

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)
Department of Agriculture
REGULAR MEETING

April 23, 2020

Chairman Fisher called the meeting to order at 9:03 a.m. The flag salute was conducted.

Ms. Payne read a revised notice, as permitted by law in order to accommodate remote meetings due to the coronavirus emergency, indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Chairman Fisher
Renee Jones
Gina Fischetti
Brian Schilling
Martin Bullock
James Waltman
Ralph Siegel
Scott Ellis
Denis Germano
Pete Johnson
Richard Norz

Members Absent

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

Note: The public was advised by the SADC at the beginning of the meeting to email their comments to sadc@ag.state.nj.us and that all public comments will be addressed at the appropriate time during the meeting.

Minutes

A. SADC Regular Meeting of February 27, 2020 (Open and Closed Sessions)

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the Open and Closed Session minutes of the SADC regular meeting of February 27, 2020. Mr. Johnson and Mr. Waltman abstained from the vote. A roll call vote was taken. The remaining members unanimously approved the motion.

Report of the Chairman

Chairman Fisher stated that New Jersey (NJ) is dealing with extraordinary times right now due to the COVID-19 pandemic, and Governor Murphy has shown tremendous leadership attempting to “flatten the curve” of the virus and get us back to normal. There has been severe disruption for everyone and certainly in the world of agriculture and in food. As an example, many livestock had to be euthanized, crops had to be plowed under, yet there is a massive need for food across the country due to closed businesses and worker fatigue.

With approximately 730,000 acres of farmland in NJ, the question often arises as to whether the state can sustain food sufficiency. The farmers are out there working hard on the front lines along with nurses, doctors, first responders, garbage collectors, and supermarket employees. Our farmers are definitely a part of the frontline workers because they are responsible for the food supply. This year and at this time in particular, the SADC is pushing very hard to support NJ farmers, as they are doing extraordinary things to serve the public and to modify their operations to get food to our citizens. The pandemic stresses now more than ever the importance of the work of the SADC in keeping farmland viable during this crisis.

Report of the Executive Director

Ms. Payne stated that her heart goes out to everyone in the country as well as NJ that is going through this trying time and acknowledged the profound impact that this is having on NJ farmers and their families. SADC staff is focused on getting funds out as soon as possible to help the farmers and landowners in every way we can. She noted that this crisis will impact SADC staff program performance, including the pace of acquisition, and the ability to conduct site inspections, which will impact both fiscal year 2020 and 2021 performance measures. Staff began working from home on March 18 and is well equipped to maximize workload and function effectively.

In terms of acquisition, the biggest obstacle for closings is that title and survey submissions and revisions had slowed due to the fact that the counties were closed for a while; however, at this point we are able to interface with all county and nonprofit partners. Another obstacle that staff encountered was physically routing documents for signatures, so we've obtained software called DocuSign that will allow them to notarize documents remotely and get signatures digitally. The Governor recently signed a bill, A3903, which allows documents to be notarized digitally. Staff is still doing conducting pre-closing inspections as needed. There were two closings in March after the shutdown, three closings in April, and there are seven closings scheduled in May. Staff has had to move to "mail-in" closings, which has rarely been done before, and staff is adjusting to keep closings moving.

In regard to Stewardship, easements monitored by the SADC and the soil conservation districts under contract with the SADC have been suspended. Staff will keep evaluating every two weeks to see if conditions have improved in order to restart monitoring; however, that would require approval from the Secretary with coordination from the Governor's office.

Stewardship staff has done a great job with the deer fencing grants. They developed a list of things that a farmer can submit virtually, including photos of the fence that will allow a virtual inspection and allow funds to be released sooner. So far, four farms have requested and have sent in a virtual inspection checklist and one has been received and is being reviewed.

Ms. Payne noted that the Committee's prior delegation to staff of soil and water cost share funding decisions has resulted in more timely grants being provided to applicants.

Ms. Payne noted that the deadline for Committee members' submission of financial disclosure forms has been extended to July 31st.

Ms. Payne explained that Executive Order 103, which was issued as a result of COVID-19, allows state agencies like the SADC to waive, suspend or modify regulations during the public health emergency so long as approval is obtained from the Governor's office, the Commissioner of Health, and the State Emergency Management Director. Lastly, Executive Order 127, most recently signed by Governor Murphy, extends deadlines for matters subject to the Administrative Procedure Act by 90 days after the end of the COVID-19 emergency. That affects the SADC primarily with Right to Farm matters because normally when a case arises from the counties, there is a time line on our issuance of a final decision. Fortunately there are no RTF cases pending except for the one on today's agenda.

Public Comment

There was no public comment.

Old Business**A. Right to Farm – Final Decision – I/M/O Brodhecker Farms, LLC, Hampton Township, Sussex County**

Brian Smith stated that Brodhecker Farms followed up on the SADC's 2014 decision by filing for approval of its farm market operation with the Sussex County Agriculture Development Board (SCADB). The board approved the application and a neighbor appealed. The materials Brodhecker submitted to the SCADB were reviewed by the municipal engineer, the county engineer, and Brodhecker's engineer. The final decision concludes that the materials y Brodhecker presented to the SCADB satisfactorily addressed farm market public health and safety, parking, construction, pedestrian safety, vehicular safety and configuration of the the entrance to the farm, which is on a county road.

The final decision also noted that, due to the delay between the time Brodhecker's application was filed with and heard by the SCADB , commercial farm and farm market eligibility information had become stale. As a result , SADC staff requested updated material from Brodhecker, which reviewed and determined to be sufficient to satisfy eligibility requirements. The final decision affirms the SCADB's resolution approving Brodhecker's application for continued operation of the farm market. The other objections raised in the appeal had no merit and there was nothing in the record to support the claims. Therefore, staff recommendation in this draft final decision is to affirm the SCADB's resolution .

It was moved Mr. Germano and seconded by Mr. Siegel to approve the final decision for Brodhecker Farms, LLC as presented. A roll call vote was taken. The motion was unanimously approved.

New Business**A. Stewardship**

1. Review of Activities on a Preserved Farm - Naturally Nurturing, LLC
Block 205.11, Lot 48.05
49.6 Acres, Hillsborough Township, Somerset County
SADC ID #18-0097-EP

Mr. Roohr stated that Mr. Yash Patel is the owner of Naturally Nurturing, LLC and since acquiring the property in 2016, he has constructed a home and high tunnel on the exception area and has experimented with crops and livestock in order to create sustainable and organic practices. Mr. Patel applied to the SADC and Somerset CADB to construct hügelkultur beds and create and apply biochar to a small portion of the farm. Hügelkultur is new to the SADC and the request is site specific to this farm and landowner.

Mr. Roohr explained that hügelkultur is a practice where a trench is dug and filled with tree parts of various sizes and other organic matter and a mound is built up with soil on top. After 12 months the wood decomposes and the nitrogen levels settle to a point where seedlings can be planted directly into the mound. Over time the soil nutrients, the additional organic matter and the soil moisture capacity are improved and provide a great growing medium for 5 to 7 years.

Mr. Roohr explained that biochar is a practice where wood is converted into charcoal through a pyrolysis process or oxygen deficit process. Application of the material to the soil is beneficial to the soil and is a highly stable form of carbon that lasts for a long time and improves soil fertility and stimulates plant growth while reducing the need for chemical fertilizers. It also provides a sustainable foundation for microbes and fungi to adhere to the soil.

Research shows that hügelkultur and biochar are good soil practices; however, neither SADC, Rutgers Extension nor National Resource Conservation Service (NRCS) have practices for hügelkultur. NRCS does have a practice for biochar but that's in the context of forestry and has not been adopted in NJ. There were no examples of this practice in NJ to refer to and that's what brings the request before the Committee today.

In 2017 Mr. Patel had tree logs brought to the farm to use in these practices, but due to the uncertainty surrounding the practices he was proposing, SADC staff requested that he delay implementation until further information could be assembled. The initial concern is that the proposed deposit of tree logs could violate the deed of easement (DOE) prohibition against dumping certain materials on the preserved farm. After researching the issue, staff determined that both these practices are legitimate soil practice amendments and recommend that both be used as a pilot program with a few conditions. Due to the fact that these practices are not used in NJ, staff recommends building into an approval the ability of the CADB and the SADC to study the affected areas of the farm.

Mr. Roohr stated that staff recommendations for biochar are that all state and federal permits must be obtained prior to producing the material; the application rate of biochar shall not exceed 18 tons per acre; and the biochar application shall be limited to the 3.5 acre area shown on schedule A of the farm map.

The staff recommendation for hügelkultur is that the trenches are no more than 18-24 inches in depth, and all topsoil shall be reincorporated into the upper layer of the hügels. For both biochar and hügelkultur, staff recommends that as a condition of approval, the CADB and SADC is permitted access to the soil for testing, and if both practices have a negative impact on the soil, those impacted areas of soil will count toward soil disturbance on the landowner's property.

It is recommended that the landowner also enter into an agreement with the CADB and SADC acknowledging the terms of this pilot program; the owner shall utilize the existing

stockpile of wood for this project before bringing any new wood material onsite and no new wood shall be brought onto the site without approval of the CADB and SADC. At its February meeting the Somerset CADB reviewed this request and agreed this project should be allowed as a pilot under the conditions previously mentioned and that is staff's recommendations. Mr. Roohr noted that Mr. Patel was in attendance at the meeting if the Committee had any questions for him.

Mr. Schilling stated that although Rutgers Cooperative Extension has not participated in the practices of hügelkultur and biochar in NJ, Rutgers is familiar with it and feels they are viable practices that can be learned from. Mr. Waltman commented that the application of biochar helps to sequester carbon out of the atmosphere and into the soil and the thought is that it will help address climate change and he looks forward to supporting the pilot .

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the request for Naturally Nurturing Farm, LLC to use hügelkultur and biochar practices as a site specific pilot program, with the conditions as set forth in the accompanying staff memo. Mr. Norz recused from the vote as he is a member of the Somerset CADB. A roll call was taken and the remaining members unanimously approved the motion.

2. Renewable Energy Generation Systems - Solar
Sarracino Farm
Block 46, Lot 1.03
Upper Pittsgrove Township, Salem County
18.68 Acres

Mr. Roohr referred the Committee to an application for the installation of a previously-installed, ground-mounted solar energy facility on the Sarracino farm . He 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. Siegel to approve Resolution FY2020R4(1), granting approval to install a ground mounted solar energy facility at the Sarracino Farm, as presented, subject to any conditions of said resolution. Mr. Waltman abstained from the vote.. A roll call vote was taken. The remaining members unanimously approved the motion. A copy of Resolution FY2020R4(1) is attached to and a part of these minutes.

B. Resolution: Delegation of Authority - Agricultural Development Area Map Amendments

Mr. Bruder referred the Committee to a draft resolution titled Delegation of Authority for Agricultural Development Area (ADA) Map Amendments. He referenced the primary

provisions of the resolution which contemplates the SADC delegating the authority to the Executive Director to review and approve, approve within certain conditions, or deny any ADA certification requests that do not modify already adopted ADA criteria and do not amend the geographic area of the ADA area by more than 10 percent. The SADC can review any applications, including those denied or approved with conditions by the Executive Director, and the SADC may uphold, modify or reverse the Executive Director's decision. Staff will provide the SADC and the Secretary notification of all such approval and denials in the form of a written report. The denial of any approval, or conditional approval, the Executive Director may be appealed by the board to the SADC within 30 days of the receipt of the Executive Director's decision.

Mr. Norz stated he has the utmost confidence in the SADC staff, but feels the public and landowners look to the SADC members for direction and is concerned about not including the SADC in this process. Mr. Siegel noted that most, if not all, of the amendments where this Resolution would apply have been approved by the SADC in the past and are typically done to assist in preservation efforts. Secretary Fisher stated he understood Mr. Norz's concerns but supports the staff's recommendation to streamline these routine approvals.

It was moved by Mr. Ellis and seconded by Mr. Germano to approve Resolution FY2020R4(2), granting approval for Delegation of Authority to the Executive Director for Agricultural Development Area Map Amendments, as presented, subject to any conditions of said resolution. Mr. Norz abstained from the vote. A roll call vote was taken. The remaining members unanimously approved the motion. A copy of Resolution FY2020R4(2) is attached to and a part of these minutes.

C. Term Farmland Preservation Program

Mr. Roohr referred the Committee to a request under the term farmland preservation program for a 16 year preservation easement to allow the landowner access to soil and water cost share funding. This meets all of the SADC requirements and staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2020R4(3), granting approval to the following application under the Term Farmland Preservation Program, as presented, subject to any conditions of said resolution.

1. Ward E. Eachus, SADC ID #08-0032-TF, Resolution FY2020R4(3), Block 56, Lot 5, Harrison Township, Gloucester County, 95.635 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2020R4(3) is attached to and a part of these minutes.

D. Resolutions of Final Approval - County PIG Program

Ms. Miller referred the Committee to three requests for final approval under the County PIG 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 Ms. Jones to approve Resolutions FY2020R4(4), FY2020R4(5), and FY2020R4(6) granting final approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution:

1. Charles Datz and Laura Lopez-Pelayo, SADC ID# 08-0208-PG, Resolution FY2020R4(4), Block 28, Lot 2, Harrison Township, and Block 265, Lot 11, Mantua Township, Gloucester County, 57.4 acres.
2. Lynda Carpenito, SADC ID #08-0209-PG, Resolution FY2020R4(5), Block 1107, Lot 6, East Greenwich Township, Gloucester County, 21.116 Acres.
3. Carol Beatty, SADC ID# 21-0614-PG, Resolution FY2020R4(6), Block 26, Lot 31 and Block 27, Lot 2, Greenwich Township, Warren County, 85 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R4(4), FY2020R4(5), and FY2020R4(6) are attached to and a part of these minutes.

E. Resolutions of Final Approval - Municipal PIG Program

Ms. Miller referred the Committee to one request for final approval under the Municipal PIG 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. Siegel to approve Resolution FY2020R4(7), granting approval to the following application under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. Earl & Robert Moore, SADC ID #17-0212-PG, Resolution FY2020R4(7), Block 4, Lot 12, Mannington Township, Salem County, 24.1 Acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R4(7) is attached to and a part of these minutes.

F. Resolutions of Final Approval – Direct Easement Program

Ms. Miller referred the Committee to two requests for final approval under the Direct Easement program. She reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Ms. Siegel to approve Resolutions FY2020R4(8) and FY2020R4(9) granting approval to the following applications under the Direct Easement Program, as presented, subject to any conditions of said resolution.

1. Kelly et al (Powers), SADC ID #17-0350-DE, Resolution FY2020R4(8), Block 22, Lot 12, and Block 24, Lot 2, Pilesgrove Township, Salem County, 159.4 Net Acres.
2. Kelly et al (Sharp), SADC ID#17-0351-DE, Resolution FY2020R4(9), Block 21, Lot 11, Pilesgrove Township, Salem County, 116.2 net acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R4(8) and FY2020R4(9) is attached to and a part of these minutes.

G. Resolution of Final Approval - Non Profit Program

Ms. Miller referred the Committee to two requests for final approval under the Non Profit program. She reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Ms. Jones to approve Resolutions FY2020R4(10) and FY2020R4(11), granting approval to the following applications under the Non Profit Program, as presented, subject to any conditions of said resolution.

1. Daniel Rogers and Sioban Flaherty, SADC ID #21-0042-NP, FY2020R4(10), Block 601, Lots 1, 1.01, & 2, Frelinghuysen Township, Warren County, 105.66 acres.
2. David & Shannon Black, SADC ID#21-0043-NP, FY2020R4(11), Block 202, Lot 1.03, Hardwick Township, Warren County, 36.51 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R4(10) and FY2020R4(11) is attached to and a part of these minutes.

H. Preliminary Approval - Alternate Direct Easement Farms

Ms. Miller referred the Committee to two requests for preliminary approval under the Direct Easement Program. She reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant preliminary approval.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolutions FY2020R4(12) and FY2020R4(13) granting preliminary approval to the following applications under the Direct Easement program, as presented, subject to any conditions of said resolution.

1. Patricia Ayars, SADC ID#17-0353-DE, Resolution FY2020R4(12), Block 11, Lot 6, Alloway Township, Salem County, 77.3 acres.
2. Anthony and Joseph Cerbo, SADC ID#19-0027-DE, FY2020R4(13), Block 3202, Lot 24.02, Hampton Township, Sussex County, 38.45 acres.

Ms. Payne advised the Committee that Sussex County has stated they are no longer accepting county applications until they have additional staff resources and landowners who were interested in applying have been directed to the SADC.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2020R4(12) and FY2020R4(13) is attached to and a part of these minutes.

I. Resolution: Delegation of Certain Authority During the COVID-19 Public Emergency

Mr. Stypinski stated that Executive Order 103 grants agencies, like the SADC, the authority to waive, extend or modify regulations, programs and policies, provided prior approval is obtained from the Governor's office in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. He also stated that Executive Order 127 extended certain statutory deadlines associated with the Administrative Procedure Act (APA) under which executive branch agencies must act for the period of time equal to the number of days in which the public health emergency exists.

The resolution delegates to the Executive Director, in consultation with the Secretary of Agriculture, the authority to "extend or waive any deadlines or due dates" set forth in SADC regulations or, any SADC program or policy administered pursuant to the Agriculture Retention and Development Act (ARDA), the Right to Farm Act (RTFA), the Garden State Preservation Trust Act (GSPTA), and the Preserve New Jersey Act; extend or waive any deadlines or due dates in any contract or agreement in which the SADC is a party; certify the values of development easements; and manage and direct, in

consultation with the Office of the Attorney General, litigation in which the agency is a party.

Ms. Payne commented that some items, specifically certification of values and litigation cases, are matters for closed session. There are practical problems associated with conducting a remote meeting with both an open and closed session so this delegation of certain authority promotes efficient administration of the agency's business during the COVID-19 emergency.

