

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

REGULAR MEETING

January 26, 2017

Interim Chairman Thomas Beaver called the meeting to order at 9:04 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

Acting Chairman Thomas Beaver
Thomas Stanuikynas (rep. DCA Commissioner Richman)
Renee Jones (rep. NJDEP Commissioner Martin)
Ralph Siegel (rep. State Treasurer Scudder) (arrived at 9:10 a.m.)
James Waltman
Jane Brodhecker
Peter Johnson
Brian Schilling (rep. Executive Dean Goodman)
Scott Ellis

Members Absent

Denis C. Germano, Esq.
Alan Danser, Vice Chairman

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

Others present as recorded on the attendance sheet: Stefanie Miller, Richard Martin, Dan Knox, Heidi Winzinger, Jeffrey Everett, Kristen Johnson, David Kimmel, Charles Roohr, David Clapp, Pat O'Connell, Paul Burns, Steven Bruder, Hope Gruzlovic, Brian D. Smith, Esq., Alison Reynolds, Esq., Cindy Roberts, Katie Garrett, Sandy Giambrone and Kendra Hall-Perkins, SADC staff; Lisa LeBeouf, Governor's Authorities Unit; Daniel Pace, Mercer County Agriculture Development Board; Brigitte Sherman, Cape May County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Donna Rue, landowner, Monmouth County; Harriet Honigfeld, Monmouth County Agriculture Development Board; Tom Thorson, Ocean County Agriculture Development Board; Melanie Mason, Hunterdon County Agriculture Development Board; Ashley Carr, New Jersey Farm Bureau, and Kevin Celli, Willow Creek Winery, Cape May County.

Minutes

A. SADC Regular Meeting of December 1, 2016 (Open and Closed Sessions)

It was moved by Mr. Schilling and seconded by Mr. Stanuikynas to approve the Open Session and Closed Session minutes of the SADC regular meeting of December 1, 2016. The motion was approved. (Mr. Beaver abstained from the vote. Mr. Siegel was absent for the vote.)

REPORT OF THE ACTING CHAIRMAN

Acting Chairman Beaver stated he is the new Director for the Division of Marketing and Development as he took over for Al Murray who retired December 1, 2016. Acting Chairman Beaver advised he is filling in today for Secretary Fisher who was involved in a motor vehicle accident.

- State Agricultural Convention

Acting Chairman Beaver advised that the State Agricultural Convention is taking place February 8-9, 2017, at Harrah's in Atlantic City and encouraged everyone to attend.

- New Assistant Secretary

Acting Chairman Beaver announced that Monique Purcell was recently named the Assistant Secretary of Agriculture in addition to her other role as Director of Agricultural and Natural Resources.

- New State Board Members

Acting Chairman Beaver advised there were three newly seated members of the State Board of Agriculture – August Wuillermin, a vegetable farmer from Hammonton, Atlantic County; Ed Overdeest, a nursery operator from Cumberland County, and Daniel Farrand, a grain grower from Northern New Jersey.

REPORT OF THE EXECUTIVE DIRECTOR

- New SADC Staff Members

Ms. Payne introduced two new members of SADC's staff. Kendra Hall-Perkins is the Assistant to the Executive Director to replace Patty Riccitello who retired. Katie Garrett is the new Southern Regional Coordinator to replace Cindy Roberts who was promoted to Development and Training Coordinator.

- SADC Appropriation Bills

Ms. Payne advised that the Garden State Preservation Trust has approved SADC's funding bills, which have been forwarded to the Legislature for appropriation.

- Young and Beginning Farmers

Ms. Payne advised that staff recently made a presentation to the Committee regarding Ag Incubators and beginning farmers, requesting input as to what action SADC should take in order to assist beginning farmers in successfully getting into the farming industry. Ms. Payne circulated a list of legislative bills introduced in January and aimed at assisting young farmers to get into farming. Ms. Payne stated that the SADC was not consulted in the drafting of these bills but wanted to make the Committee aware that this issue is starting to get attention in the

Legislature. Staff will be working with the N.J. Department of Agriculture to review and respond to these bills as appropriate. Ms. Payne advised that staff also attended a New and Beginning Farmers presentation at Duke Farms. American Farmland Trust was there to present. AFT is a nationwide nonprofit agency aimed specifically at conservation of agricultural land. It has become very engaged in this question as well and has a wealth of information on its website. Ms. Payne advised that SADC staff will continue to review data from AFT on the topic of young and beginning farmers.

- SADC Hot Topics

Ms. Payne stated that yesterday she briefed the State Board of Agriculture regarding hot topics that staff is focusing in addition to the work associated with advancing farmland preservation appropriation bills; as such, she wants to brief the Committee on same.

The deer fencing program the SADC will discuss later in the meeting. Soil and water cost-share funds will be discussed at a subsequent meeting. As the Committee is aware, the SADC used to give out cost-share grants for soil and water conservation projects. She noted that some of the NRCS staff who over the past dozen or so years did the technical work to support, prepare and approve those plans are no longer there. NRCS staff is very focused on doing the work associated with their federal programs and this is not a federal program. SADC staff is working with the NRCS and NJDA to make sure there is a clear understanding of who is going to do that work so that once the SADC announces that cost-share funding is available landowners can go to the districts and have confidence that their plans will be prepared.

Regarding the Rural Microenterprises Act, Ms. Payne noted that staff has come before the Committee to solicit feedback regarding the historic preservation aspects of that statute and associated rules that are being developed. Mr. Everett is leading the effort to draft regulations along with legal staff. Staff hopes to have an informal draft in the next two to four weeks and will circulate it to the agricultural community to get their thoughts. Ms. Payne advised this is a major effort and a high priority for Secretary Fisher.

Ms. Payne stated that the other major topic is special occasion events on preserved farms. The winery pilot program that permits special occasion events on preserved farmland expires in March 2018. The SADC expects to make

recommendations to the Legislature regarding how to proceed in the future regarding that statute. Staff recognizes that this issue is much broader than wineries. Special occasion events are increasingly occurring on other kinds of farms as well. Staff would like to solicit input from the County Agriculture Development Boards (CADBs), county boards of agriculture, State Board of Agriculture and Rutgers to discuss if these types of activities should be permitted on preserved farmland and eligible for Right to Farm protection and, if so, to what extent. She stated that those are the two big questions that need to be answered to give clarity to the agricultural community. Her goal is to be able to make recommendations to the Legislature that go beyond just wineries and try to deal with this issue holistically. She is aiming to put together those recommendations by the fall. New Jersey Farm Bureau is willing to help put together a working group to get feedback on this issue.

Mr. Schilling asked about the data coming from the wineries. Ms. Payne advised that part of what the SADC will report will be the story of what it learned over the past eighteen months. She stated that although the reporting is pretty good, she feels it is incomplete in some aspects. Ms. Payne advised that the SADC has asked for certain information and some respondents are very vague so it is hard to distill out. She stated that there is a case that the Committee will probably be seeing next month as one of wineries subject to the bill has been found in violation of the statute by the CADB. As such, the SADC will have to deal with this matter. Ms. Payne stated that Ms. Gruzlovic is preparing a full assessment as well as an update on the progress of the pilot to be brought to the Committee relatively soon. Mr. Johnson asked if there are thoughts of folding special occasion events into the marketing Agricultural Management Practice (AMP) once we figure out if it fits? Ms. Payne responded that if the SADC decides that these facilities deserve Right to Farm protection and identify what the parameters around that are, then the SADC would either adopt a new AMP aimed at special occasion events or potentially it could amend the On-Farm Direct Marketing AMP if the Committee feels it is part of that. Ms. Payne advised that the SADC has the power under the right to Farm Act to add to the list of protected activities when it does so through regulation.

COMMUNICATIONS

Ms. Payne drew the Committee's attention to a letter to Montgomery Township, Somerset County, regarding an ordinance the municipality was said to be considering that

would substantially limit the number of pigs per acre. SADC staff received some calls and worked with the N.J. Department of Agriculture to reach out to the town to offer the Department's expertise. The Township ultimately referred the ordinance to its Agricultural Advisory Committee where it is still under review. Staff tries to the extent it can to reach out and educate municipalities before they enact ordinances that potentially will lead to more Right to Farm conflicts.

PUBLIC COMMENT

Alec Gioseffi of Cherry Valley Cooperative in Montgomery Township stated that staff is reviewing his cooperative's agricultural labor housing application to put worker housing on their new farm. He stated that this matter was originally to be on this meeting's agenda but was removed. He wanted the Committee to know that this is a time sensitive matter. They are a month away from the start of the season and are in the process of hiring new workers and figuring out what accommodations are needed. He introduced himself as a new and beginning farmer entering his fifth season on a new property in Montgomery Township that has 100 acres of preserved land and two conservation easements.

OLD BUSINESS

A. Farmland Stewardship Deer Fencing Policy

Mr. Everett discussed the SADC's proposed deer fencing policy, which has been revised based on the Committee's prior comments. The policy is for awarding cost-share grants to help owners of permanently preserved farmland protect their crops against deer damage. He reviewed the eligibility criteria, including that the applicant must be an established farmer as defined in the SADC's existing farmland stewardship rules. An established farmer must be an owner-operator or immediate family member and devote a substantial portion of time to the farming operation. The land must be permanently preserved under the Farmland Preservation Program or a Transfer of Development Rights program approved by the SADC. The applicant must participate in a Committee-approved deer fence installation training session and the fencing must be installed according to prescribed specifications.

The grants will provide 50 percent of the cost of eligible projects, with the landowners funding the other half. The maximum SADC grant award is \$200 per acre of preserved farmland owned under common deed ownership, or \$20,000 total. Mr. Everett stated that a landowner eligible for the maximum grant theoretically could fence 23 acres of a

perfectly square piece of property. A landowner who applies for deer fencing and is approved cannot return to the program for more deer fencing any sooner than eight years.

