

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)

Department of Agriculture

Market and Warren Streets, 1st Floor Auditorium

Trenton, NJ 08625

REGULAR MEETING

July 26, 2018

Acting Chairwoman Monique Purcell called the meeting to order at 9:08 a.m. The flag salute was conducted.

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 Chairwoman Monique Purcell

Scott Ellis

Thomas Stanuikynas (rep. DCA Commissioner/Lt. Governor Sheila Y. Oliver)

Alan Danser

Pete Johnson

Denis Germano, Esq.

Ralph Siegel (rep. Treasurer Elizabeth Maher Muoio)

Renee Jones (rep. NJDEP Commissioner Catherine R. McCabe)

Brian Schilling (rep. Executive Dean Robert M. Goodman)

Members Absent

Jane Brodhecker

James Waltman

Susan E. Payne, Executive Director

Jason Stypinski, Esq., Deputy Attorney General

Others present as recorded on the attendance sheet: Brian Wilson, Burlington County Agriculture Development Board (CADB); Harriet Honigfeld, Monmouth CADB, Katherine Coyle, Morris CADB, Laurie Sobel, Middlesex CADB, Emily Blackman, Mercer CADB; and Katherine Fullerton, East Amwell Township.

Minutes

A. SADC Regular Meeting of June 28, 2018 (Open and Closed Sessions)

It was moved by Mr. Danser and seconded by Mr. Schilling to approve the Open and Closed Session minutes of the SADC regular meeting of June 28, 2018. The motion was approved. Mr. Stanuikynas and Mr. Germano abstained from the vote.

Report of the Chairwoman

Chairwoman Monique Purcell congratulated Brian Schilling on his appointment as Director of Cooperative Extension for Rutgers University as of July 1, 2018. Mr. Schilling stated that he will continue to serve on the SADC and if he is not able to attend a meeting will have someone cover for him. Mr. Schilling stated that at the State Board of Agriculture meeting, it was announced that Rutgers University Chancellor Debasish Dutta has resigned. Christopher Molloy, the university's senior vice president for research and economic development, is serving as interim chancellor of the New Brunswick campus.

Chairwoman Purcell reported that the Highlands Council has appointed Lisa Plevin as the new Executive Director. She noted that the spotted lanternfly has been detected in New Jersey and there is currently a quarantine in three counties – Hunterdon, Warren and Mercer. She also stated that fire inspections are being conducted on farms. These are not new, but were reinvigorated after an issue in Atlantic County came to the attention of the Department of Community Affairs (DCA) and the fire code enforcement chief. The focus this season is on agricultural labor housing, specifically when a commercial farm building is being utilized for something other than the intended purpose. There is also authority to inspect all farm buildings.

Report of the Executive Director

Ms. Payne reviewed Farmland Preservation Program statistics for FY2018, including the preservation of 92 farms covering 5,631 acres for the year. The SADC's goals were 85 closings and 5,100 acres preserved, so those goals were exceeded. Ms. Winzinger noted that FY2018 was a big year for closings, particularly among three counties: Burlington, (16 closings), Gloucester (20 closings) and Salem (13 closings). Some of this was due to a backlog when funding was not available. Ms. Payne noted that the statistics are helpful along with the outreach staff has conducted with partners. The municipal partners need a great deal of help and not all counties have the capacity to work closely with them. Based on feedback received, staff is working to provide technical assistance to municipal partners on the farmland preservation process.

Communications

Ms. Payne suggested that the Committee take their communication packets with them to review recent news articles.

Public Comment

There was no public comment.

New Business

A. Reorganization

1. Appointment of Vice Chairman

Ms. Payne requested a motion for appointment of a Vice Chairman of the SADC.

It was moved by Mr. Schilling and seconded by Mr. Ellis to appoint Mr. Danser to continue to serve as the Vice Chair of the SADC. The motion was unanimously approved.

2. August 2018 to July 2019 Meeting Dates

Ms. Payne directed the Committee to the schedule of SADC meeting dates through July 2019. Mr. Danser noted that the date listed for the July 2019 meeting is not a Thursday. Ms. Payne stated that the listing will be revised to include the correct meeting date of Thursday, July 25, 2019.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the new schedule of SADC regular meeting dates through July 2019, as amended. The motion was unanimously approved.

3. Program Deadline Dates – 2018/2019 (Informational Only)

Ms. Payne directed the Committee to the listing of FY19 deadline dates for counties to submit their application packets to the SADC for final approval. All partners will receive this information.

B. Adoption of FY19 Appropriation Request

Ms. Payne reviewed with the Committee staff's recommendation for a \$23.8 million appropriation request based on an estimated \$22 million in Corporation Business Tax revenues for FY19 as well as reprogrammed funding. Ms. Payne asked the Committee for authorization to adjust the appropriations accordingly if revenue numbers change between now and when the SADC seeks Garden State Preservation Trust approval of its request. The recommended appropriation request includes \$15 million for the Municipal Planning Incentive Grant (PIG) Program; \$3.3 million for the State Acquisition Program; \$1.59 million to fully fund applications approved under the FY19 Nonprofit Program; \$660,000 in stewardship funding for a second round of deer fencing cost-share grants, with any unused balanced directed to soil and water conservation cost-share grants; and \$3.2 million for SADC administrative costs. Ms. Payne reviewed County PIG Program balances and stated that staff believes that available competitive grant funds in that program will be sufficient to meet closings projected to occur in FY19; therefore, no new funding is requested for the County PIG Program this year.

In addition to SADC approval, the funding request is subject to approval by the Garden State Preservation Trust and appropriation through the typical legislative process.

It was moved by Mr. Danser and seconded by Mr. Germano to approve the FY19 appropriation request and to authorize staff to amend the final program numbers should that be necessary as discussed. The motion was approved. Mr. Siegel abstained from the vote.

C. Resolutions of Final Approval: County Planning Incentive Grant Program (PIG)

Amy Mandelbaum referred the Committee to the following request for final approval under the County Planning Incentive Grant Program. She reviewed the specifics of the

application with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2018R6(1) granting final approval to the following application under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolution:

1. Anthony Zimbicki, Sr. (Estate of) SADC ID #12-0025-PG (Resolution FY2018R7(1))
Block 20, Lots 12.03 and 14.03, Monroe Township, Middlesex County, 36.8 Gross Acres

The motion was approved. Mr. Danser recused. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. A copy of Resolution FY2018R7(1) is attached to and is a part of these minutes.

Stefanie Miller referred the Committee to the remaining four requests for final approval under the County Planning Incentive Grant Program. She reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2018R7(2) through Resolution FY2018R7(5) granting final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

2. Janssen Ortho Pharm (Peacefield Mgmt-A), Ortho-McNeil Pharmaceuticals, LLC (Owner), SADC ID #10-0391-PG (Resolution FY2018R7(2))
Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, 71.8 Net Acres
3. Janssen Ortho Pharm (Peacefield Mgmt-B), Ortho-McNeil Pharmaceuticals, LLC (Owner), SADC ID #10-0393-PG (Resolution FY2018R7(3))
Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, 72.35 Net Acres
4. Janssen Ortho Pharm (Peacefield Mgmt-C), Ortho-McNeil Pharmaceuticals, LLC (Owner), SADC ID #10-0394-PG (Resolution FY2018R7(4))
Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, 71.8 Net Acres

5. Janssen Ortho Pharm (Peacefield Mgmt-D), Ortho-McNeil Pharmaceuticals, LLC (Owner), SADC ID #10-0395-PG (Resolution FY2018R7(5))
Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, 77.45 Net Acres

Discussion: Mr. Siegel asked whether these farms qualify for the dual appraisal valuation provision. Ms. Payne stated that they did and noted that the SADC's legal staff closely reviewed corporate documentation on the history of this property and its ownership from the inception of the Highlands Act to present. Staff also sought advice from the Attorney General's office. She stated that members can question Mr. Stypinski about his findings in Closed Session if they like.

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. Copies of Resolution FY2018R7(2) through FY2018R7(5) are attached to and are a part of these minutes.

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

Ms. Miller and Ms. Mandelbaum referred the Committee to two requests for final approval under the Municipal PIG Program. They reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2018R7(6) and FY2018R7(7) granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

1. James and Stefanie Mazza, SADC ID #21-0601-PG (Resolution FY2018R7(6))
Block 66, Lot 1, Knowlton Township, Warren County, 20 Net Acres
2. Jersey Longhorne, LLC, SADC ID #13-0472-PG (Resolution FY2018R7(7))
Block 23, Lot 8.04, Upper Freehold Township, Monmouth County, 59 Net Acres

Discussion: Ms. Mandelbaum noted that the date of Upper Freehold Township's approval of the Longhorne farm application will be updated in the resolution from June to July 19 as the Township re-approved the application after it had been transferred from the County PIG Program to the Municipal PIG Program.

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. Copies of Resolutions FY2018R7(6) and FY2018R7(7) are attached to and are a part of these minutes.

E. Resolutions of Final Approval: Direct Easement Purchase

Ms. Miller, Ms. Mandelbaum and Katie Mazzella referred the Committee to five requests for final approval under the Direct Easement Purchase Program. They reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolutions FY2018R7(8) through FY2018R7(12) granting final approval to the following applications under the Direct Easement Purchase Program, as presented and discussed, subject to any conditions of said resolutions:

1. Bellsflower Farm LLC (Mummey), SADC ID #10-0251-DE (Resolution FY2018R7(8))
Block 39, Lots 19, 19.01-19.09 and 19.13; Block 39.01, Lots 19.10-19.12, Delaware Township, Hunterdon County, 87 Net Acres
2. US Agrinova LLC (Schuster) SADC ID #10-0254-DE (Resolution FY2018R7(9))
Block 41, Lot 9, Kingwood Township, and Block 29, Lot 4, Delaware Township, Hunterdon County, 107.6 Net Acres
3. Richard J. and Donna M. Gillespie, SADC ID #11-0041-DE (Resolution FY2018R7(10))
Block 29, Lot 11, Hopewell Township, Mercer County, 120 Net Acres

Discussion: Ms. Jones noted that the Gillespie farm is adjacent to a Green Acres project area and wanted to make the Committee aware that Green Acres and its funding partners are looking at trail connections and land preservation. Ms. Payne asked Ms. Jones to keep the SADC updated so the agencies can work together accordingly where landowners are willing.

4. AJ Coombs, Inc., SADC ID #17-0326-DE (Resolution FY2018R7(11))
Block 76, Lot 5; Block 77, Lot 13, Upper Pittsgrove Township, Salem County, 112.46 Net Acres

5. Douglas E. Fogg, SADC ID #17-0332-DE (Resolution FY2018R7(12))
Block 4, Lot 5, Lower Alloways Creek Township, and Block 36, Lot 5, Elsinboro Township, Hunterdon County, 97.3 Net Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. Copies of Resolution FY2018R7(8) through FY2018R7(12) are attached to and are a part of these minutes.

F. Minimum Standards for Acquisition Projects – FY19

1. County Planning Incentive Grant (PIG) Program

Ms. Winzinger reviewed proposed FY19 minimum quality scores for the County PIG Program. Three counties – Atlantic, Bergen and Camden counties – did not have average quality scores for FY2018 because of a lack of applications during the three prior fiscal years. Any applications from those counties will be brought to the Committee for a waiver. This year, three additional counties – Somerset, Passaic and Middlesex – had insufficient applications to calculate average quality scores, but they did have average quality scores in FY18. Staff is recommending that the FY18 average quality scores for those counties continue to be used in FY19.

2. SADC Direct Easement Purchase Program

Ms. Winzinger stated that farms in the Direct Easement Purchase program are classified as “priority,” “alternate” or “other” based on their quality score and size per county, and reviewed proposed average quality score thresholds in each county for FY19. As with the County PIG Program, staff is recommending that the SADC in FY19 continue to use the average quality scores from FY2018 as the basis for determining if a farm meets the “priority,” “alternate” or “other” criteria in Middlesex, Passaic and Somerset counties.

Discussion: Mr. Schilling suggested that the average farm acreage in each county needs to be examined more closely in order to prioritize among the farms that are remaining. He or Rutgers can assist with that, which would help in understanding the distribution of what is actually being targeted for preservation. Ms. Payne agreed that staff would be interested in collaborating on that.

It was moved by Mr. Danser and seconded by Mr. Schilling to approve Resolutions FY2018R7(13) and FY2018R7(14) memorializing standards for determining Eligible

Farms under the County Planning Incentive Grant (PIG) Program and “Priority” and “Alternate” Farms under the State Acquisition Program. The motion was unanimously approved. Copies of Resolution FY2018R7(13) and FY2018R7(14) are attached to and are a part of these minutes.

G. Soil and Water Conservation Project Cost-Sharing

1. Smithville Farms, Inc., SADC ID #03-0134-EP, (Resolution FY2018R7(15)), Block 1200, Lots 7 and 30, Eastampton Township, Burlington County, 203.24 Acres

Dave Clapp reviewed an application from Smithfield Farm Inc. for a soil and water cost-sharing grant for the installation of a 1,176-linear move irrigation system at an estimated cost of \$120,000. The cost share is slightly lower than 50 percent because this project will max out the cost-share eligibility of the farm. Staff is recommending approval of cost-share funding for the project. Mr. Clapp noted a typo in the Resolution in the fifth “Whereas,” which should read \$50,324.40 instead of \$50,324.00.

It was moved by Mr. Ellis and seconded by Mr. Danser to approve Resolution FY2018R7(15) approving soil and water conservation cost-share funding for Smithville Farms, Inc., as presented and discussed. The motion was approved. Mr. Johnson abstained. A copy of Resolution FY2018R7(15) is attached to and is a part of these minutes.

H. Stewardship

Review of Activities on Preserved Farm

1. Picozzi Farm, (Resolution FY2018R7(16))
Block 8, Lots 2, 2.01 and 2.02, Harding Township, Morris County, 16.04 Acres

Charles Roohr stated that this matter – involving a determination by the Morris County Agriculture Development Board (CADB) that a recently constructed barn is being used as an ice hockey rink – was discussed at the Committee’s May meeting. As a result of that discussion, staff is presenting the Committee with a resolution finding that the development and use of the farm for skating and/or athletic facility purposes constitutes a violation of the Deed of Easement. Mr. Roohr stated that staff is not suggesting a remedy for this today, but rather seeking the ability to engage the SADC and County’s attorneys and the Attorney General’s Office to determine the remedy and pursue legal avenues, if necessary, to achieve that. Ms. Payne stated that Mr. Picozzi will be receiving a letter

from the SADC stating that he has been determined to be in violation of the terms of the Deed of Easement and that the agency's attorneys have been authorized to take legal action.

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve Resolution FY2018R7(16) finding that the development and use of the Premises for skating and/or athletic facility purposes constitutes a violation of the Deed of Easement for the reasons set forth in said Resolution, and authorizing legal proceedings to be initiated through the Office of the Attorney General, as necessary, in the event of continued non-compliance with the Deed of Easement. The motion was unanimously approved. A copy of Resolution FY2018R7(16) is attached to and is a part of these minutes.

Renewable Energy Generating Systems

2. Zhang Farm, (Resolution FY2018R7(17)), Block 49, Lot 2, Upper Pittsgrove Township, Salem County, 59.9 Acres

Mr. Roohr stated that the owners of the Zhang Farm would like to install a ground-mounted solar array that will be located next to the existing house to service the farm and the home's energy needs. The farm is a very intensive mixed vegetable farm. Last year the energy demand was 68,500 kWh's. This new system will produce just a little bit more than that at 70,000 kWh's per year. With three rows of panels, a 20-foot buffer and the trench to attach the panels to the meter, the occupied area of the solar energy facility will be about 12,000 square feet. This request meets all the terms of the SADC's solar regulations and the staff recommendation is to approve the request.

It was moved by Mr. Danser and seconded by Mr. Stanuikynas to approve Resolution FY2018R7(17) for the construction, installation, operation and maintenance of photovoltaic energy generation facilities, structures and equipment consisting of approximately 12,480 square feet of occupied area and 50 square feet of site disturbance in the form of the trench connecting the panels to the meter on the residence and the support posts and having a rated capacity of 70,435 kWh's of energy as identified in Schedule A and described further in said Resolution. The motion was unanimously approved. A copy of Resolution FY2018R7(17) is attached to and is a part of these minutes.

I. New Business

Right to Farm OAL Final Decision- I/M/O CLC, LLC

Mr. Smith reviewed the staff's recommended final decision in this case involving a start-up, high-end nursery and farm market. A central issue in this case was whether the farm

met the commercial farm eligibility criteria – specifically the \$2,500 minimum annual agricultural production threshold – in order to qualify for Right to Farm protection. The Committee discussed the issue at its June meeting and its consensus was that the farm exceeded that threshold based on the increased value of the more than 5,000 rare, specialty trees, shrubs and plants grown and nurtured on the farm during the growing season. This determination and other findings that Mr. Smith summarized were incorporated in the proposed final decision, which he recommended to the Committee for adoption.

It was moved by Mr. Danser and seconded by Mr. Germano to adopt the final decision in the matter of CLC, LLC, as presented and discussed. The motion was unanimously approved. A copy of the final decision is attached to and is a part of these minutes.

Public Comment

None.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 a.m., Thursday, September 27, 2018

Location: Health/Agriculture Building, First Floor Auditorium

CLOSED SESSION

At 11:30 a.m. Ms. Payne read the following resolution to go into Closed Session:

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

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

ACTION AS A RESULT OF CLOSED SESSION

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

A. Real Estate Matters – Certification of Values

1. County Planning Incentive Grant Program

- a. Thomas and Michelle Grochowicz (Boro), SADC ID #10-0414-PG
Block 1, Lot 1.01, Glen Gardner Borough; Block 11, Lots 1, 2 and 2.2, Hampton Borough; and Block 46, Lot 2, Bethlehem Township, Hunterdon County, 76.3 Net Acres
- b. Steven C. and Joseph D. Haydu, and Diane Potter, SADC ID #21-06909-PG
Block 11.01, Lot 1, and Block 21, Lots 34.01, 34.03, 34.04, 34.05, 34.06, 34.07 and 34.08, Harmony Township, Warren County, 42.5 Net Acres

2. Municipal Planning Incentive Grant Program

- a. Hilda McCracken, SADC ID #17-0181-PG
Block 28, Lot 23, Upper Pittsgrove Township, Salem County, 42.82 Acres

3. Direct Easement Purchase Program

- a. Harbourton Foundation, SADC ID #11-0042-DE
Block 29, Lot 9, Hopewell Township, Mercer County, 79 Net Acres

4. Non-Profit Easement Purchase

- a. Robert and Sharon Santini (TLCNJ-Heeres), SADC ID #21-0037-NP
Block 45, Lot 26, Harmony Township, Warren County, 65.6 Net Acres
- b. Hensler Farm LLC (TLCNJ), SADC ID #21-0038-NP
Block 18, Lot 16, White Township, Warren County, 37.77 Net Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F. (Copies

Quaker Valley Farms – Mr. Stypinski stated that there is still no decision on Quaker Valley Farms, but he expects a decision by September.

Janssen Ortho Pharm – Ms. Payne asked Mr. Stypinski to address this farm, which was discussed in Open Session as it pertains to its eligibility for the Highlands dual-appraisal provision. Mr. Stypinski stated that a review of the corporate history showed that in 2007 they changed from a corporation to an LLC. Under Delaware law, that can be done without dissolving the corporation. It was determined that there was a change of corporate form, but there was no real change in ownership. Going forward, all these changes probably will need to be addressed on a case-by-case basis until general advice is determined. For example, what would happen (in terms of eligibility for the dual-appraisal valuation) if a farmer becomes an LLC after 2004? It is probably OK as long as non-family members are not being added to the LLC. Ms. Payne stated that staff flagged this issue given that the dual appraisal protection is expiring in June 2019 and presumably will be addressed by the Legislature. Staff would like to raise this issue to the extent it can to ensure that the language of any renewal is protective of farm families.

ADJOURNMENT

There being no further business, it was moved by Mr. Danser and seconded by Mr Germano to return to Open Session at 12:09 p.m. The motion was unanimously approved.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2019R7(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MIDDLESEX COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Zimbicki, Sr. Anthony, (Estate of) ("Owners")

Monroe Township, Middlesex County

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

SADC ID# 12-0025-PG

JULY 26, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Middlesex County received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on April 22, 2016 the SADC received an application for the sale of a development easement from Middlesex County for the subject farm identified as Block 20, Lots 12.03 and 14.03, Monroe Township, Middlesex County, totaling approximately 36.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Middlesex County's Southeastern Project Area; and

WHEREAS, the Property has zero (0) exceptions, one (1) single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in deciduous tree fruit (peaches and apples) production; and

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

WHEREAS, the Property has a quality score of 69.72 which exceeds 60.17, which is 70% of the County's average quality score as determined by the SADC on July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 19, 2017 it was determined that the application for the sale of a development easement was complete and accurate and

satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 7, 2017 the SADC certified a development easement value of \$27,000 per acre based on zoning and environmental regulations in place as of the current valuation date January 19, 2017; and

WHEREAS, the certification was and this Final Approval is conditioned on the estate of Anthony Zimbicki, Sr. waiving/terminating the "bequest and reverter interest" benefitting Michael Zimbicki, Dylan Zimbicki, and Hunter Zimbicki prior to or at closing; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$27,000 per acre for the development easement for the Property; and

WHEREAS, on June 11, 2018 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on March 5, 2018, the Monroe Township Committee approved the Owner's application for the sale of development easement and a funding commitment of \$5,400 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 16, 2018, the Middlesex County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 7, 2018, the Board of Chosen Freeholders of the County of Middlesex passed a resolution granting final approval and a commitment of funding for \$5,400 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 36.8 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$596,160	(\$16,200/acre)
Monroe Township	\$198,720	(\$5,400/acre)
<u>Middlesex County</u>	<u>\$198,720</u>	<u>(\$5,400/acre)</u>
Total Easement Purchase	\$993,600	(\$27,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Middlesex County Agriculture Development Board is requesting \$596,160 in FY17 base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants conditional final approval to

provide a cost share grant to Middlesex County for the purchase of a development easement on the Property, comprising approximately 36.8 net easement acres, at a State cost share of \$16,200 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$596,160 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the certification was and this Final Approval is conditioned on the estate of Anthony Zimbicki, Sr. waiving/terminating the "bequest and reverter interest" benefitting Michael Zimbicki, Dylan Zimbicki, and Hunter Zimbicki prior to or at closing; and

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

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

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

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

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

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

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

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

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

7/26/2018

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	RECUSE
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Zimbicki, Sr., Anthony (Estate of)
Block 20 Lots 12.03 (17.1 ac); & 14.03 (19.7 ac)
Gross Total = 36.8 ac
Monroe Twp., Middlesex County

	Property In Contention
	EM - (Major-Exception) Exception
	ED - (Minor-Exception) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O&G & Recreation Easement



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

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

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

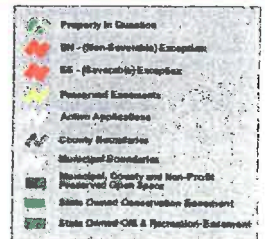
Preserved Farms and Active Applications Within Two Miles

X:\counties\midco\projects\zimbicki_sr_anthony_estate_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Zimbicki, Sr., Anthony (Estate of)
Block 20 Lots 12.03 (17.1 ac); & 14.03 (19.7 ac)
Gross Total = 36.8 ac
Monroe Twp., Middlesex County



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

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

SADC County Financial Status

Schedule B

Middlesex County

Farm	Municipality	Acres	SADC		Federal Grant		Base Grant				Competitive Funds								
			Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year				Maximum Grant			Fund Balance					
							Encumbered	PV	Expended	Balance	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 18	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	
Kurek, R & P	Cranbury	152.0189	1,170,358.50	721,091.85			467,343.65	428,106.75	428,106.75	3,000,000.00									
Volght, Jesse	South Brunswick	34.0378	1,123,822.08	674,293.25			859,278.72	874,293.25	874,293.25	2,573,883.25									
Konopacki/Indyk Farm	Monroe	37.8995	889,054.40	539,432.64			648,784.00	539,432.64	539,432.64	1,360,167.36									
Reinhart	Cranbury	37.1710	1,049,065.00	629,451.00			280,890.43	270,241.81	270,241.81	1,039,925.55									
Beck-Callanan	Monroe	18.8818	405,183.20	243,097.92			89,925.55	89,925.55	89,925.55	1,000,000.00									
Zimbicki, Sr. Anthony (Estate of)	Monroe	35.8000	993,600.00	598,180.00			598,180.00			403,840.00									
5		277.7981	4,647,483.18	2,807,366.68															
1		38.80	993,600.00	598,180.00															
							Encumber/Expended FY09	-	-	-	-								
							Encumber/Expended FY11	-	-	1,500,000.00	-								
							Encumber/Expended FY13	-	-	900,000.00	-								
							Encumber/Expended FY17	598,180.00	-	-	403,840.00								
							Encumber/Expended FY18	-	-	-	-								
							Total				403,840.00				2,640,790.81	4,846,827.63	5,000,000.00	2,000,000.00	

Schedule

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Zimbicki, Sr., Anthony - Estate of
12- 0025-PG
County PIG Program
37 Acres

Block 20 Lot 12.03 Monroe Twp. Middlesex County
Block 20 Lot 14.03 Monroe Twp. Middlesex County

SOILS:	Other	1% * 0 = .00
	Prime	62% * .15 = 9.30
	Statewide	26% * .1 = 2.60
	Unique zero	11% * 0 = .00

SOIL SCORE: 11.90

TILLABLE SOILS:	Cropland Harvested	66% * .15 = 9.90
	Other	3% * 0 = .00
	Wetlands	12% * 0 = .00
	Woodlands	19% * 0 = .00

TILLABLE SOILS SCORE: 9.90

FARM USE: Deciduous Tree Fruit 27 acres Peaches and apples

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2019R7(2)

FINAL REVIEW AND CONDITIONAL APPROVAL OF A PLANNING INCENTIVE
GRANT TO

HUNTERDON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Janssen Ortho Pharm (Peacefield Mgmt - A)
Ortho-McNeil Pharmaceuticals, LLC ("Owner")
Alexandria Township, Hunterdon County

N.J.A.C. 2:76-17 et seq.
SADC ID# 10-0391-PG
JULY 26, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Hunterdon County received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on August 18, 2016 the SADC received four individual applications for the sale of a development easements from Hunterdon County; and

WHEREAS, the four individual applications, if approved, would result in the preservation of all of Block 15, Lot 10 which is approximately 315.371 gross acres, a targeted parcel located in Hunterdon County's West Project Area and the Highlands Planning Area; and

WHEREAS, the County requested that the four applications be processed based on the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))] prior to preservation; ; and

WHEREAS, the subject farm is owned by Ortho-McNeil Pharmaceutical, LLC ("Owner"), which is under contract with Peacefield Management, LLC ("Contract Purchaser") for the purchase of the four (4) farms immediately after they are all preserved; and

WHEREAS, the subject farm is identified as Peacefield Mgmt A, Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, totaling approximately 75.8 gross acres, hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for and limited to one (1) existing duplex residential unit, which can be replaced with a duplex residential unit or one (1) single family residential unit, and to afford future flexibility of uses, resulting in approximately 71.8 net acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 65.88 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on November 18, 2016, it was determined that the application for the sale of a development easement was complete, accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a), and that appraisals could be conducted using the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D)]; and

WHEREAS, to qualify for the Highlands dual appraisal provision the owner of the property to be preserved must be the same person as, or an immediate family member of, the owner of the property as of January 1, 2004; and

WHEREAS, in consultation with the Office of the Attorney General (OAG) it was determined that while Ortho-McNeil Pharmaceuticals, Inc., the record owner of the property as of January 1, 2004, converted into Ortho-McNeil Pharmaceuticals, LLC in 2007, the Owner is still entitled to the dual appraisal provision; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 27, 2017, the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$5,500 per acre based on zoning and environmental regulations in place as of the current valuation date March 2017 conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))] ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,000 per acre for the development easement for the Property; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 13, 2017, the Alexandria Township Committee approved the application for the sale of development easement and a commitment of funding for \$1,300 per acre to cover the local cost share; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on October 3, 2017, the Board of Chosen Freeholders of the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$1,300 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 73.954 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 73.954 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$325,397.60	(\$4,400/acre)
Alexandria Township	\$ 96,140.20	(\$1,300 /acre)
<u>Hunterdon County</u>	<u>\$ 96,140.20</u>	<u>(\$1,300 /acre)</u>
Total Easement Purchase	\$517,678.00	(\$7,000/acre)

and;

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, Hunterdon County is requesting \$11,428.20 in base grant and \$313,969.40 in competitive grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final conditional approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Property, comprising approximately 73.954 net easement acres, at a State cost share of \$4,400 per acre (62.86% of certified easement value and purchase price), for a total grant not to exceed \$325,397.60, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C; and

BE IT FURTHER RESOLVED, the SADC's certification and this final approval are conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))]; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 4-acre non-severable exception area for and limited to one (1) existing duplex residential unit, which can be replaced with a duplex residential unit or one (1) 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, that any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding; and

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

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

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; 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 RESOLED, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant;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.