Mr. Norz stated that he understands why this delegation is being proposed and that he has confidence in the Secretary and Executive Director to carry things out; however, the COVID-19 crisis could go on for a period of years, and he proposes that this delegation of authority be approved by the Committee on a monthly basis .

Chairman Fisher suggested approving this resolution every 90 days instead. Mr. Norz asked what the difference would be in approving it each month versus every 90 days. Ms. Payne stated that if the Committee passes the resolution today, the minutes of the meeting go to the Governor's office for a 14 day review period in which the Governor's office could veto the minutes. This resolution will not take effect until the end of the governor's review period which is three weeks out from now, so a 90 day review period would work better if the Committee seeks to change the timeframe.st.

Mr. Siegel commented that discussing certification of values over a phone conference in open session would not pose a problem as the information discussed would not be shared by anyone as there is technically no public present. Chairman Fisher noted that the public is present on the phone conference call and it is the duty of the SADC to ensure that the public has trust in its negotiations whether over the phone or in person.

Ms. Payne asked Mr. Stypinski to address an edit to be made to paragraph 2a. of the resolution. Mr. Stypinski stated that instead of reading "extend or waive any deadlines or due dates set forth in SADC regulations" it was edited to align with Executive Order 103 to read "waive, suspend or modify any SADC regulations in accordance with Executive Order 103". Ms. Payne stated that the original draft was limiting authority to deadlines and due dates and this edit makes sure that the regulatory flexibility that the state is giving the SADC is the same that is given to the Executive Director and the Secretary.

Ms. Payne addressed Mr. Siegel's prior statement and noted that not all counties and nonprofits share their appraisal range or their certifications with landowners, and making that information public can affect the ability of counties and nonprofits to negotiate with the landowners. Mr. Siegel stated that he supports the resolution as written.

Chairman Fisher asked how we would determine the end of the COVID-19 crisis in regard to this resolution. Mr. Stypinski noted that the Committee could rescind the resolution at some point in the future. Ms. Payne stated that paragraph 5 of the resolution

states that “the foregoing delegation shall remain in effect until Executive Order 103 is rescinded by the Governor and this resolution is rescinded by the SADC at a meeting physically attended by its members and convened in accordance with the Open Public Meetings Act.” Ms. Payne recommended modifying this paragraph to say “the foregoing delegation shall remain in effect until Executive Order 103 is rescinded by the Governor *or when the SADC rescinds it by resolution at a meeting convened in accordance with the Open Public Meetings Act.*” This would allow the Committee to rescind at any meeting whether remote or in person.

Mr. Ellis and Mr. Norz stated that they wanted the 90 day review of the resolution to be reflected in the motion as well. Chairman Fisher stated that the person making the motion had to consent to the change. Mr. Siegel stated that as the person introducing the motion, he would like the resolution to remain as it is proposed by the staff. Ms. Payne stated that paragraph 4 of the resolution reads “SADC staff shall provide notification of the exercise of any such delegated action in a written report to the SADC at regular monthly meetings.”

It was moved by Mr. Sigel and seconded by Mr. Germano to approve Resolution FY2020R4(14) for the Delegation of Certain Authority During the COVID-19 Public Emergency as prepared by the staff along with the edits made to paragraph 2a. which read “waive, suspend or modify any SADC regulations in accordance with Executive Order 103” and the changes to paragraph 5 that was discussed and will read “the foregoing delegation shall remain in effect until Executive Order 103 is rescinded by the Governor or when the SADC rescinds it by resolution at a meeting convened in accordance with the Open Public Meetings Act.” A roll call vote was taken. Ms. Jones, Ms. Fischetti, Mr. Schilling, Mr. Waltman, Mr. Germano, Mr. Bullock, Mr. Siegel, Mr. Johnson, Mr. Ellis and Secretary Fisher voted in favor of the motion. Mr. Norz voted against the motion. The motion was approved.

J. Supplemental Code of Ethics

Ms. Payne stated that the Committee has had some discussion on the contents of the SADC’s supplemental code of ethics and its particular effect on farmer members of the SADC who are also members of their respective CADBs. The matter of ethics is handled by the SADCs ethics liaison officer, Brian Smith. It’s important for the Committee to understand that the attorney general’s office is not the SADC’s ethics officer. Ms. Payne noted that she requested Mr. Smith to prepare a memo for the Committee on the issue of recusals and conflicts of interest to prepare the Committee members for the discussion today.

Mr. Smith stated that the memo was written to discern how the SADC developed its Supplemental Ethics Codes (SEC) thirteen years ago. The genesis of the SEC is the NJ Conflict of Interest Law (CIL), as well as the NJ Uniform Ethics Code because the CIL required it. The CIL also requires each executive branch agency to develop its own SEC

to address particular needs and requirements based on the work of the agency. The overall reason that these SECs are written is to protect the integrity of the decision making process.

All members of the SADC, not just farmer members, need to act independently and objectively. The problem that arises is when an individual who is a state appointed official has a dual office or serves in another capacity in another public or private organization and common issues arise between the dual offices. The CIL says that an elected or appointed state official serving in a capacity for another entity can only be independent and objective in one of their offices. Therefore, CADB members that are also on the SADC can only exercise their independent and objective opinion in one office, not both.

The legal authority for that opinion is in the Uniform Ethics Code and the State Ethics Commission's regulations, which refer to the conflict as an indirect personal interest in the subject matter. It requires recusal when a state official is involved in a matter in which his or her judgment may be affected because of membership in another public or private organization. However, the attention paid to conflicts arising from dual SADC-CADB membership applies with equal validity to the SADCs public members who are, or may in the future be, in leadership roles in other organizations whose interest may overlap with those of the SADC.

Chairman Fisher stated he would like to know if there is a solution where the SADC farmer member who serves on a CADB can be allowed to listen and observe an issue at the CADB level without voting or making any remarks, and then later voting on the matter if it comes to the SADC for review. Mr. Siegel stated that there is no way to determine that a CADB case will get to the SADC level so the farmer member will not know if they need to recuse themselves. Mr. Germano suggested Mr. Smith review what took place initially to cause this topic to be reviewed today.

Mr. Smith stated this issue arose as a result of the SADC soliciting stakeholder comments on the report the SADC was required to submit to the Governor regarding the preserved farm winery pilot law.

Ms. Payne stated that the issues of conflicts, recusals and the agency's supplemental ethics code arose during the orientation of the new SADC members. She explained that Mr. Norz, Mr. Bullock and Mr. Kumpel were briefed on the rules and policies and that led to the understanding that the supplemental code would prohibit farmer members from participating in discussion of Special Occasion Events (SOEs) recommendations to the legislature because all four SADC members are CADB members and participated in discussion on the same topic at the county level.

Chairman Fisher stated that the SADC wrote the supplemental ethics code and has the opportunity to change it and determine whether the revisions would be acceptable. He

questioned if an SADC member did not take an official vote at the CADB level, would that have some bearing on their case to vote at the SADC level.

Mr. Smith noted that any changes or amendments to the SEC would have to be cleared by the Attorney General's Office and the State Ethics Commission, and there is no guarantee that those offices would approve. Secondly, proposing a change to the supplemental code may result in a determination by the State Ethics Commission that the SADC's existing code is not strict enough.

Mr. Siegel agreed with Mr. Smith that changing what is already in place may backfire and cause more of an issue so he doesn't recommend it. Mr. Germano agreed with Mr. Siegel and Mr. Smith and commented that it's not necessary to seek any further advice outside of Mr. Smith's, as the Committee should make these types of decisions themselves.

Mr. Waltman commented that he is always careful to recuse on matters that he himself or the Watershed Institute is involved with and has never had issues doing this in the past.

Mr. Ellis and Mr. Bullock commented that farmer members should be able to give their opinions on certain matters at the county level so long as they are not directly involved in them. Mr. Schilling stated that this issue is a matter of interpretation that requires guidance from Mr. Smith, the Committee's Ethics Liaison Officer, to prevent any conflicts of interest. Mr. Smith explained that it is his sole responsibility to interpret whether he thinks something is wrong or if a litigation risk is posed to the Committee. He expressed that he wants to avoid any member being suspended, fined or permanently ejected from their state office. Chairman Fisher stated that there was a lot to learn on this topic today and it should be more clear to the Committee as to what the Supplemental Code of Ethics entails and all that is involved.

Mr. Norz asked to reserve the ability to discuss this subject again when the Committee convenes again in person. Secretary Fisher advised Mr. Norz that as a Committee member, he can bring a matter to the SADC for discussion at any meeting.

Public Comment

Mr. Smith stated that there was an email submitted to sadc@ag.state.nj.us at 9:30 a.m. by Mr. David Pierson, the neighbor and petitioner in the Brodhecker case. Mr. Smith read Mr. Pierson's email verbatim to the Committee. Chairman Fisher stated that the Brodhecker case was already voted on before this public comment was issued.

Ms. Winzinger noted that Mr. Brian Wilson, a public member who took part in the meeting today, emailed and said that he was able to view and hear the meeting very clearly and everything went well.

Mr. Siegel stated that most conservation operations have shut down and are waiting until the COVID-19 stay at home orders pass. He congratulated the staff on their impressive efforts to continue to have farmland preservation closings during these difficult times. Chairman Fisher thanked Ms. Payne and her staff for their hard work and efforts to conduct today's meeting.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday May 28, 2020

Remote Meeting

ADJOURNMENT

The meeting was adjourned at 12:01 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R4(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
Datz, Charles H. and Lopez-Pelayo, Laura L. ("Owners")
SADC ID#08-0208-PG
Harrison and Mantua Townships, Gloucester County
N.J.A.C. 2:76-17 et seq.**

April 23, 2020

WHEREAS, on August 24, 2018 it was determined that the application for the sale of a development easement for the subject farm identified as Block 28, Lot 2, Harrison Township and Block 265, Lot 11, Mantua Township, Gloucester County, totaling 57.4 gross surveyed acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes one (1) 2.002 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in 55.398 surveyed easement acres; and

WHEREAS, the Property has a .034 acre bridge maintenance easement that will not be covered by the deed of easement, resulting in 55.364 surveyed easement acres; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be restricted to one (1) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) zero (0) housing opportunities
- 2) zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 59.67 which exceeds 42, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 24, 2019 the SADC certified a development easement value of \$11,000 per acre based on zoning and environmental regulations in place as of the current valuation date September 18, 2018; 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, pursuant to N.J.A.C. 2:76-17.13, on August 19, 2019, the Harrison Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 19, 2019, the Mantua Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 21, 2019, the Gloucester County Agriculture Development Board passed a resolution granting final approval for the pre-acquisition of the development easement on the Property and for the submission to the SADC for cost share funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 19, 2019, the County of Gloucester passed a resolution granting final approval for the pre-acquisition of the development easement and a commitment of funding for \$11,000 per acre to cover the local cost share; and

WHEREAS, the County Board of Chosen Freeholders closed on the development easement on January 30, 2020 for \$609,004.00 (\$11,000 per acre) which was recorded on February 4, 2020 in the County Clerk's Office in Deed Book 6236, Page 228; and

WHEREAS, the estimated cost share breakdown is as follows (based on 55.364 surveyed acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$365,402.40	(\$6,600/acre)
County	\$243,601.60	(\$4,400/acre)
Total Easement Purchase	\$609,004.00	(\$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, the County is requesting \$365,402.40 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising 55.364 surveyed easement acres, at a State cost share of \$6,600 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$365,402.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. 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).
4. 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.
5. 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.
6. 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.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Preserved Farms and Active Applications Within Two Miles

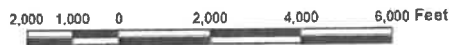


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Application within both the (PA4) Rural and the (PA3) Fringe Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Datz, Charles H.
Mantua Twp. - Block 265 Lot 11 (46.5 ac);
Harrison Twp. - Block 28 Lots P/O 2 (10.9 ac)
& P/O 2-EN (non-severable exceptions - 2.0 ac)
Gross Total = 59.4 ac
Gloucester County

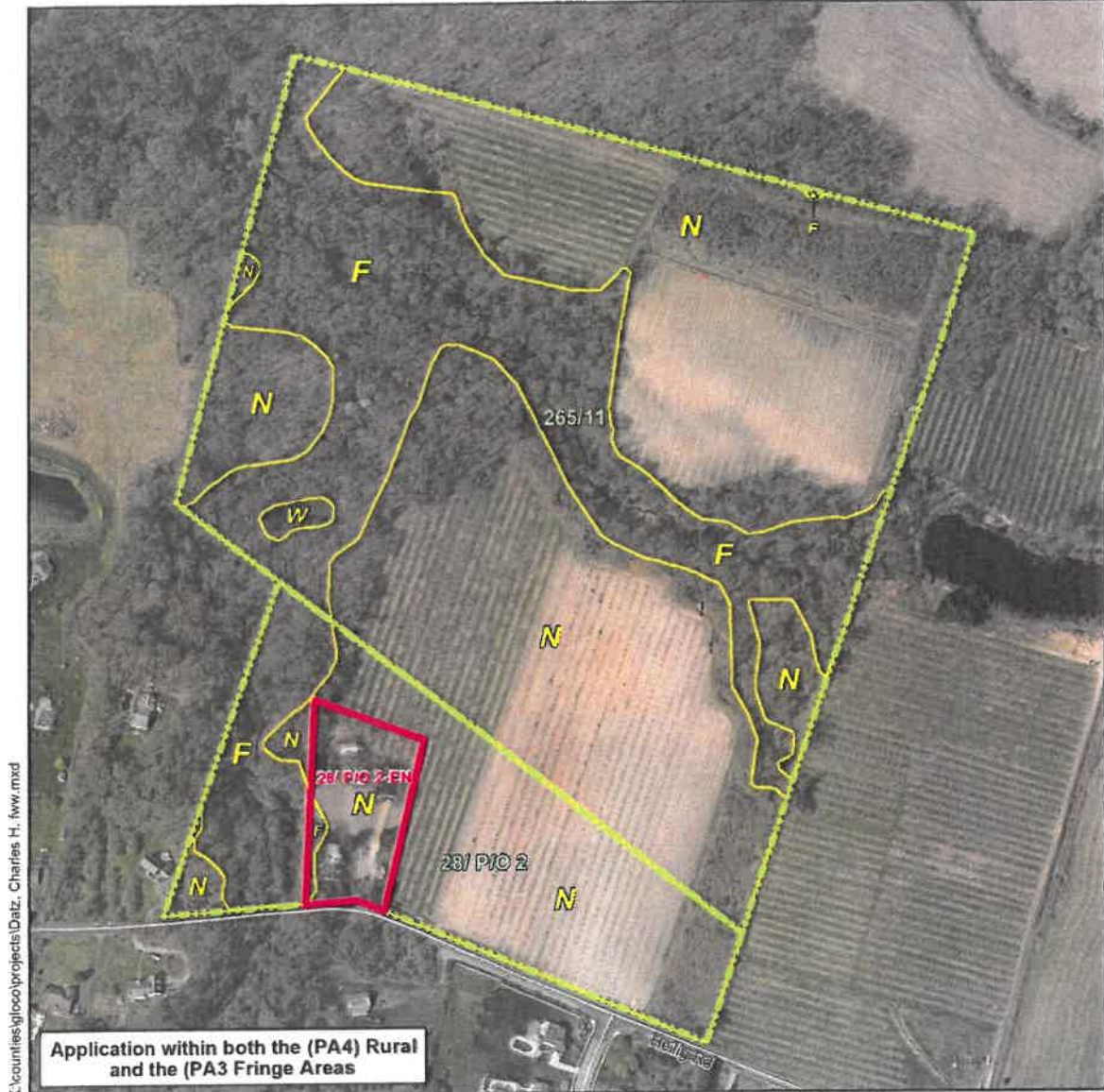


- Property in Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Transfer Development Rights (TDR)
Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit
Preserved Open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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/DGIS 2015 Digital Aerial Image
August 21, 2018

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

Wetlands



Application within both the (PA4) Rural and the (PA3) Fringe Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Datz, Charles H.
Mantua Twp. - Block 265 Lot 11 (46.5 ac);
Harrison Twp. - Block 28 Lots P/O 2 (10.9 ac)
& P/O 2-EN (non-severable exceptions - 2.0 ac)
Gross Total = 59.4 ac
Gloucester County



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

	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 - Total Wetlands
N - Non-Wetlands
B - 500 Buffer
W - Water

