Monmouth CADB, hereinafter "CADB," approved the request to divide the Premises into two (2) parcels along existing lot lines as follows:

Parcel A - Block 15.01, Lot 17 & 18 (139+/-acres)

Parcel B - Block 16, Lot 12 (113+/-acres)

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

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

WHEREAS, the resulting Parcel-A would result in a 139+/- acre property that is approximately 87% (121 acres) tillable with 81% (114 acres) prime soils and 12% (17 acres) soils of statewide importance with the remaining acreage made up of wooded areas and wetlands; and

WHEREAS, the resulting Parcel-A would include three (3) existing single-family

residences and several farm outbuildings; and

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

WHEREAS, the resulting Parcel-B would result in a 113+/- acre property that is approximately 55% (62 acres) tillable, with 57% (64 acres) prime soils and 13% (15 acres) soils of statewide importance with the remaining acreage made up of wooded areas and wetlands; and

WHEREAS, the resulting Parcel-B would include one (1) existing single-family residence and several farm outbuildings; and

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

WHEREAS, the primary outputs of Parcel-B have historically been dairy, vegetables and grain; and

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

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

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

- 1) Parcel A, at 139 acres, has 121 tillable acres with approximately 114 acres of prime soil and 17 acres soils of statewide importance;
- 2) Parcel B, at 113 acres, has 62 tillable acres with approximately 64 acres of prime soils and 15 acres of soils of Statewide Importance; and

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in two parcels which are agriculturally viable and capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

BE IT FURTHER RESOLVED, that the SADC hereby approves the division of Parcel-

B (Block 16, Lot 12) from the remainder of the Premises as set forth herein, for a division of approximately 113-acres of ground on the east side of Rue's Road; and

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

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

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

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for 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.I.S.A. 4:1C-4f.

12/7/17

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

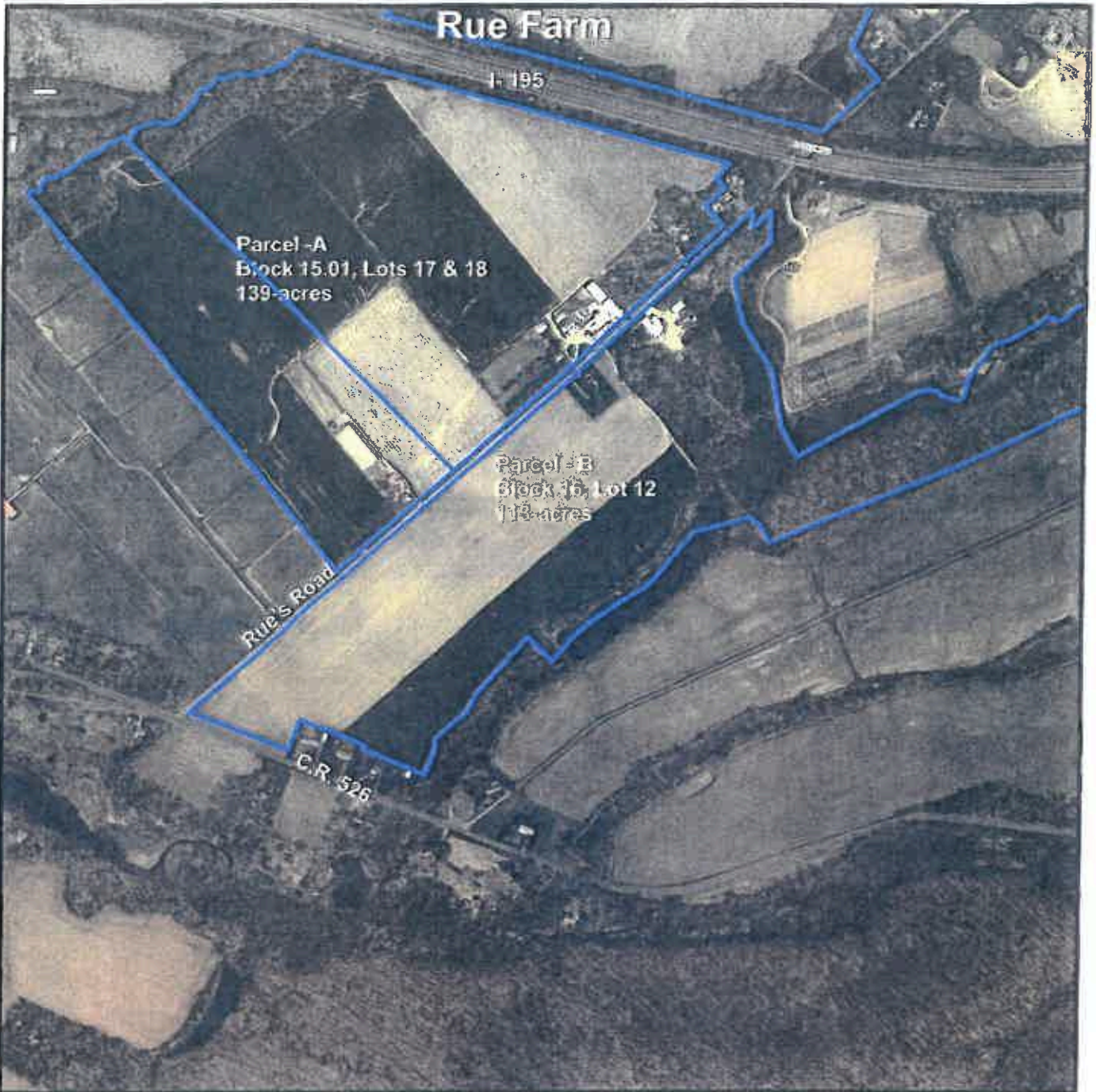
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
W. Scott Ellis	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson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