7/26/18

Date



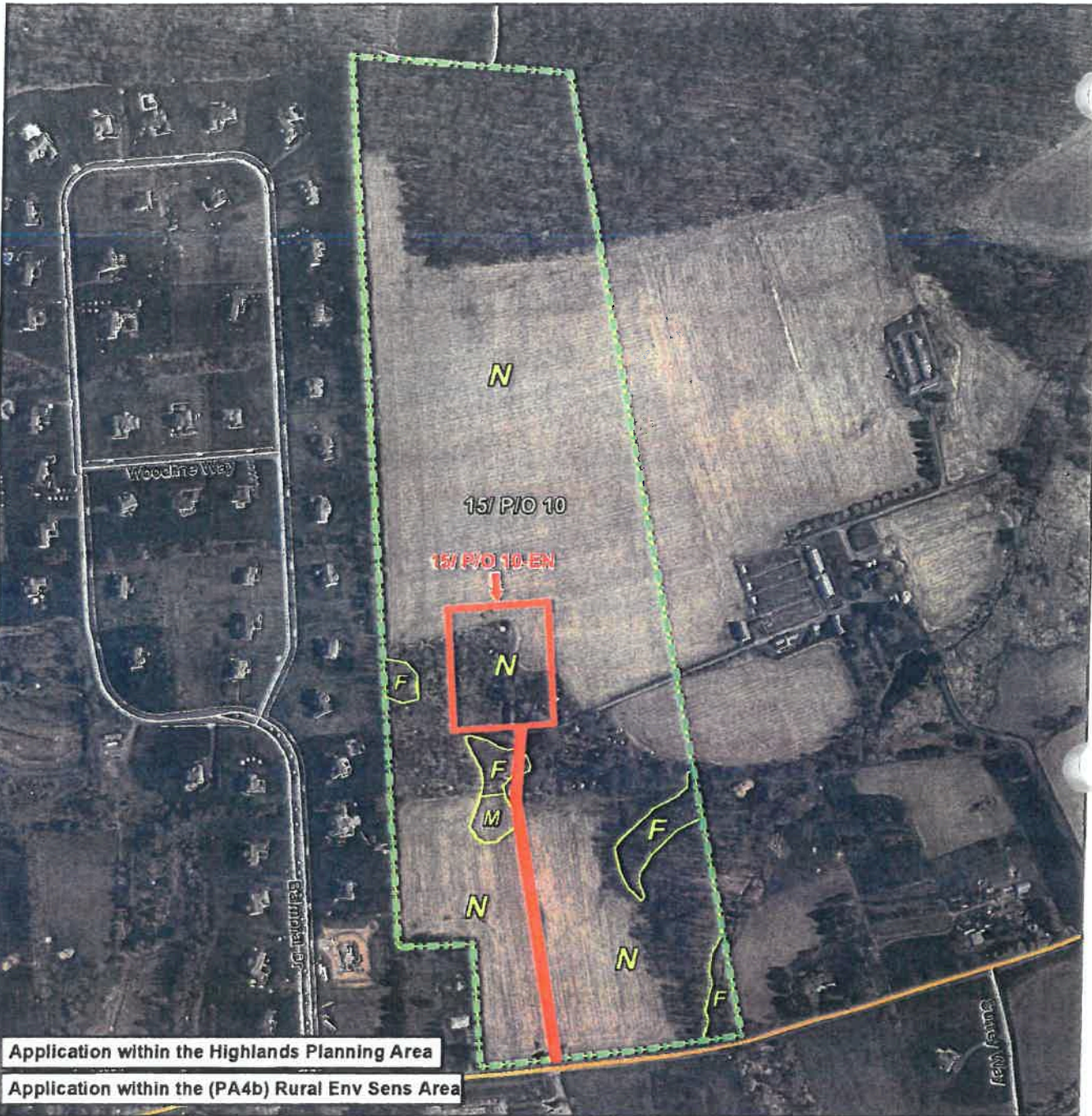
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands

X:\counties\huncob\projects\Jannsen_Ortho_Pharm_Peacefield_Management_(A)_fww.mxd



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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (A)
 Block 15 Lots P/O 10 (72.5 ac);
 & P/O 10-EN (non-severable exception - 4.0 ac)
 Gross Total = 76.5 ac
 Alexandria Twp., Hunterdon County



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

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

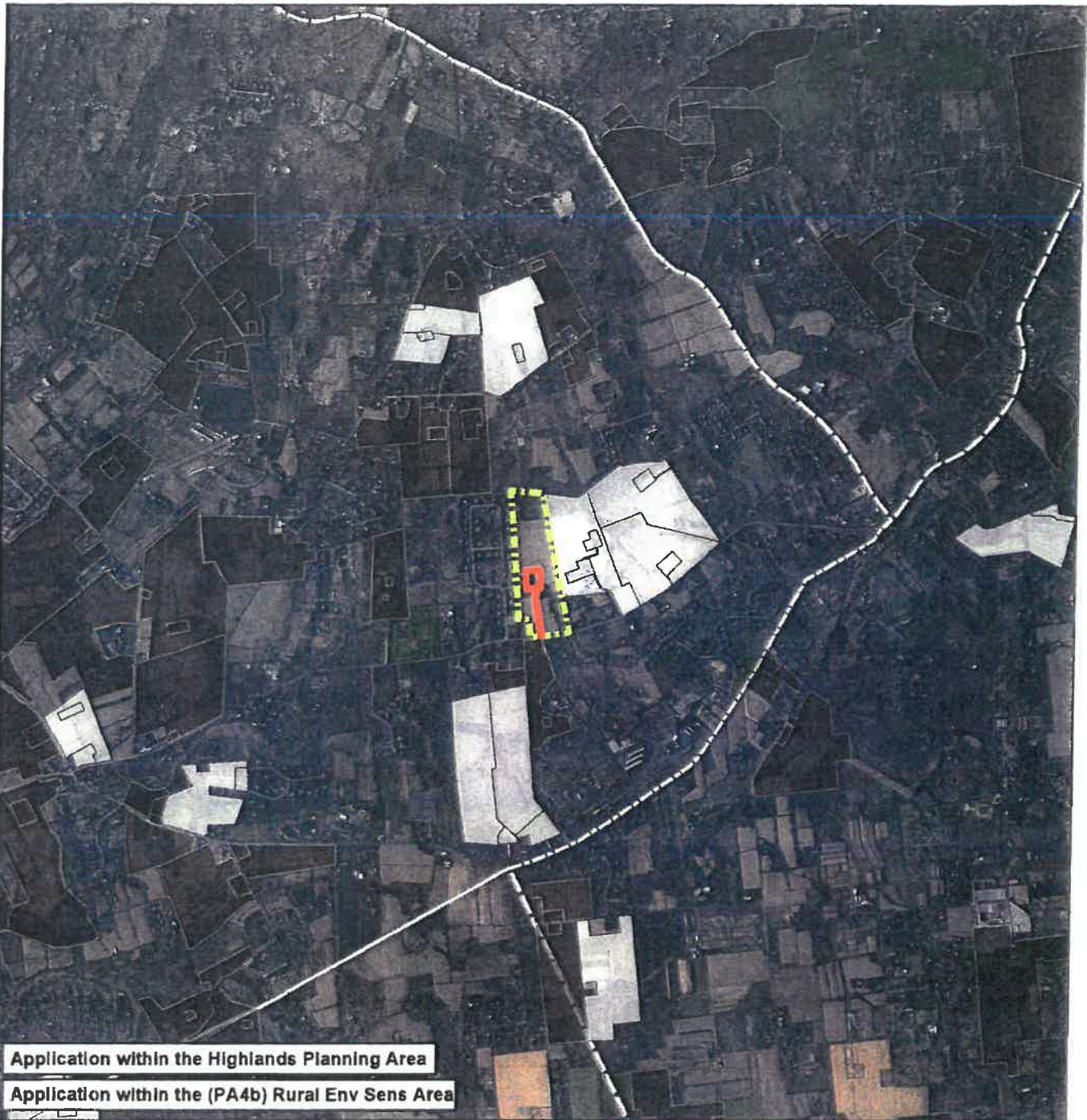


Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 300' Buffer
 W - Water

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

Preserved Farms and Active Applications Within Two Miles

X:\counties\huncol\project\jannsen_peacefield_(A)_2mile.mxd



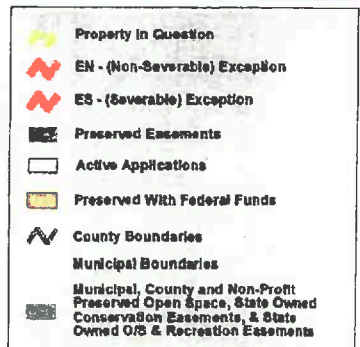
Application within the Highlands Planning Area

Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (A)
Block 15 Lots P/O 10 (72.5 ac);
& P/O 10-EN (non-severable exception - 4.0 ac)
Gross Total = 76.5 ac
Alexandria Twp., Hunterdon County

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



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

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

September 20, 2016

Schedule C

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

Janssen Ortho Pharm (Peacefield Mgmt - A)
 10- 0391-PG
 County PIG Program
 73 Acres

Block 15	Lot P/O 10	Alexandria Twp.	Hunterdon County
SOILS:		Prime	90% * .15 = 13.50
		Statewide	10% * .1 = 1.00
			SOIL SCORE: 14.50
TILLABLE SOILS:		Cropland Harvested	67% * .15 = 10.05
		Wetlands	.4% * 0 = .00
		Woodlands	29% * 0 = .00
			TILLABLE SOILS SCORE: 10.05
FARM USE:	Soybeans-Cash Grain	28 acres	
	Corn-Cash Grain	24 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st four (4) acres for existing duplex
 Exception is not to be severed from Premises
 The existing duplex residential unit can be replaced with a duplex or one single family residential unit
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The CADB is requesting appraisals be conducted based on the hypothetical condition that this application has been subdivided from the Janssen Ortho Pharm (Peacefield Mgmt. - B, C, & D) applications for purposes of providing the landowner with an offer based on four farms instead of one. Please note that although the SADC will acknowledge this hypothetical condition for appraisal purposes, all the Janssen Ortho Pharm (Peacefield Mgmt.) Farms certification of easement value, as well as future SADC approvals, will be conditioned upon completing the division without restriction prior to the simultaneous preservation of all four farms.
 2. All aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant
 - 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. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2019R7(3)

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

HUNTERDON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

**Janssen Ortho Pharm (Peacefield Mgmt - B)
Ortho-McNeil Pharmaceuticals, LLC ("Owner")
Alexandria Township, Hunterdon County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 10-0393-PG
JULY 26, 2018**

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Hunterdon County received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on August 18, 2016 the SADC received four individual applications for the sale of a development easements from Hunterdon County; and

WHEREAS, the four individual applications, if approved, would result in the preservation of all of Block 15, Lot 10 which is approximately 315.371 gross acres, a targeted parcel located in Hunterdon County's West Project Area and the Highlands Planning Area; and

WHEREAS, the County requested that the four applications be processed based on the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))] prior to preservation; and

WHEREAS, the subject farm is owned by Ortho-McNeil Pharmaceutical, LLC ("Owner"), which is under contract with Peacefield Management, LLC ("Contract Purchaser") for the purchase of the four (4) farms immediately after they are all preserved; and

WHEREAS, the subject farm is identified as Peacefield Mgmt - B, Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, totaling approximately 81.35 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property includes one (1), approximately 9-acre non-severable exception area for and limited to two (2) existing single family residential units and to afford future flexibility of uses, resulting in approximately 72.35 net acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 71.48 which exceeds 43 and which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on November 18, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and that appraisals could be conducted using the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D)]; and

WHEREAS, to qualify for the Highlands dual appraisal provision the owner of the property to be preserved must be the same person as, or an immediate family member of, the owner of the property as of January 1, 2004; and

WHEREAS, in consultation with the Office of the Attorney General (OAG) it was determined that while Ortho-McNeil Pharmaceuticals, Inc., the record owner of the property as of January 1, 2004, converted into Ortho-McNeil Pharmaceuticals, LLC in 2007, the Owner is still entitled to the dual appraisal provision; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 27, 2017 the SADC certified a development easement value of \$6,100 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$4,100 per acre based on zoning and environmental regulations in place as of the current valuation date March 2017 conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D)]; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,000 per acre for the development easement for the Property; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 13, 2017 the Alexandria Township Committee approved the application for the sale of development easement and a commitment of funding for \$1,075 per acre to cover the local cost share; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 3, 2017, the Board of Chosen Freeholders of the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$1,075 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 74.521 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 74.521 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$294,357.95	(\$3,950/acre)
Alexandria Township	\$ 80,110.07	(\$1,075 / acre)
<u>Hunterdon County</u>	<u>\$ 80,110.08</u>	<u>(\$1,075 / acre)</u>
Total Easement Purchase	\$454,578.10	(\$6,100/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Hunterdon County Agriculture Development Board is requesting \$294,357.95 in FY17 competitive grant which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Property, comprising approximately 74.521 net easement acres, at a State cost share of \$3,950 per acre, (64.75% of certified easement value and purchase price), for a total grant not to exceed \$294,357.95 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the SADC's certification and this final approval are conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D)]; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 9-acre non-severable exception area for and limited to two (2) existing single family residential units and to afford future flexibility of uses; and

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

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding; and

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

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

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; 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, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant; 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.

7/26/2018
Date

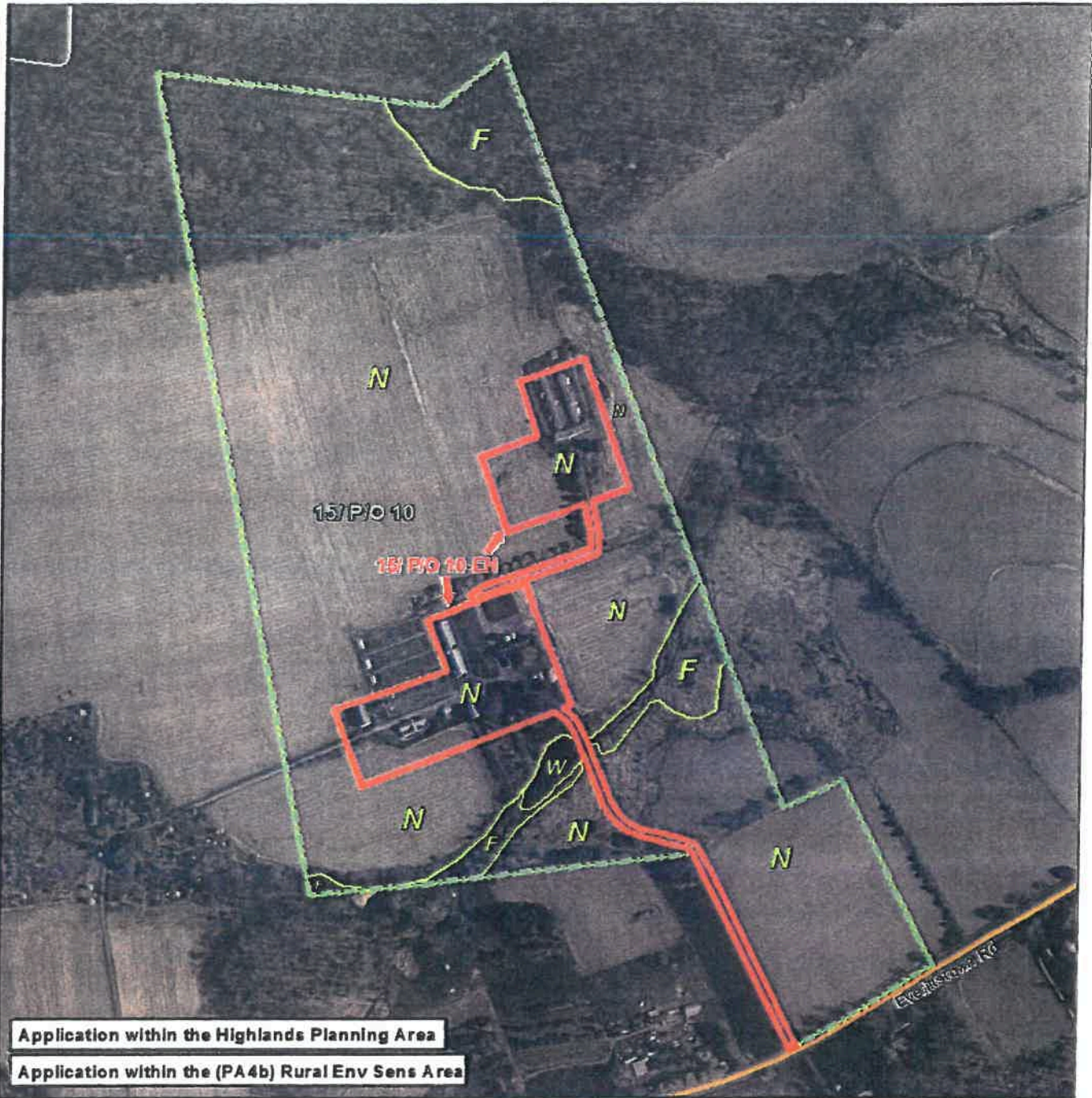

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands

X:\counties\huncot\projects\Jannsen_Ortho_Pharm_Peacefield_Management_(B)_.mxd



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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (B)
 Block 15 Lots P/O 10 (70.7 ac);
 & P/O 10-EN (non-severable exceptions - 9 ac)
 Gross Total = 79.8 ac
 Alexandria Twp., Hunterdon County



SOURCES:
 NJ Farmland Preservation Program
 Green Acres Conservator Easement Data
 NJDEP Wetlands Data
 NJ Highlands Council Data
 NJ Office of GIS 2015 Data; Aerial Image

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

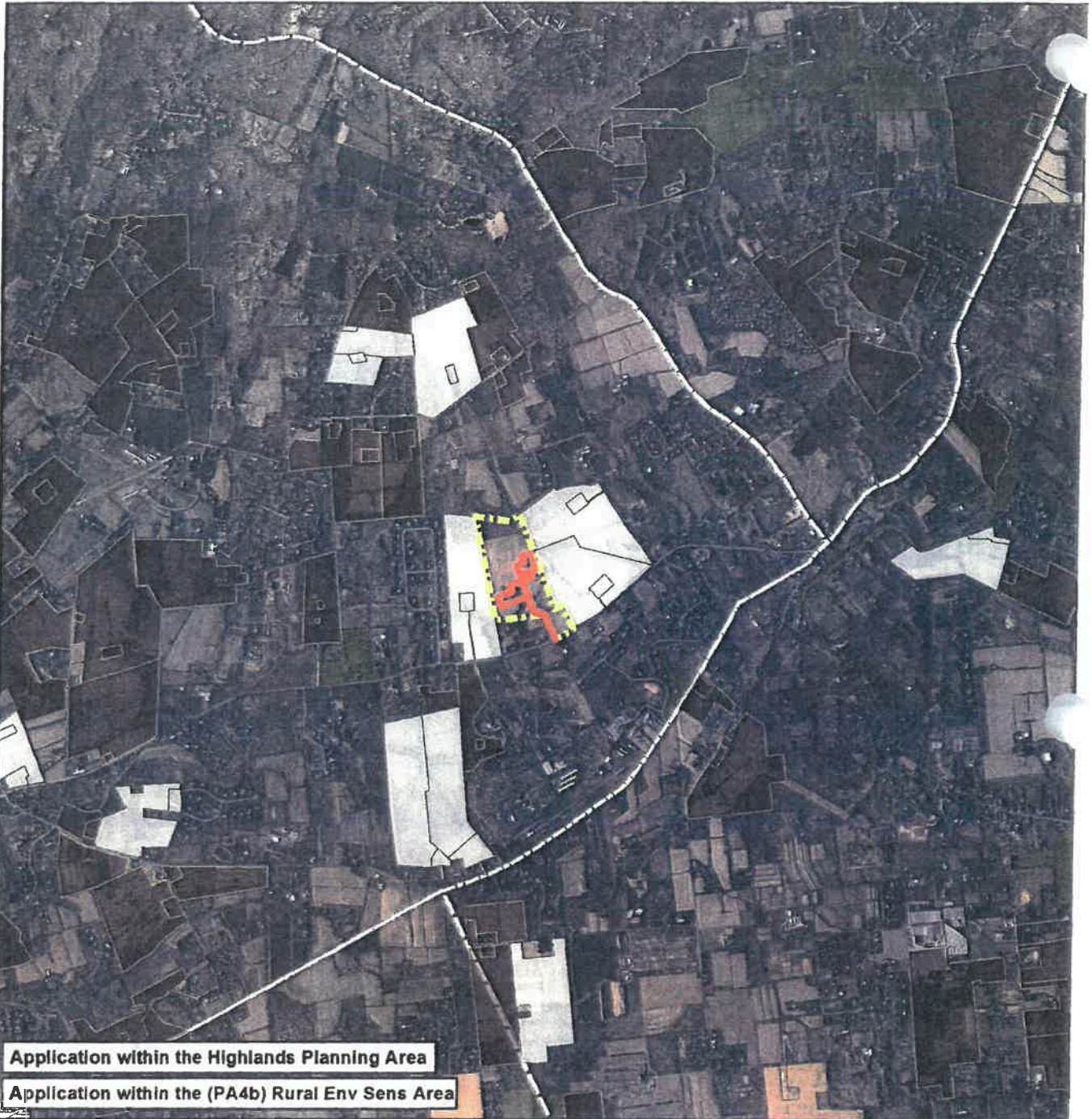


- Property in Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads

Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 A - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 329 Buffer
 W - Water

Preserved Farms and Active Applications Within Two Miles

X:\counties\hunco\projects\jannsen_peacefield_(B)_2mile.mxd



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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (B)
 Block 15 Lots P/O 10 (70.7 ac);
 & P/O 10-EN (non-severable exceptions - 5.7 & 3.4 ac)
 Gross Total = 79.8 ac
 Alexandria Twp., Hunterdon County

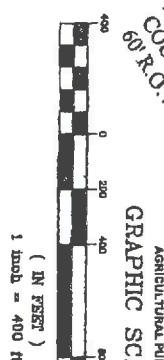
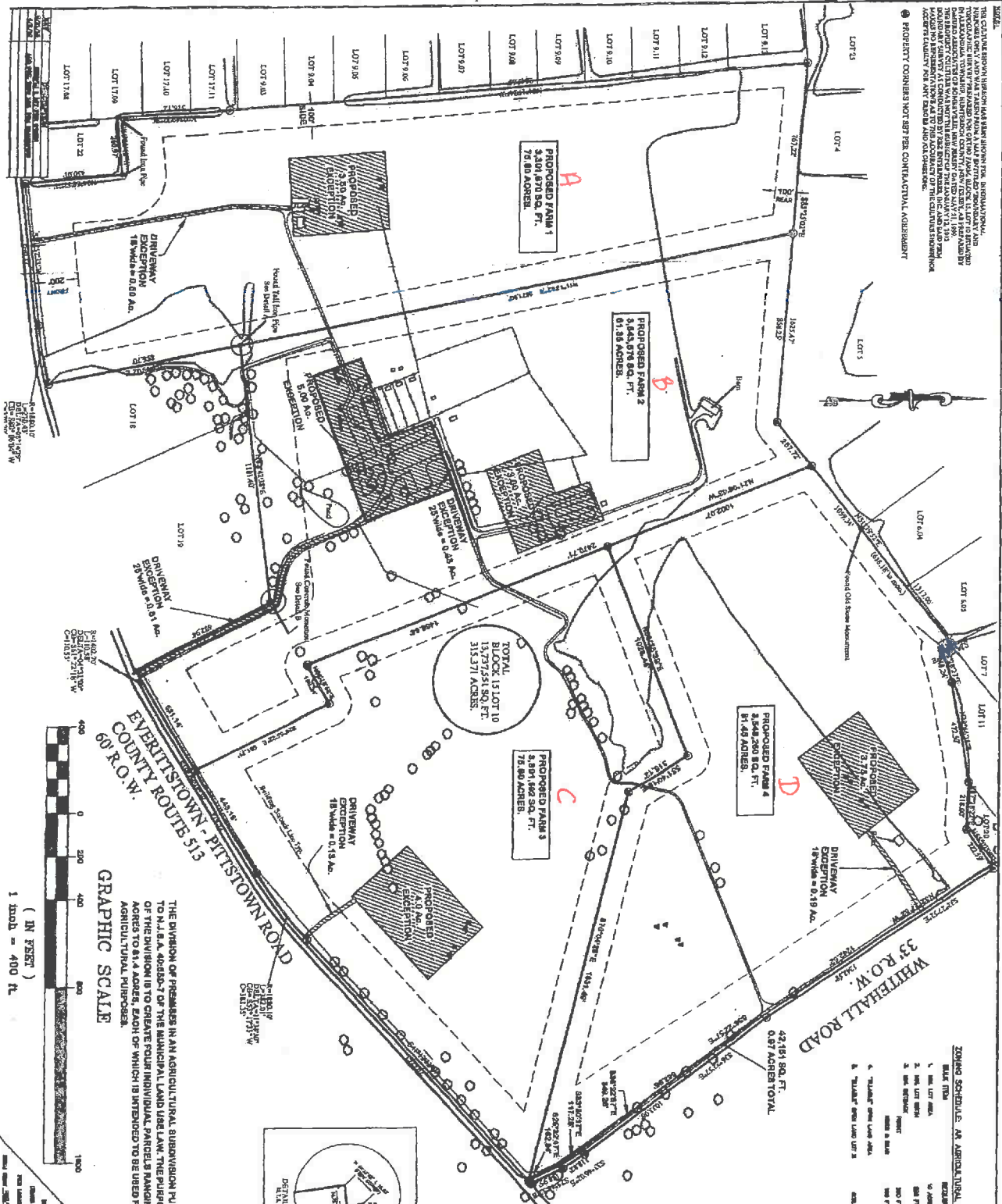


- Property in Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Preserved With Federal Funds
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State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

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

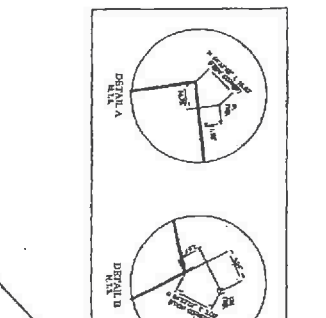
Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJGITOGIS 2015 Digital Aerial Image

THE COUNTY ENGINEER HAS REVIEWED THIS SUBDIVISION MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS. THE COUNTY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN. THE COUNTY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN. THE COUNTY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.