August 21, 2018

SADC County Financial Status
Schedule B

Gloucester County

SADC Item	Firm	Municipality	Acres	Pay Acres	SADC Granted or Replicated Per Acre	SADC Cost Basis	SADC Cost Share	Federal Grant	SADC Federal Grant	Base Grant				Competitive Funds				Fund Balance										
										Total	Encumbered	PV	Extended	Maximum Grant	Encumbered	PV	Extended		FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY19 Balance					
										Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 20	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 20	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 20							
06-0174-PG	SNI Run Properties, LLC #4	Hanover	42,890	42,890	8,900.00	483,225.00	295,941.00							295,941.00	295,941.00								3,142,236.38					
06-0174-PG	SNI Run Properties, LLC #5	Hanover	49,585	49,585	7,200.00	593,020.00	357,012.00							357,012.00	357,012.00								2,785,234.38					
06-0174-PG	Leons, Russell & Avril	Louis	43,300	41,520	6,240.00	530,425.00	293,998.80							293,998.80	293,998.80								2,801,297.98					
06-0184-PG	Stevon, Herbert & Stylades, George	Louis	59,350	58,920	6,000.00	693,458.00	334,932.00							334,932.00	334,932.00								2,665,326.59					
06-0178-PG	Muammet, Joseph, Victoria & Anna	Louis	29,478	29,478	5,995.00	274,126.80	154,476.00							154,476.00	154,476.00								2,001,949.59					
06-0167-PG	Haskell, Sherry (Estate)	Harrison	41,055	41,055	7,598.00	612,925.00	261,465.40							261,465.40	261,465.40								1,492,997.40					
06-0184-PG	Reynolds, Michelle	Harrison	32,440	32,440	8,880.00	458,173.00	183,143.84							183,143.84	183,143.84								1,243,846.58					
06-0184-PG	Teasdale, Dina E (Trust)	Louis	43,670	43,670	8,000.00	434,700.00	259,820.00							259,820.00	259,820.00								893,038.58					
06-0184-PG	Shogler, Linda	Louis	22,770	22,470	6,400.00	191,288.00	116,689.70							116,689.70	116,689.70								897,689.98					
06-0184-PG	Davis, Timothy & Michelle	Clayton Borough	43,430	41,680	6,880.00	693,440.00	293,396.90			18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	18,470.72	897,689.98					
06-0184-PG	Holly Area, LLC	Elk	26,929	26,929	6,900.00	603,400.00	263,396.90			1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	1,161.00	897,689.98					
06-0201-PG	Coughlin, Harold B.	South Harrison	21,070	21,070	6,000.00	148,109.50	65,493.90							65,493.90	65,493.90								1,901,997.43					
06-0201-PG	Reynolds, Heidi C.	Harrison	64,070	64,070	8,160.00	710,970.00	467,493.90							467,493.90	467,493.90								1,654,614.89					
06-0208-PG	Harris, Elizabeth A.	Harrison/Walton	54,070	54,070	8,160.00	847,978.70	347,292.84							347,292.84	347,292.84								1,654,614.89					
06-0208-PG	Davis, Charles H.	Harrison/Walton	58,360	58,360	11,000.00	939,004.00	395,402.40							395,402.40	395,402.40								1,654,614.89					
06-0208-PG	Carpenter, Lydia Janel	East Greenwich	20,180	20,080	7,000.00	237,388.80	141,654.88							141,654.88	141,654.88								1,654,614.89					
Total										35,174,841.54	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76	16,586,506.76					
Total										846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80	846,572.80		
Total										1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	1,900,000.00	
Total										446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11	446,498.11
Total										0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total										2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Datz, Charles H.
08- 0208-PG
County PIG Program
57 Acres

Block 265	Lot 11	Mantua Twp.	Gloucester County		
Block 28	Lot 2	Harrison Twp.	Gloucester County		
SOILS:		Other	53%	0	= 0.00
		Prime	22%	.15	= 3.30
		Statewide	25%	.1	= 2.50
					SOIL SCORE: 5.80
TILLABLE SOILS:		Cropland Harvested	48%	.15	= 7.20
		Wetlands/Water	28%	0	= .00
		Woodlands	24%	0	= .00
					TILLABLE SOILS SCORE: 7.20
FARM USE:	Deciduous Tree Fruit		12 acres		Peaches

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 (2.002) acres for Future single family residence
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-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 FY2020R4(5)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Lynda Juall Carpenito ("Owner")
SADC ID# 08-0209-PG
East Greenwich Township, Gloucester County
N.J.A.C. 2:76-17 et seq.**

April 23, 2020

WHEREAS, on September 14, 2018 it was determined that the application for the sale of a development easement for the subject farm identified as Block 1107, Lot 6, East Greenwich Township, Gloucester County, totaling 21.116 gross surveyed acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes one (1), 1 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in 20.116 net surveyed acres to be preserved; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be restricted to 1 future single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) zero (0) housing opportunities
- 2) zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 73.47 which exceeds 42, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, January 24, 2019 the SADC certified a development easement value of \$11,800 per acre based on zoning and environmental regulations in place as of the current valuation date October 16, 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$11,800 per acre for the development easement for the Property; and

WHEREAS, on March 5, 2020 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 11, 2020, the East Greenwich Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 21, 2019, the Gloucester County Agriculture Development Board passed a resolution granting final approval for the pre-acquisition of the development easement on the Property and for the submission to the SADC for cost share funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 19, 2020 the County of Gloucester passed a resolution granting final approval for the pre-acquisition of the development easement and a commitment of funding for \$ 11,800 per acre to cover the local cost share; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development easement on March 27, 2020 for \$237,368.80 (\$11,800 per acre) which was recorded on April 2, 2020 in the Gloucester County Clerk's Office in Deed Book 6264, Page 248; and

WHEREAS, there is a 0.080 acre encroachment from a fence line for the NJ Turnpike Authority that the SADC will not cost share on, however the County has covered the full purchase price on this area (\$944); and

WHEREAS, the estimated cost share breakdown is as follows (based on surveyed 20.116 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$141,854.88	(\$7,080/acre) (based on 20.036 acres due to encroachment)
<u>County</u>	<u>\$95,513.92</u>	<u>(\$4,720/acre) (+ \$944 to cover the encroachment)</u>
Total Easement Purchase	\$237,368.80	(\$11,800/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$141,854.88 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:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising 20.116 surveyed easement acres minus 0.080 encroachment acres, for 20.036 pay acres, at a State cost share of \$7,080 per acre, (60% of certified easement value and 59.73% of purchase price), for a total grant of approximately \$141,854.88 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. 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).
4. 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.
5. 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.
6. 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.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

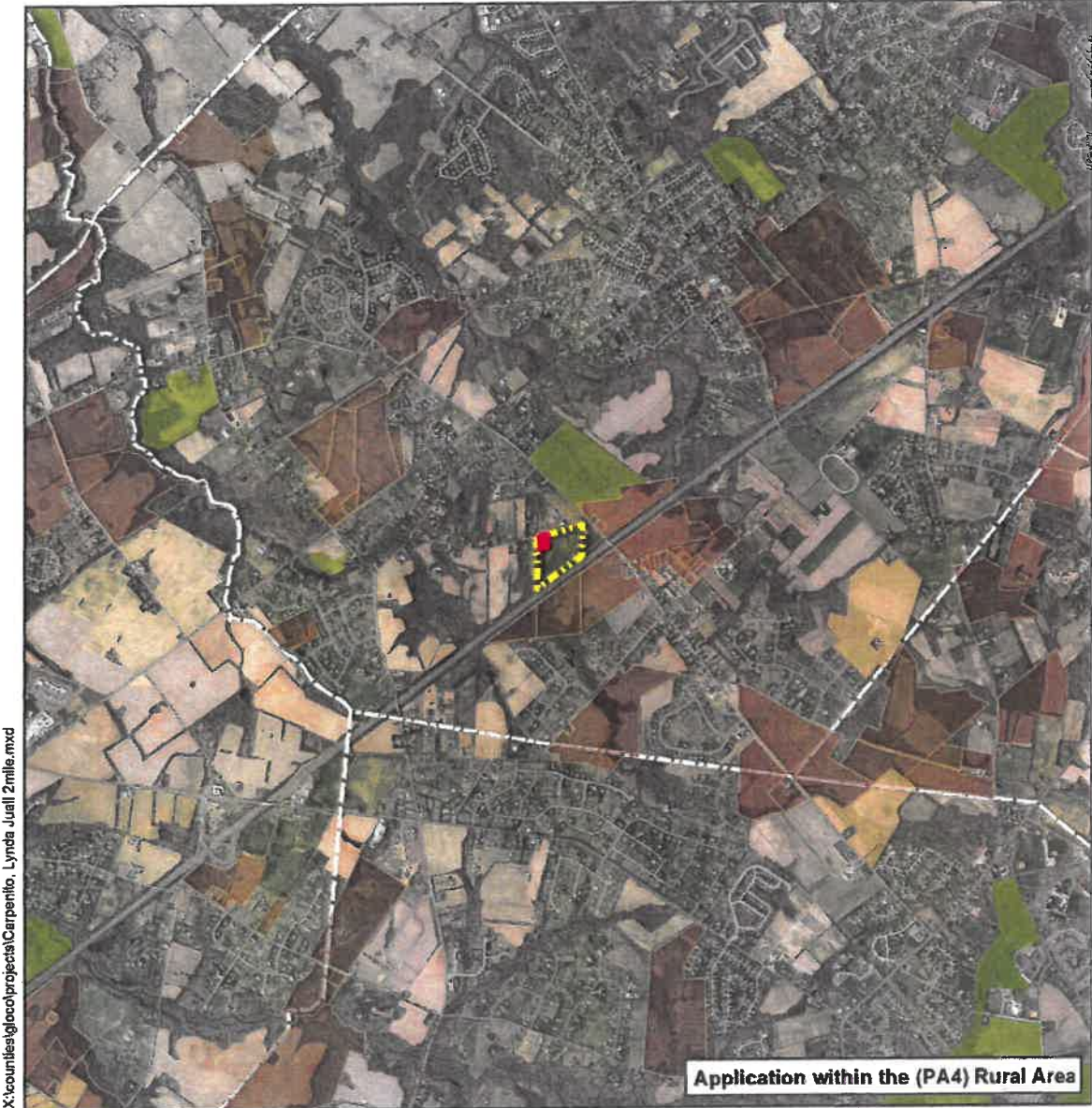
4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

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

Carpentito, Lynda Juall
Block 1107 Lots P/O 6 (21.2 ac);
& P/O 6-EN (non-severable exception - 1.0 ac)
Gross Total = 22.2 ac
East Greenwich Twp., Gloucester 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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PA0-US)
NJDOT/OGIS 2016 Digital Aerial Image

August 13, 2016

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

Wetlands



X:\counties\gloucester\projects\Carpentito, Lynda Juall fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Carpentito, Lynda Juall
Block 1107 Lots P/O 6 (21.2 ac);
& P/O 6-EN (non-severable exception - 1.0 ac)
Gross Total = 22.2 ac
East Greenwich Twp., Gloucester County

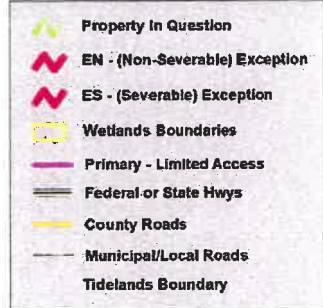


Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDEP Wetlands Data
NJOT&GIS 2015 Digital Aerial Image

TIDELANDS DISCLAIMER:
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Application within the (PA 4) Rural Area



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

August 31, 2016

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Carpenito, Lynda Juall
08- 0209-PG
County FIG Program
21 Acres

Block 1107	Lot 6	East Greenwich Twp.	Gloucester County	
SOILS:		Other	1% * 0	= .00
		Prime	82% * .15	= 12.30
		Statewide	17% * .1	= 1.70
				SOIL SCORE: 14.00
TILLABLE SOILS:		Cropland Harvested	95% * .15	= 14.25
		Wetlands/Water	.2% * 0	= .00
		Woodlands	4.8% * 0	= .00
				TILLABLE SOILS SCORE: 14.25
FARM USE:	Soybeans-Cash Grain		22 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for Future homestead
Exception is not to be severed 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: 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 FY2020R4(6)
FINAL REVIEW AND CONDITIONAL APPROVAL OF A PLANNING INCENTIVE
GRANT TO
WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Beatty, Carol (North) ("Owner")
SADC ID# 21-0614-PG
Greenwich Township, Warren County
N.J.A.C. 2:76-17 et seq.**

APRIL 23, 2020

WHEREAS, on October 4, 2018 it was determined that the application for the sale of a development easement for the subject farm identified as Block 26, Lot 31 and Block 27, Lot 2, Greenwich Township, Warren County, totaling approximately 85 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's Southeast Project Area and in the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 1 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 84 net acres to be preserved; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land.
- 2) Shall not be severed or subdivided from the Premises.
- 3) Shall be restricted to one (1) single family residential unit.
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) zero (0) housing opportunities.
- 2) zero (0) Residual Dwelling Site Opportunity (RDSO).
- 3) zero (0) agricultural labor units.
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 73.75 which exceeds 44, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the SADC Green Light Approval noted areas of concern in 2017 aerial imagery that were confirmed by onsite visits as erosion issues, and the landowner has been working with the Natural Resources Conservation Service (NRCS) on a remediation plan for the affected areas totaling approximately 3.4 acres (Schedule A and B); and

WHEREAS, the Owner and farmer have also coordinated and finalized a farm conservation plan prepared by the NRCS and signed by the Warren County Conservation District on February 21, 2020 which addresses conservation and farming practices on the entire farm; and

WHEREAS, this final approval and SADC cost share grant to Warren County are conditioned on effective remediation of the erosion and stabilization of the ~3.4 acre area no later than twelve months after closing on the easement and evidence provided to the SADC confirming it's completion; and

WHEREAS, if the erosion is not remediated within twelve months after closing on the easement purchase it may be considered a violation of the Deed of Easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 26, 2019 the SADC certified a development easement value of \$8,800 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$2,300 per acre based on zoning and environmental regulations in place as of the current valuation date December 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$8,800 per acre for the development easement for the Property; and

WHEREAS, on June 27, 2019 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 20, 2019, the Greenwich Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 20, 2020, the 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, 2020, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$3,500 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, 86.52 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 86.52 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$458,556	(\$5,300/acre)
Warren County	\$302,820	(\$3,500/acre)
Total Easement Purchase	\$761,376	(\$8,800/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$13,192.80 in base grant and \$445,363.20 in competitive grant funding, which is available at this time (Schedule C); 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:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 86.52 net easement acres, at a State cost share of \$5,300 per acre, (60.23% of certified easement value and purchase price), for a total grant of approximately \$458,556 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D).
3. 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).
4. 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.
5. 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.
6. 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.

7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

4/23/2020

Date

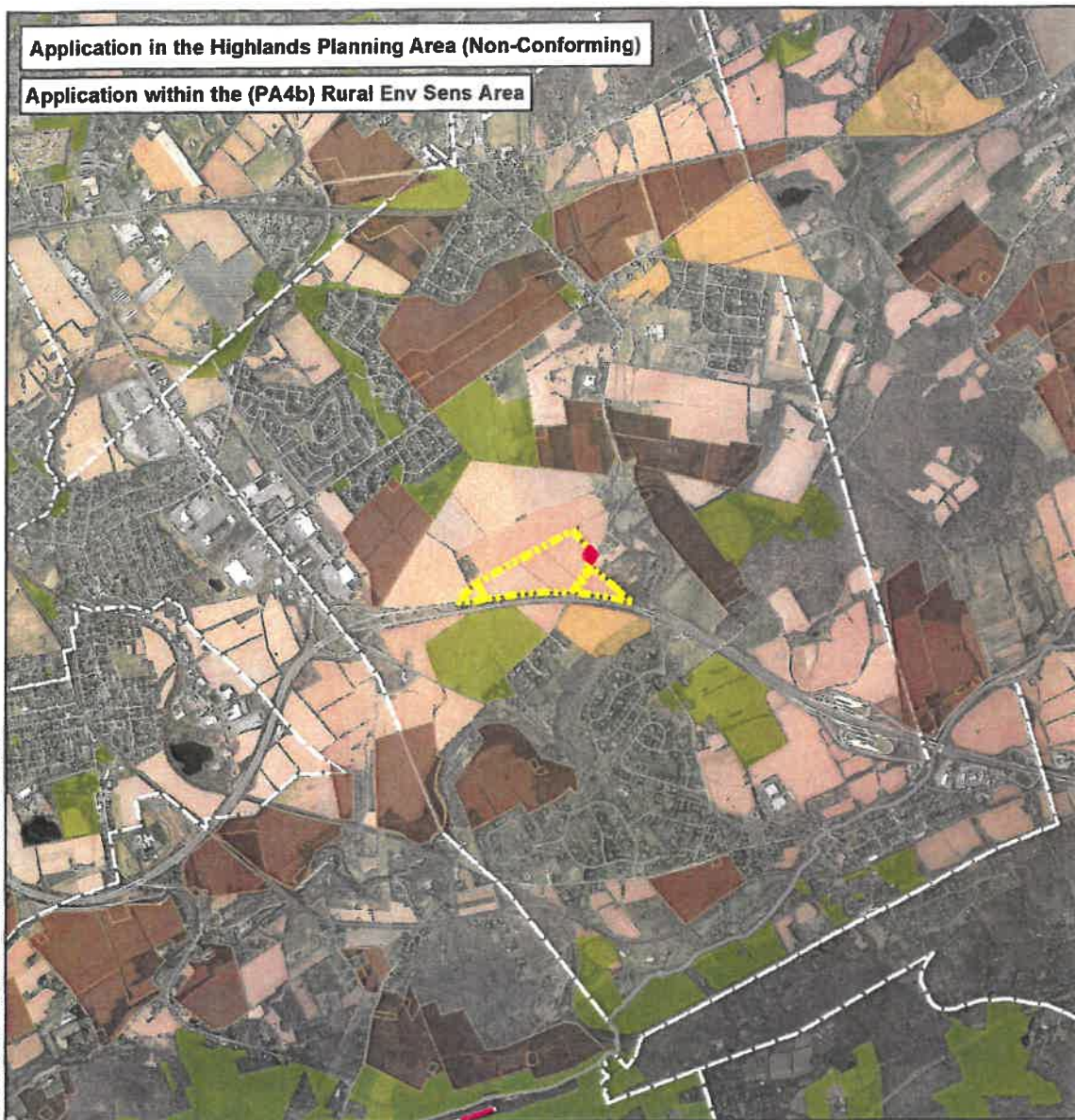


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Preserved Farms and Active Applications Within Two Miles



X:\counties\warco\projects\Beatty, Carol A. (North) 2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Beatty, Carol A. (North)
 Block 26 Lots P/O 31 (67.1 ac)
 & P/O 31-EN (non-severable exception - 1.0 ac) & 40 (4.5 ac)
 Block 27 Lot 2 (12.4 ac)
 Gross Total - 85.0 ac
 Greenwich Twp., Warren County