Mr. Everett reviewed provisions that had been refined since the Committee's last review. He stated that Dave Kimmel did a great deal of research on crop loss from wildlife damage. It doesn't happen very often that people have successful claims for wildlife damage but if someone does make a claim and can document that, they can submit it and that factors into the ranking. As part of the application procedure, an applicant must submit documentation that he or she meets the definition of an established farmer. For individuals, that would require a Schedule F, or for an S corporation a Schedule 1120S as required in the current farmland stewardship rules. Regarding ranking of applications, in the event of a tie score, applications will be prioritized according to who applied earliest. In the further event of a tie, an established farmer may submit documentation of the extent of crop damage and cost along with a letter of support from Rutgers Cooperative Extension, or alternatively submit evidence of a crop insurance claim. He stated that in the criteria for ranking of applications, staff refined the criterion that provides for extra points if a farm is surrounded by State, county, municipal or nonprofit open space where hunting is prohibited.

Mr. Everett stated that the stewardship rules require that a landowner must initiate a fencing project within 6 months but can seek an extension to up three years to complete the fencing. He noted that this program is subject to appropriation by the Legislature.

Mr. Waltman asked about the total allocation for stewardship. Ms. Payne stated that statutorily the maximum is 3 percent of the SADC's Corporate Business Tax funds. This year that was \$1.49 million total. What the SADC is proposing is \$500,000 for soil and water cost-share, \$500,000 for deer fencing, and the remaining will be allocated to respond to demand in either of the two programs.

It was moved by Mr. Schilling and seconded by Mr. Ellis to approve the deer fencing policy as presented and discussed. The motion was approved. Mr. Johnson stated that he may submit an application for deer fencing and recused from the discussion and vote.

NEW BUSINESS

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

SADC staff referred the Committee to three requests for final approval under the

Municipal Planning Incentive Grant Program. Staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval as outlined in said Resolutions.

It was moved by Ms. Brodhecker and seconded by Mr. Ellis to approve Resolution FY2017 R1(1) through Resolution FY2017R1(3) granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any condition of said Resolutions:

MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM

1. Paul and Linda Grefe (Lot 14), SADC #10-0358-PG (Resolution FY 2017R1(1) Block 11, Lot 14, Alexandria Twp., Hunterdon County, 19.53 Gross Acres
2. Paul and Linda Grefe (Lot 14.01), SADC #10-0359-PG (Resolution FY2017R1(2)) Block 11, Lot 14.01, Alexandria Twp., Hunterdon County, 26.18 Gross Acres
3. Richard and Gloria Murphy, SADC #21-0592-PG (Resolution FY2017R1(3) Block 801, Lots 16, 17, 17.01, 17.02 and 18.03, Frelinghuysen Twp., Warren County, 206 Gross Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (Copies of Resolution FY2017R1(1) through Resolution FY2017R1(3) are attached to and are part of these minutes.)

B. Stewardship

1. Renewable Energy

- a. Duncraven Farm LLC, Hopewell Township, Mercer County

Mr. Roohr referred the Committee to a request by Duncraven Farm LLC, Hopewell Township, Mercer County, to install rooftop solar panels on portions of three interconnected equine barns along with a concrete pad on the ground for the inverter. The rooftop solar energy facility has a rated capacity of approximately 76,480 kWh's annually and will power the equine barns.

b. Dressler Farm, Montgomery Township, Somerset County
Mr. Roohr stated that the Dressler farm is a 27-acre equine operation, which is requesting to install a rooftop solar energy generation facility on a barn along with a concrete inverter pad on the ground next to the barn. The rated capacity of the proposed new solar facility is 35,880 kWh's annually and the system will be used to power agricultural buildings.

Mr. Roohr stated both farms meet the requirements of the SADC's solar energy regulations and the staff's recommendation is to approve.

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve Resolutions FY2017R1(4) and FY2017R1(5) finding that the owners of Duncraven Farm, LLC in Hopewell Township, Mercer County, and Dressler Farm, Montgomery Township, Somerset County, have complied with all of the provisions of N.J.A.C. 2:76-24.1 et seq. concerning the installation of photovoltaic solar energy generation facilities, structures and equipment on the Premises. The SADC approves the construction, installation, operation and maintenance of photovoltaic energy generation facilities, structures and equipment on the Duncraven and Dressler farms as described in the respective Resolutions. The motion was unanimously approved. These approvals are considered final agency decisions 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 Resolution FY2017R1(4) and Resolution FY2017R1(5) are attached to and are a part of these minutes.)

2. Regional Conservation Partnership Program (RCPP) Grant Award

Mr. Clapp stated that the Natural Resources Conservation Service (NRCS) awarded the SADC \$644,000 under the 2017 Regional Conservation Partnership Program. The funds are for use in two programs. The first is the Environmental Quality Incentives Program (EQIP) to increase the cost share available for implementation of certain conservation practices on already preserved farms statewide through the N.J. Department of Agriculture's Conservation Cost-Share Program (CCSP). The second is the Wetlands Reserve Easement (WRE) program to provide funds to pilot the preservation of significant wetlands areas under a separate wetlands easement at the time a farm is entered into the Farmland Preservation Program. The WRE pilot is limited to Salem County. Mr. Clapp stated that the SADC received the entirety of grant funding that was allocated to the State of New Jersey under the federal program.

Mr. Clapp stated that partners are very important under the Regional Conservation Partnership Program. The SADC is also working with the N.J. Department of Agriculture, which will provide \$100,000 for the SADC to administer the NJDA's CCSP, which – unlike the SADC's soil and water cost-share grant program – can use federal funds to match State funding. The Open Space Institute will supply \$250,000 for acquisition in Salem County, New Jersey Conservation Foundation is offering \$125,000 and the National Fish and Wildlife Foundation is offering \$120,000. Mr. Clapp stated that ultimately by applying for federal grants, the SADC will have about \$1.25 million additionally in new money from its partners – \$840,000 for acquisition under the WRE program in Salem County and \$400,000 for stewardship statewide under the CCSP.

Mr. Clapp stated that the SADC is interested in leveraging WRE funding and OSI funding in order to acquire easements in Salem County. He stated that the goal – provided the landowner is willing – is to take some portions of farms that are too wet and not farmed and place a separate easement on them through the federal government. NRCS is buying these wetlands in order to protect and then restore them. He stated that through WRE (easements), a farmer can still get permission to do forestry and still hunt.

Mr. Clapp noted that the CCSP offers landowners up to a 90 percent cost-share for 131 eligible practices. The timeline is five years to complete this project. Funding is already reserved for use and not subject to appropriation. Ms. Payne thanked Mr. Clapp for his extensive hard work and knowledge on this matter.

This agenda item was for discussion only.

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

a. Sharon Station Road Improvement Project, Upper Freehold Twp., Monmouth County

Mr. Bruder stated that the SADC is undertaking this review pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-19, to look at the effect of a project by a public body or public utility on the preservation and enhancement of agriculture in an Agricultural Development Area (ADA) and on overall State agriculture and development policies. Monmouth County has filed a Notice of Intent with the Monmouth CADB and the SADC informing both agencies of the County's intent to reconstruct approximately 1.5 miles of Sharon Station Road (County Route 539A) in Upper Freehold Township. This is part of a larger project called the Easterly Bypass whose purpose is to redirect traffic away from the Historic Borough of Allentown. Improvement of Sharon Station Road is the last piece of this project. Traditionally Sharon Station Road was a rural road

with a single lane in each direction and no shoulder. He stated that the road accommodates an excessive amount of traffic for the way it was designed. The road is narrow, in poor condition and has three functionally obsolete bridges and storm water issues. The County's proposal to improve the road includes use of a 16-foot grass median to divide northbound and southbound traffic, with center turn lanes and jug handles providing ingress and egress to existing and proposed residential cross streets and adjacent farmland. The project will be phased to allow continuous traffic movements along the corridor, and access to adjacent farmland will be maintained during construction. Mr. Bruder noted that the project will not necessitate condemnation of preserved farmland. The CADB approved this project at its October meeting.

It was moved by Mr. Ellis and seconded by Mr. Stanuikynas to approve Resolution FY2017R1(6) finding that the Sharon Station Road Project, as described in the Notice of Intent submitted by Monmouth County's Division of Engineering, would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the following reasons: The project is necessary to improve the safety and function of the existing Sharon Station Road and will not add additional roads or utilities within the ADA; and Monmouth County evaluated multiple design options and proposed improvements that are almost exclusively within the existing road right-of-way and designed to avoid preserved farmland and minimize impacts to non-preserved agricultural land. The motion was approved. Mr. Waltman abstained 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 Resolution FY20171(6) is attached to and is a part of the Closed Session minutes.)

PUBLIC COMMENT

Donna Rue from Monmouth County stated that the SADC frequently discusses reaching out to the approximately 2,500 preserved farms to communicate on various issues. She questioned why the SADC does not have a newsletter that is sent directly to those landowners. She is concerned that if landowners do not attend SADC or county meetings, they do not hear about all the different programs that are available. Ms. Payne stated that the SADC will be mailing out a newsletter to preserved farm owners shortly.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, February 23, 2017, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:39 a.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Ms. Brodhecker and unanimously approved.