THE DIVISION OF REVENUES IN AN AGRICULTURAL SUBDIVISION PURSUANT TO N.J.S.A. 40:28-1 OF THE MUNICIPAL LAND USE LAW. THE PURPOSE OF THE DIVISION IS TO CREATE FOUR INDIVIDUAL PARCELS RANGING FROM 7.68 ACRES TO 11.14 ACRES, EACH OF WHICH IS INTENDED TO BE USED FOR AGRICULTURAL PURPOSES.

RBZ Enterprises, Inc.
 PEACEFIELD MANAGEMENT GROUP, LLC
 AGRICULTURAL DIVISION OF LANDS



APPLICANT:
 PEACEFIELD MANAGEMENT GROUP, LLC
 P.O. BOX 62
 ANNANDALE, NJ 08801

LOT AREA TABLE

PROPOSED FARM	ACRES	SQ. FT.
PROPOSED FARM 1	7.68	331,536
PROPOSED FARM 2	8.18	355,296
PROPOSED FARM 3	7.80	335,520
PROPOSED FARM 4	8.45	366,240
TOTAL AREA	32.11	1,388,592

ZONING SCHEDULE - AN AGRICULTURAL RESIDENTIAL ZONE (A-1) AGRICULTURAL AND VERTICAL/INDUSTRIAL

USE	PERMITTED	PROHIBITED
1. SINGLE-FAMILY RESIDENTIAL	YES	NO
2. TWO-FAMILY RESIDENTIAL	NO	YES
3. MULTIFAMILY RESIDENTIAL	NO	YES
4. COMMERCIAL	NO	YES
5. INDUSTRIAL	NO	YES
6. OFFICE	NO	YES
7. PROFESSIONAL SERVICE	NO	YES
8. PUBLIC USE	NO	YES
9. SCHOOL	NO	YES
10. CHURCH	NO	YES
11. GOLF COURSE	NO	YES
12. AMUSEMENT	NO	YES
13. CEMETERY	NO	YES
14. PARK	NO	YES
15. TRAILER HOME LAND LOTS	NO	YES

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

Janssen Ortho Pharm (Peacefield Mgmt - B)
10- 0393-PG
County PIG Program
62 Acres

Block 15	Lot P/O 10	Alexandria Twp.	Hunterdon County		
SOILS:		Prime	77% *	.15	= 11.55
		Statewide	23% *	.1	= 2.30
					SOIL SCORE: 13.85
TILLABLE SOILS:		Cropland Harvested	68% *	.15	= 10.20
		Other	7% *	0	= .00
		Wetlands	8% *	0	= .00
		Woodlands	17% *	0	= .00
					TILLABLE SOILS SCORE: 10.20
FARM USE:		Corn-Cash Grain		25 acres	
		Soybeans-Cash Grain		28 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 (9.1) acres for 2 existing residential units and improvements with future flexibility
 - Exception is not to be severed from Premises
 - Exception is to be limited to two existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The CADB is requesting appraisals be conducted based on the hypothetical condition that this application has been subdivided from the Janssen Ortho Pharm (Peacefield Mgmt. - B, C, & D) applications for purposes of providing the landowner with an offer based on four farms instead of one. Please note that although the SADC will acknowledge this hypothetical condition for appraisal purposes, all the Janssen Ortho Pharm (Peacefield Mgmt.) Farms certification of easement value, as well as future SADC approvals, will be conditioned upon completing the division without restriction prior to the simultaneous preservation of all four farms.
 2. All aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant.
 - 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. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2019R7(4)

FINAL REVIEW AND CONDITIONAL APPROVAL OF A PLANNING INCENTIVE
GRANT TO

HUNTERDON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Janssen Ortho Pharm (Peacefield Mgmt - C)
Ortho-McNeil Pharmaceuticals, LLC ("Owner")
Alexandria Township, Hunterdon County

N.J.A.C. 2:76-17 et seq.
SADC ID# 10-0394-PG
JULY 26, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Hunterdon County received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on August 18, 2016 the SADC received four individual applications for the sale of a development easements from Hunterdon County; and

WHEREAS, the four individual applications, if approved, would result in the preservation of all of Block 15, Lot 10 which is approximately 315.371 gross acres, a targeted parcel located in Hunterdon County's West Project Area and the Highlands Planning Area; and

WHEREAS, the County requested that the four applications be processed based on the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))] prior to preservation; ; and

WHEREAS, the subject farm is owned by Ortho-McNeil Pharmaceutical, LLC ("Owner"), which is under contract with Peacefield Management, LLC ("Contract Purchaser") for the purchase of the four (4) farms immediately after they are all preserved; and

WHEREAS, the subject farm is identified as Peacefield Mgmt - C, Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, totaling approximately 75.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses resulting in approximately 71.8 net acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 66.71 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 18, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and that appraisals could be conducted using the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))]; and

WHEREAS, to qualify for the Highlands dual appraisal provision the owner of the property to be preserved must be the same person as, or an immediate family member of, the owner of the property as of January 1, 2004; and

WHEREAS, in consultation with the Office of the Attorney General (OAG) it was determined that while Ortho-McNeil Pharmaceuticals, Inc., the record owner of the property as of January 1, 2004, converted into Ortho-McNeil Pharmaceuticals, LLC in 2007, the Owner is still entitled to the dual appraisal provision; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 27, 2017 the SADC certified a development easement value of \$11,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$8,500 per acre based on zoning and environmental regulations in place as of the current valuation date March 2017 conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))]; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$11,000 per acre for the development easement for the Property; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 13, 2017 the Alexandria Township Committee approved the application for the sale of development easement and a commitment of funding for \$2,200 per acre to cover the local cost share; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 3, 2017, the Board of Chosen Freeholders of the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$2,200 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 73.954 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 73.954 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$488,096.40	(\$6,600/acre)
Alexandria Township	\$162,698.80	(\$2,200 /acre)
<u>Hunterdon County</u>	<u>\$162,698.80</u>	<u>(\$2,200 /acre)</u>
Total Easement Purchase	\$813,494.00	(\$11,000/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, Hunterdon County is requesting \$488,096.40 in FY17 competitive grant funds, which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Property, comprising approximately 73.954 net easement acres, at a State cost share of \$6,600 per acre, (60% of certified easement value and purchase price), for a total grant not to exceed \$488,096.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the SADC's certification and this final approval are conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))]; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 4-acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses; and

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

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding; and

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

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

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; 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, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant; 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.

7/26/2018

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

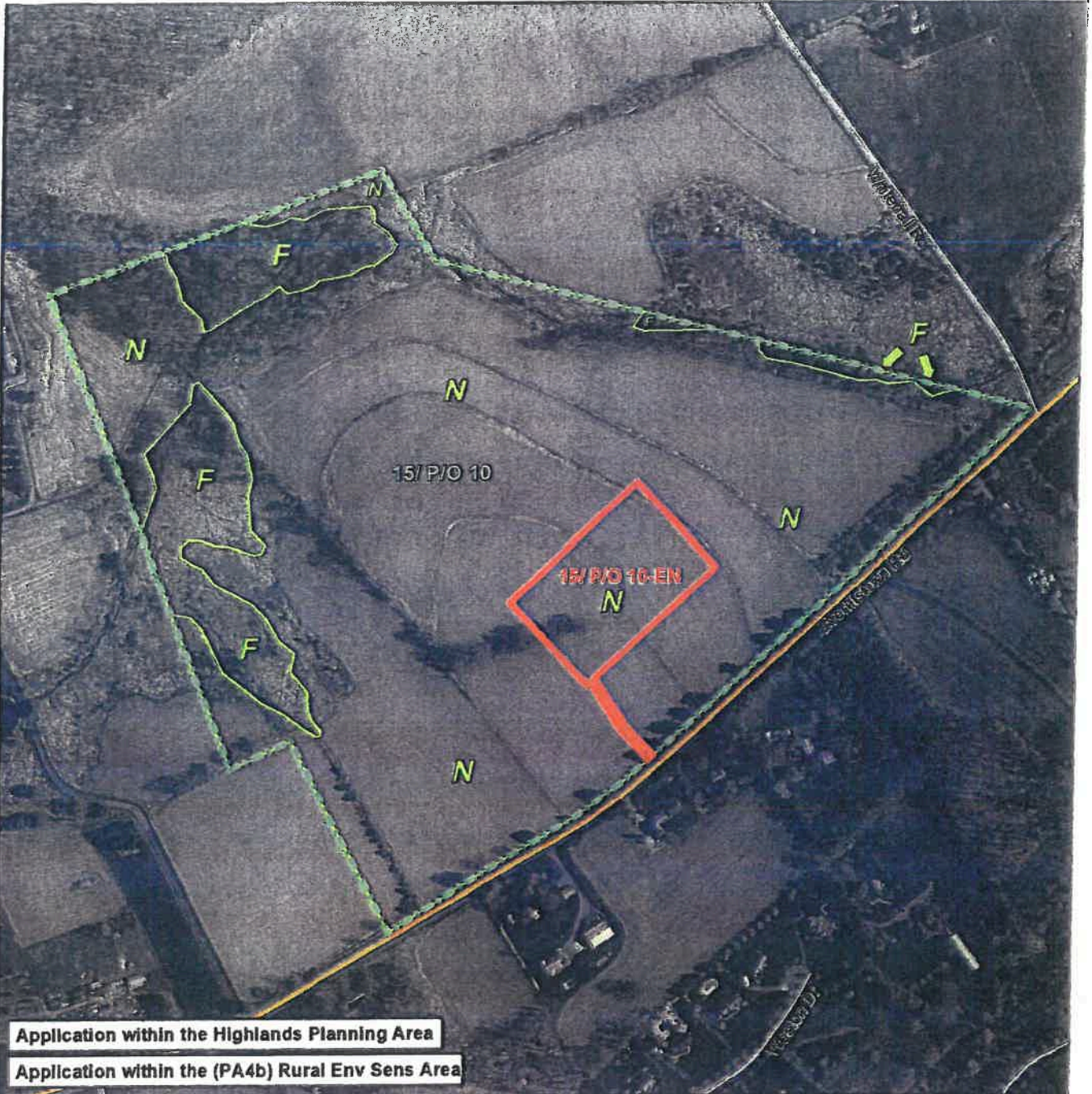
VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands

uncolored / 17

X:\counites\huncol\projects\jannsen_ortho_pharm_peacefield_management_(C)_fww.mxd



Application within the Highlands Planning Area

Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (C)
Block 15 Lots P/O 10 (72.4 ac);
& P/O 10-EN (non-severable exception - 4.1 ac)
Gross Total = 76.5 ac
Alexandria Twp., Hunterdon County

500 250 0 500 1,000 Feet

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

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	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
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Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (C)
 Block 15 Lots P/O 10 (72.4 ac);
 & P/O 10-EN (non-severable exception - 4.1 ac)
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NOTE:
 The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJGIT/OGIS 2016 Digital Aerial Image

SADC County Financial Status
Schedule B

Hunterdon County

SADC ID#	Farm	Municipality	Assoc	SADC		Federal Grant		Base Grant				Competitive Funds																	
				Cost	Cost	Total	SADC	Encumbered	PV	Expended	Balances	Maximum Grant			Fund Balance														
				Share	Share	Federal Grant	Fiscal Year 11					Fiscal Year 13	Fiscal Year 17	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 18	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance								
10-0205-PG	Rothplatz#2 (lot 1.05)	Tewksbury	43.7880	656,520.00	393,912.00	106,956.00		396,910.00	393,912.00	393,912.00	3,900,000.00																		
10-0308-PG	Peterson, Linda	Franklin	35.0080	217,946.80	140,032.00			140,080.00	140,032.00	140,032.00	2,966,058.00																		
10-0313-PG	Cooper, Gail	Holland	42.5280	301,948.80	189,249.60			197,090.50	189,249.60	189,249.60	2,778,806.40																		
10-0327-PG	Snyder, Doris	Raritan	47.1670	744,280.60	446,574.38			428,542.92	386,897.28	386,897.28	2,389,909.12																		
10-0325-PG	Gross, Joel, Rosemary	Kingwood	67.5000	442,819.30	273,167.76	224,285.10	54,633.55	283,785.00	218,534.20	218,534.20	2,171,374.92																		
10-0310-PG	Associated Tree Movers	Alexandria	47.6940	387,950.20	224,727.25																								
10-0319-PG	Hill & Dale #1 (Lot 1.04)	Towksbury	90.3600	1,627,807.00	916,684.20	404,419.50		958,046.00	916,684.20	916,684.20	1,254,680.72	247,200.00	236,555.00	236,555.00	2,763,445.00														
10-0324-PG	Readington Lot 19/Little Hills	Readington	81.9810	963,772.00	409,905.00			215,328.92	215,329.92	215,328.92	1,039,361.80	374,934.28	374,934.28	374,934.28	2,388,610.72														
10-0311-PG	Papezian	Alexandria	44.1960	409,674.30	245,804.58							252,885.60	70,367.67	70,367.67	2,318,153.05														
10-0316-PG	KJA Holdings	Holland	85.3400	588,060.00	352,836.00							378,216.00	352,836.00	352,836.00	1,985,317.05														
10-0339-PG	Zander 1	Alexandria	26.3173	184,748.02	121,059.58							127,926.00	121,059.58	121,059.58	1,844,267.47														
10-0340-PG	Zander 2	Kingwood	24.4922	193,997.49	118,960.73							120,510.00	118,960.73	118,960.73	1,725,296.74														
10-0350-PG	Amwell Chase, Inc.	W. Amwell	183.1820	1,593,422.40	961,548.00							978,757.50	961,548.00	961,548.00	882,537.79	4,801,210.95													
10-0357-PG	Schley	Readington	18.4160	316,480.80	189,888.48			39,381.80	39,381.80	39,381.80	1,000,000.00	172,179.60	150,526.68	150,526.68	812,011.11	4,801,210.95													
10-0389-PG	Dirt Capital Partners	Franklin/Kingwood	86.0060	773,554.80	464,132.76			456,090.18	464,132.76	464,132.76	535,867.24																		
10-0387-PG	Roving Wheel	Delaware	45.0640	469,546.50	279,927.80			281,356.10	279,927.80	279,927.80	255,839.34																		
10-0408-PG	Livingson, Marsha C. & Berry, Marbarn C.	Tewksbury	44.8150	1,111,412.00	668,647.20			244,511.14	244,511.14	244,511.14	11,428.20	422,336.06	422,336.06	422,336.06	4,378,874.89	5,000,000.00													
10-0412-PG	Michisk, Robert G.	Franklin	43.1570	340,940.30	209,311.45							206,311.45			4,169,683.44														
10-0391-PG	Janssen Ortho Pharm (Peacefield Mgmt - A)	Alexandria	71.8000	517,678.00	325,397.80			11,428.20				313,969.40			4,045,167.56														
10-0393-PG	Janssen Ortho Pharm (Peacefield Mgmt - B)	Alexandria	72.3500	454,578.10	294,357.95							294,357.95			4,810,438.48														
10-0394-PG	Janssen Ortho Pharm (Peacefield Mgmt - C)	Alexandria	71.8000	813,494.00	488,096.40							488,096.40			4,027,982.13														
10-0395-PG	Janssen Ortho Pharm (Peacefield Mgmt - D)	Alexandria	77.4500	797,740.00	478,644.00							478,644.00			3,549,336.13														
Closed	18		898.70	10,136,499.01	5,931,124.63	826,668.60	64,633.85																						
Encumbered	6		421.5630	3,687,665.00	2,259,940.16	1.00	0.00																						
												Encumbered/Expended FY09	-	-	-	-													
												Encumbered/Expended FY11	-	-	1,500,000.00	-													
												Encumbered/Expended FY13	-	-	1,000,000.00	-													
												Encumbered/Expended FY17	-	768,643.90	279,927.90	11,428.20	1,460,661.87	-											
												Encumbered/Expended FY18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
												Total			11,428.20								812,011.11	4,045,167.56	3,549,336.13	2,000,000.00			

Schedule C

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

Janssen Ortho Pharm (Peacefield Mgmt - C)
10- 0394-PG
County PIG Program
68 Acres

Block 15	Lot P/O 10	Alexandria Twp.	Hunterdon County		
SOILS:		Other	13% * 0	=	.00
		Prime	24% * .15	=	3.60
		Statewide	63% * .1	=	6.30
				SOIL SCORE:	9.90
TILLABLE SOILS:		Cropland Harvested	70% * .15	=	10.50
		Wetlands	12% * 0	=	.00
		Woodlands	18% * 0	=	.00
				TILLABLE SOILS SCORE:	10.50
FARM USE:		Corn-Cash Grain	25 acres		
		Soybeans-Cash Grain	28 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (4.1) acres for Future single family residential unit
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The CADB is requesting appraisals be conducted based on the hypothetical condition that this application has been subdivided from the Janssen Ortho Pharm (Peacefield Mgmt. - B, C, & D) applications for purposes of providing the landowner with an offer based on four farms instead of one. Please note that although the SADC will acknowledge this hypothetical condition for appraisal purposes, all the Janssen Ortho Pharm (Peacefield Mgmt.) Farms certification of easement value, as well as future SADC approvals, will be conditioned upon completing the division without restriction prior to the simultaneous preservation of all four farms.
 2. All aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant.
 - 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. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2019R7(5)

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

HUNTERDON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

**Janssen Ortho Pharm (Peacefield Mgmt - D)
Ortho-McNeil Pharmaceuticals, LLC ("Owner")
Alexandria Township, Hunterdon County**

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

SADC ID# 10-0395-PG

JULY 26, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Hunterdon County received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on August 18, 2016 the SADC received four individual applications for the sale of a development easements from Hunterdon County; and

WHEREAS, the four individual applications, if approved, would result in the preservation of all of Block 15, Lot 10 which is approximately 315.371 gross acres, a targeted parcel located in Hunterdon County's West Project Area and the Highlands Planning Area; and

WHEREAS, the County requested that the four applications be processed based on the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))] prior to preservation; ; and

WHEREAS, the subject farm is owned by Ortho-McNeil Pharmaceutical, LLC ("Owner"), which is under contract with Peacefield Management, LLC ("Contract Purchaser") for the purchase of the four (4) farms immediately after they are all preserved; and

WHEREAS, the subject farm is identified as Peacefield Mgmt - D, Block 15, p/o Lot 10, Alexandria Township, Hunterdon County, totaling approximately 81.45 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses resulting in approximately 77.45 net acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 68.96 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 18, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and that appraisals could be conducted using the hypothetical condition that each of the four (4) parcels had already been divided into individual farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D)); and

WHEREAS, to qualify for the Highlands dual appraisal provision the owner of the property to be preserved must be the same person as, or an immediate family member of, the owner of the property as of January 1, 2004; and

WHEREAS, in consultation with the Office of the Attorney General (OAG) it was determined that while Ortho-McNeil Pharmaceuticals, Inc., the record owner of the property as of January 1, 2004, converted into Ortho-McNeil Pharmaceuticals, LLC in 2007, the Owner is still entitled to the dual appraisal provision; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 27, 2017 the SADC certified a development easement value of \$10,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$8,000 per acre based on zoning and environmental regulations in place as of the current valuation date March 2017 conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D)); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,000 per acre for the development easement for the Property; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 13, 2017 the Alexandria Township Committee approved the application for the sale of development easement and a commitment of funding for \$2,000 per acre to cover the local cost share; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 3, 2017, the Board of Chosen Freeholders of the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$2,000 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 79.774 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 79.774 acres)

	<u>Total</u>	<u>Per/acre</u>
SADC	\$478,644.00	(\$6,000/acre)
Alexandria Township	\$159,548.00	(\$2,000 / acre)
<u>Hunterdon County</u>	<u>\$159,548.00</u>	<u>(\$2,000 / acre)</u>
Total Easement Purchase	\$797,740.00	(\$10,000/acre)

; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, Hunterdon County is requesting \$478,644.00 in FY17 competitive grant funds which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Property, comprising approximately 79.774 net easement acres, at a State cost share of \$6,000 per acre, (60% of certified easement value and purchase price), for a total grant not to exceed \$478,644.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the SADC's certification and this final approval are conditioned upon the Contract Purchaser completing the division without restriction prior to the simultaneous preservation of all four (4) farms [(Janssen Ortho Pharm (Peacefield Mgmt - A,B, C, & D))]; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 4-acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses; and

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

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding; and

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

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

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; 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, all aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant; 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.

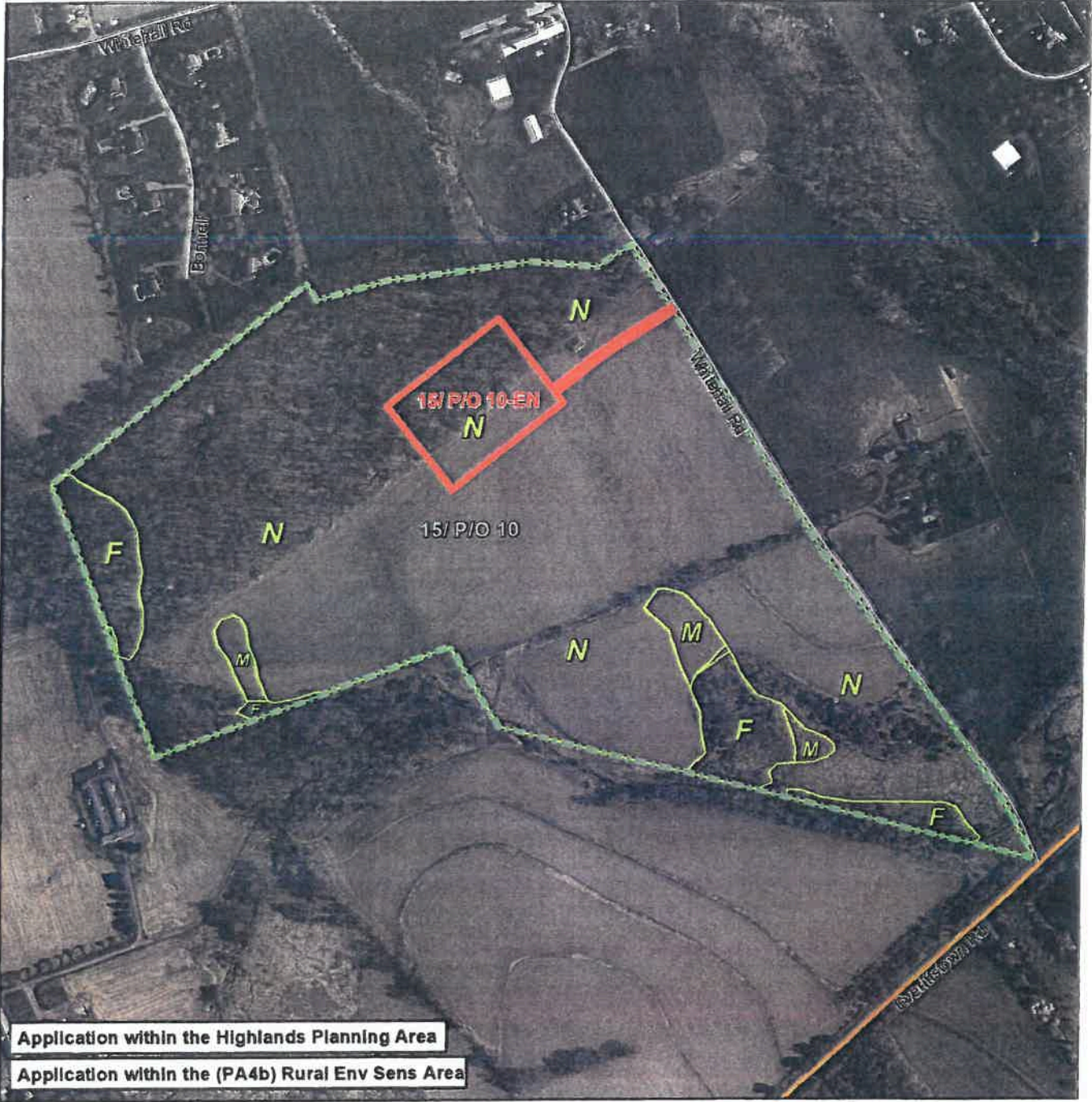
7/26/2018
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands



X:\counties\huncol\projects\Jannsen_Ortho_Pharm_Peacefield_Management_(D)_fww.mxd

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (D)
 Block 15 Lots P/O 10 (75.7 ac);
 & P/O 10-EN (non-severable exception - 3.9 ac)
 Gross Total = 79.6 ac
 Alexandria Twp., Hunterdon County



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

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



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

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

Preserved Farms and Active Applications Within Two Miles

X:\counties\humco\projects\jannsen_peacefield_(D)_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jannsen Ortho Pharm/Peacefield Management (D)
Block 15 Lots P/O 10 (75.7 ac);
& P/O 10-EN (non-severable exception - 3.9 ac)
Gross Total = 79.6 ac
Alexandria Twp., Hunterdon County



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

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

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

ZONING SCHEDULE: AN AGRICULTURAL RESIDENTIAL ZONE (A-1) AGRICULTURAL AND HOUSING

REQUIREMENT	PROPOSED	PERMITTED
1. MIN. LOT AREA	10,000 SQ. FT.	10,000 SQ. FT.
2. MIN. LOT WIDTH	30 FT.	30 FT.
3. MIN. FRONT YARD SETBACK	10 FT.	10 FT.
4. "TALLER" OPEN LAND AREA	10% OF LOT AREA	10% OF LOT AREA
5. "TALLER" OPEN LAND LOT 5	10% OF LOT AREA	10% OF LOT AREA

LOT AREA TABLE

PROP. FARM 1	= 75.00 AC.
PROP. FARM 2	= 75.00 AC.
PROP. FARM 3	= 75.00 AC.
PROP. FARM 4	= 81.45 AC.
WHITEHALL ROAD R.O.W.	= 0.87 AC.
TOTAL AREA	= 316.37 AC.