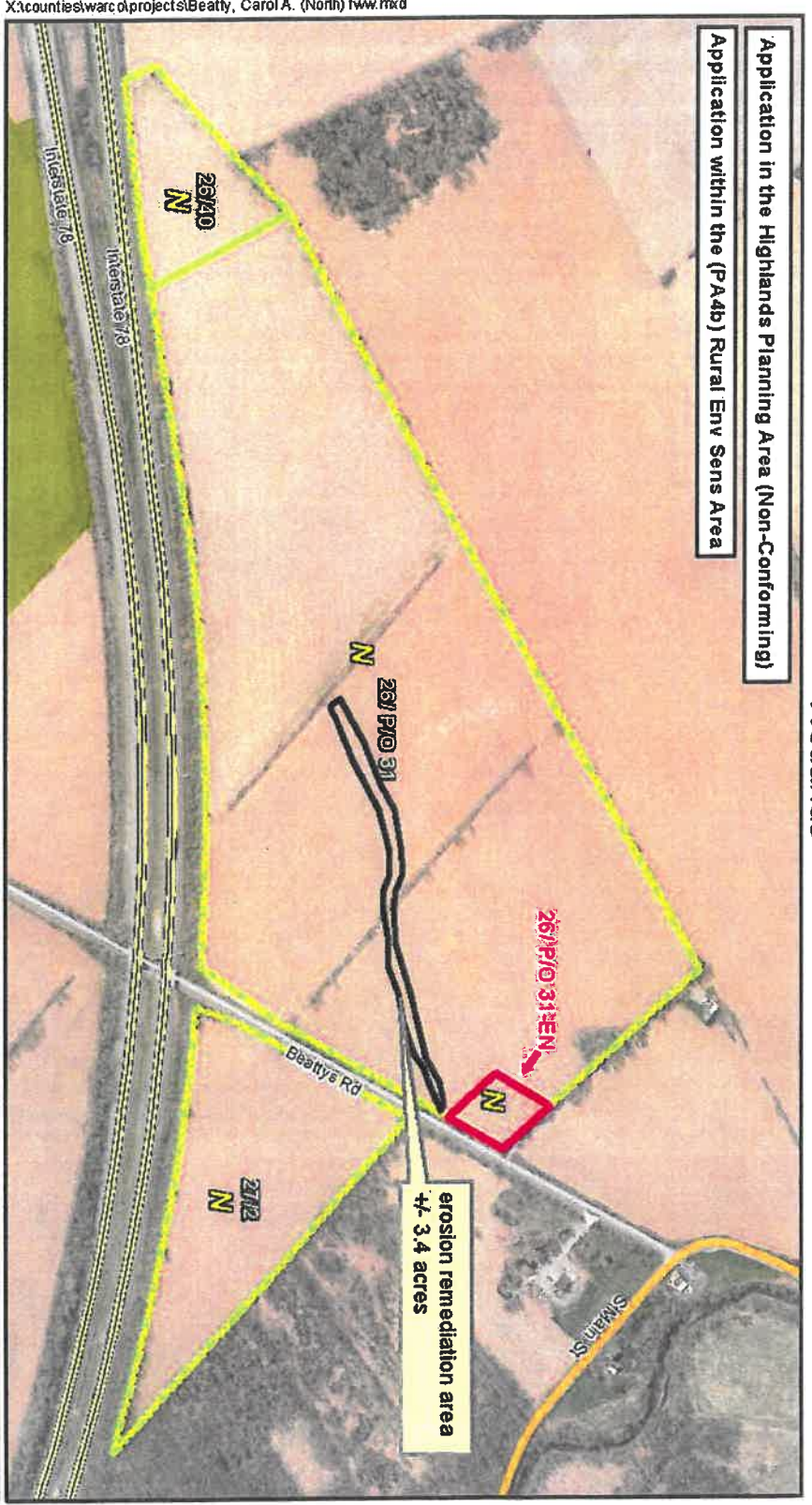
Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJOIT/OGIS 2015 Digital Aerial Image

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

September 5, 2016

Wetlands

Application in the Highlands Planning Area (Non-Conforming)
Application within the (PAD) Rural Env Sens Area



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Beatty, Carol A. (North)
Block 26 Lots P/O 31 (67.1 ac)
& P/O 31-EN (non-severable exception - 1.0 ac) & 40 (4.5 ac)
Block 27 Lot 2 (12.4 ac)
Gross Total - 85.0 ac
Greenwich Twp., Warren County



Sources:
NJ Farmland Preservation Program
NJ State Agriculture Development Committee
NJ Highway Cost Aid Data
NJDOT Road Data
NJDOT GIS Data



Property In Question	
	EH - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

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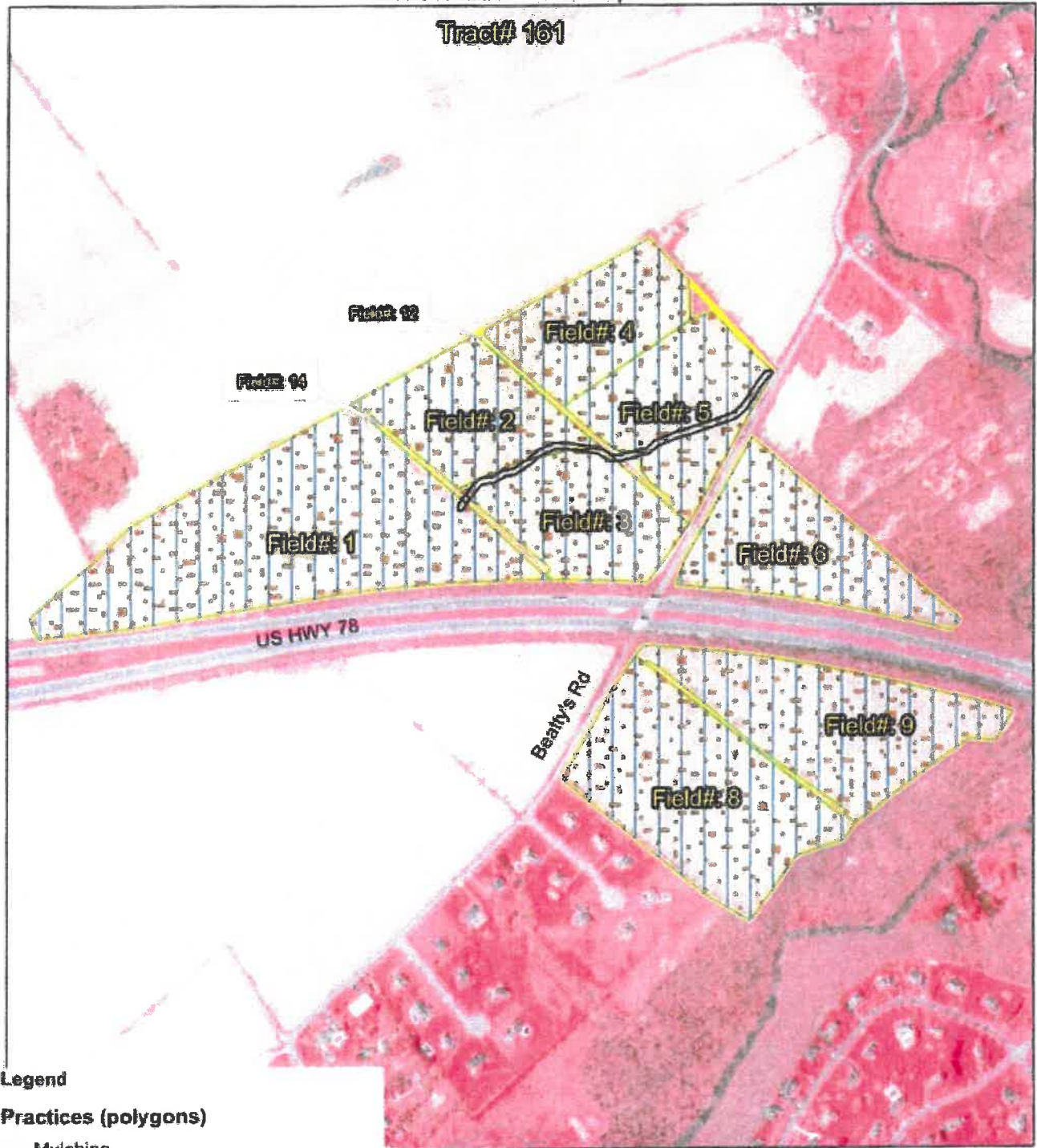
Version: 5.2018

Date: 2/6/2020
Customer(s): ROBERT A SANTINI
Farm # 3623 Tract # 161

Field Office: HACKETTSTOWN SERVICE CENTER
Agency: USDA-NRCS
Assisted By: DAVID SCHAAF







Conservation Plan Map



Legend

Practices (polygons)

- Mulching
-  Critical Area Planting
-  Residue and Tillage Management, No Till
-  Conservation Crop Rotation
-  RSantiniConsPlan



1 in = 660 ft

Basemap: 2015 CIR aerial Photo

Prepared with assistance from USDA-Natural Resources Conservation Service



State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Beatty, Carol A. (North)
21- 0614-PG
County PIG Program
84 Acres

Block 26	Lot 31	Greenwich Twp.	Warren County		
Block 26	Lot 40	Greenwich Twp.	Warren County		
Block 27	Lot 2	Greenwich Twp.	Warren County		
SOILS:		Other	84 * 0	=	.00
		Prime	84 * .15	=	12.60
		Statewide	194 * .1	=	1.90
					SOIL SCORE: 13.90
TILLABLE SOILS:		Cropland Harvested	884 * .15	=	14.70
		Woodlands	24 * 0	=	.00
					TILLABLE SOILS SCORE: 14.70
FARM USE:	No Value Selected		122 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for Future single family residential unit
Exception is not to be severed from Premises
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:
 1. This final approval and SADC cost share grant are conditioned upon effective remediation of the erosion and stabilization of the area, subject to SADC staff approval, prior to closing; or a signed contract with the NRCS and/or Farm Service Agency that assures Farm Bill conservation programs will remediate the erosion and stabilize the area.
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c. 32, 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 FY2020R4(7)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
MANINGTON TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Moore, Earl B. & Robert (“Owners”)
SADC ID#17-0212-PG
Mannington Township, Salem County
N.J.A.C. 2:76-17A. et seq.**

April 23, 2020

WHEREAS, on February 19, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 4, Lot 12, Mannington Township, Salem County, totaling approximately 24.1 gross acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

WHEREAS, the Owners read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

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

WHEREAS, the Property includes no exception areas resulting in approximately 24.1 gross acres to be preserved; and

WHEREAS, the Property includes:

- 1) zero (0) exceptions,
- 2) zero (0) housing opportunities
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, there is an existing 10’ wide right-of-way for ingress and egress to Lot 12.01 which was created when the will of Mary B. Moore was probated and her real estate holdings were divided among family in 1991; and

WHEREAS, this final approval is conditioned upon the creation and SADC review of a right-of-way agreement which shall be recorded prior to or at closing in order to clarify the permitted uses within the right-of-way; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 27, 2019, the SADC certified a development easement value of \$6,300 per acre based on zoning and environmental regulations in place as of the current valuation date April 8, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township’s offer of \$6,300

per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 25, 2019, the Mannington Township Committee approved the application for the sale of development easement and a funding commitment of \$1,125 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the 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. 2:76-17A.13 on December 4, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$1,125 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 24.1 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$97,605.00	(\$4,050/acre)
Mannington Township	\$27,112.50	(\$1,125/acre)
<u>Salem County</u>	<u>\$27,112.50</u>	<u>(\$1,125/acre)</u>
Total Easement Purchase	\$151,830	(\$6,300/acre)

WHEREAS, the Township is requesting \$4,050 per acre or approximately \$97,605 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:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 24.1 gross easement acres, at a State cost share of \$4,050 per acre, (64.29% of certified easement value and purchase price), for a total grant of approximately \$97,605 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

3. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.
4. The SADC will be providing its grant directly to Salem County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
5. 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, and streams or water bodies on the boundaries as identified in Policy P-3-C.
6. An easement in recordable form clarifying the uses of the 10' right-of-way shall be prepared by the Owners for review and approval by the SADC.
7. All survey, title and all additional documents, including the right-of-way agreement, required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

4/23/2020

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Wetlands



X:\counties\sa\cdg\proj\sa\Wetlands_EarlB_Jr & Robert_New.mxd

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

Moore, Earl B Jr & Robert
Block 4 Lot 12 (25.8 ac)
Gross Total = 25.8 ac
Mannington Twp., Salem County



Acronyms:
 NJ Farmland Preservation Program
 Grassy Acres Conservation Easement Data
 Protected Areas Database of the United States (PADUS)
 NAD83 North Carolina
 NAD83/USGS 2013 Digital Aerial Image

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 hard copy records are valid. No warranty is made as to the accuracy or completeness of the data. The
 State of New Jersey and its agencies do not warrant the accuracy or completeness of the data. The
 State of New Jersey and its agencies do not warrant the accuracy or completeness of the data.

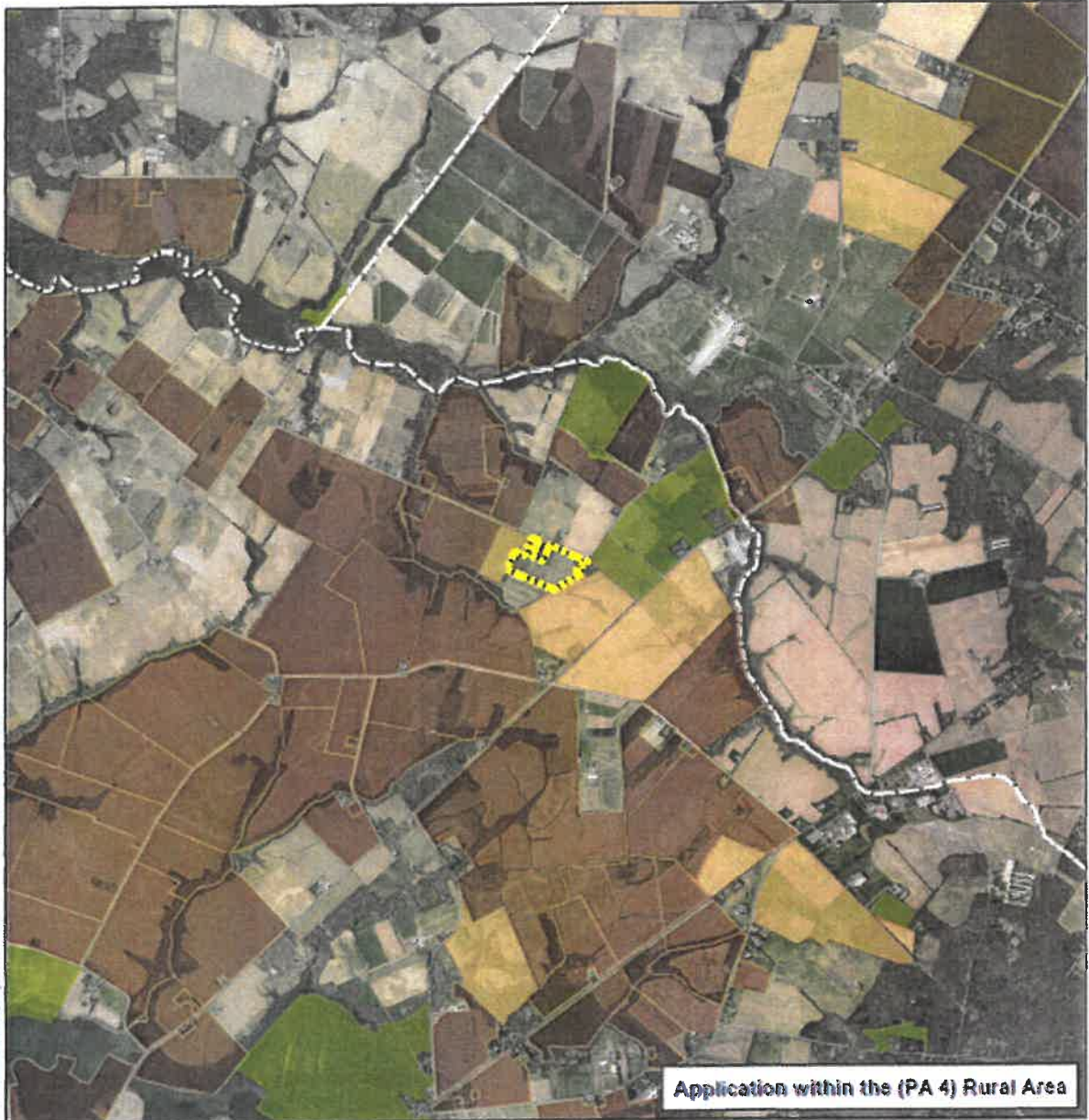
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 intended to be relied upon in making decisions. The accuracy and location of the ground
 features on this map may differ from the actual ground features. The accuracy and location of the ground
 features on this map may differ from the actual ground features.