# Schedule "A"

## Rue Farm

S:\EPIMON\Rue Bros Inc\Stewardship-Post Closing\2017 Division\Rue - 1.mxd



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

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



11/21/2017

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		(PA6) RURAL ENV SENS
	PRELIMINARY APPROVAL		(PA6) ENV SENS
	ACTIVE APPLICATION		(PA6) 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
		<b>Base Map</b>	
			County Boundaries
			Municipal Boundaries
			Highlands Planning Area
			Highlands Preservation Area
			Pinelands Area
		Green Acres Preserved Easements	



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2018R12(18)**

**Division of Premises**

**Ronald and Patricia Kurek**

**December 7, 2017**

**Subject Property: Block 14, Lots 3 & 4.02  
Cranbury Township, Middlesex County  
154.05 Acres**

WHEREAS, Ronald and Patricia Kurek, hereinafter "Owners" are record owners of Block 14, Lots 3 & 4.02, in the Township of Cranbury, County of Middlesex, by deed dated January 20, 2014 and recorded in the Middlesex County Clerk's Office in Deed Book 6549, Page 121, totaling approximately 154.05 acres, hereinafter referred to as "Premises" (as shown in Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the Middlesex County Agriculture Development Board on October 4, 2013, as a Deed of Easement recorded in Deed Book 6505, Page 617; and

WHEREAS, the Deed of Easement identifies no existing single family residential units, no agricultural labor units, no RDSO's, one severable exception area (7-acres) and one non-severable exception area (2-acres) associated with the Premises; and

WHEREAS, according to the Owner, the outputs of this farm have historically been vegetables and grain; and

WHEREAS, on October 23, 2017, the SADC received a request to divide the Premises from the Middlesex CADB on behalf of the Owner; and

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

WHEREAS, the Owner intends to retain ownership of Block 14, Lot 4.02, (Parcel-A) and will continue farming grain on that acreage; and

WHEREAS, the Owner is requesting to divide the Premises into two parcels, along existing lot lines, in order to transfer Block 14, Lot 3, to 38 Brickyard Rd L.L.C., hereinafter "Purchaser"; and

WHEREAS, the principal of 38 Brickyard Rd L.L.C., operates one of the six state licensed medical marijuana production facilities in NJ; and

WHEREAS, the Purchaser has been raising cannabis under the NJ Compassionate Use Medical Marijuana Act at its primary facility in Cranbury Township for three years; and

WHEREAS, the Purchaser proposes to utilize the parcel to grow additional cannabis plant material within a greenhouse structure in support of its existing operation; and