TOTAL AREA PER SURVEY = 316.37 AC.

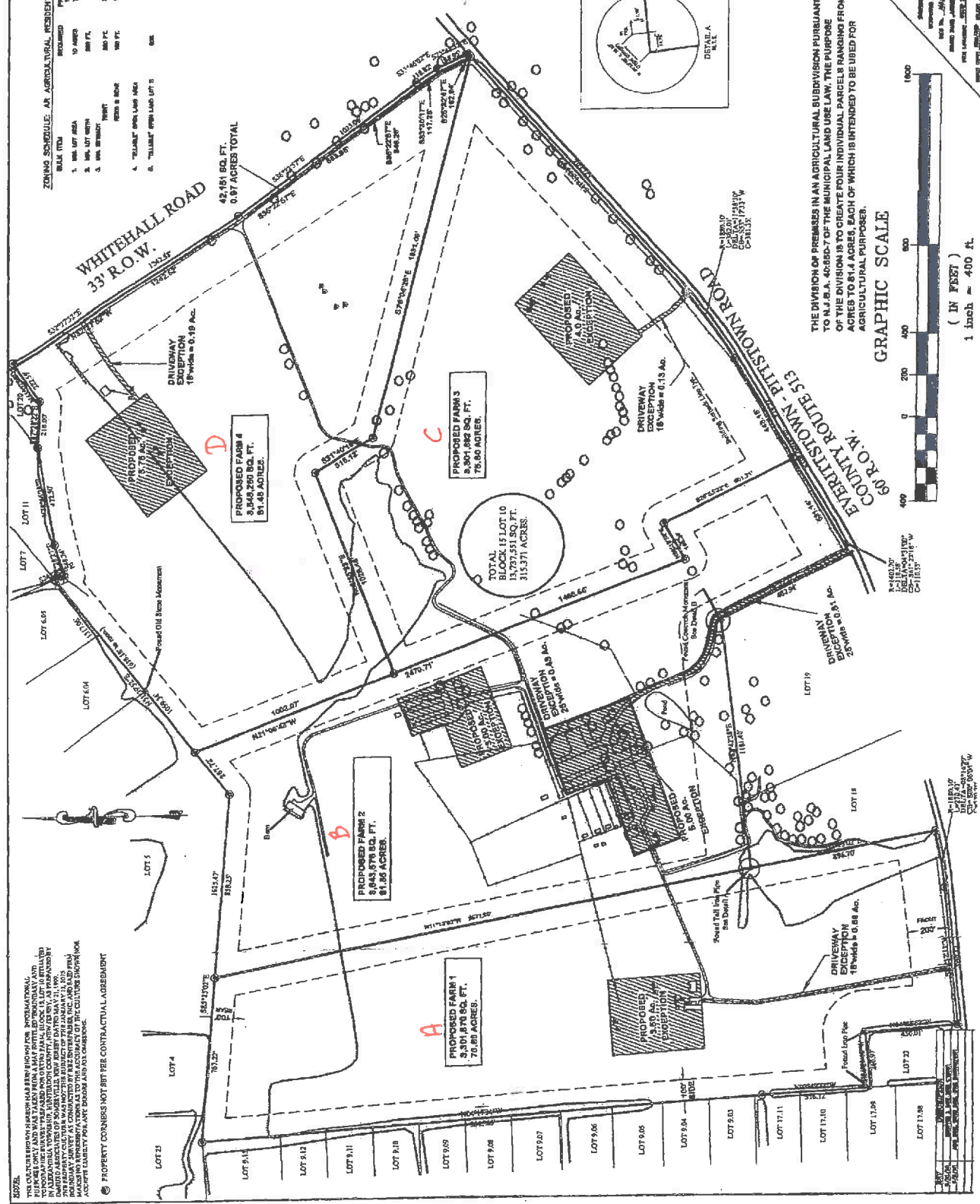
APPLICANT:
PRACTICEFIELD MANAGEMENT GROUP, LLC
P.O. BOX 82
ARHANDALE, NJ 08021



RBZ Enterprises, Inc.
P.O. Box 8074 • Clinton, NJ 08809
Tel: 908-713-8880 • Fax: 908-713-8870

AGRICULTURAL DIVISION OF LANDS
PRACTICEFIELD MANAGEMENT GROUP LLC
AGRICULTURAL SERVICES, INCORPORATED, COUNTY OF MERCER

DATE: 10/15/2014
BY: [Signature]
SCALE: 1" = 400'



THE DIVISION OF PREMISES IN AN AGRICULTURAL SUBDIVISION PURSUANT TO N.J.S.A. 40:55-57 OF THE MUNICIPAL LAND USE LAW. THE PURPOSE OF THE DIVISION IS TO CREATE FOUR INDIVIDUAL PARCELS RANGING FROM 76.8 ACRES TO 81.4 ACRES, EACH OF WHICH IS INTENDED TO BE USED FOR AGRICULTURAL PURPOSES.

GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.

NOTICE: THE CULTUREPIONEER HAS BEEN REVIEWED FOR CONFORMANCE WITH THE ZONING SCHEDULE AND THE SUBDIVISION MAP ACT. THE CULTUREPIONEER HAS BEEN REVIEWED FOR CONFORMANCE WITH THE ZONING SCHEDULE AND THE SUBDIVISION MAP ACT. THE CULTUREPIONEER HAS BEEN REVIEWED FOR CONFORMANCE WITH THE ZONING SCHEDULE AND THE SUBDIVISION MAP ACT.

PROPERTY OWNERS NOT SET PER CONTRACTUAL AGREEMENT

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

Janssen Ortho Pharm (Peacefield Mgmt - D)
10- 0395-PG
County PIG Program
72 Acres

Block 15	Lot P/O 10	Alexandria Twp.	Hunterdon County		
SOILS:		Prime	72% *	.15	= 10.80
		Statewide	28% *	.1	= 2.80
				SOIL SCORE:	13.60
TILLABLE SOILS:		Cropland Harvested	57% *	.15	= 8.55
		Wetlands	7% *	0	= .00
		Woodlands	36% *	0	= .00
				TILLABLE SOILS SCORE:	8.55
FARM USE:		Corn-Cash Grain		25 acres	
		Soybeans-Cash Grain		28 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 (3.9) acres for future single family residential unit
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The CADB is requesting appraisals be conducted based on the hypothetical condition that this application has been subdivided from the Janssen Ortho Pharm (Peacefield Mgmt. - B, C, & D) applications for purposes of providing the landowner with an offer based on four farms instead of one. Please note that although the SADC will acknowledge this hypothetical condition for appraisal purposes, all the Janssen Ortho Pharm (Peacefield Mgmt.) Farms certification of easement value, as well as future SADC approvals, will be conditioned upon completing the division without restriction prior to the simultaneous preservation of all four farms.
 2. All aspects of this transaction will be subject to SADC and OAG legal review, and any issues raised as a result of such review shall be resolved to the SADC and OAG's satisfaction as a condition of the SADC providing a cost share grant.
 - 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. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2019R7(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

KNOWLTON TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Mazza, James and Stefanie ("Owner")

Knowlton Township, Warren County

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

SADC ID# 21-0601-PG

JULY 26, 2018

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 Knowlton Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Knowlton Township received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on May 5, 2017 the SADC received an application for the sale of a development easement from Knowlton Township for the subject farm identified as Block 66, Lot 1, Knowlton Township, Warren County, totaling approximately 22.06 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 2.1-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 20 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 grain 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 May 22, 2017 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 24, 2018 the SADC certified a development easement value of \$4,850 per acre based on zoning and environmental regulations in place as of the current valuation date March 2018; and

WHEREAS, the Owner accepted the Township’s offer of \$4,850 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 26, 2018 the Knowlton Township Committee approved the Owner’s application for the sale of development easement and a funding commitment of \$770 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 21, 2018, the Warren County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 27, 2018, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$770 per acre to cover the local cost share; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 20 net easement acres):

	<u>Total</u>
SADC	\$66,200 (\$3,310 per acre)
Warren County	\$15,400 (\$ 770 per acre)
<u>Knowlton Twp.</u>	<u>\$15,400 (\$ 770 per acre)</u>
Total Easement Purchase	\$97,000 (\$4,850 per acre)

WHEREAS, Knowlton Township is requesting \$3,310 per acre or approximately \$66,200 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 Knowlton Township for the purchase of a development easement on the Property, comprising approximately 20 net easement acres, at a State cost share of \$3,310 per acre, (68.23% of certified easement value and purchase price), for a total grant of approximately \$66,200 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 2.1-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, should additional funds be needed and grant funding be available the grant may be adjusted to utilize unencumbered grant funds; and

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

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

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

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

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

7/26/18

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands

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



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Mazza, James & Stefanie
 Block 66 P/O Lot 1 (19.95 ac) & P/O Lot 1-EN (non-severable exception - 2.10 ac)
 Gross total - 22.06 ac
 Knowlton Twp. Warren 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 parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

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

SADC Municipal Pig Financial Status
Schedule B

Knowlton Township, Warren County

SADC ID#	Farm	Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	Grant (%) Per Acre	SADC		Federal Grant		Grant				
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year			Balance	
										Encumbered	PV	Expended		
21-0473-PG	Peck	37.6430	3,900.00	2,500.00	64.10%	146,807.70	94,107.50	-	-	94,107.50	94,107.50	94,107.50	2,000,000.00	
21-0485-PG	Buchman	59.1990	2,736.39	2,015.47	73.65%	161,991.55	119,206.99	-	-	119,206.99	119,206.99	119,206.99	1,905,892.50	
21-0495-PG	Ring	41.6590	4,100.00	2,860.00	69.76%	170,801.90	109,935.54	-	-	109,935.54	109,935.54	109,935.54	1,786,685.51	
21-0514-PG	Bertholf	55.6280	5,300.00	3,560.00	66.98%	294,828.40	197,479.40	-	-	197,479.40	197,479.40	197,479.40	1,676,749.97	
21-0521-PG	Ritter (Brook Hollow Winery) Ancillary	7.0000	10,000.00	6,000.00	60.00%	70,000.00	41,886.00	-	-	41,886.00	41,886.00	41,886.00	1,437,384.57	
21-0483-PG	Anderson	116.8850	5,200.00	3,500.00	67.31%	607,802.00	409,097.50	-	-	409,097.50	409,097.50	27,312.50	1,410,072.07	
21-0600-PG	Conti, Natale Anderson Ancillary	274.1400	3,750.00	2,650.00	70.67%	1,028,025.00	726,471.00	-	-	730,340.00	726,471.00	409,097.50	1,000,974.57	
21-0601-PG	Mazza, James & Stefanie	20.0000	4,850.00	3,310.00	68.25%	97,000.00	66,200.00	-	-	66,200.00	-	9,087.50	265,416.07	
Closed	7	592.1640				2,480,266.65	1,698,183.93	-	-					
Encumbered	1	20.0000				97,000.00	66,200.00	-	-					
										Encumber/Expended FY09	-	-	750,000.00	-
										Encumber/Expended FY11	-	-	500,000.00	-
										Encumber/Expended FY13	15,416.07	-	484,583.93	-
										Encumber/Expended FY17	66,200.00	-	-	183,800.00
										Total				183,800.00

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Mazza, James & Stefanie
21- 0601-PG
PIG EP - Municipal 2007 Rule
20 Acres

Block 66	Lot 1	Knowlton Twp.	Warren County	
SOILS:		Other	100% * 0	= .00
				SOIL SCORE: .00
TILLABLE SOILS:		Cropland Pastured	10% * .15	= 1.50
		Cropland Harvested	55% * .15	= 8.25
		Permanent Pasture	35% * .02	= .70
				TILLABLE SOILS SCORE: 10.45
FARM USE:	Hay		8 acres	
	Soybeans-Cash Grain		12 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (2.1) acres for Existing farmhouse
Exception is not to be severed from Premises
Right to Farm language is to be included in Deed of Easement
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: 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. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2019R7(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**Upper Freehold Township
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Jersey Longhorn, LLC ("Owner")
Upper Freehold Township, Monmouth County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 13-0472-PG**

July 26, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Upper Freehold Township received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on November 17, 2015 the SADC received an application for the sale of a development easement from Monmouth County for the subject farm identified as Block 23, Lot 8.04, Upper Freehold Township, Monmouth County, totaling approximately 60.9 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, County and Upper Freehold Township staff coordinated in the transfer of the application from the County PIG program to the Municipal PIG program and on June 19, 2018 the SADC received a letter from the Township, signed by the landowner requesting the transfer to the MUNI program; and

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

WHEREAS, the Property includes one (1), approximately 1.5-acre non-severable exception area for and limited to one (1) future single family residential unit resulting in approximately 59 net acres to be preserved; and

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

WHEREAS, a 15-foot wide agricultural access easement through the property will be granted to the adjacent preserved Freiberger farm (Block 23, Lots 23.01 and 25.01) which will be identified in the Deed of Easement and on the survey as an ingress/egress easement for agricultural purposes; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on December 28, 5, 2017 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 24, 2018 the SADC certified a development easement value of \$12,500 per acre based on zoning and environmental regulations in place as of the current valuation date February 15, 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 19, 2018 the Upper Freehold Township Committee approved the Owner's application for the sale of development easement and a funding commitment of \$2,000 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 5, 2018 the Monmouth County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 26, 2018, the Board of Chosen Freeholders of the County of Monmouth passed a resolution granting final approval and a commitment of funding for \$3,000 per acre to cover the local cost share; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 59 net easement acres):

	<u>Total</u>	
SADC	\$442,500	(\$7,500 per acre)
Monmouth County	\$177,000	(\$3,000 per acre)
Upper Freehold Twp.	<u>\$118,000</u>	<u>(\$2,000 per acre)</u>
Total Easement Purchase	\$737,500	(\$12,500 per acre)

WHEREAS, Upper Freehold Township is requesting \$7,500 per acre or approximately \$442,500 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 Upper Freehold Township for the purchase of a development easement on the Property, comprising approximately 59 net easement acres, at a State cost share of \$7,500 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$442,500 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 1.5-acre non-severable exception area for and limited to one (1) future single family residential unit; 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, a 15-foot wide agricultural access easement through the property will be granted to the adjacent preserved Freiberger farm (Block 23, Lots 23.01 and 25.01) which will be identified in the Deed of Easement and on the survey as an ingress/egress easement for agricultural purposes; and

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

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

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

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

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

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

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

7/26/2018

Date

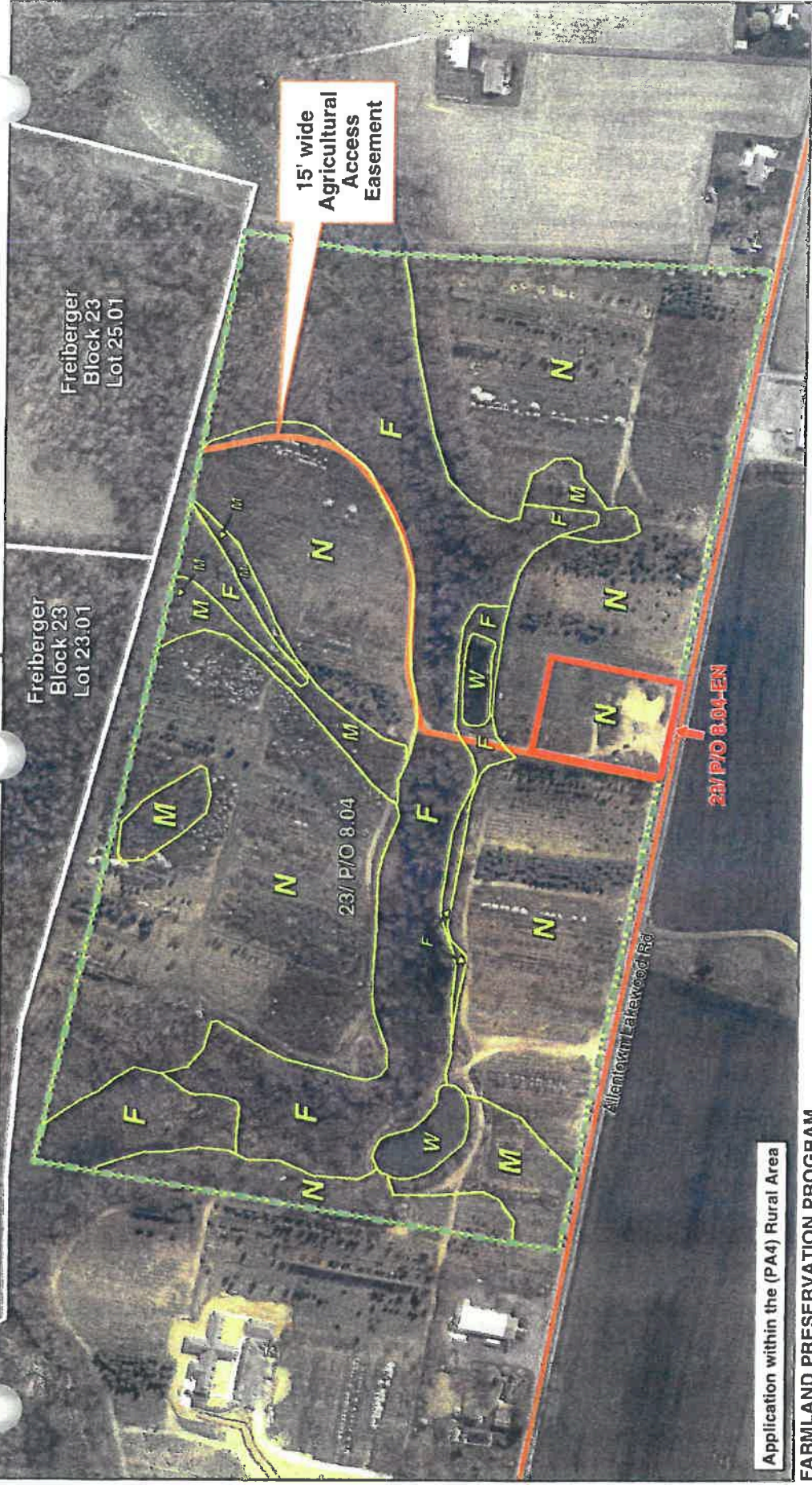


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Project Map



Property in Question

- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads

Wetlands Legend:

- L - Linear Wetlands
- M - Marsh Wetlands
- N - Non-Wetlands
- W - Water



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Jersey Longhorn, LLC
 Block 23 Lots P/O 8.04 (59.4 ac);
 & P/O 8.04-EN (non-severable exception - 1.5 ac)
 Gross Total = 60.9 ac
 Upper Freehold Twp., Monmouth County



Source: Esri, DeLorme, GeoEye,
 IGN, Swire, Hema, AeroGRID, IGN,
 Esri, DigitalGlobe, GeoEye,
 Earthstar, CNES, Airbus DS,
 USDA, NAIP, AeroGRID, IGN,
 Esri, DigitalGlobe, GeoEye,
 Earthstar, CNES, Airbus DS,
 NAD1983, 2015 Digital Aerial Image

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

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Jersey Longhorn, LLC
13- 0472-PG
PIG EP - Municipal 2007 Rule
59 Acres

Block 23	Lot 8.04	Upper Freehold Twp.	Monmouth County		
SOILS:		Other	34% * 0	=	.00
		Prime	56% * .15	=	8.40
		Statewide	10% * .1	=	1.00
				SOIL SCORE:	9.40
TILLABLE SOILS:		Cropland Harvested	53% * .15	=	7.95
		Wetlands	28% * 0	=	.00
		Woodlands	19% * 0	=	.00
				TILLABLE SOILS SCORE:	7.95
FARM USE:	Soybeans-Cash Grain		12 acres		
	Ornament Nursery Products		20 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (1.5) acres for Future single family residential unit & flexibility of use
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. Proposed agricultural access easement through subject property along existing lane to preserved Freiburger farm on northern boundary that is currently landlocked.
 - 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. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(8)

Final Review and Approval
SADC Easement Purchase

On the Property of
Bellsflower Farm LLC (Mummey) ("Owners")

JULY 26, 2018

Subject Property: Bellsflower Farm LLC (Mummey)
Block 39, Lots 19, 19.01 - 19.09 & 19.13
Block 39.01, Lots 19.10 - 19.12
Delaware Township, Hunterdon County
SADC ID#: 10-0251-DE
Approximately 87 Net Easement Acres

WHEREAS, on August 15, 2017, the State Agriculture Development Committee ("SADC") received a development easement sale application from Bellsflower Farm LLC, hereinafter "Owners," identified as Block 39, Lots 19, 19.01 - 19.09 & 19.13 and Block 39.01, Lots 19.10 - 19.12, Delaware Township, Hunterdon County, hereinafter "the Property," totaling approximately 96 Gross Acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 8.1-acre non-severable exception area limited to one (1) existing single family residential unit and two (2) garage apartments, and one (1) approximately 0.8-acre severable exception for Road Right-of-Way for Delaware Township, resulting in approximately 87 net acres to be preserved; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 27, 2017, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 60) because it is approximately 87 net easement acres and has a quality score of 72.92; and

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

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

WHEREAS, on May 24, 2018, the SADC certified the development easement value at \$14,600 per acre based on current zoning and environmental conditions as of February 2018; and

WHEREAS, the certification and Final Approval are conditioned upon:

- the subdivision plat must be vacated; and
- the homeowners' association covenants and restrictions must be vacated; and
- the open space deed and sidewalk easement must be rescinded; and
- all lots must be consolidated simultaneously or immediately after closing on the Deed of Easement; and
- All vacations, rescissions and consolidations shall be subject to SADC legal staff's advanced review and approval, signed at or prior to closing by the appropriate parties and recorded at the landowner's expense prior to the deed of easement; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$14,600 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$14,600 per acre for a total of approximately \$1,270,200 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 8.1-acre non-severable exception area limited to one (1) existing single family residential unit and two (2) garage apartments, and one (1) approximately 0.8-acre severable exception for Road Right-of-Way for Delaware Township; and

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

BE IT FURTHER RESOLVED, the certification and Final Approval are conditioned upon:

- the subdivision plat must be vacated; and
- the homeowners' association covenants and restrictions must be vacated; and
- the open space deed and sidewalk easement must be rescinded; and
- all lots must be consolidated simultaneously or immediately after closing on the Deed of Easement; and
- All vacations, rescissions and consolidations shall be subject to SADC legal staff's advanced review and approval,, signed at or prior to closing by the appropriate parties and recorded at the landowner's expense prior to the deed of easement.

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

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

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

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

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

7/26/2018

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands and C-1 Streams



X:\boudier\huncoc projects\Bellflower_LLC_(Mummy)_fwv2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bellflowers Farm, LLC (Mummy)
 Block 39 Lots P/O 19 (50.4 ac);
 & P/O 19-EN (non-severable exception - 8.1 ac); 19.01 (2.6 ac); 19.02 (1.5 ac);
 19.03 (1.6 ac); 19.04 (1.5 ac); 19.05 (1.6 ac); 19.06 (1.8 ac); 19.07 (2.1 ac);
 19.08 (1.6 ac); 19.09 (1.5 ac); & 19.13 (16.3 ac & Block 39.01 P/O 19.10 (1.3 ac); 19.11 (1.3 ac);
 19.12 (2.1 ac); P/O 19.12-ES (severable exception - 0.8 ac)
 Gross Total = 98.0 ac
 Delaware Twp., Hunterdon County



Source:
 NJ Farmland Preservation Program
 Open Space Conservation Easement Data
 NJ DEP Wetlands Data
 NJDOT/DCS 2018 Ortho Aerial Image

DISCLAIMER: All users of the product shall remain solely and personally liable for the accuracy of the data. The configuration and performance of the product is not guaranteed. The product is provided as is, without warranty of any kind, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The product is provided as is, without warranty of any kind, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The product is provided as is, without warranty of any kind, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.