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

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

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

County Planning Incentive Grant Program

1. M & N Farms Land Holdings, LLC., SADC #03-0419-PG
Block 401, Lot 101, Chesterfield Township, Burlington County, 38 Acres
2. Thompson South, LLC., SADC #03-0416-PG
Block 901, Lot 3.01, Chesterfield Township, Burlington County, 135 Acres
3. Lanwin Development LLC., SADC #03-0418-PG
Block 901, Lot 6.01, Chesterfield Township, Burlington County, 132 Acres
4. Kirby, Harold & Gail, SADC #03-0423-PG
Block 839.01, Lot 16.01, Pemberton Township, Burlington County, 55 Acres
5. Kirby, Eleanor, SADC #03-0424-PG
Block 839.01, Lot 15, Pemberton Township, Burlington County, 50 Acres

6. Alloway Family LP, SADC #03-0422-PG
Block 1502, Lots 1 and 1.04, Southampton Township, Burlington County,
46 Acres
7. Alloway Family LP (North), SADC #03-0425-PG
Block 1203, Lots 15 and 15.03, Southampton Township, Burlington County,
118 Acres
8. Hatt, Linda E., SADC #03-0417-PG
Block 1102, Lot 21.04, Chesterfield Township, Burlington County, 69 Acres

The motion was approved. Mr. Johnson recused from the vote. Mr. Johnson is a member of the Burlington County Agriculture Development Board. 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.)

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve the Certification of Values for the following County and Municipal Planning Incentive Grant applicants and Nonprofit Easement Purchase applicants as discussed in Closed Session:

9. M.R. Dickinson & Son, Inc., SADC # 06-0184-PG
Block 18, Lot 10, Stow Creek Township, Cumberland County, 61 Net
Acres (Appraisal Order Checklist (AOC)), 63 Gross Acres (AOC)
10. Diane E Testerman (Trust), SADC #08-0194-PG
Block 703, Lot 4, Logan Township, Gloucester County, 44 Net Acres
(AOC), 45 Gross Acres (AOC)
11. Joseph A. Leone (Block 5, Lot 14), SADC #08-0195-PG
Block 5, Lot 14, Mantua Township, Gloucester County, 13.30 Acres (AOC)
12. Simonne M. Verbeke., SADC #14-0125-PG
Block 42, Lot 33, Chester Township, Morris County, 18.96

Acres (AOC)

13. E&A Farms (Emma & Allen Williams), SADC # 17-0169-PG
Block 18, Lot 3, and Block 29, Lot 4, Quinton Township, Salem County,
79.46 Net Acres (AOC), 80.46 Adjusted Gross Acres excluding tidelands
area
14. Frank and Thomas Sorbello, SADC #17-0179-PG
Block 8, Lot 15.01, Pilesgrove Township, Salem County, 94.67 Net Acres
(AOC) and 96.67 Gross Acres (AOC)

Municipal Planning Incentive Grant Program

1. David and Nancy Ackley, SADC #06-0170-PG
Block 404, Lot 4.03, Upper Deerfield Twp., Cumberland County, 24 Acres
(AOC)
2. Woolwich Investors LLC, SADC #08-0191-PG
Block 41, Lot 7.01-7.23, ROW 1 & 2, Woolwich Township, Gloucester
County, 34 Acres
3. O'Dowd Associates, Inc. (Lot 2), SADC #21-0594-PG
Block 20, Lot 2, Greenwich Township, Warren County, 17.9 Net Acres
(AOC), 19.6 Gross Acres (AOC)
4. Lothar J. Nonnenmacher (#1- Lot 9), SADC #21-0596-PG
Block 506, Lot 9, Blairstown Township, Warren County, 100.52 Net Acres
(AOC), 106.52 Gross Acres (AOC)
5. Lothar J. Nonnenmacher (#2- Lot 8.04), SADC #21-0597-PG
Block 506, Lot 8.04, Blairstown Township, Warren County, 16.63 Net
Acres (AOC), 17.63 Gross Acres (AOC)

Non Profit Easement Purchase

1. Brad & Barbara Feigus, SADC #13-0015-NP
Block 151, Lot 12.02, Howell Township, Monmouth County, 21 Acres

2. NJCF/Skalski, Philip and Stacy, SADC #10-0010-NP
Block 42, Lots 9 and 27, Tewksbury Township, Hunterdon County, 45 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.)

B. Attorney/Client Matters

1. Litigation

a. Right to Farm – Proposed Final Decision – Clinton Township and Ericksson v. Hunterdon CADB and Valley Crest Preserve Inc.

Mr. Smith stated that a hearing report in this case was prepared after an administrative hearing that he conducted. The report has been submitted and will be incorporated in a resolution. It determines that weddings conducted by Valley Crest are not protected activities under the Right to Farm Act at this time. Weddings held at the property do not fall within the ambit of the On-Farm Direct Marketing Agricultural Management Practice (AMP). The factual and legal rationale for those conclusions are set forth at length in the hearing report that will be attached to the resolution. He noted that when the SADC decides an activity is not protected under the Right to Farm Act, that does not prohibit the activity from being undertaken. It just means that the activity is subject to relevant county and municipal approvals.

It was moved by Mr. Siegel and seconded by Mr. Stanuikynas to approve Resolution FY2017R1(7) adopting the hearing report in the matter of Clinton Township and Walter and Diane Ericksson v. Hunterdon County Agriculture Development Board and Valley Crest Preserve, Inc. 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 Resolution FY2017R1(7) and the hearing report are attached to and are a part of these minutes.)

b. Post v. Chester Township, Superior Court, Appellate Division – Request

for SADC Filing of an Amicus Brief

Ms. Payne stated that the SADC has received a request to submit an amicus brief in the above-referenced matter as the Committee was briefed in Closed Session. Staff is seeking the Committee's direction.

It was moved by Mr. Schilling and seconded by Mr. Ellis to request advice from the Attorney General's office to provide legal clarity regarding the issues discussed in Closed Session, and to not submit an amicus brief in this case at this time because the Committee lacks sufficient understanding of the legal issues. The motion was approved. Mr. Siegel abstained from the vote.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Ellis and seconded by Ms. Brodhecker and unanimously approved to adjourn the meeting at 12.43 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R1(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ALEXANDRIA TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Paul and Linda Grefe (Lot 14) ("Owner")
Alexandria Township, Hunterdon County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 10-0358-PG

January 26, 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 Alexandria Township, Hunterdon County; and

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

WHEREAS, on October 17, 2014 the SADC received an application for the sale of a development easement from Alexandria Township for the subject farm identified as Block 11, Lot 14, Alexandria Township, Hunterdon County, totaling approximately 19.53 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1.83-acre non-severable exception area for and limited to one (1) future single family residential unit, one (1) existing apartment in a barn and to afford future flexibility of uses, resulting in approximately 17.7 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 hay 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 March 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 September 22, 2016 the SADC certified a development easement value of \$9,900 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$8,400 per acre based on zoning and environmental regulations in place as of the current valuation date June 2016; and

WHEREAS, the Owner accepted the Township's offer of \$9,900 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 9, 2016 the Alexandria Township Committee approved the application and a funding commitment of \$1,980 per acre; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on November 10, 2016 and secured a commitment of funding from the Hunterdon County Board of Chosen Freeholders for the \$1,980 per acre required local match on December 6, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 17.7 net easement acres):

	<u>Total</u>	
SADC	\$105,138.00	(\$5,940 per acre)
Hunterdon County	\$ 35,046.00	(\$1,980 per acre)
Alexandria Twp.	<u>\$ 35,046.00</u>	<u>(\$1,980 per acre)</u>
Total Easement Purchase	\$175,230.00	(\$9,900 per acre)

WHEREAS, Alexandria Township is requesting \$105,138.00 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 Alexandria Township for the purchase of a development easement on the Property, comprising approximately 17.53 net easement acres, at a State cost share of \$5,940 per acre, 60% of certified easement value and purchase price), for a total grant need of \$105,138.00, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2-acre non-severable exception area for and limited to one (1) existing single family residential unit, one (1) existing apartment in a barn 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, 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 County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-B Supplement; and

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

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

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

1/26/17

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



FARMLAND PRESERVATION PROGRAM
 NJ State Agriculture Development Committee

Grefe, Paul W. & Linda E. (South)
 Block 11 P/O Lot 14 (17.7 ac) & P/O Lot 14-EN (non-severable exceptions – 1.83 ac)
 Gross Total – 19.53 ac
 Alexandria Twp. Hunterdon County

Property in Question

- EN - (Non-Severable) Exception
- EN - (Severable) Exception
- Wetlands - Limited Access
- Federal or State Corps
- County Roads
- Municipal and Private