	Property in Question
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Tidelands Boundary
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O&S & Recreation Easements

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

February 13, 2019

Preserved Farms and Active Applications Within Two Miles

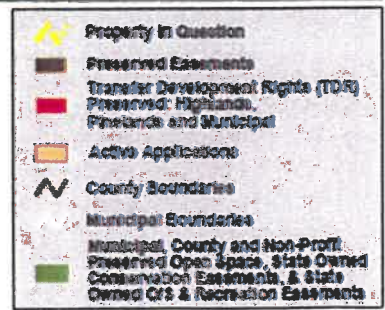


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Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Moore, Earl B Jr & Robert
Block 4 Lot 12 (25.8 ac)
Gross Total = 25.6 ac
Mannington Twp., Salem County



Source:
Soil and Water Conservation Program
Green Acres Conservation Easement Data
Pinelands Area, Database of the United States (PAO-US)
NAD 83/2011 Digital North Arrow

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

February 15, 2015

SADC Municipal Pig Financial Status Schedule B

Mannington Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant									
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 18	Fiscal Year 19	Encumbered	PV	Expended	Balance	
17-0203-PG	Duffy, Diane Carol & Paul Charles (L. 16.03)	24.8000	24.8000	5,100.00	2,400.00	126,480.00	59,520.00	66,960.00	26,040.00	59,520.00	1,000,000.00	-	-	-	-	-	940,480.00		
17-0202-PG	Holladay, Charlotte	19.5600	19.5600	5,900.00	3,850.00	115,522.00	75,383.00	66,960.00	26,040.00	74,266.50	75,383.00	75,383.00	75,383.00	75,383.00	865,097.00	-	-		
17-0212-PG	Moore, Earl B. Jr. and Robert	24.1000	24.1000	6,300.00	4,050.00	151,830.00	97,605.00	66,960.00	26,040.00	97,605.00	767,492.00	-	-	-	-	-	767,492.00		
Closed		19.5600	19.5600			115,522.00	75,383.00	66,960.00	26,040.00	66,960.00	66,960.00	66,960.00	66,960.00	66,960.00	66,960.00	-	-		
Encumbered		48.9000	48.9000			278,310.00	157,125.00	66,960.00	26,040.00	97,605.00	767,492.00	-	-	-	-	-	767,492.00		
											Encumber/Expended FY09		-	-	-	-	-	-	-
											Encumber/Expended FY11		-	-	-	-	-	-	-
											Encumber/Expended FY13		-	-	-	-	-	-	-
											Encumber/Expended FY18		157,125.00	75,383.00	75,383.00	75,383.00	267,492.00	500,000.00	767,492.00
											Encumber/Expended FY19		-	-	-	-	-	-	-
											Total		157,125.00	75,383.00	75,383.00	75,383.00	267,492.00	500,000.00	767,492.00

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Moore, Earl B. Jr. & Robert
17- 0212-PG
PIG EP - Municipal 2007 Rule
26 Acres

Block 4	Lot 12	Mannington Twp.	Salem County
SOILS:		Statewide	100% * .1 = 10.00
			SOIL SCORE: 10.00
TILLABLE SOILS:		Cropland Harvested	96% * .15 = 14.40
		Other	3% * 0 = .00
		Wetlands/Water	1% * 0 = .00
			TILLABLE SOILS SCORE: 14.40
FARM USE:	Hay		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: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. Existing 10' right-of-way for ingress & egress for Lot 12.01 in deed
 - 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 #FY2020R4(8)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Kelly et al (Powers) ("Owners")

April 23, 2020

Subject Property: **Kelly et al (Powers) ("Owners")**
Block 22, Lot 12 & Block 24, Lot 2
Pilesgrove Township, Salem County
SADC ID#17-0350-DE
Approximately 159.4 Net Easement Acres

WHEREAS, on June 6, 2019, the State Agriculture Development Committee ("SADC") received a development easement sale application from Elizabeth F., Susan M., & Patricia N. Kelly, William F. Kelly, III, Kelly Holdings, LLC, & Kelly Real Estate Holdings, LLC, hereinafter "Owners," identified as Block 22, Lot 12, and Block 24, Lot 2, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 159.4 gross acres, with an estimated 6.63 acres in border water, resulting in 152.77 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 Owners read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises for Non-Contiguous Parcels, and Non-Agricultural Uses; and

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 148.77 net acres to be preserved; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be restricted to one single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) One (1) Residual Dwelling Site Opportunity (RDSO)
- 2) zero (0) agricultural labor units
- 3) no pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in hay and soybean production;
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 26, 2018, 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 62) because it is approximately 148.77 acres and has a quality score of 75.1; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 23, 2020 the SADC certified a development easement value \$5,700 per acre based on zoning and environmental regulations in place as of the current valuation date October 23, 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$5,700 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:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,700 per acre for a total of approximately \$847,989 subject to the conditions contained in (Schedule B).
3. 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.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.

5. 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.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

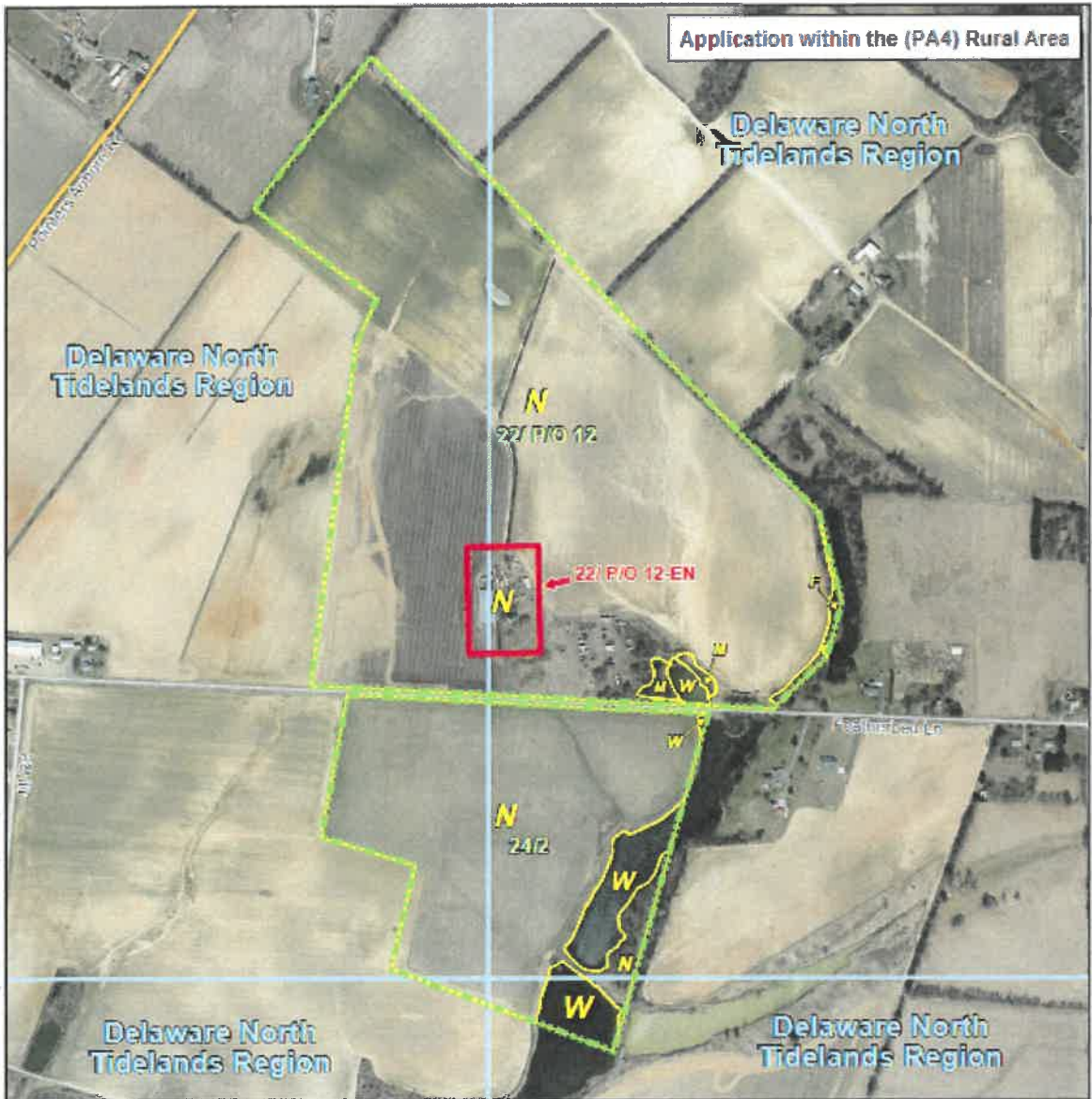
4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Wetlands



X:\proj\1115\1115001\1115001.dwg (Project 11) Rev 04/10

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Kelly et al (Powers)
Block 24 Lot 2 (48.0 ac), Block 22 Lots P/O 12 (107.4 ac)
& P/O 12-EN (non-severable exception - 4.0 ac)
Gross Total = 159.4 ac
Pilesgrove Twp., Salem County



Legend:
 [Green dashed line] Property in Question
 [Red dashed line] EN - (Non-Severable) Exception
 [Yellow dashed line] Wetlands Boundaries
 [Pink dashed line] Primary - Limited Access
 [Blue dashed line] Federal or State Hwys
 [Orange dashed line] County Roads
 [Grey dashed line] Municipal/Local Roads
 [Black dashed line] Tideland Boundary

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Wetlands Legend:
 P - Pasture
 N - Non-Severable
 W - Wetlands
 M - Marsh
 S - Shrubland
 A - Aquatic
 U - Upland

Preserved Farms and Active Applications Within Two Miles



X:\data\GIS\GISProjects\GIS\PA 4\PA 4.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kelly et al (Powers)
 Block 24 Lot 2 (48.0 ac); Block 22 Lots P/O 12 (107.4 ac);
 & P/O 12-EN (non-severable exception - 4.0 ac)
 Gross Total = 159.4 ac
 Pilesgrove Twp., Salem County



- Property in Question
- D Exception
- Streamed Landfill
- Streamed Development Rights (UDR)
- Streamed Highlands, Highlands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit
Streamed Open Space, State Owned
Conservation Easements, & State
Owned GIS & Topographic Boundaries



Source:
 NJ Farmland Preservation Program
 State Data Acquisition Services Corp
 Protected Open Space of the United States (POSS)
 H2001/2002 200-000000000000

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kelly et al (Powers)
Easement Purchase - SADC
155 Acres

Block 22	Lot 12	Pilesgrove Twp.	Salem County		
Block 24	Lot 2	Pilesgrove Twp.	Salem County		
SOILS:		Local	69% *	.05	= 2.45
		Other	6% *	0	= .00
		Prime	24 *	.15	= .30
		Statewide	42% *	.1	= 4.20
				SOIL SCORE:	7.05
TILLABLE SOILS:		Cropland Harvested	89% *	.15	= 13.35
		Other	10% *	0	= .00
		Wetlands/Water	1% *	0	= .00
				TILLABLE SOILS SCORE:	13.35
FARM USE:		Hay	27 acres		
		Soybeans-Cash Grain	58 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ies) 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 four (4) acres for Existing residence and buildings
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R4(9)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Kelly et al. (Sharp) ("Owners")

April 23, 2020

Subject Property: **Kelly et al. (Sharp) ("Owners")**
Block 21, Lot 11
Pilesgrove Township, Salem County
SADC ID#:17-0351 -DE
Approximately 116.2 Net Easement Acres

WHEREAS, on June 3, 2019, the State Agriculture Development Committee ("SADC") received a development easement sale application from Elizabeth F., Susan M., & Patricia N. Kelly, William F. Kelly, III, Kelly Holdings, LLC, & Kelly Real Estate Holdings, LLC, hereinafter "Owners," identified as Block 21, Lot 11, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 120.2 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 Owners read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 116.2 net acres to be preserved; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be restricted to one single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) one (1) Residual Dwelling Site Opportunity (RDSO)
- 2) zero (0) agricultural labor units
- 3) no pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in soybean production; 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 26, 2018, 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 62) because it is approximately 116.2 acres and has a quality score of 75.43; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 23, 2020 the SADC certified a development easement value \$5,800 per acre based on zoning and environmental regulations in place as of the current valuation date October 23, 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$5,800 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:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,800 per acre for a total of approximately \$673,960 subject to the conditions contained in (Schedule B).
3. 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.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. 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.

6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

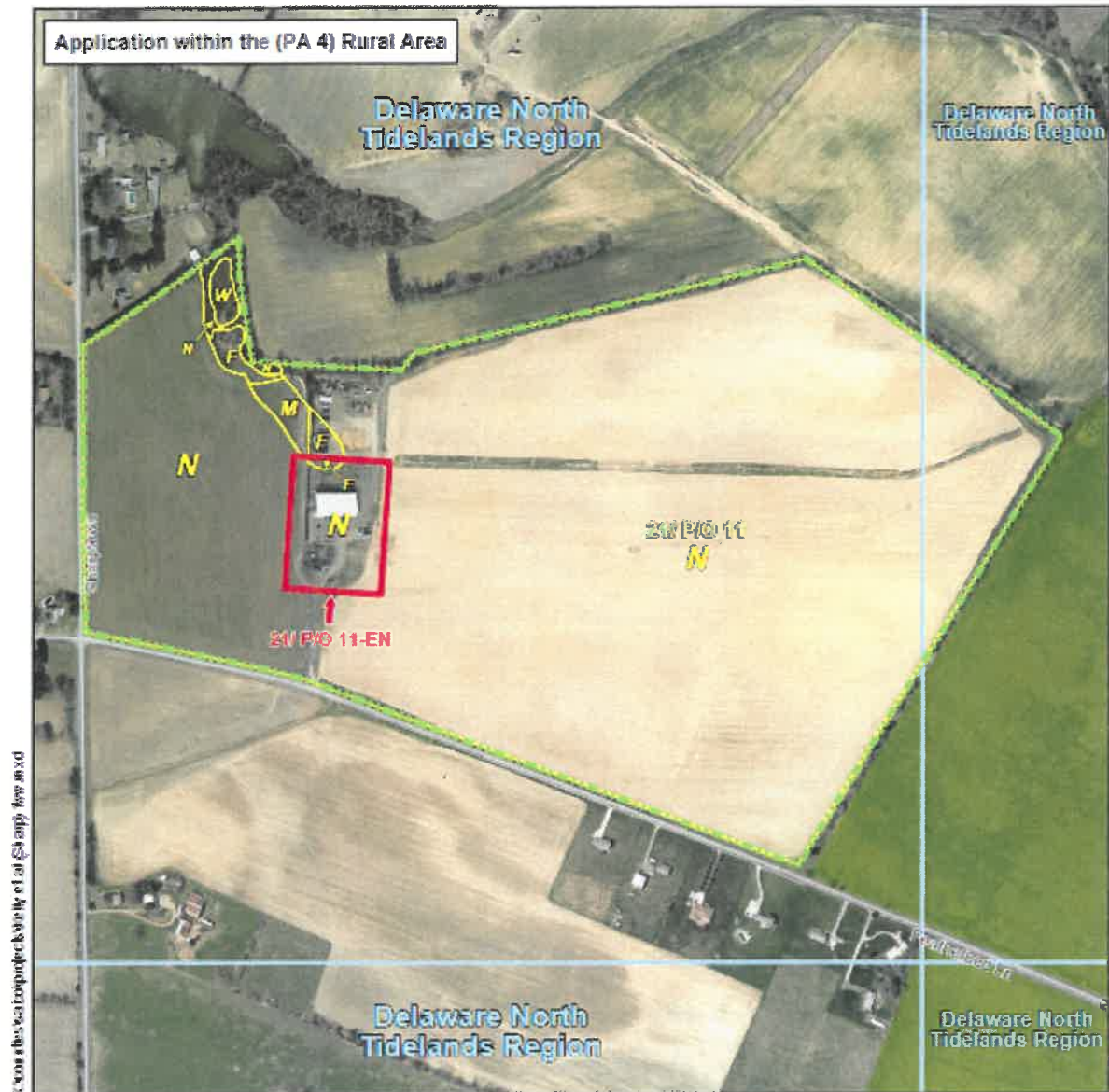
4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kelly et al (Sharp)
 Block 21 Lots P/O 11 (118.2 ac)
 & P/O 11-EN (non-severable exception - 4.0 ac)
 Gross Total = 120.2 ac
 Pilesgrove Twp., Salem County



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

© 2014 NJ State Agriculture Development Committee
 Open Joint Cooperation Agreement
 Farmland Preservation Program
 1000 Morris Ave. Dept. of Agriculture
 Trenton, NJ 08646

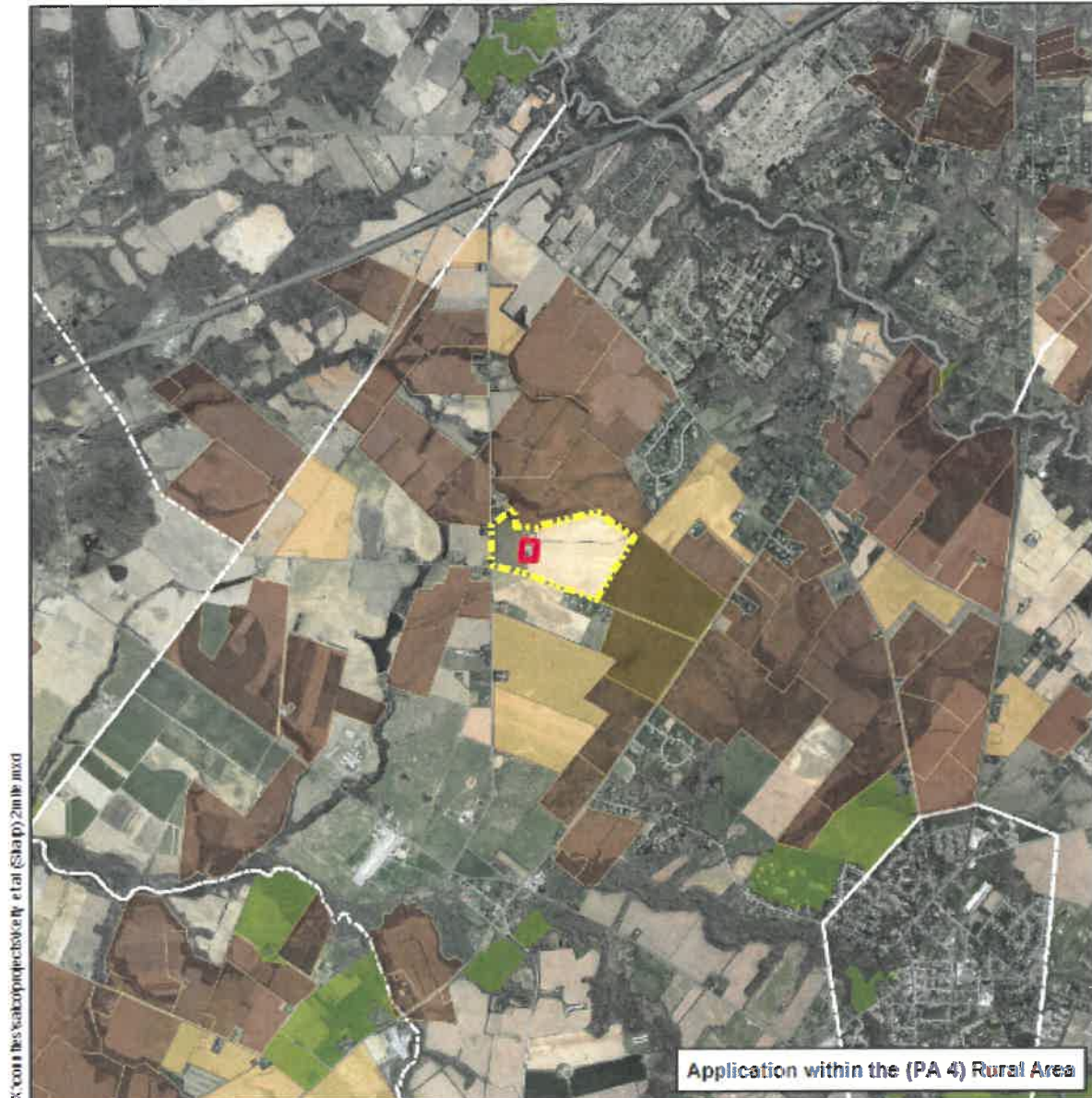
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 The other features depicted on this map are derived from the NJDEP's 2014 Wetlands Data (Wetlands Data Base).
 These data features are not intended for regulatory purposes and should not be used as a general reference. Only NJDEP's Bureau
 of Wetlands Management can perform an official determination of Wetlands boundaries.