WHEREAS, the Purchaser proposes to construct a permanent greenhouse which over time would culminate in approximately 2.3 acres (100,000 sq./ft.) of greenhouse space which utilizes the 2-acre non-severable exception area for a majority of the structure and two or less acres of the preserved premises for the additional greenhouse area and related ancillary infrastructure; and

WHEREAS, at its December 8, 2011, meeting the Committee reviewed the issue of use of preserved farmland to raise medical marijuana and provided guidance that such a use is generally permitted, with certain caveats (see attached Schedule "B"); and

WHEREAS, no Federal funds were used in the purchase of the easement on the Premises; and

WHEREAS, the SADC has advised the Purchaser of the Deed of Easement terms and how they could affect the proposed greenhouse construction or expansion thereof and the Purchaser has acknowledged said advice; 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 (Middlesex CADB) and the SADC; and

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

WHEREAS, by resolution dated November 29, 2017, the Middlesex CADB, hereinafter "CADB", approved the request the Premises into two (2) parcels along existing lot lines as follows.

Parcel A - Block 14, Lot 4.02 (98+/- acres)

Parcel B - Block 14, Lot 3 (56+/- acres)

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

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

WHEREAS, the resulting Parcel A, Block 14, Lot 4.02, would result in an approximately 98-acre property that is 92% (90 acres) tillable with 94% (92 acres) prime and statewide important soils with the remaining acreage made up of wooded areas and wetlands; and

WHEREAS, Parcel A currently includes an additional 7-acre severable exception area which contains 5-acres of tillable ground, a duplex home and several agricultural outbuildings; and

WHEREAS, the resulting Parcel B, Block 14, Lot 3, would consist of approximately 56 acres, which is 100% tillable with 100% prime and statewide important soils; and

WHEREAS, each parcel will have its own frontage with existing road access; and

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

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

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in agriculturally viable parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a

reasonable economic return under normal conditions, solely from the parcel's agricultural output:

- 1) Parcel A, at 98 acres, has 90 tillable acres with approximately 92 acres of prime and statewide important soils;
- 2) Parcel B, at 56 acres, has 56 tillable acres with 56 acres of prime and statewide important soils.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in two parcels which are agriculturally viable and capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

BE IT FURTHER RESOLVED, that the SADC hereby approves the division of Parcel B (Block 14, Lot 3) from the remainder of the Premises as set forth herein, for a division of approximately 56-acres of ground along Brickyard Road; and

BE IT FURTHER RESOLVED, this approval shall not be construed in any manner whatsoever as a determination by the Committee that the soil disturbance associated with the current or future proposals on the Premises are in compliance with the FPP Deed of Easement; and

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

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

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

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for 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.

12/7/17  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Schedule "A"

Kurek Farm

Brickyard Rd

2-acre non-severable exception area

Parcel - B  
Block 14, Lot 3  
54-acres

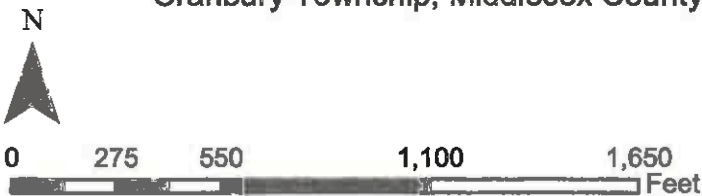
Parcel - A  
Block 14, Lot 4.02  
98-acres

7-acre severable exception area

S:\Planning Incentive Grant -2007 rules County\Middlesex\Kurek\Stewardship-Post Closing\farmview.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kurek Farm  
Block 14, Lots 3 & 4.02  
Cranbury Township, Middlesex County



11/28/2017

### 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
  - (PA5) ENV SENS
  - (PA6) ENV. SENSITIVE BARRIER IS
  - (P10) PINELANDS
  - PARK
  - MILITARY
  - NEW JERSEY MEADOWLANDS
  - WATER
  - ELLIS ISLAND- NJ
  - ELLIS ISLAND- NY
- ### Base Map
- County Boundaries
  - Municipal Boundaries
  - Highlands Planning Area
  - Highlands Preservation Area
  - Pinelands Area
- Green Acres Preserved Easements