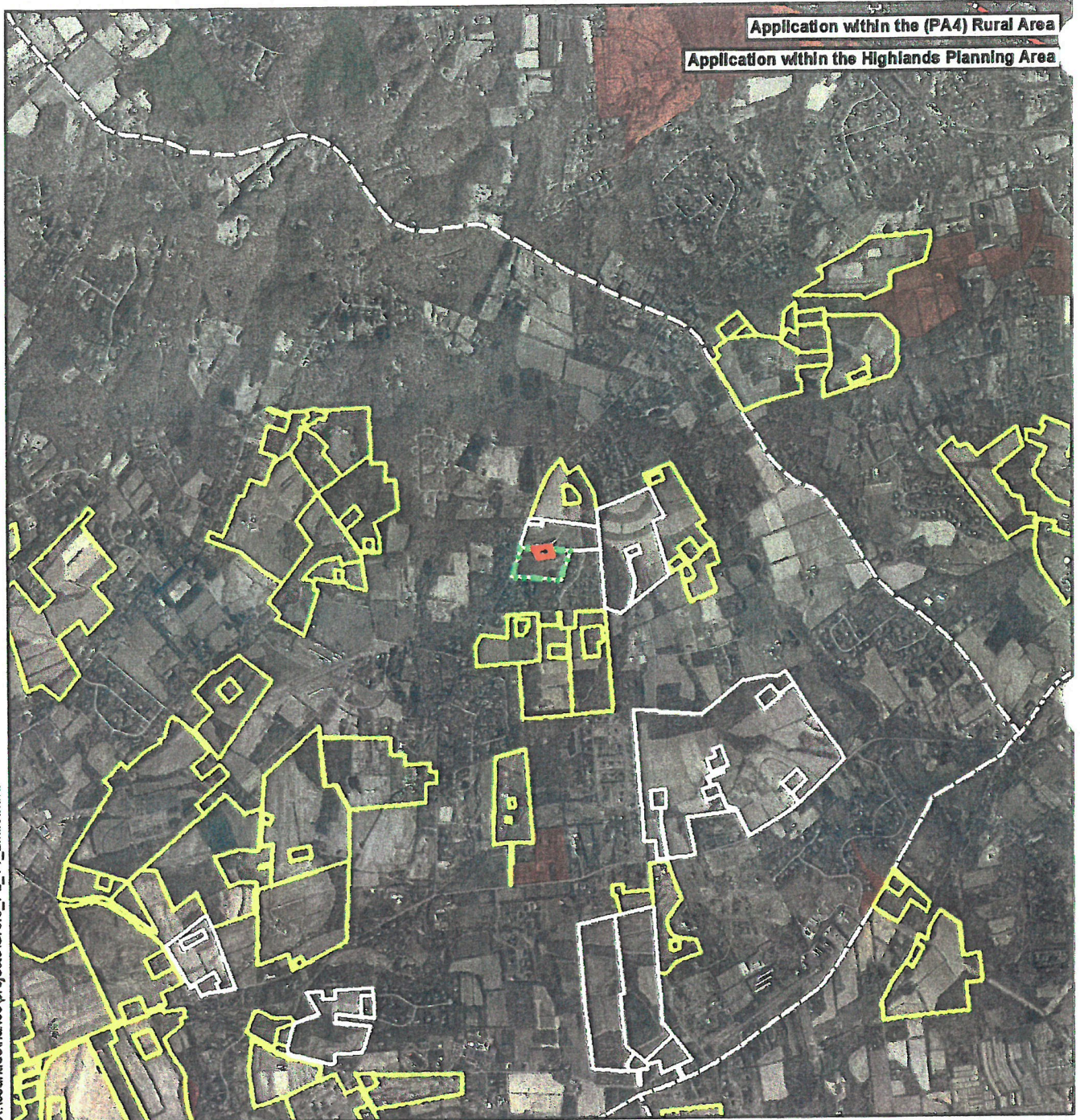
Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Water
 W - Water

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

AK: 10/28/2015

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

Preserved Farms and Active Applications Within Two Miles



X:\counties\huncoc\projects\Grefe_PL_14_2Mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grefe, Paul W. & Linda E. (South)
Block 11 P/O Lot 14 (17.7 ac) & P/O Lot 14-EN (non-severable exceptions – 1.83 ac)
Gross Total – 19.53 ac
Alexandria Twp. Hunterdon County

- Property in Question
- E1 - (Non-Severable) Exception
- E5 - (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 & Restriction Easement



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

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

Date: 10/30/2015

SADC Municipal Pig Financial Status Schedule B

Alexandria Township, Hunterdon County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant			
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
J-0275-PG	Rosenfield	26.239	25.157	9,400.00	5,640.00	236,475.80	141,885.48			141,885.48			1,750,000.00
J-0332-PG	Kappus	17.985	17.985	7,650.00	4,725.00	137,585.25	84,979.13			84,979.13			1,608,114.52
J-0343-PG	Hanna North	42.315	42.315	8,300.00	5,050.00	351,214.50	213,690.75			213,690.75			1,523,135.39
J-0347-PG	Hanna South	14.288	13.965	9,300.00	5,580.00	129,874.50	77,924.70			77,924.70			1,309,444.64
J-0352-PG	Jacobson	29.448	28.678	11,500.00	6,900.00	328,797.00	197,878.20			197,878.20			1,231,519.94
J-0371-PG	Kluber, Peter & Ellen	52.600	52.600	9,700.00	5,820.00	510,220.00	306,132.00			306,132.00			1,033,641.74
J-0369-PG	Alexandria Twp. (B11, L16)	80.491	80.491	5,137.63	3,468.81	413,532.98	279,207.99			279,207.99			727,509.74
J-0358-PG	Grefe, P & L (B11, L14)	17.700	17.700	9,900.00	5,940.00	175,230.00	105,138.00			105,138.00			448,301.75
J-0359-PG	Grefe, P & L (B11, L14.01)	25.180	25.180	9,500.00	5,700.00	239,210.00	143,526.00			143,526.00			343,163.75
Totals Closed		130.275	128.100			1,184,947.05	716,358.26						199,637.75
Totals Encumbered		175.971	175.971			1,338,192.98	834,003.99						199,637.75
										Encumber/Expended Fy09	750,000.00		
										Encumber/Expended Fy11	227,509.74		
										Encumber/Expended Fy13	300,362.26		
										Total	199,637.75		

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Grefe, Paul W. & Linda E. (Lot 14)
10- 0358-PG
PIG EP - Municipal 2007 Rule
18 Acres

Block 11	Lot 14	Alexandria Twp.	Hunterdon County		
SOILS:		Prime	26% *	.15	= 3.90
		Statewide	74% *	.1	= 7.40
					SOIL SCORE: 11.30
TILLABLE SOILS:		Cropland Pastured	35% *	.15	= 5.25
		Cropland Harvested	51% *	.15	= 7.65
		Other	1% *	0	= .00
		Woodlands	13% *	0	= .00
					TILLABLE SOILS SCORE: 12.90
FARM USE:		Hay		7 acres	
		Christmas Trees		2 acres	
		Beef Cattle Except Feedlots		6 acres	a few for personal use

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 (1.83) acres for Existing improvements and flexibility of use
Exception is not to be severed from Premises
The exception is restricted to one single family residential unit and one apartment
 - 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 FY2017R1(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ALEXANDRIA TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Paul and Linda Grefe (Lot 14.01) ("Owner")

Alexandria Township, Hunterdon County

Alexandria Township, Hunterdon County

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

SADC ID# 10-0359-PG

JANUARY 26, 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 Alexandria Township, Hunterdon County; and

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

WHEREAS, on October 17, 2014 the SADC received an application for the sale of a development easement from Alexandria Township for the subject farm identified as Block 11, Lot 14.01, Alexandria Township, Hunterdon County, totaling approximately 26.18 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) existing single family residential unit and to afford future flexibility of uses, resulting in approximately 25.18 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 hay 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 March 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 September 22, 2016 the SADC certified a development easement value of \$9,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$7,600 per acre based on zoning and environmental regulations in place as of the current valuation date June 2016; and

WHEREAS, the Owner accepted the Township's offer of \$9,500 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 9, 2016 the Alexandria Township Committee approved the application and a funding commitment of \$1,980 per acre; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on November 10, 2016 and secured a commitment of funding from the Hunterdon County Board of Chosen Freeholders for the \$1,900 per acre required local match on December 6, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 25.18 net easement acres):

	<u>Total</u>	
SADC	\$143,526.00	(\$5,700 per acre)
Hunterdon County	\$ 47,842.00	(\$1,900 per acre)
Alexandria Twp.	<u>\$ 47,842.00</u>	<u>(\$1,900 per acre)</u>
Total Easement Purchase	\$239,210.00	(\$9,500 per acre)

WHEREAS, Alexandria Township is requesting \$143,526.00 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 Alexandria Township for the purchase of a development easement on the Property, comprising approximately 25.18 net easement acres, at a State cost share of \$5,700 per acre, 60% of certified easement value and purchase price), for a total grant need of \$143,526.00, 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 1-acre non-severable exception area for and limited to one (1) existing 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, 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 County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-B Supplement; and