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Wetlands Legend:
 F - Freshwater Wetlands
 S - Saltwater Wetlands
 M - Wetlands Modified for Agriculture
 N - Natural Wetlands
 W - Water

Preserved Farms and Active Applications Within Two Miles



X:\courthel\kelly\proj\kelly et al (Sharp) 2mle.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kelly et al (Sharp)
 Block 21 Lots P/O 11 (116.2 ac)
 & P/O 11-EN (non-severable exception - 4.0 ac)
 Gross Total = 120.2 ac
 Pilesgrove Twp., Salem County



Source:
 NJ Farmland Preservation Program
 Green Acres Conservation Database/Map
 Preserved Open Space of the United States (POUS)
 NOAA/USGS 30m Digital Aerial Image

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

June 10, 2015

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kelly et al (Sharp)
Easement Purchase - SADC
116 Acres

Block 21	Lot 11	Pilesgrove Twp.	Salem County		
SOILS:					
		Other	179 *	0 = .00	
		Prime	581 *	.15 = 8.70	
		Statewide	251 *	.1 = 2.50	
				SOIL SCORE:	11.20
TILLABLE SOILS:					
		Cropland Harvested	961 *	.15 = 14.40	
		Other	21 *	0 = .00	
		Wetlands/Water	21 *	0 = .00	
				TILLABLE SOILS SCORE:	14.40
FARM USE:					
		Soybeans-Cash Grain	99 acres		
		Hay	22 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 four (4) acres for For an existing single family residential unit and barn
 - Exception is not to be severable from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R4(10)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
The Land Conservancy of New Jersey (TLCNJ)
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Rogers, Daniel & Flaherty, Sioban (Hidden Woods) ("Owners")
FY20 Non Profit Round - SADC #21-0042-NP**

APRIL 23, 2020

WHEREAS, on April 5, 2019 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the Rogers, Daniel & Flaherty, Sioban (Hidden Woods) farm identified as Block 601, Lots 1, 1.01, & 2, Frelinghuysen Township, Warren County, totaling approximately 105.66 gross acres hereinafter referred to as "Property" (Schedule A); and

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

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

WHEREAS, the original application and SADC certification included two (2), 0.75 acre nonseverable exception areas, which the landowner has requested to increase to 1 acre and the SADC review appraiser indicated these changes have no impact on the value certification; and

WHEREAS, the Property includes two (2), approximately 1 acre non-severable exception areas for existing single family residential units and to afford future flexibility for nonagricultural uses; and

WHEREAS, the Property also includes one (1), approximately 1 acre non-severable exception area for the existing farm market and to afford future flexibility for nonagricultural uses, resulting in approximately 102.66 net acres to be preserved; and

WHEREAS, the 2 residential Exception Areas (Labelled A & B on Schedule B):

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land.
- 2) Shall not be severed or subdivided from the Premises.
- 3) Shall be restricted to one (1) single family residential unit.
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the third Exception Areas (Labelled C on Schedule B):

- 5) Shall not be moved to another portion of the Premises and shall not be swapped with other land.
- 6) Shall not be severed or subdivided from the Premises.
- 7) Shall be restricted to zero (0) single family residential units.
- 8) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) zero (0) housing opportunities
- 2) zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, on June 27, 2019 the SADC granted preliminary approval by Resolution #FY2019R6(1) to the Nonprofit application and appropriated \$933,875 for the acquisition of development easement on five farms including the Rogers farm; and

WHEREAS, at this time none of the appropriated money has been encumbered; and

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

WHEREAS, the Property has a quality score of 46.64 which is greater than 70% of the County average quality score of 44 as determined by the SADC, at the time the application was submitted; and

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

WHEREAS, on January 23, 2020 the SADC acknowledged the development easement value of the Property to be \$4,150 per acre based on current zoning and environmental regulations in place as of October 2019; and

WHEREAS, the SADC advised TLCNJ of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of TLCNJ's eligible costs and subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on February 10, 2020, TLCNJ informed the SADC that it will accept the SADC cost share of \$2,075 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ on September 10, 2019 and will provide 50% matching funds from Warren County for TLCNJ's easement acquisition on the Rogers farm and agreed to accept assignment of the development easement from TLCNJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 102.66 acres is as follows:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$213,019.50	(\$2,075/acre or 50% total cost)
Warren County	\$213,019.50	(\$2,075/acre or 50% total cost)
Total Easement Purchase	\$426,039.00	(\$4,150/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its FY20 appropriation and subject to the availability of funds; and

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

WHEREAS, TLCNJ will assign the Deed of Easement to the County immediately after closing on the Deed of Easement; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to TLCNJ for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. The SADC approves the assignment of the Deed of Easement from TLCNJ to Warren County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
4. The SADC shall provide a cost share grant not to exceed \$2,075 per acre (total of approximately \$213,019.50 based on 102.66 acres) to TLCNJ for the development easement acquisition on the Property, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule C).
6. The SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1.
7. The SADC's cost share grant to TLCNJ for the development easement purchase on the Property shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement.

8. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLCNJ for the acquisition of a development easement on the Property.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey..
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

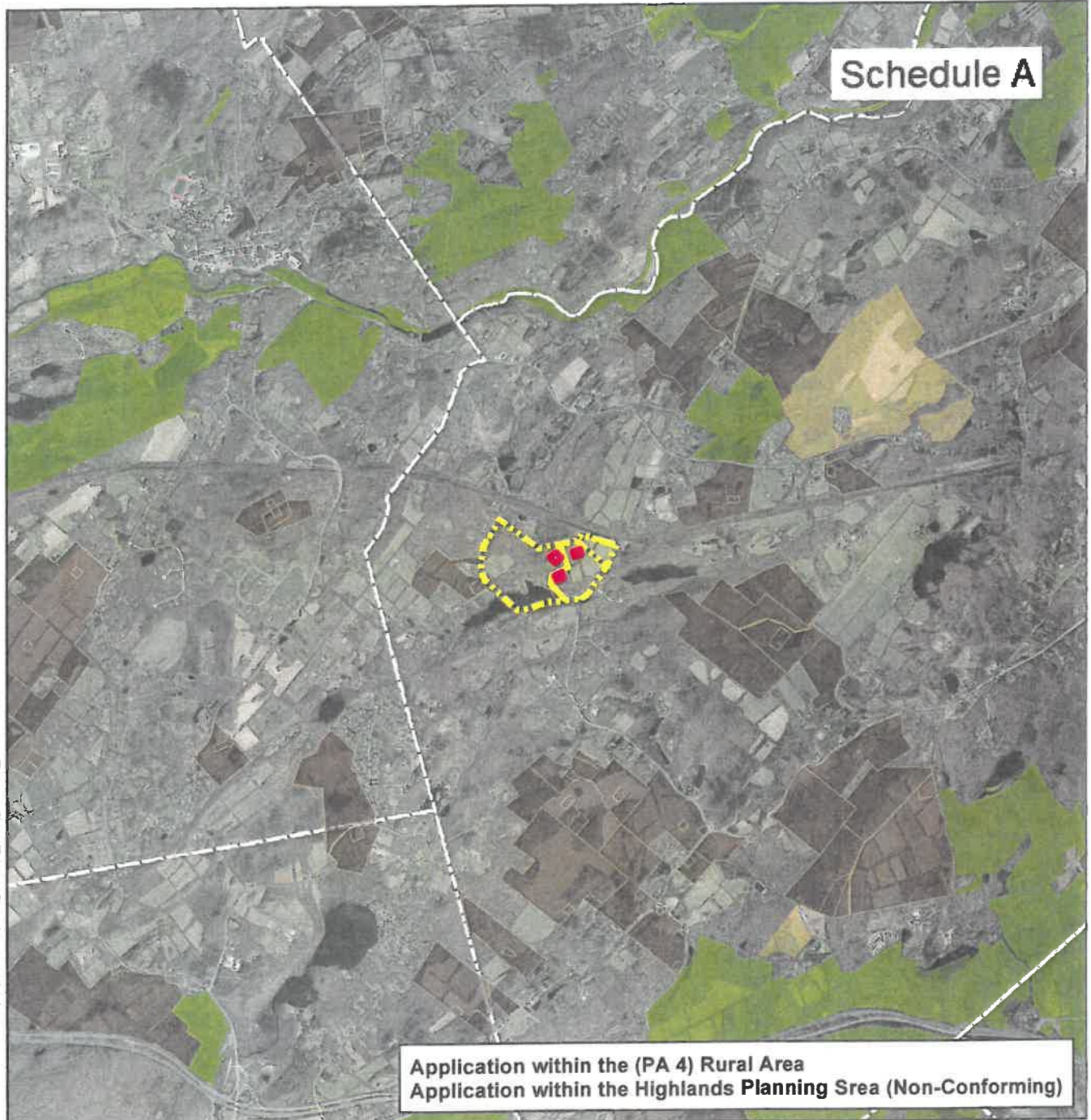
4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

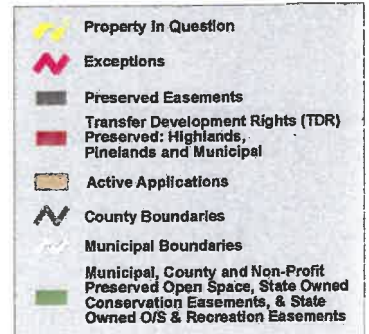
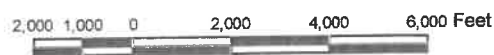
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rogers, Daniel & Flaherty, Sioban
 Block 601 Lots P/O 1 (67.99 ac), P/O 1-EN (non-severable exception 1.0 ac)
 P/O 1.01 (26.73 ac), P/O 1.01-EN (non-severable exceptions – 1.5 ac) & 2 (8.44 ac)
 Gross Total – 105.66 ac
 Frelinghuysen Twp. Warren County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJCIT/OGIS 2015 Digital Aerial Image

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

April 25, 2019

Wetlands

Schedule A

Application in the Highlands Planning Area (Non-Conforming)

Application within the (PA4) Rural Area



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rogers, Daniel & Flaherty, Sloban
 Block 601 Lots P/O 1 (67.99 ac), P/O 1-EN (non-severable exception 1.0 ac)
 P/O 1.01 (26.73 ac), P/O 1.01-EN (non-severable exceptions - 1.5 ac) & 2 (8.44 ac)
 Gross Total - 105.66 ac
 Frelinghuysen Twp. Warren County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDEP Wetlands Data
 NJ Highlands Council Data
 NJDOT Road Data
 NJCHGIS 2015 Digital Aerial Image

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

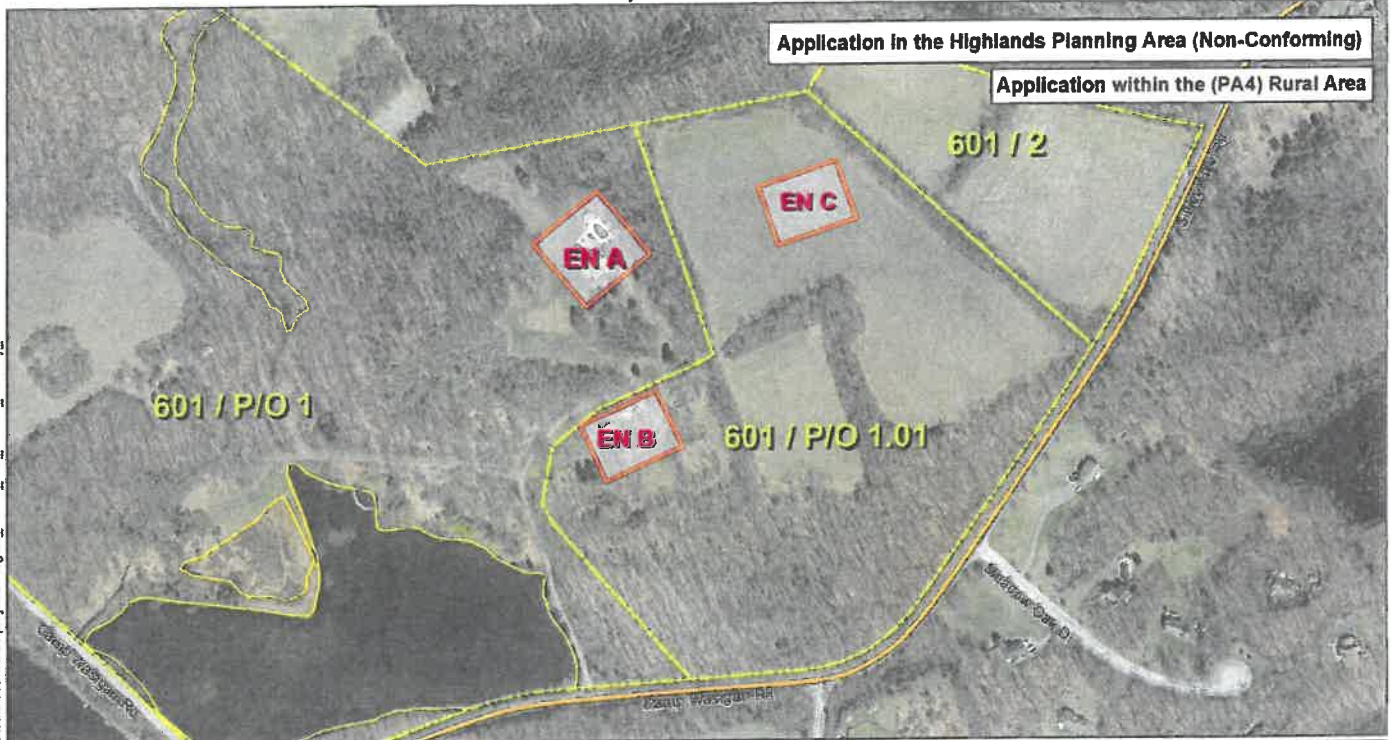
	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements



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

Exception Area Detail

Schedule B



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rogers, Daniel & Flaherty, Siobhan
 Block 601 Lots P/O 1 (67.99 ac), P/O 1-EN (non-severable exception 1.0 ac)
 P/O 1.01 (26.73 ac), P/O 1.01-EN (non-severable exceptions - 2.0ac) & 2 (8.44 ac)
 Gross Total - 105.66 ac
 Frelinghuysen Twp. Warren County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDCR Wetlands Data
 NJ Highlands Council Data
 NJDOT Road Data
 NJDOT GIS 2015 Digital Aerial Image

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

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



Wetlands Legend:
 1. Farmland Wetlands
 2. State Wetlands
 3. Wetlands Modified for Agriculture
 4. Flood Wetlands
 5. Other Wetlands
 6. Vernal Ponds

State Agriculture Development Committee **Schedule C**
 SADC Final Review: Development Easement Purchase

Rogers, Daniel & Flaherty, Sioban (Hidden Woods)
 21- 0042-NP
 FY 2020 Easement Purchase - Nonprofit
 101 Acres

Block 601	Lot 1	Frelinghuysen Twp.	Warren County
Block 601	Lot 1.01	Frelinghuysen Twp.	Warren County
Block 601	Lot 2	Frelinghuysen Twp.	Warren County

SOILS:	Other	96% *	0	=	.00
	Unique .125	4% *	.125	=	.50

SOIL SCORE: .50

TILLABLE SOILS:	Cropland Pastured	5% *	.15	=	.75
	Cropland Harvested	30% *	.15	=	4.50
	Other	1% *	0	=	.00
	Permanent Pasture	19% *	.02	=	.38
	Woodlands	45% *	0	=	.00

TILLABLE SOILS SCORE: 5.63

FARM USE: Hay 44 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for existing single family residential unit
Exception is not to be severable from Premises
 - 2nd one (1) acres for existing single family residential unit
Exception is not to be severable from Premises
 - 3rd one (1) acres for farm market & flexibility
Exception is not to be severable from Premises
restricted to zero (0) single family residential units
 - 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 eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R4(11)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
The Land Conservancy of New Jersey (TLCNJ)
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Black, David & Shannon ("Owners")
FY20 Non Profit Round - SADC #21-0043-NP**

APRIL 23, 2020

WHEREAS, on April 5, 2019 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the Black, David & Shannon farm identified as Block 202, Lot 1.03, Hardwick Township, Warren County, totaling approximately 36.51 gross acres hereinafter referred to as "Property" (Schedule A); 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 also includes one (1), approximately 1 acre non-severable exception area for the existing single family residence and to afford future flexibility for nonagricultural uses, resulting in approximately 35.51 net acres to be preserved; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land.
- 2) Shall not be severed or subdivided from the Premises.
- 3) Shall be restricted to one (1) single family residential unit.
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) zero (0) housing opportunities
- 2) zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, on June 27, 2019 the SADC granted preliminary approval by Resolution #FY2019R6(1) to the Nonprofit application and appropriated \$933,875 for the acquisition of development easement on five farms including the Black farm; and