## State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE  
HEALTH/AGRICULTURE BUILDING  
PO Box 330  
TRENTON NJ 08625-0330

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

DOUGLAS H. FISHER  
*Secretary*

Susan E. Payne  
*Executive Director*  
(609) 984-2504  
(609) 292-7988  
(609) 633-2004 FAX

Douglas H. Fisher  
*Chairman*

### NJ State Agriculture Development Committee Questions and Answers Regarding Medical Marijuana

December 2011

As a result of the New Jersey Compassionate Use Medical Marijuana Act (Act), the State Agriculture Development Committee (SADC) has received a number of inquiries regarding medical marijuana as it relates to programs it administers. Following are answers to commonly asked questions:

#### **Can medical marijuana be grown on a preserved farm?**

Yes, medical marijuana is considered an agricultural crop based on New Jersey's agricultural statutes. Therefore, it can be grown and processed on a preserved farm. However, because growing marijuana is prohibited at the federal level, the Natural Resources Conservation Service's position is that it will not permit the growing of medical marijuana on any farm that has been preserved with federal Farm and Ranch Lands Protection Program funding.

#### **Can Alternative Treatment Center dispensary sites be located on a preserved farm?**

No, while the farmland preservation Deed of Easement allows for the "wholesale and retail marketing" of crops on a preserved farm, the sale and distribution of medical marijuana is tightly controlled. Medical marijuana dispensary sites essentially will serve as medical treatment facilities rather than farm markets. Therefore, medical marijuana dispensaries cannot be considered farm markets and a grower cannot sell or distribute medical marijuana from a preserved farm.

#### **Can buildings be constructed on a preserved farm to grow and process marijuana for medical purposes?**

Yes, the farmland preservation Deed of Easement allows buildings to be constructed for agricultural purposes. However, like any agricultural activity, growing marijuana for medicinal purposes must conform to all the provisions of the farmland preservation Deed of Easement. So while agricultural structures are permitted, the extent of structures may be limited by provisions in the Deed of Easement intended to protect soil and water resources on the preserved farm. Prospective growers who have questions about constructing agricultural structures on a preserved farm should contact the State Agriculture Development Committee at 609-984-2504 for more information.

**Is the growing and processing of medical marijuana eligible for Right-to-Farm protection?**

No, the Right to Farm Act requires that commercial farms be in compliance with all applicable federal or State statutes or rules and regulations to qualify for right-to-farm protection.

Because growing medical marijuana is prohibited by federal law, the growing and processing of medical marijuana is not protected under the Right to Farm Act.

S:\Hope\marijuana\medmarijuanaQA120811 sep edits (2).docx

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2018R12(19)**

**Installation of Ground-Mounted Solar Energy Generation Facility, Structures and Equipment on a Preserved Farm**

**Willis Farm**

**Subject Property: Willis Farm  
Block 80, Lot 18  
Hopewell Township, Cumberland County  
83.71-Acres**

**December 7, 2017**

WHEREAS, the Willis Children's Trust, hereinafter "Owner", is the record owner of Block 80, Lot 18, in the Township of Hopewell, by Deed dated January 5, 2009, and recorded in the Cumberland County Clerk's Office in Deed Book 40530, Page 11390, totaling approximately 83.71 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original 212 acre Premises was conveyed to the County on August 21, 1997, by the former owners, Howard and Nola Willis, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 2253, Page 205; and

WHEREAS, on December 10, 2009, the SADC approved a division of the premises (SADC resolution FY2010R12(1)) creating the subject Premises, retained by Howard and Nola Willis, as well as well as a second parcel that was transferred to their son, Ian Willis; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24.1 et seq.) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