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

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

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



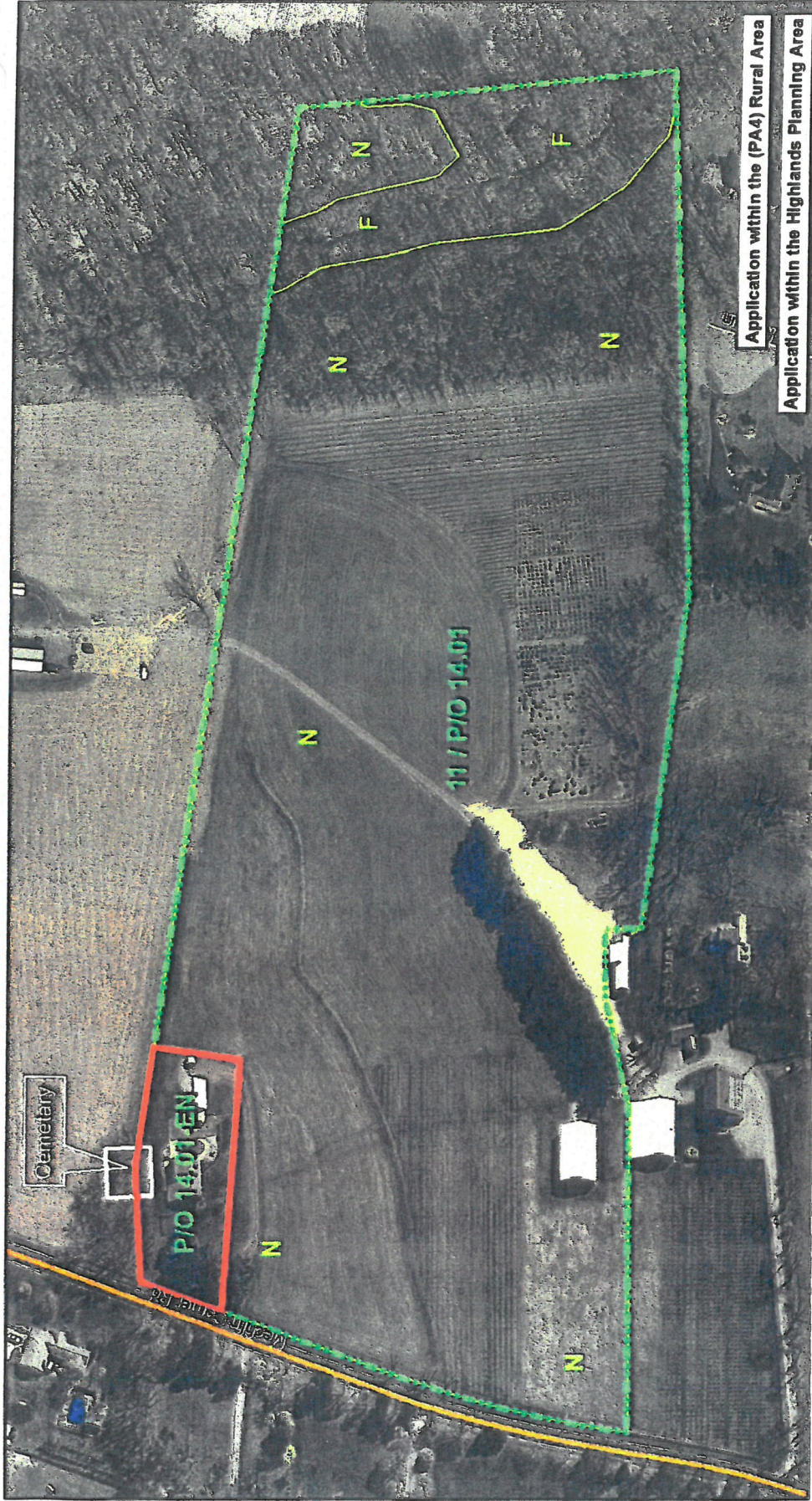
1/26/17

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Grefe, Paul W. & Linda E. (North)
Block 11 P/O Lot 14.01 (25.18 ac) & P/O Lot 14-EN (non-severable exceptions — 1.0 ac)
Gross Total — 26.18 ac
Alexandria Twp. Hunterdon County

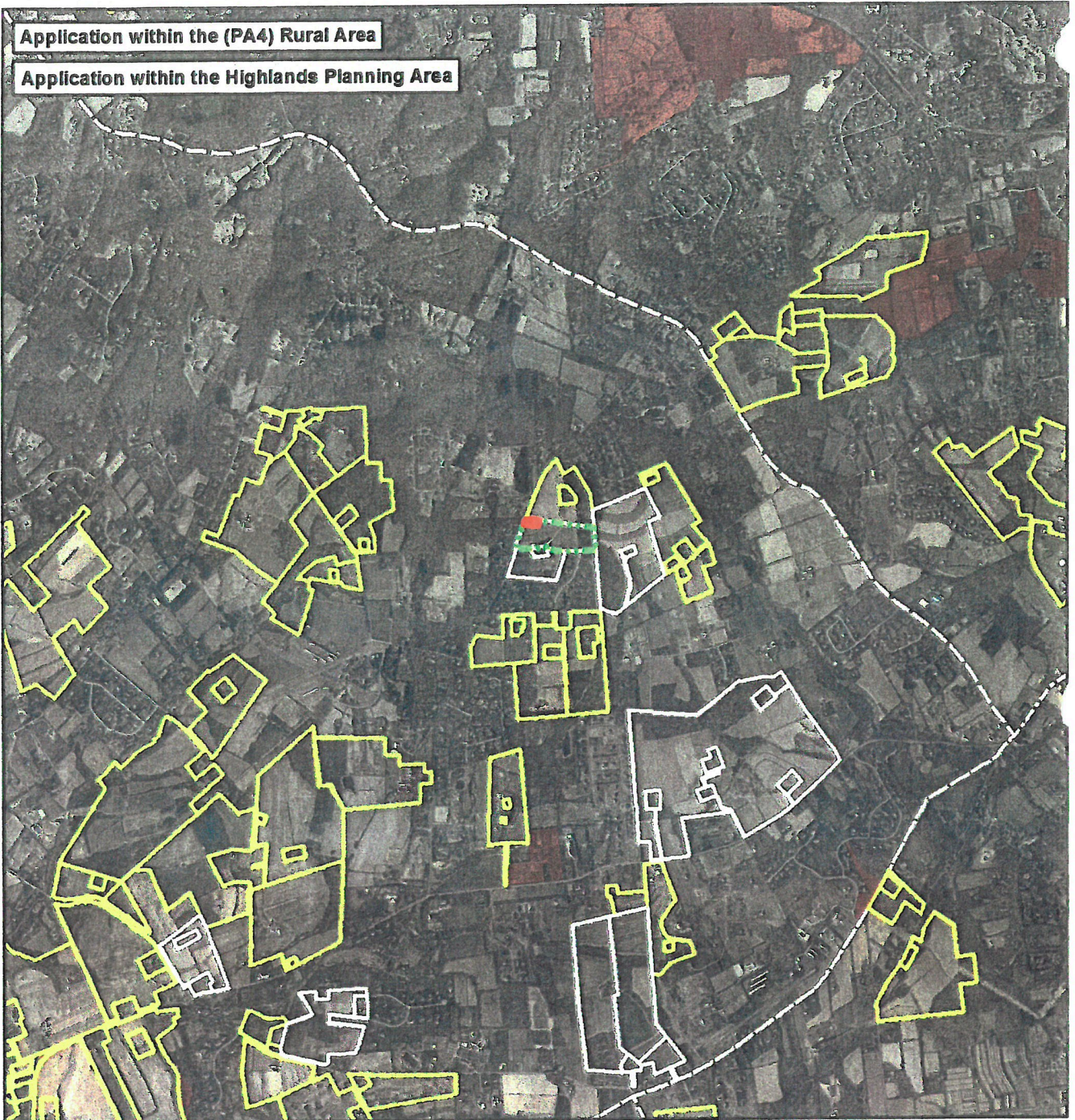


Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 W - Water

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 parcels shown on this map are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data used in this map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
 NJ Farmland Preservation Program
 County Agriculture Conservation Easement Data
 NJDEP Wetlands Data
 NJDOT Road Data
 NJOT/OGIS 2012 Digital Aerial Image

Preserved Farms and Active Applications Within Two Miles

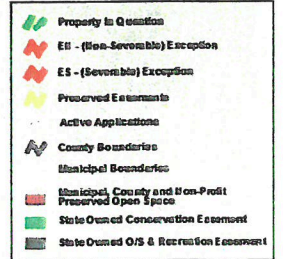


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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grefe, Paul W. & Linda E. (North)
Block 11 P/O Lot 14.01 (25.18 ac) & P/O Lot 14-EN (non-severable exceptions – 1.0 ac)
Gross Total – 26.18 ac
Alexandria Twp. Hunterdon County

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



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

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

Date: 11/2/2015

SADC Municipal Financial Status
Schedule B

Alexandria Township, Hunterdon County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC			Federal Grant		Grant				
					SADC Grant Per Acre	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Encumbered	PV
10-0275-PG	Rosenfield	26.239	25.157	9,400.00	5,640.00	236,475.80	141,885.48			141,885.48			1,750,000.00	
10-0332-PG	Kappus	17.985	17.985	7,650.00	4,725.00	137,585.25	84,979.13			84,979.13			1,606,114.52	
10-0343-PG	Hahola North	42.315	42.315	8,300.00	5,050.00	351,214.50	213,690.75			213,690.75			1,523,135.39	
10-0347-PG	Hahola South	14.288	13.965	9,300.00	5,580.00	129,874.50	77,924.70			77,924.70			1,309,444.64	
10-0352-PG	Jacobson	29.448	28.678	11,500.00	6,900.00	329,797.00	197,878.20			197,878.20			1,231,519.94	
10-0371-PG	Kluber, Peter & Ellen	52.600	52.600	9,700.00	5,820.00	510,220.00	306,132.00			306,132.00			727,509.74	
10-0369-PG	Alexandria Twp. (B11, L16)	80.491	80.491	5,137.63	3,468.81	413,532.98	279,207.99			279,207.99			448,301.75	
10-0358-PG	Grefe, P & L (B11, L14)	17.700	17.700	9,900.00	5,940.00	175,230.00	105,138.00			105,138.00			343,163.75	
10-0359-PG	Grefe, P & L (B11, L14.01)	25.180	25.180	9,500.00	5,700.00	239,210.00	143,526.00			143,526.00			199,637.75	
Totals Closed		130.275	128.100			1,184,947.05	716,358.26							
Totals Encumbered		175.971	175.971			1,338,192.98	834,003.99							
										Encumber/Expended FY09	-	750,000.00		
										Encumber/Expended FY11	227,509.74	-	272,490.26	
										Encumber/Expended FY13	300,362.25	-	-	199,637.75
										Total				199,637.75

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Grefe, Paul W. & Linda E. (Lot 14.01)
10- 0359-PG
PIG EP - Municipal 2007 Rule
25 Acres

Block 11	Lot 14.01	Alexandria Twp.	Hunterdon County
SOILS:		Prime	43% * .15 = 6.45
		Statewide	57% * .1 = 5.70
			SOIL SCORE: 12.15
TILLABLE SOILS:		Cropland Harvested	75% * .15 = 11.25
		Woodlands	25% * 0 = .00
			TILLABLE SOILS SCORE: 11.25
FARM USE:		Hay	12 acres
		Christmas Trees	4 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for around existing single family residential unit and cemetery
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: 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 FY2017R1(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