WHEREAS, at this time the following funds have received final approval and there is approximately \$720,855.50 still available:

- 1) \$213,019.50 for Rogers, Daniel & Flaherty, Sioban (Hidden Woods)

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

WHEREAS, the Property has a quality score of 52.8 which is greater than 70% of the County average quality score of 44 as determined by the SADC, at the time the application was submitted; and

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

WHEREAS, on January 23, 2020 the SADC acknowledged the development easement value of the Property to be \$4,100 per acre based on current zoning and environmental regulations in place as of September 2019; and

WHEREAS, the SADC advised TLCNJ of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of TLCNJ's eligible costs and subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on February 10, 2020, TLCNJ informed the SADC that it will accept the SADC cost share of \$2,050 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ on September 10, 2019 and will provide 50% matching funds from Warren County for TLCNJ's easement acquisition on the Santini farm and agreed to accept assignment of the development easement from TLCNJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 35.51 acres is as follows:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$ 72,795.50	(\$2,050/acre or 50% total cost)
Warren County	<u>\$ 72,795.50</u>	<u>(\$2,050/acre or 50% total cost)</u>
Total Easement Purchase	\$145,591.00	(\$4,100/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its FY20 appropriation and subject to the availability of funds; and

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

WHEREAS, TLCNJ will assign the Deed of Easement to the County immediately after closing on the Deed of Easement; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to TLCNJ for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. The SADC approves the assignment of the Deed of Easement from TLCNJ to Warren County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
4. The SADC shall provide a cost share grant not to exceed \$2,050 per acre (total of approximately \$72,795.50 based on 35.51 acres) to TLCNJ for the development easement acquisition on the Property, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule B).
6. The SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1.
7. The SADC's cost share grant to TLCNJ for the development easement purchase on the Property shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement.
8. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLCNJ for the acquisition of a development easement on the Property.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

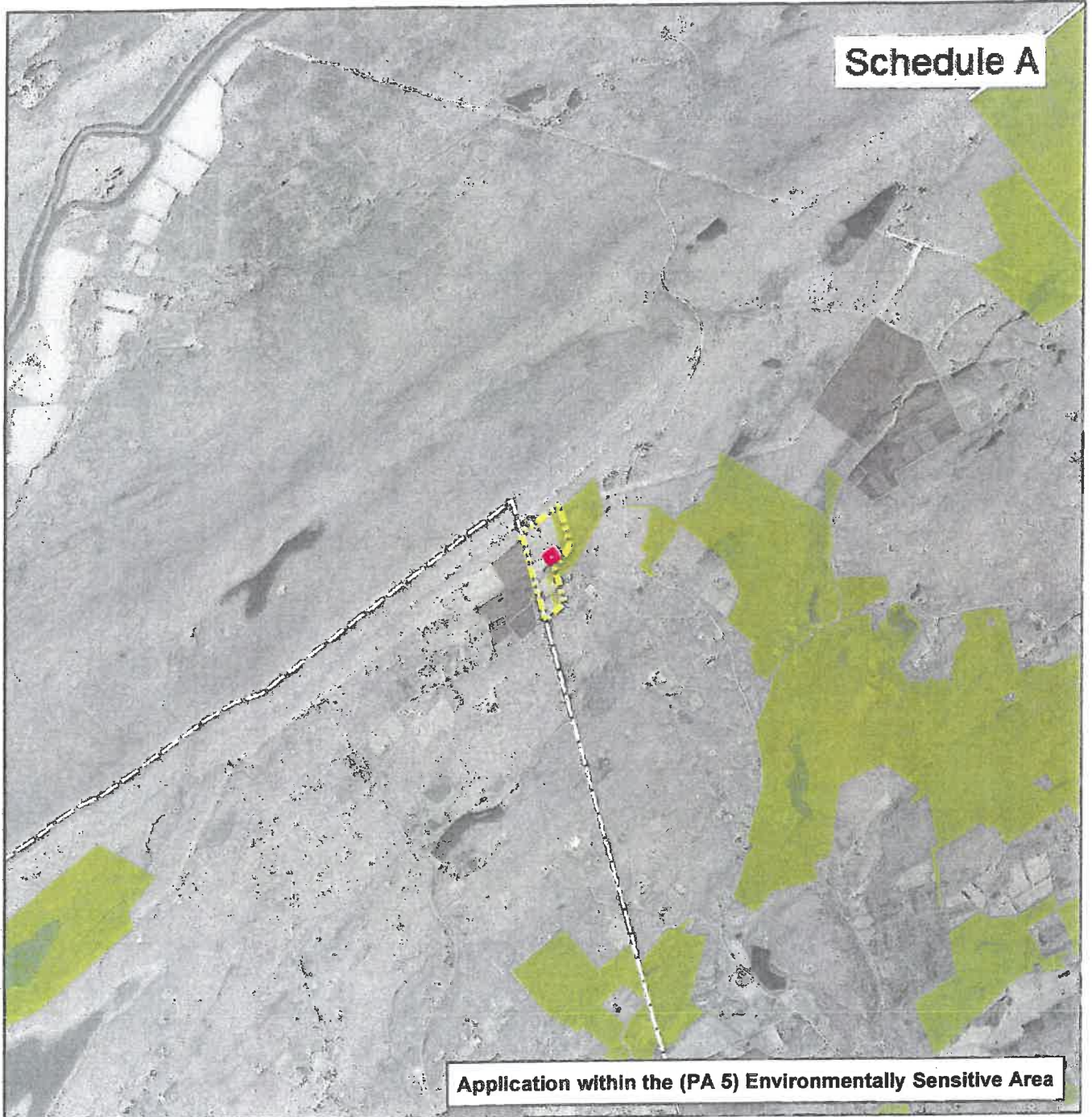
4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

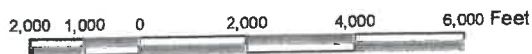
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Black, David & Shannon
Block 202 P/O Lot 1.03 (35.51 ac)
& P/O Lot 1.03-EN (non-severable exception – 1.0 ac)
Gross Total – 36.51 ac
Hardwick Twp. Warren County

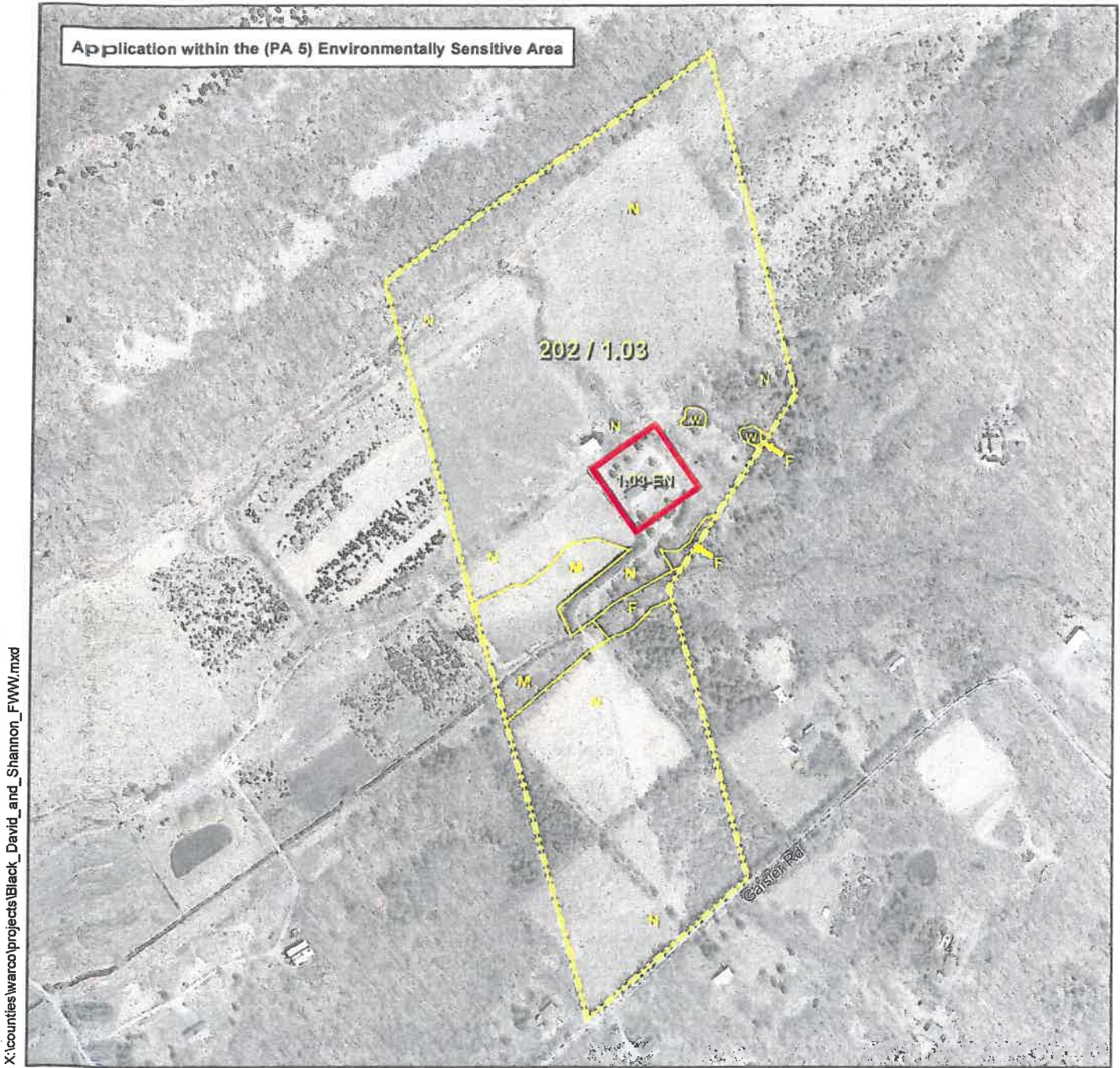


	Property In Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/OGIS 2015 Digital Aerial Image

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



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FARM LAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Black, David & Shannon
 Block 202 P/O Lot 1.03 (35.51 ac)
 & P/O Lot 1.03-EN (non-severable exception – 1.0 ac)
 Gross Total – 36.51 ac
 Hardwick Twp. Warren County

	Property in Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Priority - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Highlands (or Pinelands) Development Credits
	Municipal, County and Non-Profit Protected Green Spaces, State Owned Conservation Easements, & State Owned GIS & Acquisition Easements



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
 Protected Areas Database of the United States (PAD-US)
 NJDEP Wetlands Data
 NJ Highlands Council Data
 NJ Pinelands Commission PDC Data
 NJGIT/OGIS 2015 Digital Aerial Image

State Agriculture Development Committee Schedule B
 SADC Final Review: Development Easement Purchase

Black, David & Shannon
 21- 0043-NP

FY 2020 Easement Purchase - Nonprofit
 36 Acres

Block 202	Lot 1.03	Hardwick Twp.	Warren County
SOILS:		Other	84% * 0 = .00
		Statewide	16% * .1 = 1.60
			SOIL SCORE: 1.60
TILLABLE SOILS:		Cropland Pastured	12% * .15 = 1.80
		Cropland Harvested	75% * .15 = 11.25
		Woodlands	13% * 0 = .00
			TILLABLE SOILS SCORE: 13.05
FARM USE:		Hay	5 acres
		Cash Grain NEC	2 acres
		Ornament Nursery Products	2 acres
		Hogs	7 acres
		Poultry Hatcheries	22 acres
		Sheep & Goats	3 acres
			Rye
			Chickens & ducks

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for existing single family residential unit
Exception is not to be severable from Premises
 - 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 eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R4(12)

Preliminary Approval
SADC Easement Purchase
of an
"ALTERNATE" FARM

On the Property of
Ayars, Patricia A.

April 23, 2020

Subject Property: **Ayars, Patricia A.**
Block 11, Lot 16
Alloway Township, Salem County
SADC ID#:17-0353-DE
Approximately 77.3 Net Easement Acres

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on February 12, 2020, the SADC received a development easement sale application from Patricia A. Ayars, hereinafter "Owner," identified as Block 11, Lot 16, Alloway Township, Salem County, hereinafter "the Property," totaling approximately 89.6 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 10-acre severable exception area for and limited to one future single family residential unit and an existing recreational hunting cabin and one (1) approximately 2-acre non-severable exception area for and limited to one future single family residential unit resulting in approximately 77.3 net acres to be preserved; and

WHEREAS, the 10-acre Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises
- 3) Shall be restricted to one (1) single family residential unit and
- 4) The existing recreational hunting cabin, to be noted on the survey, is not considered a residential unit
- 5) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 2-acre Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be restricted to one (1) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 26, 2019, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff finds that the Property, has a quality score of 70.65 and contains approximately 77.3 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Salem County minimum ranking criteria for the "Priority" category which requires a quality score of at least 63 combined with at least 94 acres, however it is higher than the minimum quality score of 49 and 69 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, because this 77.3 acre farm meets the priority score, has approximately 96% Prime soils and is within the County Agriculture Development Area, SADC staff recommends selecting the Property for processing as an "alternate" farm; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED that the SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:

1. Enter into a 120 day option agreement with the Landowner
2. Secure two independent appraisals to estimate the fair market value of the Property

3. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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.

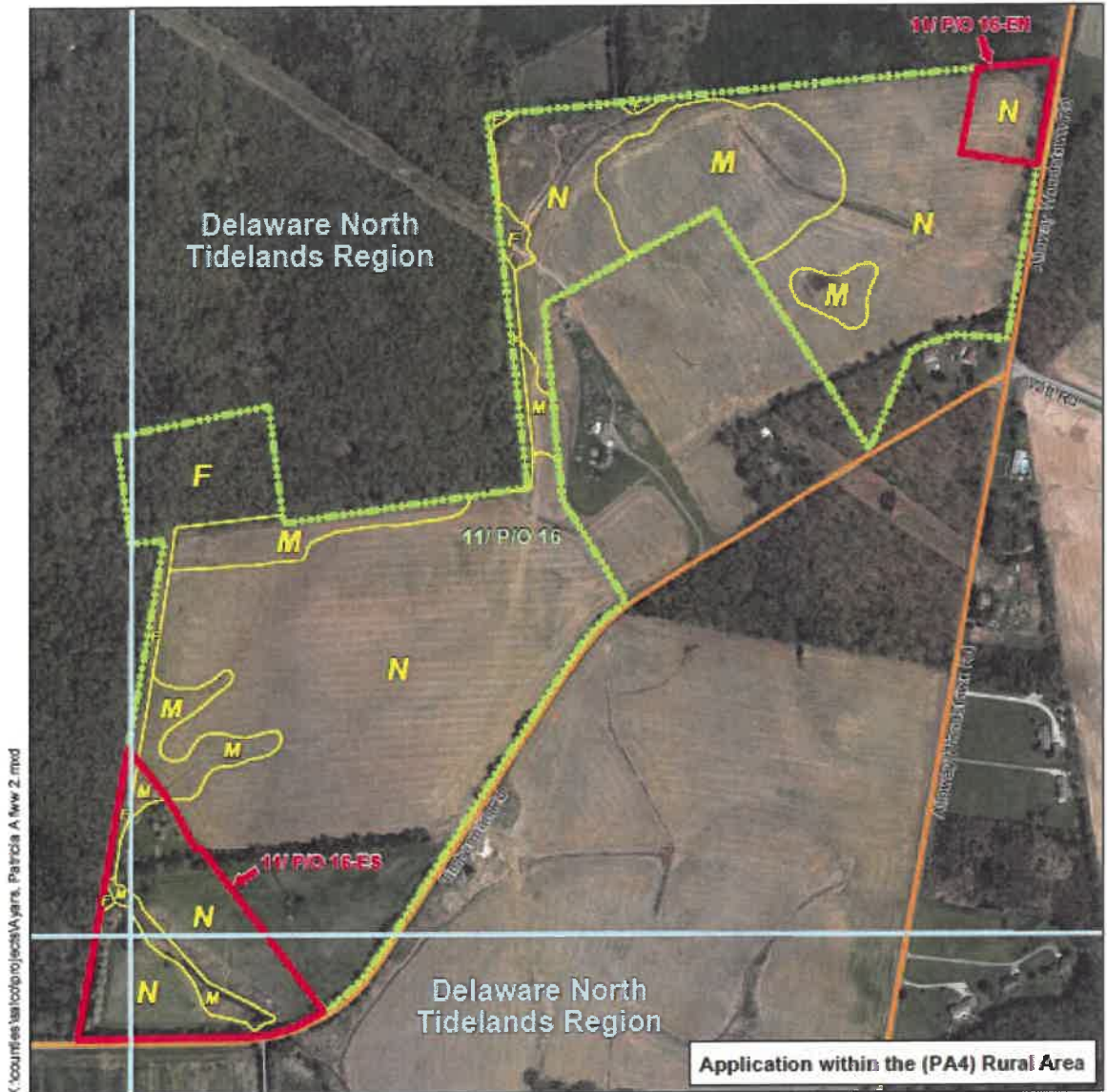
4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Wetlands



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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ayers, Patricia A.
 Block 11 Lots P/O 16 (77.6 ac); P/O 16-ES (severable exception - 10.0 ac);
 & P/O 16-EN (non-severable exception - 2.0 ac)
 Gross Total = 89.6 ac
 Alloway Twp., Salem County

Source:
 NJ Farmland Preservation Program
 Open Access, Conservation, Easement Data
 Protected Areas Database of the United States (PA4-UR)
 NCEM Wetlands Data
 NHDOTGIS 2015 Digital Aerial Imagery



TIDELANDS DISCLAIMER:
 The lines/boundaries depicted on this map were derived from the NCEM's GIS data series 1, volume 4, "Tidelands Claims Boundaries". These claims boundaries are not an official NCEM determination and should only be used as a general reference. Only NCEM's Bureau of Tidelands Management can perform an official determination of Tidelands claims status.