1. The facilities will not interfere significantly, as set forth in N.J.A.C. 2:76-24.6, with the use of the land for agricultural or horticultural production;
2. The facilities are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the solar energy generation to purchase the facilities, structures, or equipment;
3. The facilities will be used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm;
4. Solar energy facilities on the farm are limited in total annual energy generation to:
  - i. The farm's previous calendar year's energy demand plus 10 percent, in addition to energy generated from facilities, structures, or equipment existing on roofs of buildings or other structures on the farm on January 16, 2010; or
  - ii. Alternatively at the option of the landowner, to an occupied area consisting of no more than one percent of the area of the farm;
5. If wind or biomass energy generation systems are located on the farm, the limits in (a) 4i and ii above shall apply to the cumulative total energy generated or area occupied by all the solar, wind, and biomass energy facilities;
6. The owner(s) of the farm and the solar energy facilities will sell energy only through net metering, or as otherwise permitted under an agreement pursuant to (a)2 above, and/or directly to the electric distribution system provided that the solar energy facilities occupy no greater than one percent of the farm;
7. The land occupied by the solar energy facilities is eligible for valuation, assessment, and taxation pursuant to P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.) and will continue to be eligible for such valuation after construction of the solar energy facilities;
8. The solar energy facilities do not exceed the one acre of impervious cover on the premises; and
9. A solar energy facility located in the Pinelands Area, as defined and regulated by the Pinelands Protection Act, P.L. 1979, c. 111 (N.J.S.A. 13:18A-1 et seq.), complies with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the Pinelands Area adopted pursuant to P.L. 1979, c. 111; and

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Preserved Farmland" pursuant to N.J.A.C 2:76-24.5; and

WHEREAS, the solar energy generation facility will be owned by the Owner upon installation; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the energy demand for this ground mounted solar energy facility is from the house and barn on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 14,872 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed new solar energy generation facility is 14,857 kWh's per year; and

WHEREAS, the new solar energy generating system will supply approximately 99% of the current energy demand for Premises; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, N.J.A.C. 4:76-24.4 prohibits solar energy facilities from exceeding one-acre of impervious cover on the Premises; and

WHEREAS, N.J.A.C. 2:76-24.3. defines impervious cover as any structure or surface that prevents the infiltration of precipitation into the land including, but not limited to, the inverter, pilings, poles, concrete, asphalt, machine-compacted soil, compacted stone areas, plastic or other impermeable ground cover, and foundations; and

WHEREAS, the proposed ground mounted solar energy facility comprises approximately 2 square feet of impervious cover related to the posts that will support the solar panels; and

WHEREAS, N.J.A.C 2:76-24.6 requires that the solar energy facilities, structures, and equipment not interfere significantly with the use of the land for agricultural and horticultural production; and

WHEREAS, the proposed ground mounted solar energy facility will be located behind the existing house and adjacent to the existing barn on the Premises as identified on Schedule "A"; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that any solar energy facility with an occupied area larger than one-acre be constructed, installed, operated, and maintained in accordance with a farm conservation plan; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that the occupied area of any solar energy facility located outside of a non-severable exception area primarily servicing nonagricultural or nonresidential uses within the non-severable exception shall not exceed one acre or 1% of the farm, whichever is less; and

WHEREAS, N.J.A.C. 2:76-24.3 defines occupied area as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, including all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings; areas consisting of other related facilities, structures, and equipment, including any other buildings or site amenities, deemed necessary for the production of solar energy on the farm; and the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm; and

WHEREAS, the proposed ground mounted solar energy facility consists of the area of the panels and a 20ft buffer area around the panels which together comprise an occupied area of approximately 2,368 square feet; and

WHEREAS, N.J.A.C. 2:76-24.6 requires site disturbance associated with the solar energy facility, including but not limited to, grading, topsoil, and subsoil removal, excavation, and soil compaction, shall not exceed one acre on the Premises; and

WHEREAS, the proposed ground mounted solar energy facility requires site disturbance of approximately 182 square feet; and

WHEREAS, the Cumberland CADB has reviewed the application and on November 14, 2017, and submitted comments in support of the project.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.A.C. 2:76-24.1 et seq. concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities,

structures and equipment consisting of approximately 2,368 square feet of occupied area behind the existing house and adjacent to the existing barn and having a rated capacity of 14,857 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand for the house and barns is 14,872 kWh's annually; 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.

12/7/17  
DATE

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

Handwritten scribbles or marks, possibly a signature or initials, located in the center of the page.