FRELINGHUYSEN TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Richard and Gloria Murphy ("Owner")
Frelinghuysen Township, Warren County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 21-0592-PG

JANUARY 26, 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 Frelinghuysen Township, Warren County; and

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

WHEREAS, on February 29, 2016 the SADC received an application for the sale of a development easement from Frelinghuysen Township for the subject farm identified as Block 801, Lots 16, 17, 17.01, 17.02, 18.03, Frelinghuysen Township, Warren County, totaling approximately 206 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Frelinghuysen Township's Martinsburg Ridge Project Area and the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 3.7-acre non-severable exception area for and limited to one (1) existing single family residential unit and to afford future flexibility of uses resulting in approximately 202.3 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 hay production; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 29, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 3, 2016 the SADC certified a development easement value of \$4,800 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$4,400 per acre based on zoning and environmental regulations in place as of the current valuation date August 2016; and

WHEREAS, the Owner accepted the Township's offer of \$4,800 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 28, 2016 the Frelinghuysen Township Committee approved the application, but is not contributing financially to the easement purchase; and

WHEREAS, the Warren County Agriculture Development Board approved the application on January 19, 2016 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the \$1,520 per acre required local match on January 11, 2017; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 202.3 net easement acres):

	<u>Total</u>
SADC	\$663,544 (\$3,280 per acre)
Warren County	\$307,496 (\$1,520 per acre)
Total Easement Purchase	\$971,040 (\$4,800 per acre)

WHEREAS, Frelinghuysen Township is requesting \$663,544 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 Frelinghuysen Township for the purchase of a development easement on the Property, comprising approximately 202.3 net easement acres, at a State cost share of \$3,280 per acre, (68.33% of certified easement value and purchase price), for a total grant need of \$663,544 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 3.7 acre non-severable exception area for and limited to 1 existing 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, 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 County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-B Supplement; and

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

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

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

1/26/17
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

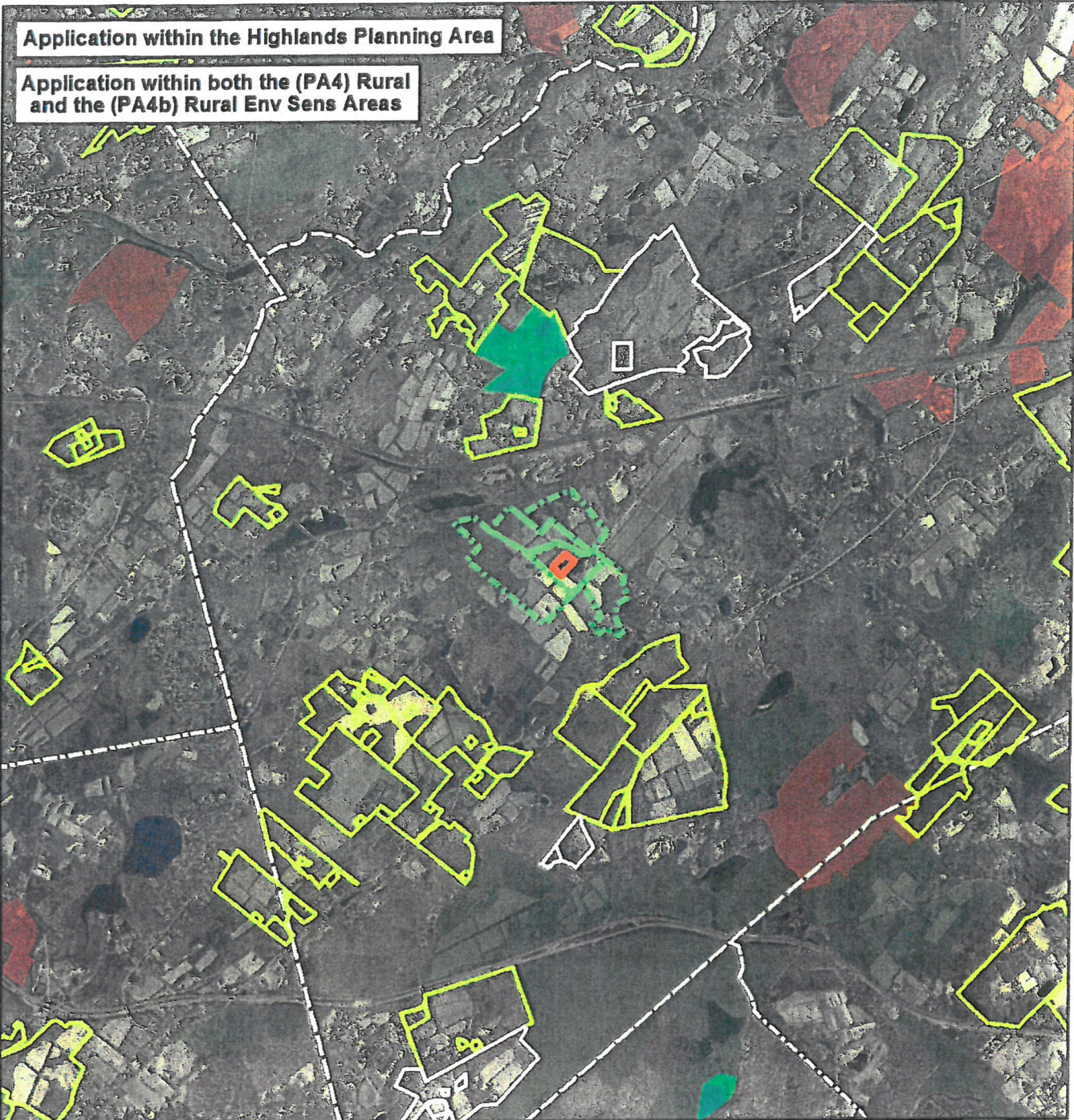
VOTE WAS RECORDED AS FOLLOWS:

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

S:\Planning Incentive Grant - 2007 rules Municipal\Warren\Frelinghuysen\Murphy\final approval resolution.docx



Preserved Farms and Active Applications Within Two Miles



X:\counties\warco\projects\murphy_2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Richard and Gloria Murphy
 Block 801 Lots 16 (30.3 ac); 17.01 (75.9 ac);
 17.02 (31.0 ac); P/O 17 (27.2 ac);
 P/O 17-EN (non-severable exceptions - 3.7 ac) & 18.03 (37.9 ac)
 Gross Total = 206.0 ac
 Frelinghuysen Twp., Warren County

	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Preserved Farmslots
	Active Applications
	County Boundaries
	Municipal Boundaries
	State Owned Open Space
	State Owned Conservation Easement
	State Owned O/S & Recreation Easement

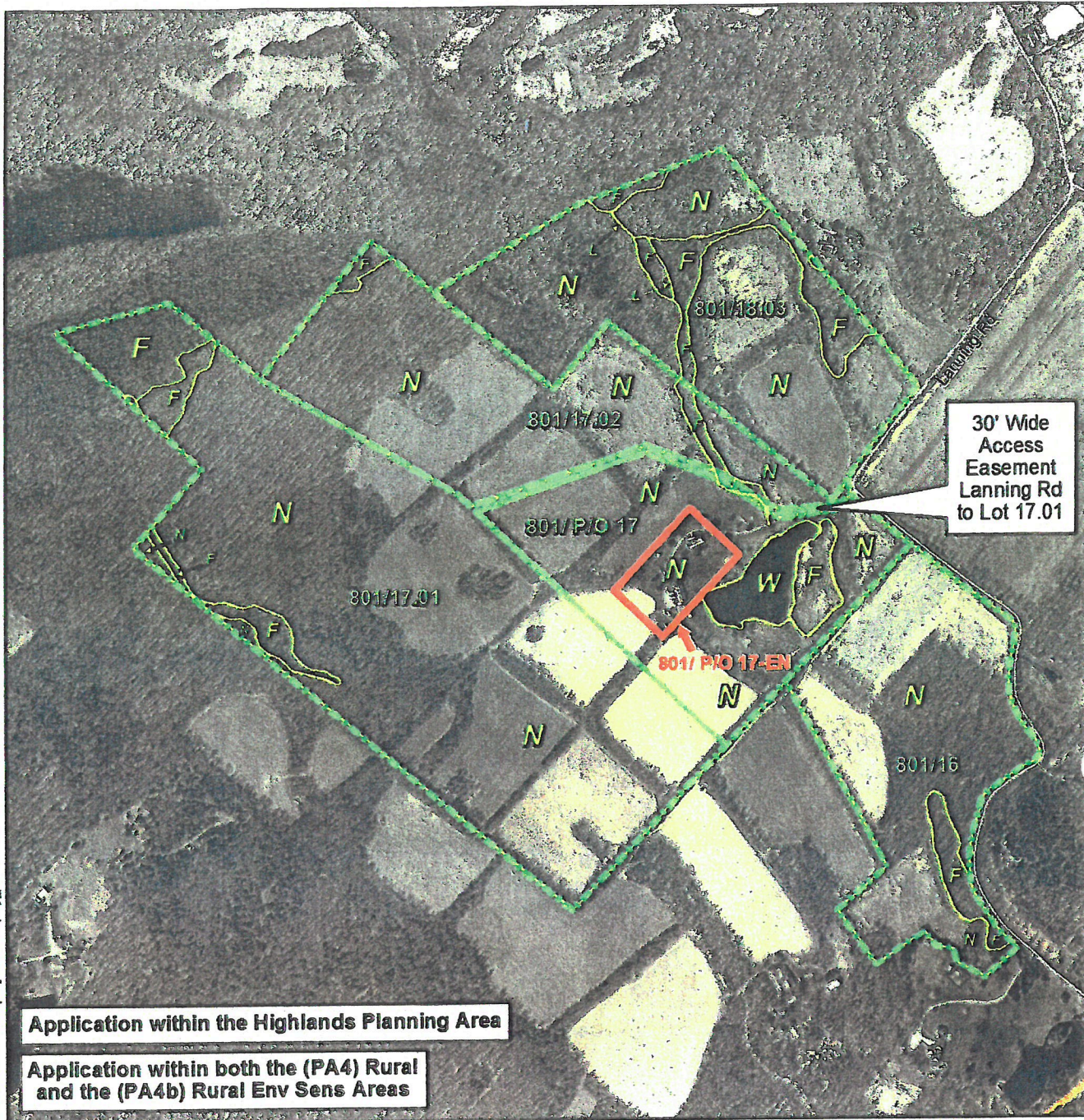


Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJ Highlands Council Data
 NJGIS/OGIS 2012 Digital Aerial Image