Application within both the (PA 4) Rural and the (PA4b) Rural Env Sens Areas

	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	C-1 Streams
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads

Wetlands Legend:
 1 - Freshwater Wetlands
 2 - Linear Wetlands
 3 - Wetlands Modified for Agriculture
 4 - Tidal Wetlands
 5 - Non-Wetlands
 6 - 200 Buffer
 7 - Water

Preserved Farms and Active Applications Within Two Miles

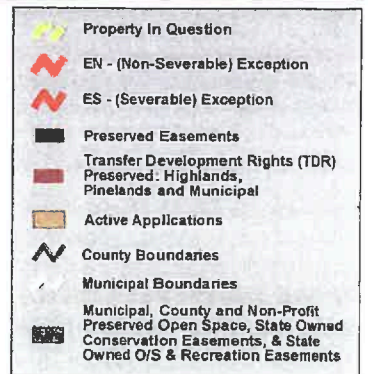
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Application within both the (PA 4) Rural and the (PA4b) Rural Env Sens Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bellflowers Farm, LLC (Mummy)
Block 39 Lots P/O 19 (50.4 ac);
& P/O 19-EN (non-severable exception - 8.1 ac); 19.01 (2.6 ac); 19.02 (1.5 ac);
19.03 (1.6 ac); 19.04 (1.5 ac); 19.05 (1.6 ac); 19.06 (1.8 ac); 19.07 (2.1 ac);
19.08 (1.6 ac); 19.09 (1.5 ac); P/O 19.10 (1.3 ac); 19.11 (1.3 ac);
19.12 (2.1 ac); P/O 19.12-ES (severable exception - 0.8 ac) & 19.13 (16.3 ac)
Gross Total = 96.0 ac
Delaware Twp., Hunterdon County



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

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

December 21, 2017

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Bellsflower Farm, LLC (Mummey)
 Easement Purchase - SADC
 87 Acres

Block 39	Lot 19	Delaware Twp.	Hunterdon County
Block 39	Lot 19.01	Delaware Twp.	Hunterdon County
Block 39	Lot 19.02	Delaware Twp.	Hunterdon County
Block 39	Lot 19.03	Delaware Twp.	Hunterdon County
Block 39	Lot 19.04	Delaware Twp.	Hunterdon County
Block 39	Lot 19.05	Delaware Twp.	Hunterdon County
Block 39	Lot 19.06	Delaware Twp.	Hunterdon County
Block 39	Lot 19.07	Delaware Twp.	Hunterdon County
Block 39	Lot 19.08	Delaware Twp.	Hunterdon County
Block 39	Lot 19.09	Delaware Twp.	Hunterdon County
Block 39	Lot 19.10	Delaware Twp.	Hunterdon County
Block 39	Lot 19.11	Delaware Twp.	Hunterdon County
Block 39	Lot 19.12	Delaware Twp.	Hunterdon County
Block 39	Lot 19.13	Delaware Twp.	Hunterdon County

SOILS:	Prime	42% * .15 = 6.30
	Statewide	58% * .1 = 5.80

SOIL SCORE: 12.10

TILLABLE SOILS:	Cropland Harvested	91% * .15 = 13.65
	Woodlands	9% * 0 = .00

TILLABLE SOILS SCORE: 13.65

FARM USE:	Hay	66 acres
	Ornament Nursery Products	20 acres
	Beef Cattle Feedlots	4 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (8.1) acres for existing residences and improvements
 Exception is not to be severable from Premises
 Right to Farm language is to be included in Deed of Easement
 Exception is to be limited to
 Exception area is limited to 1 single family residence and 2 apartments in garage
 - 2nd (.8) acres for Twp access Road
 Exception is severable
 - c. Additional Restrictions: No Additional Restrictions

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

- d. Additional Conditions:
 1.
 - i) the subdivision plat must be vacated; and
 - ii) the homeowners' association covenants and restrictions must be vacated; and
 - iii) the open space deed and sidewalk easement must be rescinded; and
 - iv) all lots must be consolidated simultaneously or immediately after closing on the Deed of Easement; and
 - v) All vacations, rescissions and consolidations shall be subject to SADC legal staff's advanced review and approval, signed at or prior to closing by the appropriate parties and recorded at the landowner's expense prior to the deed of easement.
- e. Dwelling Units on Premises:
Standard Single Family
- f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(9)

Final Review and Approval
SADC Easement Purchase

On the Property of
US Agrinova LLC (Schuster) ("Owners")

JULY 26, 2018

Subject Property: **US Agrinova LLC (Schuster)**
Block 41, Lot 9 Kingwood Twp and
Block 29, Lot 4 Delaware Twp. Hunterdon County
SADC ID #: 10-0254-DE
Approximately 107.6 Net Easement Acres

WHEREAS, on August 28, 2017, the State Agriculture Development Committee ("SADC") received a development easement sale application from US Agrinova LLC, hereinafter "Owners," identified as Block 41, Lot 9 Kingwood Twp and Block 29, Lot 4 Delaware Twp. Hunterdon County, hereinafter "the Property," totaling approximately 112.6 Gross Acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 5-acre non-severable exception area limited to two (2) existing single family residential units, resulting in approximately 107.6 net acres to be preserved; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 27, 2017, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 60) because it is approximately 107.6 net easement acres and has a quality score of 66.57; and

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

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

WHEREAS, on June 28, 2018, the SADC certified the development easement value at \$7,000 per acre based on current zoning and environmental conditions as of April 2018; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$7,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$7,000 per acre for a total of approximately \$753,200 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 5-acre non-severable exception area limited to two (2) existing single family residential units; and

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

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

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

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

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

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

7/26/18

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Preserved Farms and Active Applications Within Two Miles

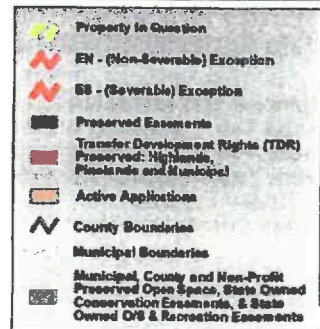


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Application within the (PA 4b) Env Sens Area

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

US Agrinova, LLC (Schuster)
Kingwood Twp. - Block 41 Lots P/O 9 (89.2 ac);
& P/O 9-EN (non-severable exception - 5.0 ac)
Delaware Twp. - Block 29 Lot 4 (18.4 ac)
Gross Total = 112.6 ac
Hunterdon County



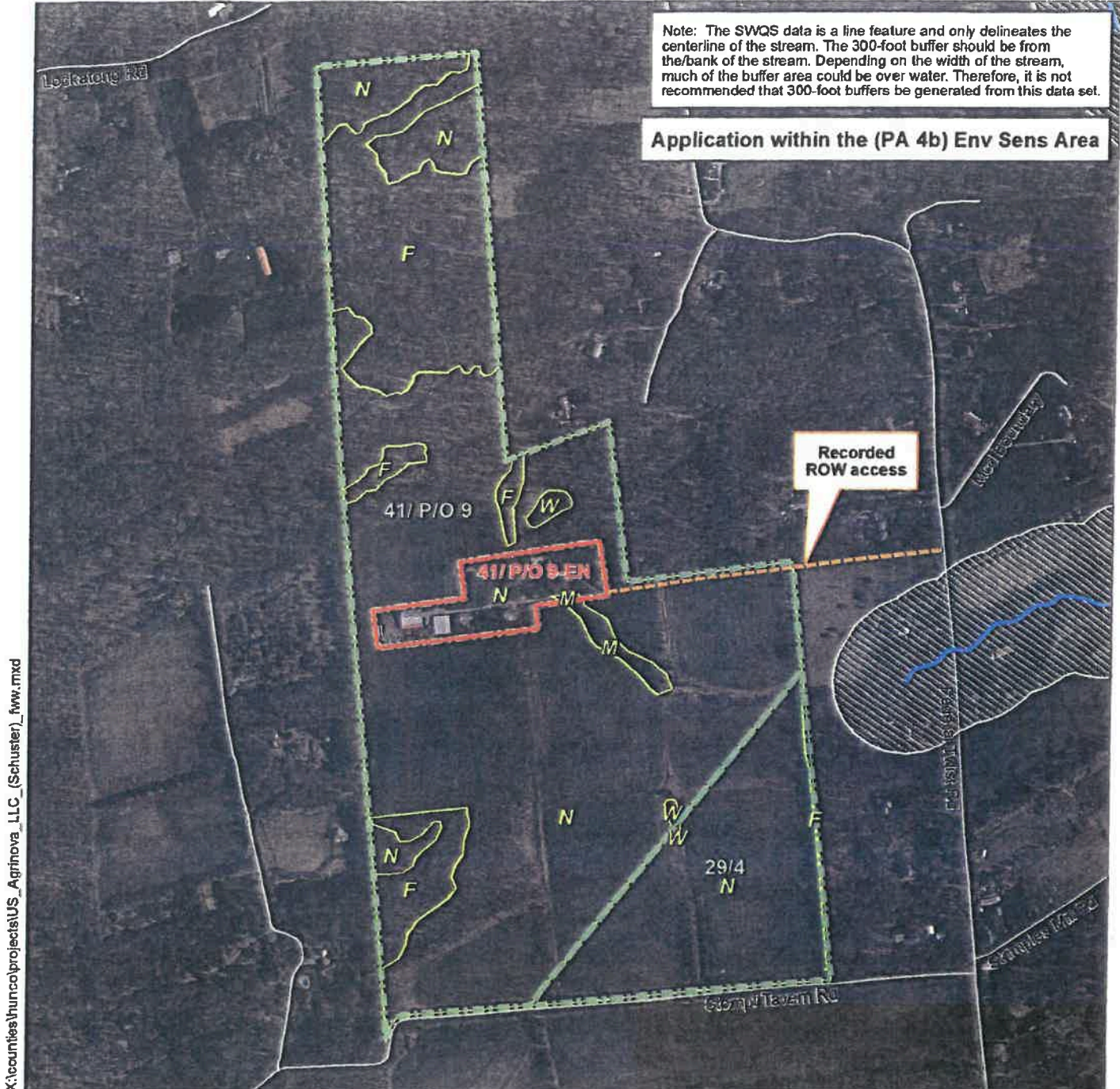
NOTE:
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Source:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDOT/OGIS 2015 Digital Aerial Image

October 3, 2017

Note: The SWQS data is a line feature and only delineates the centerline of the stream. The 300-foot buffer should be from the bank of the stream. Depending on the width of the stream, much of the buffer area could be over water. Therefore, it is not recommended that 300-foot buffers be generated from this data set.

Application within the (PA 4b) Env Sens Area



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

US Agrinova, LLC (Schuster)
Kingwood Twp. - Block 41 Lots P/O 9 (89.2 ac);
& P/O 9-EN (non-severable exception - 5.0 ac)
Delaware Twp. - Block 29 Lot 4 (18.4 ac)
Gross Total = 112.6 ac
Hunterdon County



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

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



	Property in Question
	EN - (Non-Severable) Exception
	EE - (Severable) Exception
	SWQS Category 1 Streams
	300 Ft Buffer Area
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule B

US Agrinova, LLC (Schuster)
Easement Purchase - SADC
108 Acres

Block 41	Lot 9	Kingwood Twp.	Hunterdon County
Block 29	Lot 4	Delaware Twp.	Hunterdon County

SOILS:	Other	25.5% *	0	=	.00
	Prime	.5% *	.15	=	.08
	Statewide	74% *	.1	=	7.40
					SOIL SCORE: 7.48
TILLABLE SOILS:	Cropland Harvested	59% *	.15	=	8.85
	Wetlands	18% *	0	=	.00
	Woodlands	23% *	0	=	.00
					TILLABLE SOILS SCORE: 8.85
FARM USE:	Hay		28 acres		
	Beef Cattle Feedlots		20 acres		
	General Livestock NEC		20 acres		
	Livestock Services (except veterinary)		12 acres		Permanent pasture

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st five (5) acres for existing residences, barns, septic and run-in sheds
 - Exception is not to be severable from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be limited to two 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(10)

**Final Review and Approval
SADC Easement Purchase**

On the Property of Gillespie, Richard J. & Donna M. ("Owners")

July 26, 2018

Subject Property: Gillespie, Richard J. & Donna M. ("Owners")
Block 29, Lot 11
Hopewell Township, Mercer County
SADC ID#: 11-0041-DE
Approximately 120 Net Easement Acres

WHEREAS, on September 11, 2017, the State Agriculture Development Committee ("SADC") received a development easement sale application from Gillespie, Richard J. and Donna M., hereinafter "Owners," identified as Block 29, Lot 11, Hopewell Township, Mercer County, hereinafter "the Property," totaling approximately 130 Gross Acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 10-acre severable exception area limited to one (1) single family residential unit, resulting in approximately 120 net acres to be preserved; and

WHEREAS, the Property has been allocated one (1) Residual Dwelling Site Opportunities (RDSOs), zero (0) single family residential units, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception areas; and

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Mercer County (minimum acreage of 54 and minimum quality score of 64) because it is approximately 120 net easement acres and has a quality score of 68.04; and

WHEREAS, at the time of application, the Property was devoted to soybeans and sheep production; and

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

WHEREAS, on May 24, 2018, the SADC certified the development easement value at \$9,100 per acre based on current zoning and environmental conditions as of February 14, 2018; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$9,100 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$9,100 per acre for a total of approximately \$1,092,000 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 10-acre severable exception area limited to one (1) single family residential unit, resulting in approximately 120 net acres to be preserved; and

BE IT FURTHER RESOLVED, the Property has been allocated one (1) Residual Dwelling Site Opportunities (RDSOs), zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception areas; and

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


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

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

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

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

7/26/2018
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

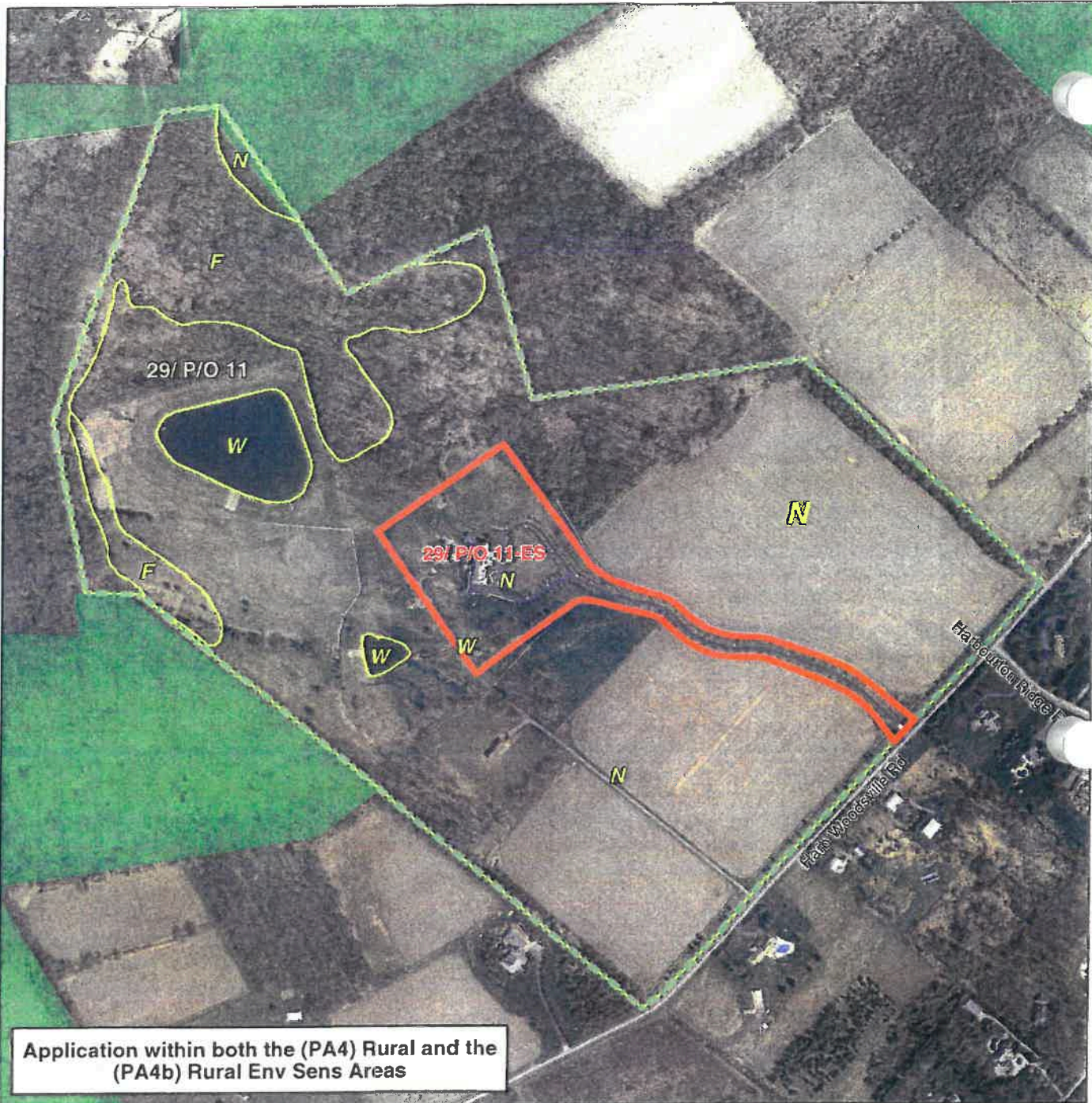
VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands and C-1 Streams

measure

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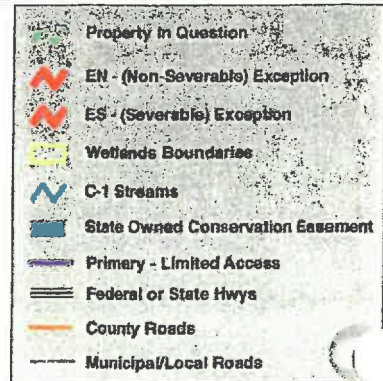
Application within both the (PA4) Rural and the (PA4b) Rural Env Sens Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gillespie, Richard J. and Donna M.
Block 29 Lots P/O 11 (120.1 ac);
P/O 11-ES (severable exception - 10.0 ac)
Gross Total = 130.1 ac
Hopewell Twp., Mercer County



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



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

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

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Schedule B

Gillespie, Richard J. & Donna M.
 Easement Purchase - SADC
 120 Acres

Block 29	Lot 11	Hopewell Twp.	Mercer County
SOILS:		Local	16% * .05 = .80
		Other	1% * 0 = .00
		Prime	50% * .15 = 7.50
		Statewide	33% * .1 = 3.30
			SOIL SCORE: 11.60
TILLABLE SOILS:		Cropland Harvested	60% * .15 = 9.00
		Other	5% * 0 = .00
		Wetlands	18% * 0 = .00
		Woodlands	17% * 0 = .00
			TILLABLE SOILS SCORE: 9.00
FARM USE:	Soybeans-Cash Grain	70 acres	
	Sheep & Goats	20 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st ten (10) acres for Existing single family residential unit
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - Exception restricted to one existing single family residential unit
 - 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(11)

Final Review and Approval
SADC Easement Purchase

On the Property of
AJ Coombs, Inc. ("Owner")

July 26, 2018

Subject Property: AJ Coombs, Inc. ("Owner")
Block 76, Lot 5, Block 77, Lot 13
Upper Pittsgrove Township, Salem County
SADC ID#17-0326-DE
Approximately 112.46 Net Easement Acres

WHEREAS, on September 7, 2017, the State Agriculture Development Committee ("SADC") received a development easement sale application from AJ Coombs, Inc., hereinafter "Owner," identified as Block 76, Lot 5, and Block 77, Lot 13, Upper Pittsgrove Township, Salem County, hereinafter "the Property," totaling approximately 118.46 Gross Acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 6-acre severable exception area limited to one (1) existing single family residential unit, resulting in approximately 112.46 net acres to be preserved; and

WHEREAS, the Property has been allocated one (1) Residual Dwelling Site Opportunities (RDSO), zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception area; and

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 61 because it is approximately 112.46 net easement acres and has a quality score of 75.44; and

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

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

WHEREAS, on May 24, 2018, the SADC certified the development easement value at \$6,000 per acre based on current zoning and environmental conditions as of February 2, 2018; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement for \$6,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$6,000 per acre for a total of approximately \$674,760 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 6-acre severable exception area limited to one (1) existing single family residential unit, resulting in approximately 112.46 net acres to be preserved; and

BE IT FURTHER RESOLVED, the Property has been allocated one (1) Residual Dwelling Site Opportunities (RDSO), zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception area; and

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


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

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

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

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

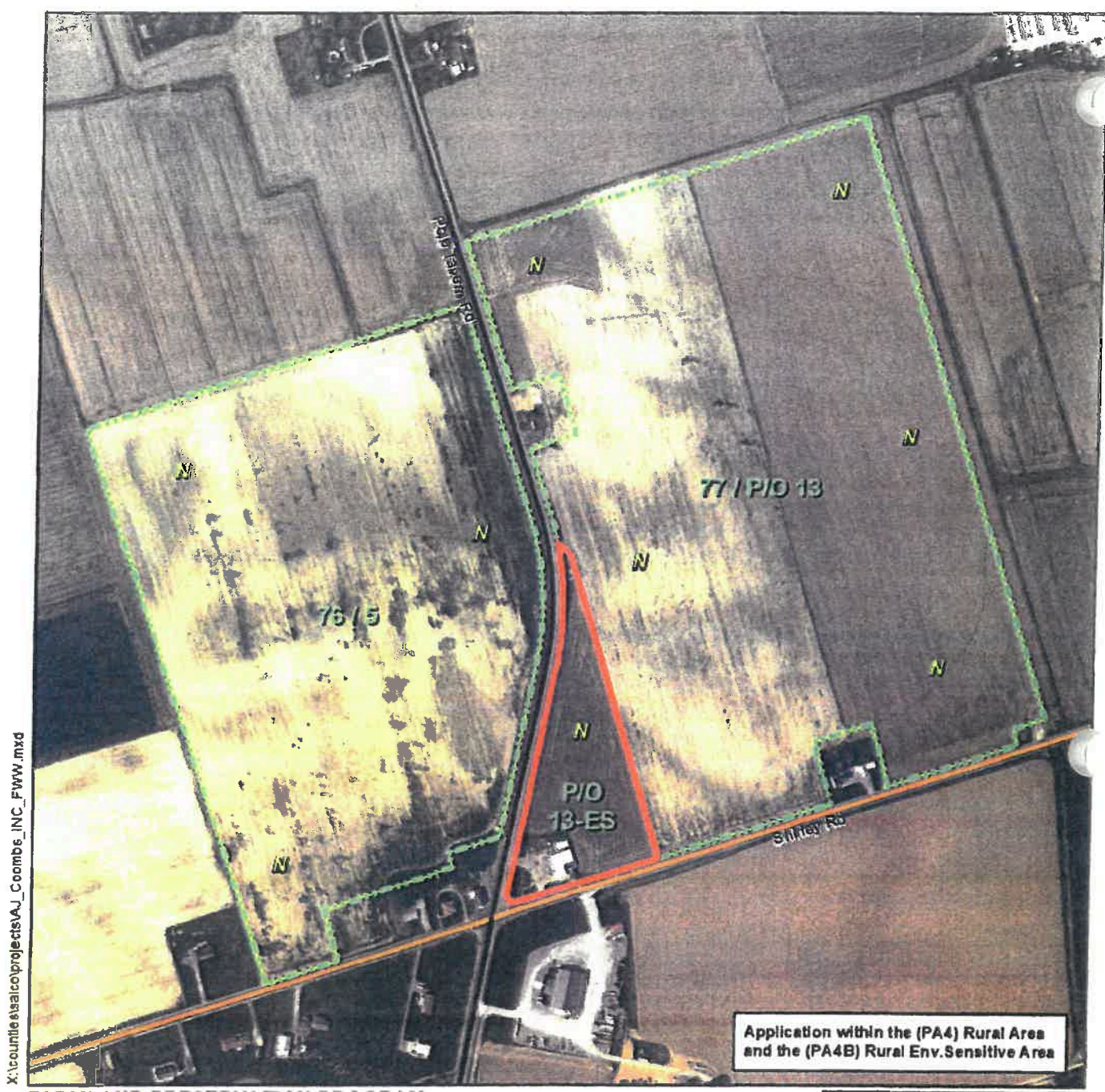
7/26/2018
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Wetlands and C-1 Streams



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

A.J. Coombs INC.
Block 76 Lot 5 (48.4 ac)
Block 77 P/O Lot 13 (64.02 ac) & P/O lot 13-ES (severable exception - 6.04 ac)
Gross Total - 118.46 ac
Upper Pittsgrove Twp. Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJ DEP Wetlands Data
USDT:OGIS 2015 Digital Aerial Image

	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	C-1 Streams
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
A - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300 Buffer
W - Water

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule B

AJ Coombs, Inc.
Easement Purchase - SADC
112 Acres

Block 76 Lot 5 Upper Pittsgrove Twp. Salem County
Block 77 Lot 13 Upper Pittsgrove Twp. Salem County

SOILS:	Prime	94% *	.15	=	14.10
	Statewide	6% *	.1	=	.60
					SOIL SCORE: 14.70
TILLABLE SOILS:	Cropland Harvested	99% *	.15	=	14.85
	Other	1% *	0	=	.00
					TILLABLE SOILS SCORE: 14.85
FARM USE:	Corn-Cash Grain				acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (6.036) acres for Existing house / flexibility of use
Exception is severable
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(12)

Final Review and Approval
SADC Easement Purchase

On the Property of
Fogg, Douglas E. ("Owner")

July 26, 2018

Subject Property: Fogg, Douglas E. ("Owner")
Block 4, Lot 5, Lower Alloways Creek Township
Block 36, Lot 5, Elsinboro Township
SADC ID#17-0332-DE
Approximately 97.3 Net Easement Acres

WHEREAS, on January 9, 2018, the State Agriculture Development Committee ("SADC") received a development easement sale application from Douglas E. Fogg, hereinafter "Owner," identified as Block 36, Lot 5, Elsinboro Township, Salem County, and Block 4, Lot 5, Lower Alloways Creek Township, Salem County, hereinafter "the Property," totaling approximately 100.3 gross acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1), approximate 1.5-acre non-severable exception area limited to one (1) single family residential unit and one (1), approximate 1.5-acre severable exception area limited to one (1) single family residential unit, resulting in approximately 97.3 net acres to be preserved; and

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 61 because it is approximately 97.3 net easement acres and has a quality score of 65.77; and

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

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

WHEREAS, on June 29, 2018, the SADC certified the development easement value at \$3,800 per acre based on current zoning and environmental conditions as of April 12, 2018; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement for \$3,800 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$3,800 per acre for a total of approximately \$369,740 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximate 1.5-acre non-severable exception area limited to one (1) single family residential unit and one (1), approximate 1.5-acre severable exception area limited to one (1) single family residential unit, resulting in approximately 97.3 net acres to be preserved; and

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

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

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

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

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

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

7/26/2018
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT



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Application within the (PA 4) Rural Area

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

Fogg, Douglas E.
Lower Alloways Creek Twp. - Block 4 Lots P/O 5 (64.9 ac); P/O 5-ES
(severable exception - 1.5 & non-severable exception - 1.5 ac)
Elsinboro Twp. - Block 36 Lot 5 (32.4 ac)
Gross Total = 100.3 ac
Salem County



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

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

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

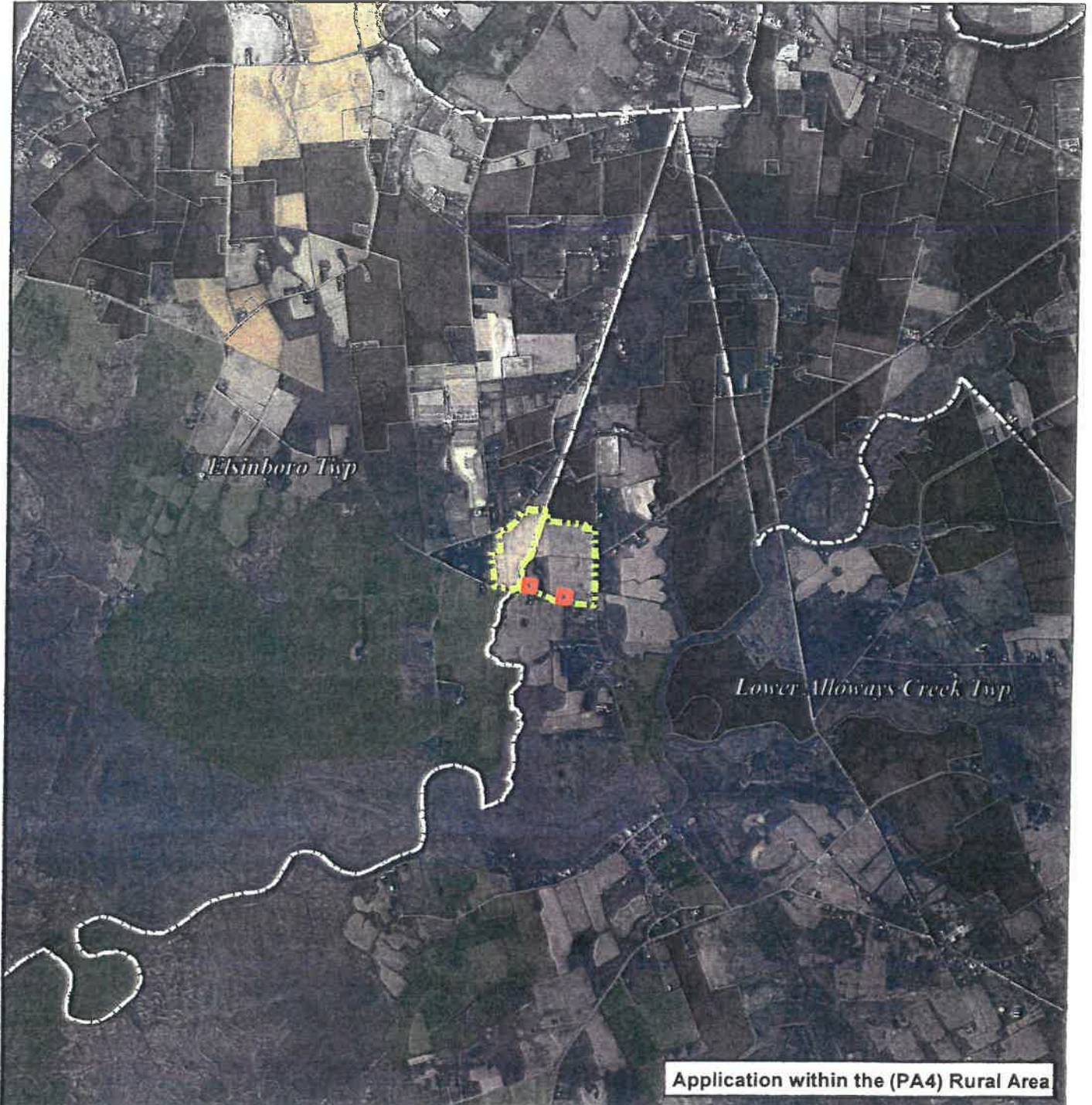
	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Municipal Boundary
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Tidelands Boundary
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easement