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

Wetlands

x-necule A



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

Application within the Highlands Planning Area

Application within both the (PA4) Rural and the (PA4b) Rural Env Sens Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Richard and Gloria Murphy
 Block 801 Lots 16 (30.3 ac); 17.01 (75.9 ac);
 17.02 (31.0 ac); P/O 17 (27.2 ac);
 P/O 17-EN (non-severable exceptions - 3.7 ac) & 18.03 (37.9 ac)
 Gross Total = 206.0 ac
 Frelinghuysen Twp., Warren County

- Property in Question
- E1 - (Non-Severable) Exception
- E2 - (Severable) Exception
- Wetlands Boundaries
- Primary - Labeled Access
- Federal or State Highways
- County Roads
- Municipal/Land Roads
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned O/S & Recreation Easement



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

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDEP Wetlands Data
 NJ Highlands Council 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 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.

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Richard & Gloria Murphy
21- 0592-PG
PIG EP - Municipal 2007 Rule
202 Acres

Block 801	Lot 16	Frelinghuysen Twp.	Warren County
Block 801	Lot 17	Frelinghuysen Twp.	Warren County
Block 801	Lot 17.01	Frelinghuysen Twp.	Warren County
Block 801	Lot 17.02	Frelinghuysen Twp.	Warren County
Block 801	Lot 18.03	Frelinghuysen Twp.	Warren County

SOILS:	Other	98% *	0	=	.00
	Unique zero	2% *	0	=	.00
					SOIL SCORE: .00

TILLABLE SOILS:	Cropland Harvested	43% *	.15	=	6.45
	Other	1% *	0	=	.00
	Wetlands	9% *	0	=	.00
	Woodlands	47% *	0	=	.00
					TILLABLE SOILS SCORE: 6.45

FARM USE: Hay 88 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (3.7) acres for Existing single family residential unit
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: 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 #FY17R1(4)

Installation of Roof-Mounted Solar Energy Generation Facility, Structures and Equipment on a Preserved Farm

Dunraven Farm LLC

Subject Property: Dunraven Farm LLC
Block 62, Lot 1.01
Hopewell Township, Mercer County
59.12-Acres

January 26, 2017

WHEREAS, Dunraven Farm LLC, hereinafter "Owner", is the record owner of Block 62, Lot 1.01, in the Township of Hopewell, by Deed dated May 9, 2003, and recorded in the Mercer County Clerk's Office in Deed Book 4529, Page 234, totaling approximately 59.12 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, Bernard, Selma and Timothy Fedor are the Principals of Dunraven Farm LLC; and

WHEREAS, the development easement on the original Premises was conveyed to the County on July 12, 2002, by the former owners, Bernard and Selma Fedor, 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 4327, Page 37; 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 at the conclusion of a 20-year lease; 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 roof mounted solar energy facility is from the equine barns on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 76,480 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 74,292 kWh's per year; and

WHEREAS, the new solar energy generating system will supply approximately 97% 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 roof mounted solar energy facility comprises approximately 100 square feet of impervious cover related to the inverter pad placed on the ground outside the barn; 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 roof mounted solar energy facility will be located on the roof of an existing equine 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 roof mounted solar energy facility consists of the area of the panels and the pad for the inverter which together comprise an occupied area of approximately 3,600 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 100 square feet; and

WHEREAS, the Mercer CADB has reviewed the application and on January 11, 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 3,500 square feet of occupied area on the roof and 100 square feet of occupied area alongside an


existing barn and having a rated capacity of 74,292 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 barns and farm infrastructure is 76,480 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.

1/26/17
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R1(5)

Installation of Roof-Mounted Solar Energy Generation Facility, Structures and Equipment on a Preserved Farm

Dressler Farm

Subject Property: Dressler Farm
Block 34001, Lot 13
Montgomery Township, Somerset County
27.56-Acres

January 26, 2017

WHEREAS, Hans and Barbara Dressler, hereinafter "Owners", are the record owners of Block 34001, Lot 13, in the Township of Montgomery, by Deed dated September 22, 1998, and recorded in the Somerset County Clerk's Office in Deed Book 2196, Page 198, totaling approximately 27.56 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises was conveyed to the County on June 28, 2002, 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 5169, Page 2949; 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 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 Owners 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 at the conclusion of a 20-year lease; 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 roof mounted solar energy facility is from the equine barns on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 35,993 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 35,880 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 Owners 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 roof mounted solar energy facility comprises approximately 100 square feet of impervious cover related to the inverter pad placed on the ground outside the barn; 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 roof mounted solar energy facility will be located on the roof of an existing equine 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 roof mounted solar energy facility consists of the area of the panels and the pad for the inverter which together comprise an occupied area of approximately 1,800 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 100 square feet; and

WHEREAS, the Somerset CADB has reviewed the application and on January 17, 2017, submitted comments in support of the project.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owners have 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 1,700 square feet of occupied area on the roof and 100 square feet of occupied area alongside an existing barn and having a rated capacity of 35,880 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 barns and farm infrastructure is 35,993 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.



1/26/17
DATE

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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STATE AGRICULTURE DEVELOPMENT COMMITTEE
REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN
AGRICULTURAL DEVELOPMENT AREA

SHARON STATION ROAD IMPROVEMENTS PROJECT

UPPER FREEHOLD TOWNSHIP, MONMOUTH COUNTY

RESOLUTION #FY2017R1(6)

January 26, 2017

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

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

WHEREAS, the Monmouth County Division of Engineering (County) filed a Notice of Intent with the Monmouth CADB and the SADC informing both agencies of the County's intent to reconstruct approximately 1.5 miles of Sharon Station Road (County Route 539A) from the intersection with Allentown-Red Valley Road (CR 526) to the north, to the intersection with Allentown-Davis Station Road to the south (Schedule A); and

WHEREAS, with its proximity to the I-195 and New Jersey Turnpike corridors, Sharon Station Road functions as a rural major collector providing one lane in each direction with little to no shoulders; and

WHEREAS, the County has identified the Sharon Station Road Project (Project) as an integral part of, and the final step in, an initiative called the "Easterly Bypass" whose purpose is to redirect traffic away from the Historic Borough of Allentown; and

WHEREAS, according to the County, issues associated with the current condition of Sharon Station Road include:

- substandard horizontal and vertical geometrics resulting in restricted sight distances
- roadway composition insufficient to accommodate heavy volumes of truck traffic

- insufficient roadway drainage
- poor pavement conditions
- substandard intersection capacity and layout at each end of the proposed Project
- three functionally obsolete bridges within the Project limits; and

WHEREAS, before selecting the final Project plan (Schedule B) the County evaluated a number of design alternatives that would address the existing operational and safety concerns, accommodate heavy truck traffic and an anticipated increase in vehicular volumes due to planned development in the area and minimize impacts to adjacent properties; and

WHEREAS, the Project has been centered on the existing County road right-of-way to avoid or minimize right-of-way impacts; and

WHEREAS, the Project contemplates use of vegetated median with center turn lanes and jughandles providing ingress and egress to existing and proposed residential cross streets and adjacent farmland; and,

WHEREAS, the NOI states that the Project will be phased to allow continuous traffic movements along the corridor and that access to adjacent farmland will be maintained during construction; and

WHEREAS, the NOI indicates that the Project has been designed to avoid or minimize impacts to existing buffer areas, surface waters and groundwater aquifers; and

WHEREAS, the “Campanella Property” Block 24, Lot 8.01, is the sole preserved farm with frontage along Sharon Station Road within the Project limits; and

WHEREAS, 1.021 acres of the Campanella Property was excepted out of the farmland preservation easement specifically for future right-of-way improvements to Sharon Station Road; and

WHEREAS, the Project will not necessitate condemnation of the preserved farmland; and

WHEREAS, the County has applied for a Green Acres Minor Diversion for 0.851 acres of Block 27, Lot 27, part of “Crosswicks Creek Park”, to accommodate additional right-of-way and construction of a jughandle necessary to facilitate access to a proposed parking lot for the Monmouth County Park System’s Union Transportation Trail and to provide access to the Campanella Property, and neighboring Block 24, Lot 3, from the northbound lane; and

WHEREAS, at its October 4, 2016 meeting, the Monmouth CADB found the Project, as described in the NOI, would not cause unreasonably adverse effects on preserved farms, the ADA, or State agricultural preservation and development policies; and

WHEREAS, the SADC has reviewed the NOI documents submitted and determined that the County has adequately addressed all requirements and information about the project pursuant to N.J.S.A. 4:1C-19 and N.J.A.C. 2:76-7.1, et seq.

NOW, THEREFORE, BE IT RESOLVED that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and upon overall State agriculture preservation and development policies, and finds that the Sharon Station Road Project, as described in the Notice of Intent submitted by Monmouth County Division of Engineering, would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the following reasons:

1. The Project is necessary to improve the safety and function of the existing Sharon Station Road and will not add additional roads or utilities within the ADA.
2. Monmouth County evaluated multiple design options and proposed improvements that are almost exclusively within the existing road right-of-way and designed to avoid preserved farmlands and minimize impacts to non-preserved agricultural land.

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

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

1/26/17

Date

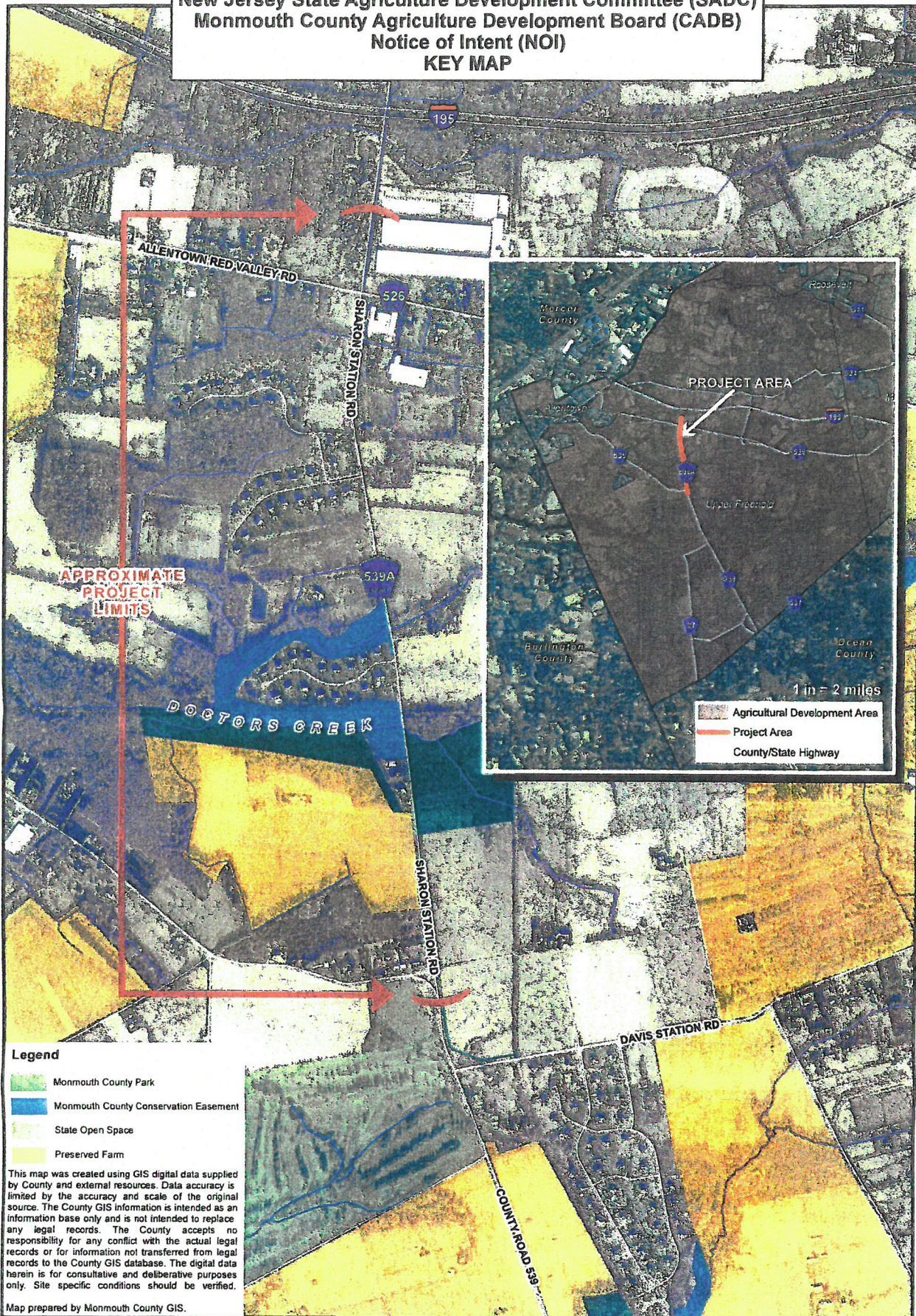


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

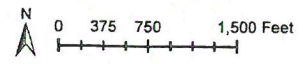
**New Jersey State Agriculture Development Committee (SADC)
 Monmouth County Agriculture Development Board (CADB)
 Notice of Intent (NOI)
 KEY MAP**



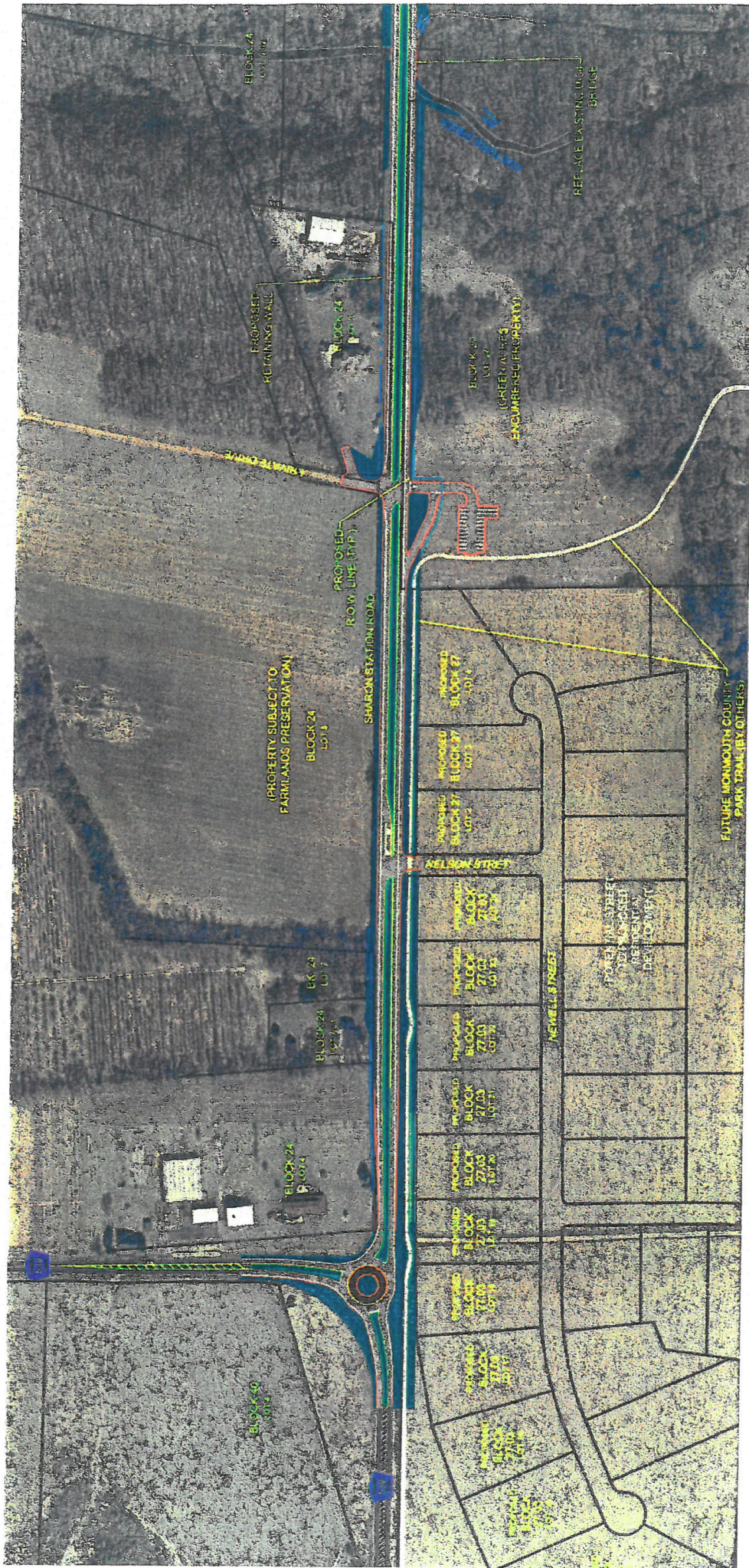
This map was created using GIS digital data supplied by County and external resources. Data accuracy is limited by the accuracy and scale of the original source. The County GIS information is intended as an information base only and is not intended to replace any legal records. The County accepts no responsibility for any conflict with the actual legal records or for information not transferred from legal records to the County GIS database. The digital data herein is for consultative and deliberative purposes only. Site specific conditions should be verified.

Map prepared by Monmouth County GIS.

**Proposed Improvements to Sharon Station Road (County Route 539A)
 Monmouth County
 Upper Freehold Township
 Map Created: July 12, 2016**



Schedule B (1)



Schedule B (2)



Schedule B (3)



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R1(7)

Adoption of Right-to-Farm Hearing Report

Clinton Township and Walter and Diane Ericksson v. Hunterdon County Agriculture
Development Board and Valley Crest Preserve, Inc.
SADC ID #1601

January 26, 2017

WHEREAS, on December 10, 2015, the State Agriculture Development Committee (SADC) authorized SADC staff to conduct an administrative hearing in the above-captioned matter; and

WHEREAS, on May 10, May 11 and October 11, 2016, SADC staff held an administrative hearing in accordance with the Right to Farm Act, N.J.S.A. 4:1C-10.2, and the Administrative Procedure Act, N.J.S.A. 52:14B-9; and

WHEREAS a hearing report was prepared at the conclusion of the administrative hearing; and

WHEREAS the SADC reviewed and discussed the hearing report at its regular meeting on January 26, 2017;

NOW, THEREFORE, BE IT RESOLVED that the SADC adopts the hearing report, a copy of which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the action taken herein is considered a final agency decision appealable to the Superior Court, Appellate Division; 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.



January 26, 2017

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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