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

Preserved Farms and Active Applications Within Two Miles

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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Fogg, Douglas E.
 Lower Alloways Creek Twp. - Block 4 Lots P/O 5 (64.9 ac); P/O 5-ES
 (severable exception - 1.5 & non-severable exception - 1.5 ac)
 Elsinboro Twp. - Block 36 Lot 5 (32.4 ac)
 Gross Total = 100.3 ac
 Salem County



- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

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

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

SCHEDULE B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Fogg, Douglas E.
Easement Purchase - SADC
97 Acres

Block 36	Lot 5	Elsinboro Twp.	Salem County		
Block 4	Lot 5	Lower Alloways Creek	Salem County		
SOILS:		Other	1% *	0	= .00
		Prime	99% *	.15	= 14.85
				SOIL SCORE:	14.85
TILLABLE SOILS:		Cropland Harvested	93% *	.15	= 13.95
		Other	7% *	0	= .00
				TILLABLE SOILS SCORE:	13.95
FARM USE:	Corn-Cash Grain		99 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for Future residence
Exception is severable
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - 2nd (1.5) acres for Future residence
Exception is not to be severable from Premises
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(13)

Memorializing Standards for determining Eligible Farms Pursuant
to the County Planning Incentive Grant (PIG) Program

July 26, 2018

WHEREAS, pursuant to N.J.A.C. 2:76-1 et seq. (County Planning Incentive Grant Program) the SADC is responsible for establishing the standards for what constitutes an “eligible farm” by annually determining minimum score requirements, of the County Planning Incentive Grant program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.2 an “eligible farm” means a targeted farm that qualifies for grant funding under subchapter (17) by achieving an individual rank score pursuant to N.J.A.C. 2:76-6.16 that is equal to or greater than 70 percent of the county’s average quality score of all farms granted preliminary approval by the SADC through the county easement purchase program and/or the county planning incentive grant program within the previous three fiscal years, as determined by the SADC ; and

WHEREAS, traditionally the SADC has implemented the procedures known as “waivers” in N.J.A.C. 2:76-17.9(a) for Counties the SADC is unable to calculate an average quality score due to a lack of applications during the three prior fiscal years; and

WHEREAS, for FY2018 three Counties did not have an average quality score (Atlantic, Bergen & Camden); and

WHEREAS, for FY2019 six Counties (Atlantic, Bergen, Camden, Passaic, Middlesex and Somerset Counties) have submitted one or fewer applications each receiving preliminary approval (Green Light Approval) during the past three fiscal years, therefore it is not possible to establish an FY19 average quality score for these six Counties pursuant to N.J.A.C. 2:76-17.2; and

WHEREAS, because of the increased processing time and administrative burden associated with processing waivers it is recommended that the SADC utilize the average quality scores adopted at its July 27, 2017 meeting for Passaic, Middlesex and Somerset Counties (Schedule A); and

WHEREAS, for applications submitted by Atlantic, Bergen and Camden Counties, where no average quality score was available both in July 2017 or July 2018, the SADC will continue to consider these applications under the waiver provision as per N.J.A.C. 2:76-17.9(a)7; and

WHEREAS, all other Counties have had sufficient activity to calculate an average quality score and minimum eligibility criteria (Schedule A)

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7, applications from all other Counties for farms that fail to meet the minimum score requirements, the County may request a waiver of the minimum score criterion;

NOW THEREFORE BE IT RESOLVED, the SADC adopts 70 percent average quality score values for determining an “eligible farm” pursuant to N.J.A.C. 2:76-17.2 for the County Planning Incentive Grant Program; and

BE IT FURTHER RESOLVED, there is no minimum criteria for applications submitted by Atlantic, Bergen and Camden Counties, where no average quality score was available; and

BE IT FURTHER RESOLVED, the minimum score for farms in Passaic, Middlesex and Somerset Counties is based on the average quality scores adopted last year, based on preliminary approval or Green Light quality scores for County PIG applications in FY '15,'16 and '17; and

BE IT FURTHER RESOLVED, the minimum score for farms in all other participating Counties is based on the average quality scores adopted this year, based on preliminary approval or Green Light quality scores for County PIG applications in FY '16,'17 and '18 (Schedule A); and

BE IT FURTHER RESOLVED, that the 70 percent of average quality scores for determining an “eligible farm” pursuant to N.J.A.C. 2:76-17.2 shall be effective as of January 1, 2019, and shall apply to an application for the sale of a development easement that is received by the SADC pursuant to N.J.A.C. 2:76-17.9 prior to December 31, 2019; 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, this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

7/26/18
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

SADC "Eligible" Farm Standard
Effective 7.01.18 - 6.30.19

Schedule A
SADC Minimum Standards
State Acquisitions
July 26, 2018

SADC Minimum Standards - State Acquisition Program													
"Priority" "Alternate" "Other" Prioritization System													
									Priority			Alternate	
	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>*FY2019</u>	<u>Average</u>	<u>**75% of</u>	<u>**90% of</u>	<u>**55% of</u>	<u>**70% of</u>	
	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Acres</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	
	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>2012</u>	<u>Census</u>	<u>Quality</u>	<u>Census</u>	<u>Quality</u>	
	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Census</u>	<u>Acres</u>	<u>Score</u>	<u>Acres</u>	<u>Score</u>	
Atlantic	64.91	59.9	59.90	52.08	****	****	****	73	54	****	40	****	
Bergen	****	43.4	43.40	43.40	****	****	****	24	18	****	13	****	
Burlington	64.54	68.2	68.94	69.37	69.74	68.99	69.41	114	85	62	62	48	
Camden	****	58.64	58.64	58.64	****	****	****	41	30	****	22	****	
Cape May	49.35	49.89	56.36	56.59	57.98	59.19	55.91	48	36	50	26	39	
Cumberland	59.87	61.98	64.69	64.20	63.81	63.23	64.08	111	83	57	61	44	
Gloucester	62.65	67.38	67.60	66.48	61.33	60.88	61.25	74	55	55	40	42	
Hunterdon	64.97	64.25	63.36	61.70	68.55	67.35	64.87	66	49	58	36	45	
Mercer	68.52	70.69	71.52	72.64	68.69	71.58	70.48	73	54	63	40	49	
Middlesex	57.98	62.06	56.81	60.17	60.17	64.29	****	87	65	57	47	45	
Monmouth	70	73.47	76.65	****	78.46	77.72	74.81	47	35	67	25	52	
Morris	60.65	60.5	62.00	68.40	66.72	66.04	62.48	40	30	56	22	43	
Ocean	71.17	71.17	****	67.20	59.06	61.65	62.14	45	33	55	24	43	
Passaic	34.11	34.11	34.11	54.37	54.37	54.37	****	19	14	48	10	38	
Salem	65.86	66.26	67.65	69.93	68.54	68.65	69.33	123	92	62	67	48	
Somerset	67	60.58	56.43	58.61	65.01	68.12	****	87	65	61	47	47	
Sussex	54.9	53.66	54.60	54.74	56.30	58.37	57.77	69	51	51	37	40	
Warren	60.99	59.89	63.17	62.70	63.40	62.94	66.19	92	69	59	50	46	

Based on preliminary approval or Green Light quality scores for County Planning Incentive Grant Fiscal Years '16,'17 and '18

Based on preliminary approval or Green Light quality scores for County Planning Incentive Grant Fiscal Years '15,'16 and '17

N.J.A.C. 2:76-17.9 (a) and 17.2 (County Planning Incentive Grant Program)

These standards are effective July 1, 2018 through June 30, 2019

** all numbers are rounded down to the nearest whole number

**** Independent review and approval by SADC to secure preliminary approval.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(14)

Memorializing Standards for determining Priority and Alternate Farms
Pursuant to the State Acquisition Programs

July 26, 2018

WHEREAS, pursuant to N.J.A.C. 2:76-8.5(c) and N.J.A.C. 2:76-11.5 (c) the SADC is responsible for prioritizing farms for purposes of acquiring lands in fee simple title or acquiring development easements on eligible farms as a "Priority farm", "Alternate farm" and "Other farm"; and

WHEREAS, a "priority farm" means a farm that meets or exceeds both 75 percent of the average farm size in the county in which it is located and its quality score is at least 90 percent of the average quality score in the county in which it is located; and

WHEREAS, an "alternate farm" means a farm that does not meet the criteria for "priority farm", but meets or exceeds both 55 percent of the average farm size in the county in which it is located and its quality score is at least 70 percent of the average quality score in the county in which it is located; and

WHEREAS an "other farm" means a farm that does not meet the criteria for "priority" or "alternate" farms; and

WHEREAS, the average quality score in a county shall be based on the average quality score determined pursuant to N.J.A.C. 2:76-6.16 for all farms granted preliminary approval by the SADC through the county easement purchase program and/or county planning incentive grant program within the previous three fiscal years, as determined by the SADC; and

WHEREAS, for FY2018 three Counties did not have an average quality score (Atlantic, Bergen & Camden); and

WHEREAS, for FY2019 six Counties (Atlantic, Bergen, Camden, Passaic, Middlesex and Somerset Counties) have submitted one or fewer applications each receiving preliminary approval (Green Light Approval) during the past three fiscal years, therefore it is not possible to establish an FY19 average quality score for these six Counties pursuant to N.J.A.C. 2:76-17.2; and

WHEREAS, all other Counties have had sufficient activity to calculate an average quality score and minimum eligibility criteria (Schedule A)

WHEREAS, in order to avoid increased processing time and administrative burden associated with seeking Committee approval for applications in Middlesex, Passaic and Somerset Counties it is recommended that the SADC utilize the average quality scores previously adopted for FY2018 on July 27, 2017 for these three Counties as the basis for determining if a farm meets the "priority", "alternate" or "other" criteria; and

WHEREAS, if applications are received from Atlantic, Bergen or Camden Counties, where there is no quality score staff will seek approval from the Committee prior selecting the application for processing; and

WHEREAS, the average farm size in a county shall be based on the average farm size of farms using the 2012 US Census data;

NOW THEREFORE BE IT RESOLVED, that the SADC adopts the Average Quality Scores for each county as identified on the attached (Schedule A) for State acquisitions; and

BE IT FURTHER RESOLVED, that the SADC adopts the Average Acres for each county as identified on the attached (Schedule A); and

BE IT FURTHER RESOLVED, that the SADC adopts the individual scores for determining a "priority farm" and an "alternate farm" as identified on the attached (Schedule A) for State acquisition programs pursuant to N.J.A.C. 2:76-8 and 11; and

BE IT FURTHER RESOLVED, the individual scores pursuant to N.J.A.C. 2:76-8 and 11 shall be effective as of July 1, 2018, for all applications which have not had option agreements authorized by that date; and

BE IT FURTHER RESOLVED, the standards established in this resolution and (Schedule A) shall remain in effect through June 30, 2019; 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, this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

7/26/18
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

SADC Minimum Standards - State Acquisition Program													
"Priority" "Alternate" "Other" Prioritization System													
									Priority			Alternate	
	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>*FY2019</u>	<u>Average</u>	<u>***75% of</u>	<u>***90% of</u>	<u>**55% of</u>	<u>**70% of</u>	
	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Acres</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	<u>Average</u>	
	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>Quality</u>	<u>2012</u>	<u>Census</u>	<u>Quality</u>	<u>Census</u>	<u>Quality</u>	
	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Score</u>	<u>Census</u>	<u>Acres</u>	<u>Score</u>	<u>Acres</u>	<u>Score</u>	
Atlantic	64.91	59.9	59.90	52.08	****	****	****	73	54	****	40	****	
Bergen	****	43.4	43.40	43.40	****	****	****	24	18	****	13	****	
Burlington	64.54	68.2	68.94	69.37	69.74	68.99	69.41	114	85	62	62	48	
Camden	****	58.64	58.64	58.64	****	****	****	41	30	****	22	****	
Cape May	49.35	49.89	56.36	56.59	57.98	59.19	55.91	48	36	50	26	39	
Cumberland	59.87	61.98	64.69	64.20	63.81	63.23	64.08	111	83	57	61	44	
Gloucester	62.65	67.38	67.60	66.48	61.33	60.88	61.25	74	55	55	40	42	
Hunterdon	64.97	64.25	63.36	61.70	68.55	67.35	64.87	66	49	58	36	45	
Mercer	68.52	70.69	71.52	72.64	68.69	71.58	70.48	73	54	63	40	49	
Middlesex	57.98	62.06	56.81	60.17	60.17	64.29	****	87	65	57	47	45	
Monmouth	70	73.47	76.65	****	78.46	77.72	74.81	47	35	67	25	52	
Morris	60.65	60.5	62.00	68.40	66.72	66.04	62.48	40	30	56	22	43	
Ocean	71.17	71.17	****	67.20	59.06	61.65	62.14	45	33	55	24	43	
Passaic	34.11	34.11	34.11	54.37	54.37	54.37	****	19	14	48	10	38	
Salem	65.86	66.26	67.65	69.93	68.54	68.65	69.33	123	92	62	67	48	
Somerset	67	60.58	56.43	58.61	65.01	68.12	****	87	65	61	47	47	
Sussex	54.9	53.66	54.60	54.74	56.30	58.37	57.77	69	51	51	37	40	
Warren	60.99	59.89	63.17	62.70	63.40	62.94	66.19	92	69	59	50	46	
Based on preliminary approval or Green Light quality scores for County Planning Incentive Grant Fiscal Years '16,'17 and '18													
Based on preliminary approval or Green Light quality scores for County Planning Incentive Grant Fiscal Years '15,'16 and '17													
N.J.A.C. 2:76-17.9 (a) and 17.2 (County Planning Incentive Grant Program)													
These standards are effective July 1, 2018 through June 30, 2019													
** all numbers are rounded down to the nearest whole number													
**** Independent review and approval by SADC to secure preliminary approval.													

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(15)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

BURLINGTON COUNTY

SMITHVILLE FARMS, INC.

JULY 26, 2018

WHEREAS, Smithville Farms, Inc., hereinafter (“Applicant”) SADC ID# 03-0134-EP, is the current record owner of Block 1200, Lots 7 and 30, as identified in the Township of Eastampton, County of Burlington, as recorded in the Burlington County Clerk’s Office by deed dated 4/3/2003, in Deed Book 6049, Page 481, totaling approximately 203.24 acres, hereinafter referred to as “Premises”, see attached Schedule A; and

WHEREAS, the development easement on the Premises was conveyed to Burlington County on 3/14/2003, by the previous owner, Margaret S. Walton, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book 6043, Page 177, and;

WHEREAS, the above applicant is eligible to apply for a soil and water conservation cost-share grant for the installation of soil and water conservation projects approved by the Department of Agriculture, State Soil Conservation Committee (SSCC) pursuant to N.J.A.C. 2:90-2.1 et seq. and N.J.A.C. 2:90-3.1 et seq.; and

WHEREAS, the total eligible amount of cost-share funds is determined pursuant to N.J.A.C. 2:76-5.4 and remains in effect for a period of eight years from the date the development easement was conveyed to the Burlington County Agriculture Development Board and for subsequent eight-year periods subject to the then-current cost-share formula; and

WHEREAS, the applicant is eligible for a cost-share grant of up to \$50,324.00 expiring March 14, 2019 under the current cost-share formula; and

WHEREAS, the applicant has applied for a soil and water cost-share grant for the installation of approved soil and water conservation projects (“application”); and

WHEREAS, the application has been prioritized for soil and water cost-share funding pursuant to State Agriculture Development Committee (SADC) Policy P-48; and

WHEREAS, N.J.S.A. 4:1C-13 defines a soil and water conservation project as any project designed for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity; and

WHEREAS, the SSCC has approved soil and water conservation projects that are part of a farm conservation plan approved by the local soil conservation district for the above farm and

identified herein; and

WHEREAS, pursuant to N.J.A.C. 2:76-5.7, the SADC shall review and approve, conditionally approve or disapprove applications for project funding authorized and appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds for providing grants to eligible landowners for up to 50 percent of the cost of the soil and water conservation projects; and

WHEREAS, the SADC has reviewed the cost-share funding amounts of the above landowner; and

NOW THEREFORE BE IT RESOLVED that soil and water cost-share funds are approved from funds appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds for providing grants to eligible landowners for up to 50 percent of the cost of soil and water conservation projects for eight-year periods identified as:

<u>APPLICANT</u>	<u>SADC ID#</u>	<u>COST SHARE</u>	<u>PROJECT TYPE</u>
Smithville Farms Inc	03-0134-EP-01	\$50,324.40	2:90-2.15 Irrigation System

PROJECT DESCRIPTION:


Installation of a 1176 foot linear move irrigation system.

BE IT FURTHER RESOLVED that payment shall be contingent upon the completion of the project as verified by the SSCC and availability of funds.

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.

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.

7/26/2018
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Schedule A - Soil and Water Cost Share Grant

S:\SWGIS\Soil Water.mxd




FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Applicant: Smithville Farms, Inc.
Owner: Smithville Farms, Inc.
Application Number: 03-0134-EP-01
County: Burlington
Municipality: Eastampton

Legend

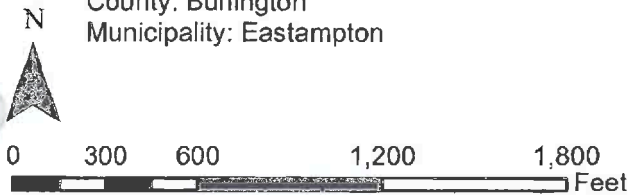
PracticePoints

Practice Code

 2:90-2.15

 SW_Premises_6_13_18

 SW_Premises



7/10/2018

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(16)

Review of Activities Occurring on Preserved Farm

Michael Picozzi

July 26, 2018

Subject Property: Block 8, Lots 2, 2.01 & 2.02
Harding Township, Morris County
16.04 acres

WHEREAS, Michael Picozzi, hereinafter (“Owner”) is the current record owner of Block 8, Lots 2, 2.01 & 2.02, in Harding Township, Morris County, as recorded in the Morris County Clerk’s office by deed dated February 18, 2005, in Deed Book 6309, Page 194, for a consideration of \$5,000,000, and totaling approximately 16.04 acres, hereinafter referred to as the “Premises”, as shown in attached Schedule “A”; and

WHEREAS, the development easement on the Premises was conveyed to the Township of Harding by the previous owner, Bruce McShane, on February 18, 2005, for a consideration of \$2,351,034, by a Deed of Easement that was assigned to the County of Morris, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., and recorded on May 15, 2009, in Deed Book 21294, Page 1848; and

WHEREAS, the property consists of two preserved Lots (2 & 2.01) totaling approximately 10 acres, and Lot 2.02, which is a 6.04-acre non-severable exception as shown on Schedule “A”; and

WHEREAS, the Premises has historically been used as a hay farm; and

WHEREAS, the Owner states that between 385 and 485 bales of hay are produced annually; and

WHEREAS, aside from the new steel framed building described below which is the subject of this review, there are no other improvements on the Premises; and

WHEREAS, on October 14, 2015, the Owner submitted a zoning permit for a 55’ x 110’ steel framed building for agricultural purposes; and

WHEREAS, on January 15, 2016, Harding Township issued an approval to allow an agricultural building to be constructed on the Premises per the submitted plans; and

WHEREAS, on April 13, 2016, the Owner advised the Morris County Agriculture Development Board ("Morris CADB") that the steel framed building was a barn that would be used in his hay operation (**Schedule P-4; For convenience of reference the schedules in this resolution shall utilize the same identification format found in the Morris CADB's Resolution 2018-02 related to this matter**); and

WHEREAS, on May 11, 2016, the Owner submitted a design to the Township construction office for a hydronic slab heating and cooling system to be built into the concrete floor of the barn; and

WHEREAS, on May 18, 2016, the Owner provided correspondence to the Township engineer stating that the barn would be used only for agricultural purposes (**Schedule P-8**); and

WHEREAS, over the summer of 2016, three large commercial chillers were placed immediately adjacent to, and plexiglass topped hockey boards were arranged in an oval shape inside, the barn; and

WHEREAS, in October of 2016, the SADC was informed by NRCS staff that during a recent visit to the farm to develop a farm conservation plan the Owner had expressed his intent to use the new barn as an ice rink; and

WHEREAS, the SADC relayed this information to the Morris CADB; and

WHEREAS, on October 27, 2016, the Harding Township zoning officer inspected the barn and found the ice rink allegations to be accurate; and

WHEREAS, in a letter dated October 28, 2016, the Township issued a revocation of its January 15, 2016, permit for the barn, based on the conclusions that the Owner had represented verbally and in writing that the barn would only be used for agricultural purposes, and if the barn is not being used exclusively for agricultural purposes, then it is in violation of the Township's building codes related to building height and permitted uses in this zone (**Schedule T-12**); and

WHEREAS, in a letter dated November 4, 2016, the Morris CADB requested an explanation from the Owner related to the allegations associated with the ice rink set-up within the barn (**Schedule B-6**); and

WHEREAS, on November 7, 2016, the Owner responded via email to the Morris CADB stating that "There is no Deed of Easement violation relating to any current or proposed use of my barn." The Owner further stated that "To be clear, there is no hockey rink constructed in my barn" and that "My current plan is to use the barn to support the hay farming that has taken place on my land for the previous eleven years." And that "The cooling infrastructure outside of the barn is only one part of the climate control system for the barn." (**Schedule P-11**); and

WHEREAS, at its December 8, 2016, meeting, the Morris CADB found the Owner in violation of the Deed of Easement and directed staff to notify the Owner, in writing, that that all hockey-related items be removed from the barn within 30 days per CADB policy P-10 "Deed of Easement Violations" (**Schedule B-8**); and

WHEREAS, on January 25, 2017, Morris CADB and Township staff re-inspected the farm and confirmed that all hockey-related items had been removed from the barn; and

WHEREAS, by letter dated March 1, 2017, the Morris CADB notified the Owner that the farm was in compliance with the Deed of Easement (**Schedule B-11**); and

WHEREAS, on April 12, 2017, the Township issued a permit for the electrical work associated with the installation of a new water supply well on the premises; and

WHEREAS, on June 15, 2017, the Township issued a permit for plumbing associated with connecting the chillers to the new barn; and

WHEREAS, on June 23, 2017, the Township issued a permit for the electrical work associated with the three chillers; and

WHEREAS, in an email dated December 13, 2017, the Township notified the Morris CADB that ice skating was taking place in the barn (**Schedule T-18**); and

WHEREAS, on December 21, 2017, Morris CADB and Township staff inspected the farm and found the hockey boards had been reinstalled, along with an ice floor and various other hockey paraphernalia and décor inside the barn; and

WHEREAS, in a letter dated December 22, 2017, the Morris CADB notified the Owner of various violations of the Deed of Easement and required that all hockey-related items be removed within 30 days (**Schedule B-17**); and

WHEREAS, in a letter dated January 22, 2018, the Owner replied that "...there is no Deed of Easement violation. The barn is fully compliant with the Deed of Easement....There has been no dedication of the barn for recreational activities. Nor is there any current or anticipated future use of the barn that restricts or inhibits the potential to utilize the entirety of the barn for all types of agricultural production." (**Schedule P-14**); and

WHEREAS, on January 26, 2018, Morris CADB staff re-inspected the farm and found all of the hockey-related items and ice floor covered in artificial turf remained in place; and

WHEREAS, in a letter dated February 2, 2018, Morris CADB staff notified the Township about the Deed of Easement and zoning violations associated with the use of the barn for ice skating purposes (**Schedule B-23**); and

WHEREAS, on July 6, 2018, SADC staff visited the Premises and found the hockey boards and other hockey-related items remaining inside the barn; and

WHEREAS, at the July 6, 2018, site visit the floor of the skating area was wet, but not ice, and the Owner explained he was having trouble with the chiller system; and

WHEREAS, SADC staff also identified a raised platform overlooking the skating floor with what appeared to be an enclosed practice/training area and steel framework for a skating treadmill on one end of the barn which the Owner explained was his loading dock, product storage area and heavy equipment gantry system; and

WHEREAS, during the July 6, 2018, site visit the Owner explained to SADC staff that a nearby farmer cuts, bails and takes the hay off the approximately 9-acres in production to feed to her animals located on her farm; and

WHEREAS, there was no hay or other farm-produced products stored on the Premises at the time of this site visit; and

WHEREAS, during the July 6, 2018, site visit the Owner explained to SADC staff that while he has no immediate plans to deviate from the current hay operation, an insulated, climate controlled barn of this size gives him a wide range of options for various potential agricultural operations he could do in the future; and

WHEREAS, at the time of the July 6, 2018, site visit the floor space of the skating area partitioned off by the hockey boards was empty except for a small tractor, log splitter, small tractor-mounted spreader, lawnmower and all-terrain vehicle.

NOW THEREFORE BE IT RESOLVED, that the preceding paragraphs are incorporated herein by reference; and

BE IT FURTHER RESOLVED, that based on the facts described herein related to the farming operation on the Premises and the recently installed steel framed building and associated infrastructure the SADC finds no existing agricultural rationale for a barn with an ice floor, skating rink wall configuration and a raised platform area for skating/hockey practice on the Premises; and

BE IT FURTHER RESOLVED, that the SADC finds the development and use of the Premises for skating and/or athletic facility purposes constitutes a violation of the Deed of Easement for the following reasons:

Pursuant to the Deed of Easement conveyed to the MCADB and the SADC on February 18, 2005, the Grantor conveyed, in perpetuity, all rights to use the Premises for non-agricultural purposes except as specifically described on the Deed of Easement. Development and use of the Premises for non-agricultural purposes would constitute a violation of numerous provisions of the Deed of Easement as further enumerated below:

Paragraph 1: *“Any development of the Premises for nonagricultural purposes is expressly prohibited.”*

Development of the farm for purposes of ice skating and/or athletic facility purposes constitutes development of the premises for nonagricultural purposes and is therefore prohibited.

Paragraph 2: *“The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee,*

(hereinafter Committee). Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing."

The conversion of preserved land to a structure which does not service an agricultural use renders the land no longer available for agricultural use or production and is therefore prohibited.

Paragraph 3: *"Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the nonagricultural uses indicated on attached Schedule (B) existed on the Premises. All other nonagricultural uses are prohibited except as expressly provided in the Deed of Easement."*

No non-agricultural uses existed on the farm at the time of preservation and none are listed in Schedule (B) of the Deed of Easement. Use of the farm for the construction of an ice skating rink/athletic facility constitutes a nonagricultural use of the premises which was not in existence at the time of the conveyance of the easement, and is therefore prohibited.

Paragraph 9: *"Grantor may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited."*

The construction of an ice skating rink/athletic facility complete with optional ice or artificial turf floor, hockey boards and training infrastructure does not utilize the Premises in its existing condition, does not interfere with use of the area for agricultural production, does not alter the land to create an athletic field and is therefore prohibited.

Paragraph 14: *“Grantor may construct any new buildings for agricultural purposes.”*

Ice skating and/or athletic facility uses are not considered an agricultural purpose and therefore construction of a building for these activities is prohibited; and

BE IT FURTHER RESOLVED, that the Committee authorizes legal proceedings be initiated through the Office of the Attorney General, as necessary, in the event of continued non-compliance with the Deed of Easement; and

BE IT FURTHER RESOLVED, that this finding 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.

7/26/2018

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

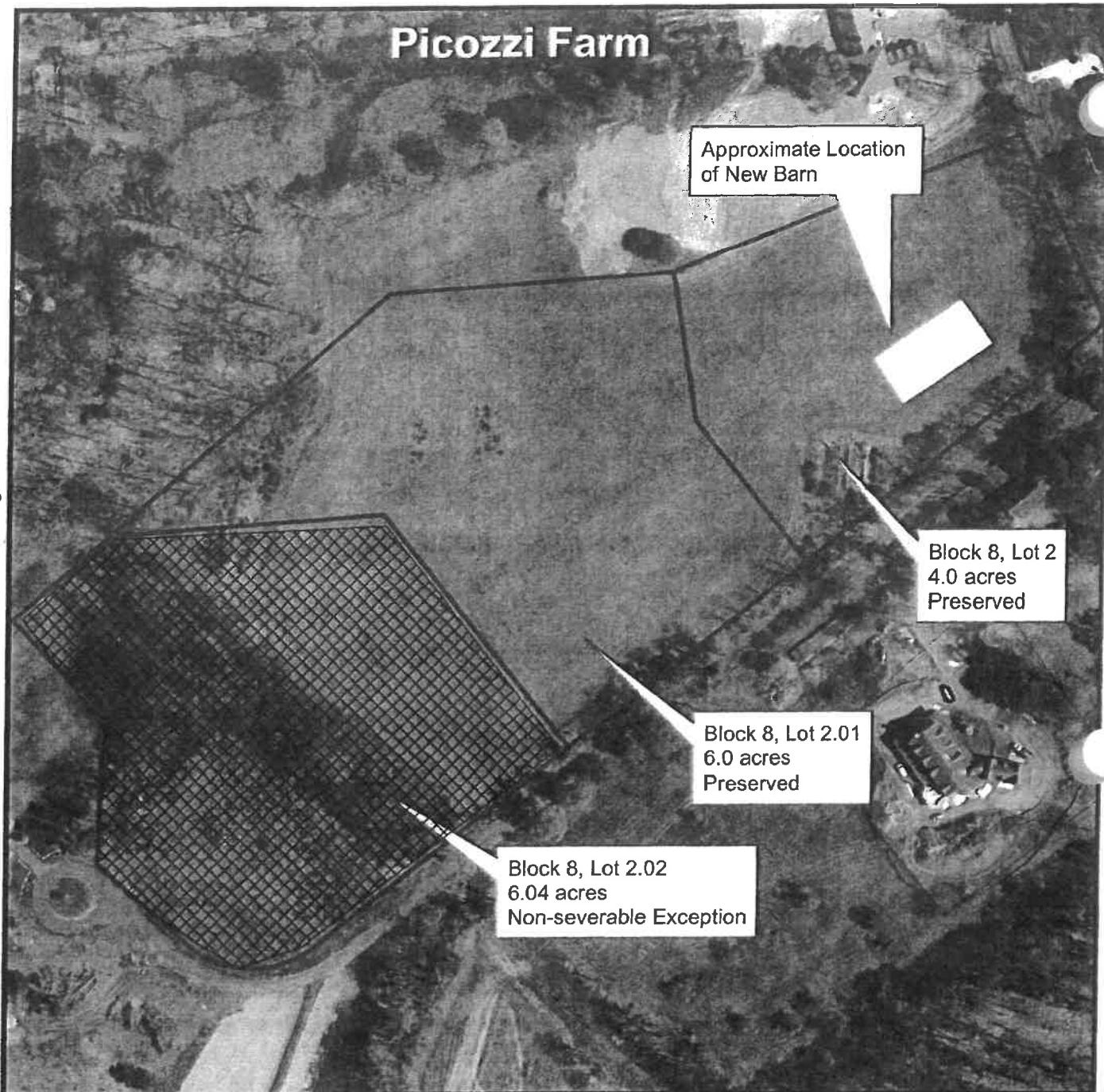
VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Schedule "A"

Picozzi Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Picozzi Farm
Block 8, Lots 2, 2.01 & 2.02
16.04 acres (10.0 Preserved/6.04 Exception)



7/18/2018

Farmland Preservation Program

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

State Planning Areas

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

Base Map

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

Schedule P-4

Coyle, Katherine

From: Michael Picozzi <picozzi3@gmail.com>
Sent: Wednesday, April 13, 2016 10:24 AM
To: Coyle, Katherine
Subject: Picozzi Barn

hi katherine,

the lot in which the barn is being constructed is block 8 lot 2.

the size of the barn is 55 feet by 110 feet.

the proposed use is for hay farming.

let me know what else you need,

thanks

mike

Schedule P-8

Michael Picozzi
3 Oxford Lane
Morristown, NJ 07960

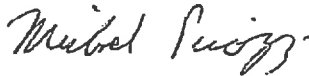
RE: Cherry Lane Steel Building

TO: Paul Fox

This letter is to confirm that the steel building we are proposing to build will be used only for agricultural purposes.

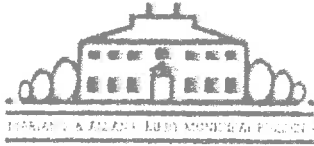
Let me know if you need anything from me.

Thanks



Michel Picozzi

Schedule T-12



TOWNSHIP OF HARDING
Morris County, New Jersey
Blue Hill Road, Box 696
New Vernon, New Jersey 07970
(973) 257-8000

October 28, 2016

By First Class Mail and Certified Mail # 7014 3490 0001 7509 2161

Michael Picozzi
3 Oxford Lane
Morristown, New Jersey 07960

**Re: Revocation of Prior Zoning Approval Permit for Agricultural Barn
Block 8, Lot 2 – Harding Township
2 Cherry Lane**

Dear Mr. Picozzi:

Please be advised that it has recently been brought to the Township's attention by communication from the SADC and CADC that the use of the pole barn being constructed by you at the above-referenced property violates the zoning approval previously granted by the Township on January 15, 2016 by the Township's Deputy Zoning Officer.

As you are aware, the proposed agricultural barn was approved based upon your oral and written representations that the barn would be used strictly for agricultural purposes. In that regard, I am enclosing copies of the written documentation that you provided to Paul Fox acknowledging and confirming that the barn would only be used for agricultural purposes.

However, I was provided with a copy of a photograph that was apparently taken by a staff member from the NRCS that clearly showed the construction of a hockey rink inside the barn. Furthermore, I was also advised that you stated to the NRCS staff member that you intended to use the barn for the hockey rink. In that regard, the pictures and statement are clearly contrary to the basis upon which the zoning permit was issued for the barn initially, that being agricultural.

Having received this information, I then inspected the subject property on October 27, 2016. My inspection of the subject barn found it consistent with the pictures supplied by the SADC that the use of the structure is not strictly agricultural, which again is contrary to your representations to the Township as the basis for the issuance of the zoning permit. Since it now appears that the use of the subject barn is not consistent with the basis for which the zoning permit was initially issued, it is necessary to rescind the zoning permit approval.

You should also be aware that you were initially given approval to construct the barn at a height of thirty-five (35) feet based upon your representation that the barn would be used strictly for agricultural purposes. This would be consistent with Township Code § 225-116H (4), which provides:

§ 225-116H (4) Use regulations (Building Height - Barns)

Barns. The height of a barn, including any cupola constructed thereon, shall be limited as follows:

(a) A barn located in the RR or R-1 Zone that is used exclusively for agricultural purposes and/or for keeping/boarding horses shall be limited in height to 35 feet.

(b) A barn that is not used exclusively for agricultural purposes and/or for keeping/boarding horses shall comply with the height limitations for accessory structures in the zone in which it is situated.

To the extent that the barn is not being used exclusively for agricultural purposes, pursuant to § 225-122 (D) of the Township Code, the height limitation to the barn is limited to twenty-five (25) feet. Finally, it should also be noted that a hockey rink IS NOT a permitted primary or accessory structure in the RR zone, nor is hockey a permitted or accessory use in RR zone.

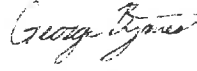
In addition to the foregoing, it should also be noted that the basis for this determination includes the following:

- Staff from the State Agriculture Development Committee stated that the barn appears to be more for hockey, than agricultural in use. He further commented that per the Deed of Easement restricting the use of your property that only products raised by you can be stored on site and that overall size of this barn far exceeds the cold storage needs of an orchard that could reasonably be planted on a farm the size of your farm.
- It was previously relayed to you by the Morris County Agriculture Development Board that no improvements may be made to the subject premises to accommodate recreational use. Creating new or dedicating existing infrastructure to support recreational activities would also violate the Deed of Easement.
- Written documentation provided by you to the Deputy Zoning Officer stating that the barn would only be used for agricultural purposes.

Consequently, the determination of the proper use of the barn needs to be clarified by the MCADB or SADC before I can reinstate the approval. Furthermore, to the extent that you intend to keep the hockey rink for any reason, you will also be subject to the Township's ordinances stated above, which would require that you obtain both a use variance and bulk variance for the height limitation from the Township's Zoning Board of approval prior to obtaining any zoning permit.

Thank you for your attention to this matter. Please contact me at (973)267-8000 x 1921 if you have any questions or require additional information.

Yours truly,



George Byrnes
Zoning Officer
Harding Township

cc: Mark Roselli, Esq. – Township Attorney
Mark Fornaciari, Township Construction Official
Gail Mc Kane, Township Administrator
Katherine Coyle, Director, Morris County Agricultural Development Board
Charles Roohr, Farmland Stewardship Program Manager, State Agricultural
Development Committee

Schedule B-6



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

P.O. Box 900 Morristown, NJ 07963-0900

(973) 829-8120 • FAX (973) 326-9025 • Website: <http://morriscountynj.gov/planning/>

Office located at: 30 Schuyler Place, Morristown, NJ

November 4, 2016

Michael Picozzi, III
3 Oxford Lane
Morristown, NJ 07960

Re: McShane Farm
Block 8, Lot(s) 2, 2.01 & 2.02
Harding Twp.
Book 21294, Page 1848 on 5/19/2009

Via Certified Mail/Return Receipt

Dear Mr. Picozzi:

The Morris County Agriculture Development Board (Morris CADB) has been informed about a potential Deed of Easement violation on your preserved farm, namely, the construction of a hockey rink inside your recently constructed barn. Photographs taken by a NRCS staff person, and forwarded to the Morris CADB, clearly show the construction of a hockey rink inside the barn in addition to cooling infrastructure outside the barn.

As you know, the Morris CADB owns the Development Easement on your farm. The Deed of Easement for your property was filed in Book 21294, Page 1848 on 5/19/2009. Paragraph 1 of the Deed of Easement states that "any development of the Premises for nonagricultural purposes is expressly prohibited." Paragraph 14 states that "Grantor may construct any new buildings for agricultural premises".

As you recall, since early Spring of this year, I have corresponded with you regarding your construction plans and the Deed of Easement restrictions. On March 31, 2016, I contacted you to request information about your proposed barn (enclosed).

On April 13, 2016, you informed me that the proposed use for the barn is hay farming (enclosed).

In an April 15, 2016 email, I informed you that pursuant to Paragraph 14 of the Deed of Easement, "Grantor may construct any new buildings for agricultural premises" (enclosed). Paragraph 1 of the Deed of Easement states that "any development of the Premises for nonagricultural purposes is expressly prohibited." Accordingly, if the barn were to be used for a non-agricultural activity, it would constitute a violation of the Deed of Easement.

OFFICERS: Gregory Keller, *Chairman* • Kenneth Wightman, *Vice Chairman* • Aimee Ashley Myers, *Secretary*

MEMBERS: Dale Davis III • Rick Desiderio • Kathy Hammond • Harvey Ort, Jr.

STAFF: Katherine Coyle, *Director*

On April 18, 2016, you requested clarification regarding Paragraph 9 of the Deed of Easement, which addresses recreational uses (enclosed).

On April 19, 2016, I informed you that the construction and/or use of a building on a farm for recreational or non-agricultural purposes would violate the Deed of Easement, which restricts the use and development of the property for agricultural uses only (enclosed). Pursuant to paragraph 9 of the Deed of Easement, the owner of a preserved farm "may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited." I also enclosed for your review a State Agriculture Development Committee (SADC) document entitled "Interpreting the Provisions of the Deed of Easement, Report No. 2: Recreational Uses". Based on the language of the Deed of Easement and the SADC's report regarding recreational uses, the Morris CADB agrees that recreational uses are permitted on preserved farms subject to the following conditions:

1. Agricultural production must be the first priority use of the Premises. First priority use means there is no activity on the Premises that restricts or inhibits the potential to utilize the entirety of the Premises for all types of agricultural production at the present time or in the future. Therefore, if a landowner were to affirmatively or effectively "dedicate" any portion of the preserved farm (land or structures) to a recreational use, this action would violate the principle that agriculture is to be the first priority use of the Premises.
2. Because commercial development of the land or agricultural structures for a nonagricultural use is prohibited, commercial recreational use of preserved farmland, where recreation constitutes the first priority use of the land, would constitute a violation of the Deed of Easement.
3. Recreational activities cannot interfere with use of the Premises for agriculture and cannot limit the type of agricultural production that can take place on the farm currently or in the future. Only very passive recreational uses that do not affect or interfere with the production activities are permitted.
4. Recreational activities only utilize the Premises in its existing condition - there are no improvements made (construction or otherwise) to the Premises to accommodate the recreational use. Creating new or dedicating existing infrastructure to support these activities would violate the Deed of Easement.

On April 19, 2016, you informed me that "the barn is being built for the purpose of supporting agricultural production of the land" (enclosed).

Again, on April 19, 2016, I responded to your email to advise you that if you are considering allowing a recreational use on your farm, I strongly encourage you to submit your plans to the Morris CADB for review (enclosed). Going through this (free) process ensures that the activity in question is permitted by the Deed of Easement and will not result in a violation. In response to your statement in the second to last paragraph of your email, "*With those two clarifications in mind, based on your email and the recreational guidelines you attached, I can allow recreational activities on the land (including snowmobiling) and in the barn as long as they don't interfere with the first priority use of agricultural production*", I reiterated that not interfering with the first priority use of agricultural production is just one of the criteria that must be met. The other criteria listed in my previous email, as listed above, and in the SADC report also apply and must be complied with. Lastly, I informed you that any recreational uses on the farm must comply with local zoning ordinances.

Statements made in your November 3, 2016 letter to Mr. George Byrnes, Harding Township Zoning Officer, which you copied me on, which you attribute to me concerning this matter are contrary to the above facts.

Pursuant to Morris CADB Policy: P-10, "Deed of Easement Violations" (enclosed), please provide a written explanation to the Morris CADB within 10 days of receipt of this letter concerning the use (current and proposed) of the barn on your preserved farm. The Morris CADB will review the information you submit and determine whether the activity is permitted by the Deed of Easement.

Sincerely,

K. Coyle

Katherine Coyle
Director

Enclosures

cc: Mark Roselli, Esq., Harding Township Attorney
George Byrnes, Harding Township Zoning Officer
Mark Fornaciari, Harding Township Construction Official
Gail Mc Kane, Harding Township Administrator
Charles Roohr, Farmland Stewardship Program Manager, State Agriculture Development Committee
Christine Marion, Director, Morris County Division of Planning and Preservation
W. Randall Bush, Esq., Assistant County Council, Morris County

Schedule P-11

Michael Picozzi
3 Oxford Lane
Morristown, NJ 07960

November 7, 2016

Via Email

Katherine Coyle
Director
Morris County Agriculture Development Board
P.O. Box 900
Morristown, NJ 07963-0900

Re: *Agricultural Barn, Harding Township Block, 8, Lot 2*

Dear Katherine:

I write to respond to your letter to me dated Friday, November 4, 2016 regarding a potential Deed of Easement violation on my farm and requesting a written explanation "concerning the use (current and proposed) of the barn on [my] preserved farm."¹

There is no Deed of Easement violation relating to any current or proposed use of my barn. First, there is *no* current use of the barn. Second, in terms of future use, as previously stated to you and the Township, I intend to use the barn for agricultural purposes. My current plan is to use the barn to support the hay farming that has taken place on my land for the previous eleven years. I am also planning to do some hydroponic farming in the barn once construction is completed.

If my plans change in the future to consider recreational use of the barn (without changing its first priority use of agricultural production), I will submit any such plans to the Morris CADB for review. I will also seek any zoning variance from the Township necessary to allow such recreational use, should my plans change in the future.

Finally, you list "the construction of a hockey rink inside [my] recently constructed barn" as the possible violation and a "cooling infrastructure outside the barn." To be clear, there is no hockey rink constructed in my barn. As explained in my November 3, 2016 letter to George Byrnes, on which you were copied, there are *temporary* partitions erected in the barn using second-hand boards from a hockey rink. The configuration is temporary while construction of the barn is on-going. The partitions can, and will be, re-configured once construction is complete and I determine the best layout for the agricultural uses of the barn. The cooling infrastructure outside

¹ My understanding is that at some point prior to October 28, 2016, you also emailed the Township of Harding about the possible violation and that email caused the Township to revoke its zoning approval preventing me from completing the construction of the agricultural barn on my property.

of the barn is only one part of the climate control system for the barn. I am installing Argo electric boilers inside of the barn to provide heat – the other part of the climate control system for the barn. There is nothing inconsistent with agricultural use and either the current configuration of the temporary partitions or the cooling/heating system for the barn.

I hope that the above information clarifies any questions about the use of the barn and confirms that there is no violation of the Deed of Easement.

If you need any additional information, please let me know.

All rights reserved.

Sincerely,

Michael Picozzi III

cc: Geroge Byrnes, (by E-mail)
Mark Roselli, Esq. (by E-mail)
Mark Fornaciari (by E-mail)
Gail Mc Kane (by E-mail)
Katherine Coyle (by E-mail)
Charles Roohr (by E-mail)
Christine Marion, (by E-mail)
W. Randall Bush, Esq., (by E-mail)

Schedule B-8



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

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(973) 829-8120 • FAX (973) 326-9025 • Website: <http://morriscountynj.gov/planning/>

Office located at: 30 Schuyler Place, Morristown, NJ

December 14, 2016

Michael Picozzi, III
3 Oxford Lane
Morristown, NJ 07960

Re: Deed of Easement Violation
Block 8, Lot(s) 2, 2.01 & 2.02
Harding Twp.
Book 21294, Page 1848 on 5/19/2009

Via Certified Mail/Return Receipt

Dear Mr. Picozzi:

On November 7, 2016, the Morris County Agriculture Development Board (Morris CADB) received your letter in response to the Morris CADB's November 4, 2016 letter requesting information concerning the use (current and proposed) of the recently constructed barn on your preserved farm.

On December 8, 2016, the Morris CADB reviewed your letter as well as photographs of the barn. While your letter states that there is no hockey rink in your recently constructed barn, photographs taken inside the barn clearly show hockey rink boards with plexi-glass, batting cage, hockey goal, hockey sticks and pucks, as well as an artificial skating surface. The Morris CADB has determined that the use of the barn for a hockey rink and skating constitutes a violation of your Deed of Easement.

This letter serves as an official notice of a Deed of Easement violation. Pursuant to Morris CADB Policy: P-10, "Deed of Easement Violations," you have 30 days from receipt of this letter to remove all hockey-related items from the barn. A copy of Policy: P-10 is enclosed for your review. Once the violation has been remedied, please inform me. At the end of the 30-day period, the Morris CADB will conduct a follow-up site inspection.

As you know, the Morris CADB owns the Development Easement on your farm. The Deed of Easement for your property was filed in Book 21294, Page 1848 on 5/19/2009. Paragraph 1 of the Deed of Easement states that "any development of the Premises for nonagricultural purposes is expressly prohibited."

Paragraph 2 of the Deed of Easement states that: "The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee."

OFFICERS: Gregory Keller, *Chairman* • Kenneth Wightman, *Vice Chairman* • Aimee Ashley Myers, *Secretary*

MEMBERS: Dale Davis III • Rick Desiderio • Kathy Hammond • Harvey Ort, Jr.

STAFF: Katherine Coyle, *Director*

Paragraph 14 states that “Grantor may construct any new buildings for agricultural purposes”. Construction of new buildings for non-agricultural purposes is prohibited.

Pursuant to paragraph 9 of the Deed of Easement, the owner of a preserved farm “may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.” Further, the State Agriculture Development Committee’s (“SADC’s”) document dated April 23, 2010 and entitled “Interpreting the Provisions of the Deed of Easement, Report No. 2: Recreational Uses” (previously provided) provides additional clarifications regarding recreational uses on preserved farms. Recreational uses are permitted on preserved farms subject to the following conditions:

- **No Dedication of Land or Agricultural Structures for Recreational Use.**

In accordance with the Agriculture Retention and Development Act and the Garden State Preservation Trust Act, agricultural production must be the first priority use of the premises. First priority use means there is no activity on the premises (including personal or commercial recreation) that restricts or inhibits the potential to utilize the **entirety** of the premises (including structures) for all types of agricultural production **at the present time or in the future**. Therefore, when a landowner affirmatively or effectively “dedicates” any portion of the preserved farm or farm structure to a recreational use, this action violates the principle that agriculture is to be the first priority use of the premises.

- **The Land Must Be Used in Its Existing Condition.**

Recreational uses that require any improvements or alterations (construction or otherwise) to the land or agricultural structures violate Paragraph 9 of the deed of easement. Creating new or dedicating or improving/altering existing infrastructure to support these activities violates the Deed of Easement.

- **No Commercial Recreational Uses.**

Because commercial development of the land or agricultural structures for a nonagricultural use is prohibited, commercial recreational use of preserved farmland and recreation-based businesses, constitute a violation of the Deed of Easement.

- **Very Passive Uses Permitted.**

Paragraph 9 provides examples of allowable recreational activities including traditional seasonal hunting, fishing, cross-country skiing and ecological tours. These activities are all very passive. Organized activities result in a landowner’s dedication of all or part of the land or a structure for a recreational use and its ancillary needs. Ancillary needs generally include parking, sanitary facilities and other participant/spectator accommodations. Dedication of any portion of the preserved farm or farm structure to a recreational use constitutes a violation of the Deed of Easement.

- **Any recreational uses on the farm must comply with local zoning ordinances.**

Sincerely,

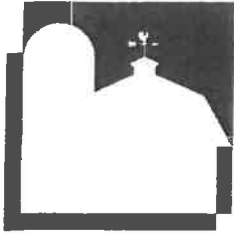
K. Coyle

Katherine Coyle
Director

Enclosure

cc: Mark Roselli, Esq., Harding Township Attorney
George Byrnes, Harding Township Zoning Officer
Mark Fornaciari, Harding Township Construction Official
Gail McKane, Harding Township Administrator
Charles Roohr, Farmland Stewardship Program Manager, State Agriculture Development
Committee
Christine Marion, Director, Morris County Division of Planning and Preservation
W. Randall Bush, Esq., Assistant County Council, Morris County

Schedule B-11



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

P.O. Box 900 Morristown, NJ 07963-0900

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Office located at: 30 Schuyler Place, Morristown, NJ

March 1, 2017

Michael Picozzi, III
3 Oxford Lane
Morristown, NJ 07960

Re: Deed of Easement Violation
Block 8, Lot(s) 2, 2.01 & 2.02
Harding Twp.
Book 21294, Page 1848 on 5/19/2009

Dear Mr. Picozzi:

As you know, in a letter dated December 14, 2016, the Morris County Agriculture Development Board (Morris CADB) advised you regarding a Deed of Easement violation on your preserved farm. On January 25, 2017, Morris CADB staff conducted a follow-up site inspection. The inspection revealed that the violation has been remedied. Please be advised that the Morris CADB has determined that your farm is now in compliance with the Deed of Easement for your property. Enclosed please find a revised copy of your 2016 Monitoring Report.

As you know, the Morris CADB owns the Development Easement on your farm. The Deed of Easement for your property was filed in Book 21294, Page 1848 on 5/19/2009. Paragraph 1 of the Deed of Easement states that “any development of the Premises for nonagricultural purposes is expressly prohibited.”

Paragraph 2 of the Deed of Easement states that: “The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee.”

Paragraph 14 states that “Grantor may construct any new buildings for agricultural purposes”. Construction of new buildings for non-agricultural purposes is prohibited.

Pursuant to paragraph 9 of the Deed of Easement, the owner of a preserved farm “may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological

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MEMBERS: Rick Desiderio • Kathy Hammond • Harvey Ort, Jr. • Jay Thomson

STAFF: Katherine Coyle, *Director*

tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.” Further, the State Agriculture Development Committee’s (“SADC’s”) document dated April 23, 2010 and entitled “Interpreting the Provisions of the Deed of Easement, Report No. 2: Recreational Uses” (previously provided) provides additional clarifications regarding recreational uses on preserved farms. Recreational uses are permitted on preserved farms subject to the following conditions:

- **No Dedication of Land or Agricultural Structures for Recreational Use.**

In accordance with the Agriculture Retention and Development Act and the Garden State Preservation Trust Act, agricultural production must be the first priority use of the premises. First priority use means there is no activity on the premises (including personal or commercial recreation) that restricts or inhibits the potential to utilize the **entirety** of the premises (including structures) for all types of agricultural production **at the present time or in the future**. Therefore, when a landowner affirmatively or effectively “dedicates” any portion of the preserved farm or farm structure to a recreational use, this action violates the principle that agriculture is to be the first priority use of the premises.

- **The Land Must Be Used in Its Existing Condition.**

Recreational uses that require any improvements or alterations (construction or otherwise) to the land or agricultural structures violate Paragraph 9 of the deed of easement. Creating new or dedicating or improving/altering existing infrastructure to support these activities violates the Deed of Easement.

- **No Commercial Recreational Uses.**

Because commercial development of the land or agricultural structures for a nonagricultural use is prohibited, commercial recreational use of preserved farmland and recreation-based businesses, constitute a violation of the Deed of Easement.

- **Very Passive Uses Permitted.**

Paragraph 9 provides examples of allowable recreational activities including traditional seasonal hunting, fishing, cross-country skiing and ecological tours. These activities are all very passive. Organized activities result in a landowner’s dedication of all or part of the land or a structure for a recreational use and its ancillary needs. Ancillary needs generally include parking, sanitary facilities and other participant/spectator accommodations. Dedication of any portion of the preserved farm or farm structure to a recreational use constitutes a violation of the Deed of Easement.

- **Any recreational uses on the farm must comply with local zoning ordinances.**

The Morris CADB thanks you for working with us to resolve this issue.

Sincerely,

K. Coyle

Katherine Coyle
Director

Enclosure

cc: Mark Roselli, Esq., Harding Township Attorney
George Byrnes, Harding Township Zoning Officer
Mark Fornaciari, Harding Township Construction Official
Gail McKane, Harding Township Administrator
Charles Roohr, Farmland Stewardship Program Manager, State Agriculture Development
Committee
Christine Marion, Director, Morris County Division of Planning and Preservation
W. Randall Bush, Esq., Assistant County Council, Morris County

Schedule T-18

Coyle, Katherine

From: Nicolas W. Platt [REDACTED]
Sent: Wednesday, December 13, 2017 3:56 PM
To: Coyle, Katherine; Leary, Deena; Falzarano Robert; Napolitano, John
Cc: Christopher M. Yates; T Jones
Subject: Ice Skating on Dickson's Mill Road

Katherine, Deena, John and Bob, cc. Chris Yates and Tim Jones

We have received numerous reports that there is ice skating taking place inside the barn on Dickson's Mill Road. This is a violation of the Farmland Preservation rules.

This is a County problem. The County holds the deed on this property and is responsible for enforcement. It has been suggested on more than one occasion that Harding Township is the one who needs to take action. This is not a zoning issue. Harding does not have authority to deal with this.

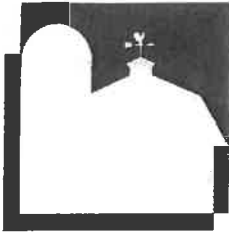
I would like the County to take all the necessary steps to ensure compliance which begins with an unannounced visit to the site.

Nic

Nicolas W. Platt

[REDACTED]
[REDACTED]
www.hartleyfarms.com

Schedule B-17



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

P.O. Box 900 Morristown, NJ 07963-0900

(973) 829-8120 • FAX (973) 326-9025 • Website: <http://planning.morriscountynj.gov/>

Office located at: 30 Schuyler Place, Morristown, NJ

December 22, 2017

Michael Picozzi, III
3 Oxford Lane
Morristown, NJ 07960

Re: Deed of Easement Violation
Block 8, Lot(s) 2, 2.01 & 2.02; Harding Twp.
Book 21294, Page 1848 on 5/19/2009

Via Personal Delivery by Morris County Sheriff's Office

Dear Mr. Picozzi:

As you know, on Thursday, December 21, 2017, Morris County Agriculture Development Board staff conducted an inspection of your farm. The purpose of the inspection was to determine whether your farm complies with the provisions of the Deed of Easement owned by the Morris CADB.

During the inspection, staff noted that a full size hockey rink is located inside the structure that is supposed to be a barn. The rink is constructed of Plexiglass topped boards bolted to the concrete floor. The hockey rink floor has an ice surface, which was created through the use of three (3) chiller units located on the exterior of the structure. As you know, per the Morris CADB's December 14, 2016 Violation Notice, the use of the barn for a hockey rink and skating constitutes a violation of your Deed of Easement.

This letter serves as an official notice of a Deed of Easement violation. Pursuant to Morris CADB Policy: P-10, "Deed of Easement Violations," you have 30 days from receipt of this letter to remove the hockey rink, the ice surface and all hockey-related items from the barn. A copy of Policy: P-10 is enclosed for your review. Once the violation has been remedied, please inform me. At the end of the 30-day period, the Morris CADB will conduct a follow-up site inspection.

As you know, the Morris CADB owns the Development Easement on your farm. The Deed of Easement for your property was filed in Book 21294, Page 1848 on 5/19/2009. Paragraph 1 of the Deed of Easement states that "any development of the Premises for nonagricultural purposes is expressly prohibited."

Paragraph 2 of the Deed of Easement states that: "The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee."

OFFICERS: Dale Davis III, *Chairman* • Aimee Ashley Myers, *Vice Chairman* • Gregory Keller, *Secretary*

MEMBERS: Rick Desiderio • Kathy Hammond • Harvey Ort, Jr. • Jay Thomson

STAFF: Katherine Coyle, *Director*

Paragraph 14 states that "Grantor may construct any new buildings for agricultural purposes". Construction of new buildings for non-agricultural purposes is prohibited.

Pursuant to paragraph 9 of the Deed of Easement, the owner of a preserved farm "may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited." Further, the State Agriculture Development Committee's ("SADC's") document dated April 23, 2010 and entitled "Interpreting the Provisions of the Deed of Easement, Report No. 2: Recreational Uses" (previously provided) provides additional clarifications regarding recreational uses on preserved farms. Recreational uses are permitted on preserved farms subject to the following conditions:

- **No Dedication of Land or Agricultural Structures for Recreational Use.**

In accordance with the Agriculture Retention and Development Act and the Garden State Preservation Trust Act, agricultural production must be the first priority use of the premises. First priority use means there is no activity on the premises (including personal or commercial recreation) that restricts or inhibits the potential to utilize the **entirety** of the premises (including structures) for all types of agricultural production **at the present time or in the future**. Therefore, when a landowner affirmatively or effectively "dedicates" any portion of the preserved farm or farm structure to a recreational use, this action violates the principle that agriculture is to be the first priority use of the premises.

- **The Land Must Be Used in Its Existing Condition.**

Recreational uses that require any improvements or alterations (construction or otherwise) to the land or agricultural structures violate Paragraph 9 of the deed of easement. Creating new or dedicating or improving/altering existing infrastructure to support these activities violates the Deed of Easement.

- **No Commercial Recreational Uses.**

Because commercial development of the land or agricultural structures for a nonagricultural use is prohibited, commercial recreational use of preserved farmland and recreation-based businesses, constitute a violation of the Deed of Easement.

- **Very Passive Uses Permitted.**

Paragraph 9 provides examples of allowable recreational activities including traditional seasonal hunting, fishing, cross-country skiing and ecological tours. These activities are all very passive. Organized activities result in a landowner's dedication of all or part of the land or a structure for a recreational use and its ancillary needs. Ancillary needs generally include parking, sanitary facilities and other participant/spectator accommodations. Dedication of any portion of the preserved farm or farm structure to a recreational use constitutes a violation of the Deed of Easement.

- **Any recreational uses on the farm must comply with local zoning ordinances.**

Sincerely,

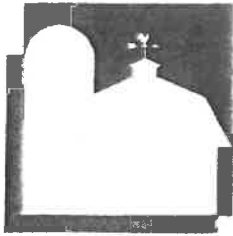
K. Coyle

Katherine Coyle
Director

Enclosure

cc: Robert Falzarano, Administrator, Harding Township
George Byrnes, Zoning Officer, Harding Township
Fornaciari, Construction Official, Harding Township
Charles Roohr, Farmland Stewardship Program Manager, State Agriculture Development
Committee
Christine Marion, Director, Morris County Office of Planning and Preservation
W. Randall Bush, Esq., First Assistant County Council, Morris County

Schedule B-23



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

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Office located at: 30 Schuyler Place, Morristown, NJ

February 2, 2018

Mr. Robert Falzarano, Administrator
Township of Harding
21 Blue Mill Road
New Vernon, NJ 07976

Re: Zoning Violation - Michael Picozzi
Block 8, Lots 2, 2.01 & 2.02; Harding Twp.
Book 21294, Page 1848 on 5/19/2009

Dear Mr. Falzarano:

The above referenced farm was permanently preserved on May 19, 2009. The Morris County Agriculture Development Board (Morris CADB) owns the Development Easement on the farm. The Deed of Easement for the property was filed in Book 21294, Page 1848. The preserved farm is owned by Mr. Michael Picozzi.

On December 14, 2016, the Morris CADB issued a Notice of Violation to Mr. Picozzi asserting that the use of the then recently-built barn for a hockey rink and ice-skating constitutes a violation of the Deed of Easement. Pursuant to Morris CADB Policy: P-10, "Deed of Easement Violations," Mr. Picozzi was afforded 30 days from receipt of the Notice to remove all hockey-related items from the barn. On January 25, 2017, Morris CADB staff conducted a follow-up site inspection, which revealed that that the violation had been remedied. A Notice of Compliance was issued on March 1, 2017.

In December 2017, the Morris CADB was informed about the construction and use of a hockey and ice-skating rink inside the structure that is supposed to be a barn. On December 21, 2017, Morris CADB staff conducted a site inspection, which revealed that a hockey and ice-skating rink is located inside the barn. The rink is constructed of Plexiglass topped boards bolted to the concrete floor. The hockey rink floor has an ice surface, which was created through the use of three (3) chiller units located on the exterior of the structure. On December 22, 2017, the Morris CADB issued a Notice of Violation to Mr. Picozzi asserting again that the use of the barn for a hockey rink and ice-skating constitutes a violation of the Deed of Easement. Mr. Picozzi was afforded 30 days from receipt of the Notice to remove the hockey rink, the ice surface and all hockey-related items from the barn. On January 26, 2018, Morris CADB staff conducted a follow-up site inspection, which revealed that that the violation had not been remedied and that the hockey rink, the ice surface and hockey-related items have not been removed from the barn.

OFFICERS: Dale Davis III, *Chairman* • Aimee Ashley Myers, *Vice Chairman* • Harvey Ort, Jr., *Secretary*

MEMBERS: Rick Desiderio • Kathy Hammond • Gregory Keller • Jay Thomson

STAFF: Katherine Coyle, *Director*

The Morris CADB is aware of the fact that the hockey and ice-skating rink constitutes a violation of Harding Township's ordinances because it is not a permitted primary or secondary structure in the RR zone, nor is hockey a permitted primary or accessory use in the RR zone. Furthermore, the hockey rink violates the zoning approval previously granted by the Township on January 15, 2016. Harding Township granted a construction permit based on Mr. Picozzi's written representation, which stated that the barn would be used only for an agricultural purpose. However, the barn is being used for a non-agricultural purpose.

Morris CADB Policy: P-10, "Deed of Easement Violations" (copy enclosed), states that "the Morris CADB will notify the Zoning Officer and/or other appropriate officials of the property owner's municipality advising that the property owner is in violation of a municipal ordinance, and requesting the Zoning Officer enforce all applicable municipal ordinances". Accordingly, the Morris CADB respectfully requests that you investigate the violation on this preserved farm and enforce the applicable municipal ordinances. Please advise the Morris CADB regarding your investigation and enforcement efforts.

Thank you for your anticipated assistance. If you have any questions regarding this matter please contact our office at (973) 829-8120.

Sincerely,

K. Coyle

Katherine Coyle,
Director

Enclosure

cc: Michael Picozzi
George Byrnes, Zoning Officer, Harding Township
Mark Fornaciari, Construction Official, Harding Township
Charles Roohr, Farmland Stewardship Program Manager, State Agriculture Development Committee
Christine Marion, Director, Morris County Office of Planning and Preservation
W. Randall Bush, Esq., First Assistant County Counsel

Schedule P-14

Michael Picozzi
3 Oxford Lane
Morristown, NJ 07960

January 22, 2018

Via Email

Katherine Coyle
Director
Morris County Agriculture Development Board
P.O. Box 900
Morristown, NJ 07963-0900

Re: *Agricultural Barn, Harding Township Block, 8, Lot 2*

Dear Katherine:

I write in response to your letter to me dated December 22, 2017. Notwithstanding your purported "official notice", there is no Deed of Easement violation. The barn is fully compliant with the Deed of Easement. The first priority use of the barn has and will be for the purpose of agricultural production as permitted in the Deed of Easement. There has been no dedication of the barn for recreational activities. Nor is there any current or anticipated future use of the barn that restricts or inhibits the potential to utilize the entirety of the barn for all types of agricultural production. In short, there is no factual or legal basis for this determination.

The sole basis for your "notice" is the December 21, 2017 inspection by you of my barn. During that inspection, you¹ asked me no questions about the actual use of the barn. You took pictures and left after a short visit. One day later (*i.e.* on the Friday before Christmas weekend) and not consistent with Morris CADB's own P-10 policy, you had your purported official notice delivered to my home. Not only does your letter lack any facts about the actual use of the barn, it contains factually wrong and/or misleading statements and conveniently omits facts that contradict your pre-determined opinion. To be clear, there is no "full size hockey rink" in the barn.² Nor could there be because the area of a full-size hockey rink is three times greater than the total square footage of my barn. Your letter also ignores the fact that astroturf is bolted to the floor of the interior of the barn, which was clearly obvious during your visit. I am unaware of any hockey rinks with such flooring. You comment on the existence of chiller units outside of the barn; but those same units were present during your January 25, 2017 inspection, after which you found the barn to be in compliance with the Deed of Easement; as well as during the May 22, 2017 inspection that also concluded the barn was in compliance with the Deed of Easement. You also omit that hay farming has been ongoing continuously on my farm for

¹ Although your letter states "During the inspection, staff noted . . .", you were the "staff" conducting the inspection. So, there can be no confusion about what "staff noted" and the contents of your letter.

² Since you do not define or describe what you mean by a "hockey rink", I assume you are referring to the second-hand hockey boards that I am using as partitions in my barn.

the past 12 years and the existence of farm equipment and farming related activity taking place in the barn during your visit.

It is apparent to me that you (and the Morris CADB) do not care about the actual agricultural use of the barn. Instead, you appear to have a pre-determined agenda and a personal bias against me and/or the barn. In fact, I have heard that you have said in the past words to the effect of "that barn will be torn down in my lifetime." This sentiment is consistent with your deliberate ignorance of the actual use of the barn, as well as the omitted material facts, and misrepresentations in your letter. Your letter seems designed to create a misleading record by making untrue statements and ignoring the reality that the barn is dedicated to farming.

You do not specify how the use of my barn violates the Deed of Easement, which is not surprising because you asked no questions about the past, present or future use of my barn. So, any implicit determination by you (or the Morris CADB) that the first priority use of the barn is non-agricultural has no factual basis.

Although you write that "This letter provides notice of a violation of the Deed of Easement", you do not specify what, if anything, in the barn violates which provision of the Deed of Easement. Presumably, you believe that once again cutting and pasting the same language from paragraphs 1, 2, 9 and 14 of the Deed of Easement provides sufficient notice of a Deed of Easement violation; but it does not – particularly when the barn is in compliance with the language quoted from each of those paragraphs. Consistent with the restrictions of paragraphs 1, 2 and 14 that you quote, the barn was built for and has been used for agricultural purposes, *i.e.* supporting the hay farming on my land that has been continuously ongoing for the past twelve (12) years. In addition to constructing the barn, I have purchased more than \$70,000 of farm equipment in further support of the hay farming on my land. I store this farming related equipment in the barn. As described below, the partitions and the ice floor not only do not interfere with the agricultural use of my farm, they support it. Your citation to paragraph 9 makes no sense to me because that paragraph addresses recreational activities from which an owner derives income and no such recreational activities have taken place in my barn.

I am not aware of any statute, regulation or provision in the Deed of Easement that precludes me from erecting partitions within the barn, that dictates the layout of such partitions or that requires me to use a type of partition different from what I am using.

I have chosen to set up the partitions in an oval to allow a large open space in the middle of my barn for farming activity and the storage of the farm equipment used in support of my farm. The oval configuration protects the outer walls of the barn from being damaged by use of the tractor and other farm equipment within the barn. The oval configuration also protects anyone outside of the partitions from the farming related activity taking place within the interior of the oval configuration. Although bolted to the floor, the partitions are movable and temporary to provide me the greatest flexibility in configuring and utilizing the interior of the barn for farming related activity. In any event, the square footage within the partitioned work area of my barn comprises less than 1% of the total square footage of my farm that is subject to the Deed of Easement.

You seem more concerned about the look of partitions in my barn than the actual farming related purposes for which I use those partitions. In addition to not asking about

the actual use of the barn, you asked no questions about the configuration of the partitions or why I chose to use those types of partitions. Again, I am unaware of any statute, regulation or Deed of Easement provision that requires a certain type of partition to be used (or not used) in my barn. The fact that I, an admitted hockey fan, use second hand hockey boards made of substantively the same high-density polyethylene material as partitions sold and recommended by FarmTek, and other farm supply vendors, for my partitions should provide no basis for a violation of the Deed of Easement. Both types of partitions serve the same purpose. So, any objection to the use of second-hand hockey boards can only be based on optics. More importantly, using second hand hockey boards as partitions in my barn does not in any way preclude the first priority use of the barn for farming.

Also, I am unaware of any statute, regulation or Deed of Easement provision that requires me to use any specific climate control system or precludes me from using ice as part of the climate control system. There are many benefits from using such a system, from an agricultural and ecological perspective. In fact, I have spoken to other active farmers in Morris County, including at the Frelinghuysen farm, and each has told me they wish they could install such a system in their barns.

Your "As you know" reference in your letter to your prior "December 14, 2016 Violation Notice" is another example you trying to justify your unwarranted notice. At the time of that prior notice, the barn was still under construction and there was no use of the barn at that time for anything. Being that it was an active construction area and not yet being used for farming, the partitions in the barn were not needed at that time and I removed them despite disagreeing that the partitions violated the Deed of Easement. As you know, I wrote in my December 23, 2016 letter to you:

I disagree with the Morris CADB's determination that there is a Deed of Easement violation on my farm. However, in an effort to resolve this issue, I have removed the hockey related items from the barn as requested in your letter.

So, I do not understand how the barn as an active construction area one year ago has any relevance to its current use in support of farming. Now that the barn is actively used for farming, it is my judgment that the partitions are useful for, among other things, the safety of people in the barn and for the protection of the barn walls, as described above. You have not explained how the use of the partitions for these purposes prevents farming in any way. You seem to be suggesting that because you do not like the look of my partitions; I should remove them and compromise the safety of people in the farm and the protection of my barn walls. I do not think that is the proper role for you or the Morris CADB.

Because you fail to articulate how the partitions in my barn or use of an ice floor for climate control interferes in any way with my hay farming (because they do not) or violates a specific provision of the Deed of Easement (again, because they do not), your demand that I remove the "hockey rink, the ice surface and all hockey-related items"³ is without a basis in fact or law. Without such a basis, I do not believe you or the Morris

³ Your letter does not define or describe what you mean by "hockey-related items" and certainly does not explain how any such décor interferes with my use of the barn for hay farming.

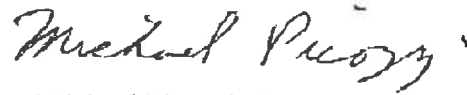
14 (4)
Page 4

CADB has the authority or right to require me to remove them. Any such demand is arbitrary and capricious.

If the Morris CADB needs any additional information, please let me know.

All rights reserved.

Sincerely,



Michael Picozzi III

cc: George Byrnes, (by E-mail)
Mark Fornaciari (by E-mail)
Charles Roohr (by E-mail)
Christine Marion, (by E-mail)
W. Randall Bush, Esq., (by E-mail)

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R7(17)

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

Zhang Farm

**Subject Property: Zhang Farm
Block 49, Lot 2
Upper Pittsgrove Township, Salem County
59.9 Acres**

July 26, 2018

WHEREAS, Deliang and Helen Zhang, hereinafter "Owners", are the record owners of Block 49, Lot 02, in the Township of Upper Pittsgrove Township, by Deed dated June 30, 2006, and recorded in the Salem County Clerk's Office in Deed Book 1246, Page 137, totaling approximately 59.9 acres, hereinafter referred to as the "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the State Agriculture Development Committee on June 22, 2001, by the former owners Robert and Judith Schultz, 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 the Salem County Clerk's Office in Deed Book 1073, Page 190, on June 25, 2001; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires 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 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 is owned by the Owners; and

WHEREAS, the Owners provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the energy demand for this ground mounted solar energy facility is from the residence, barns, hoopouses and other electrical demands associated with the intensive vegetable operation on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 68,546 kWh's as confirmed by the Owner's submission of 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed new solar energy generation facility is 70,435 kWh's per year; and

WHEREAS, the new solar energy generating system will supply approximately 103% of the current energy demand for the 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 ground mounted solar energy facility comprises approximately 10 square feet of impervious cover related to the support posts; and

WHEREAS, N.J.A.C 2:76-24.6 requires that the solar energy facilities, structures, and equipment not interfere significantly with the use of the land for agricultural and horticultural production; and

WHEREAS, the proposed ground mounted solar energy facility is located directly behind the existing house on the premises as identified as identified on Schedule "A"; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that any solar energy facility with an occupied area larger than one-acre be constructed, installed, operated, and maintained in accordance with a farm conservation plan; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that the occupied area of any solar energy facility located outside of a non-severable exception area primarily servicing nonagricultural or nonresidential uses within the non-severable exception shall not exceed one acre or 1% of the farm, whichever is less; and

WHEREAS, N.J.A.C. 2:76-24.3 defines occupied area as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, including all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings; areas consisting of other related facilities, structures, and equipment, including any other buildings or site amenities, deemed necessary for the production of solar energy on the farm; and the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm; and

WHEREAS, the proposed ground mounted solar energy facility consists of the area of the panels, a 20ft buffer area around the panels, and the trench connecting the panels to the meter at the residence, which together comprise an occupied area of approximately 12,530 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 50 square feet.

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 12,480 square feet of occupied area and 50 square feet of site disturbance in the form of the trench

connecting the panels to the meter on the residence and the support posts and having a rated capacity of 70,435 kWh's of energy as identified in Schedule "A", and as described further herein; 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.

7/26/18
DATE


Susan E. Payne, Executive Director
State Agriculture Development Committee

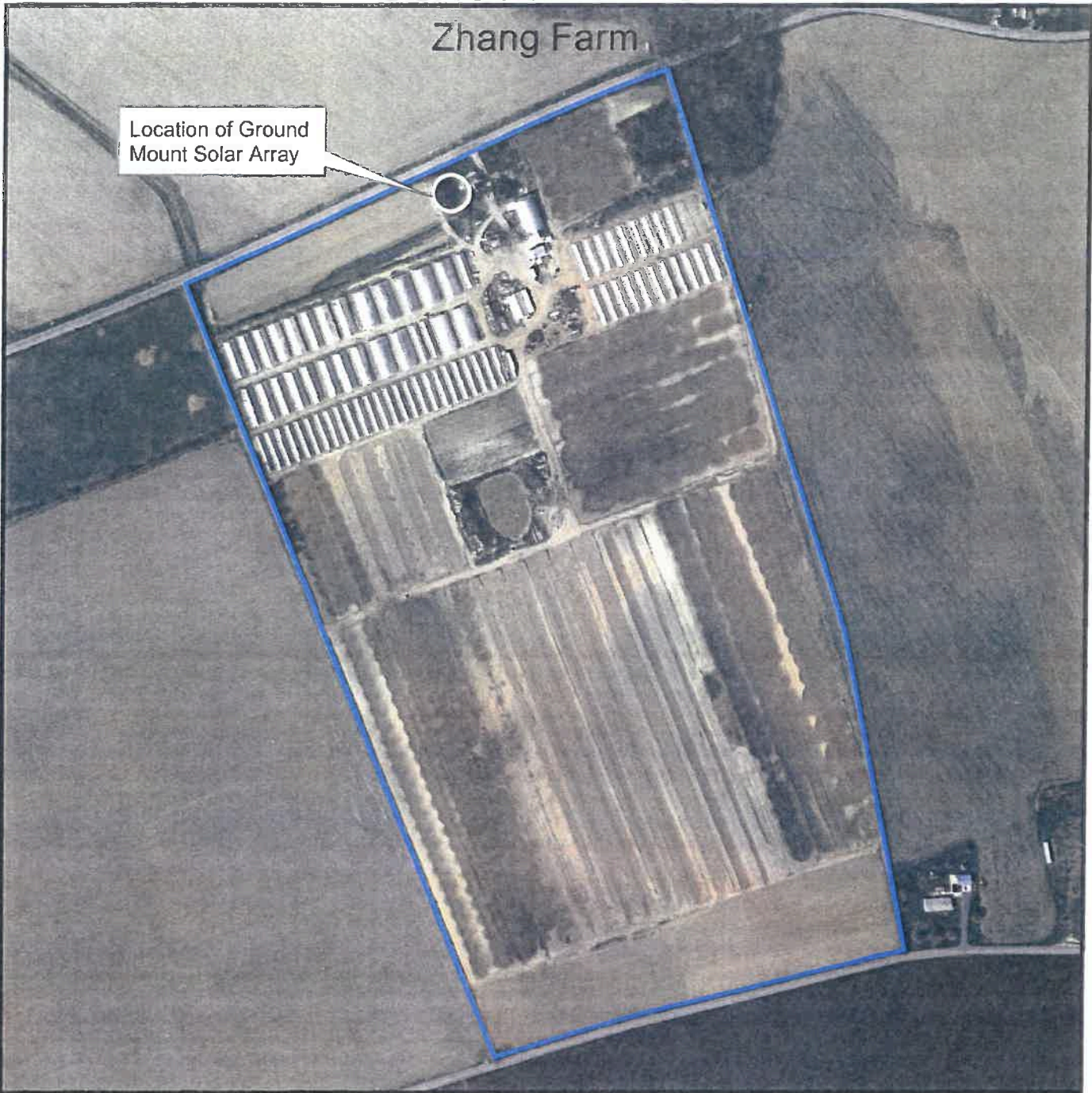
VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	ABSENT

Schedule "A"

Zhang Farm

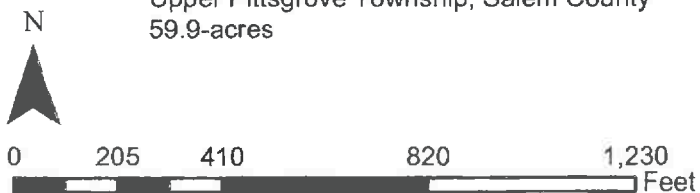
Location of Ground Mount Solar Array



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Zhang Farm
Block 49, Lot 2
Upper Pittsgrove Township, Salem County
59.9-acres



7/9/2018

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