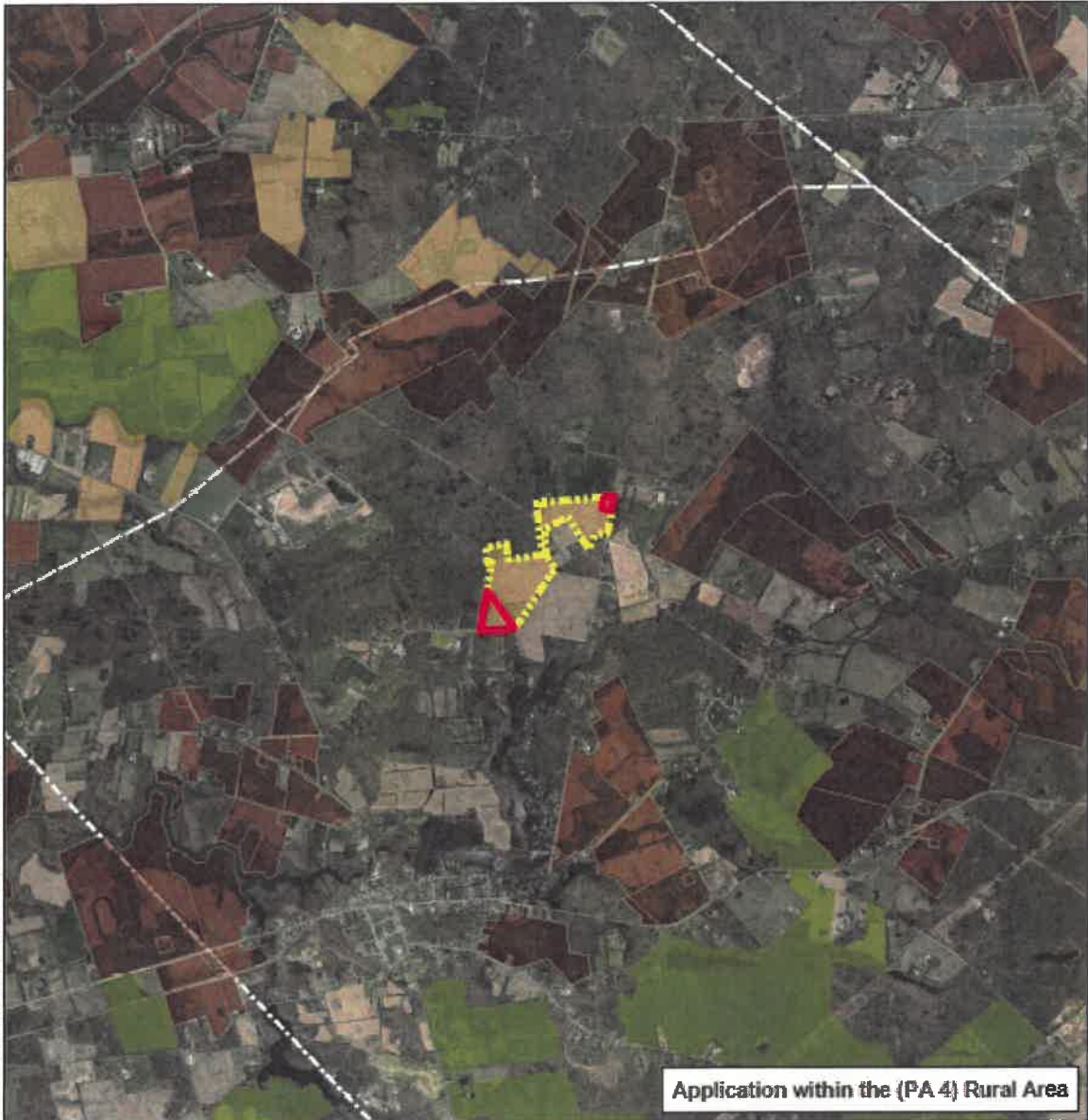
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	Property In Question
	EM - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Tidelands Boundary



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

Preserved Farms and Active Applications Within Two Miles



X:\counties\sa\color\of\Ayers, Patricia A 2m16 2.mxd

Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ayers, Patricia A.
Block 11 Lots P/O 10 (77.6 ac); P/O 10-ES (severable exception - 10.0 ac);
& P/O 10-EN (non-severable exception - 2.0 ac)
Gross Total = 89.6 ac
Alloway Twp., Salem County

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

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



Source:
NJ Farmland Preservation Program
Green Acres Cooperative GIS Asset Data
Patricia Ayers, Owner of the Subject Site (PA4-10)
ESRI/ArcGIS 9.3.1S Digital Aerial Image

March 16, 2007

State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Salem Alloway Twp. 1701
APPLICANT Ayars, Patricia A.

PRIORITIZATION SCORE

SOILS:	Other	1 $\frac{1}{2}$ %	0	=	.00	
	Prime	96 $\frac{1}{2}$ %	.15	=	14.40	
	Statewide	3 $\frac{1}{2}$ %	.1	=	.30	
						SOIL SCORE: 14.70
TILLABLE SOILS:	Cropland Harvested	90 $\frac{1}{2}$ %	.15	=	13.50	
	Wetlands/Water	8 $\frac{1}{2}$ %	0	=	.00	
	Woodlands	2 $\frac{1}{2}$ %	0	=	.00	
						TILLABLE SOILS SCORE: 13.50
BOUNDARIES AND BUFFERS:	Farmland (Unrestricted)	35 $\frac{1}{2}$ %	.06	=	2.10	
	Residential Development	11 $\frac{1}{2}$ %	0	=	.00	
	Streams and Wetlands	49 $\frac{1}{2}$ %	.16	=	8.82	
	Woodlands	5 $\frac{1}{2}$ %	.06	=	.30	
						BOUNDARIES AND BUFFERS SCORE: 11.22
CONTIGUOUS PROPERTIES / DENSITY:	Ayars					Restricted Farm or Current Application 2
	Leslie					Restricted Farm or Current Application 2
	Strang					Restricted Farm or Current Application 2
	Vasallo					Restricted Farm or Current Application 2
	Marich					Restricted Farm or Current Application 2
						DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100 $\frac{1}{2}$ %	19	=	19.00	
						LOCAL COMMITMENT SCORE: 19.00
SIZE:						SIZE SCORE: 3.10
IMMIMENCE OF CHANGE:	SADC Impact factor =		2.13			
						IMMINENCE OF CHANGE SCORE: 2.13
COUNTY RANKING:						
EXCEPTIONS:	Exceptions amount to more than 10% of Property					EXCEPTION SCORE: -3.00
						TOTAL SCORE: 70.65

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R4(13)

Preliminary Approval
SADC Easement Purchase
of an
"ALTERNATE" FARM

On the Property of
Cerbo, Anthony A., III, and Joseph R.

April 23, 2020

Subject Property: **Cerbo, Anthony A., III, and Joseph R.**
Block 3202, Lot 24.02
Hampton Township, Sussex County
SADC ID#: 19-0027-DE
Approximately 38.45 Net Easement Acres

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on March 12, 2020, the SADC received a development easement sale application from Anthony A. Cerbo, III, and Joseph R. Cerbo, hereinafter "Owner," identified as Block 3202, Lot 24.02, Hampton Township, Sussex County, hereinafter "the Property," totaling approximately 39.7 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 1.25 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 38.45 net acres to be preserved; and

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

WHEREAS, at the time of application, the Property was in ornamental shrub and trees (nursery) production; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on March 31, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff finds that the Property, has a quality score of 62.82 and contains approximately 38.45 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Sussex County minimum ranking criteria for the "Priority" category which requires a quality score of at least 42 combined with at least 44 acres, however it is higher than the minimum quality score of 32 and 32 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, because this 38.45 acre farm meets the priority acreages, has approximately 61% Prime soils, is adjacent to preserved farmland, and is within the County Agriculture Development Area, SADC staff recommends selecting the Property for processing as an "Alternate" farm; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "Priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED that the SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:

1. Enter into a 120 day option agreement with the Landowner
2. Secure two independent appraisals to estimate the fair market value of the Property
3. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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.

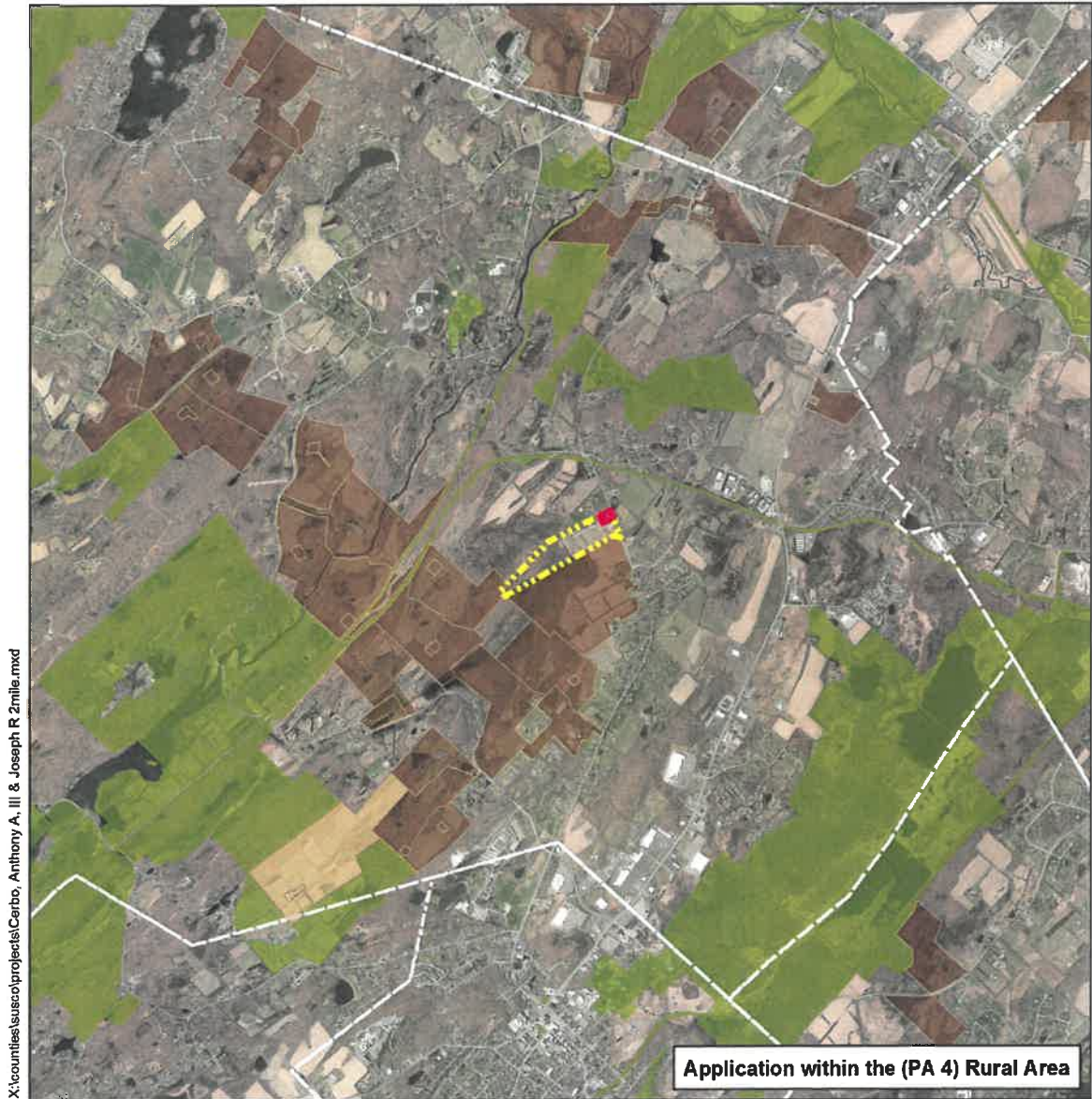
4/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

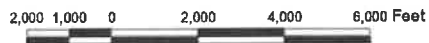
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Carbo, Anthony A., III and Joseph R.
Block 3202 Lots P/O 24.02 (38.5 ac) &
P/O 24.02-EN (non-severable exception - 1.25 ac);
Gross Total = 39.7 ac
Hampton Twp., Sussex County



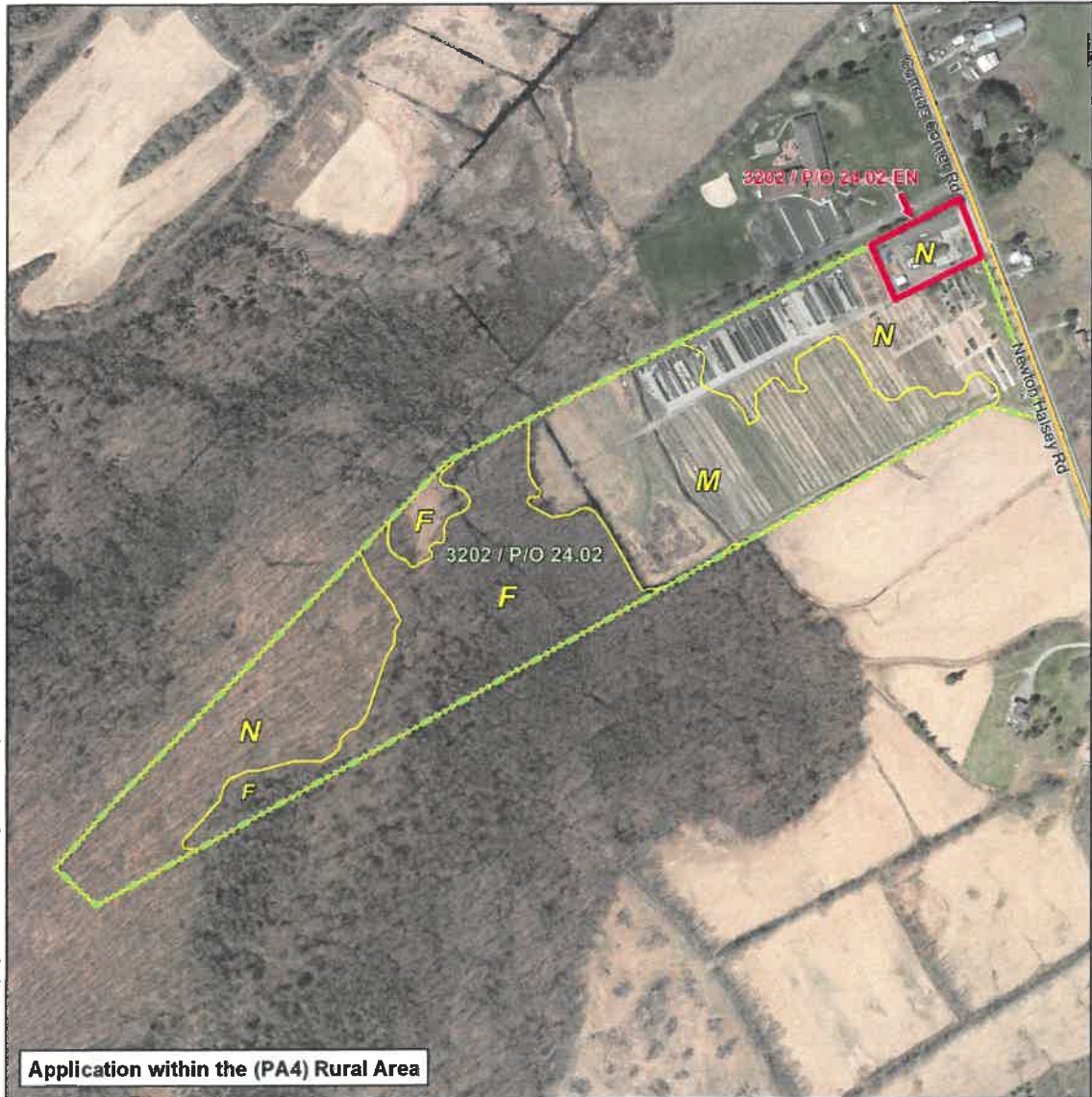
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, &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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOTI/OGIS 2015 Digital Aerial Image

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

Wetlands



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Application within the (PA4) Rural Area
FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Cerbo, Anthony A., III and Joseph R.
 Block 3202 Lots P/O 24.02 (38,5 ac) &
 P/O 24.02-EN (non-severable exception - 1.25 ac);
 Gross Total = 39.7 ac
 Hampton Twp., Sussex County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 Projected Areas Database of the United States (PAD-US)
 NJ DEP Wetlands Data
 NJOTWOGIS 2015 Digital Aerial Image

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

	Property in Question
	EN - (Non-Severable) Exception
	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

March 20, 2020

State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Sussex Hampton Twp. 1910
APPLICANT Cerbo, Anthony A., III, and Joseph R.

PRIORITIZATION SCORE

SOILS:		Other	24% ^A	0	=	.00	
		Prime	61% ^A	.15	=	9.15	
		Unique zero	15% ^A	0	=	.00	
						SOIL SCORE:	9.15
TILLABLE SOILS:		Cropland Harvested	50% ^A	.15	=	7.50	
		Wetlands/Water	30% ^A	0	=	.00	
		Woodlands	20% ^A	0	=	.00	
						TILLABLE SOILS SCORE:	7.50
BOUNDARIES AND BUFFERS:		Deed Restricted Farmland (Permanent)	49% ^A	.2	=	9.80	
		Residential Development	9% ^A	0	=	.00	
		Schools	12% ^A	0	=	.00	
		Streams and Wetlands	16% ^A	.18	=	2.88	
		Woodlands	14% ^A	.06	=	.84	
						BOUNDARIES AND BUFFERS SCORE:	13.52
CONTIGUOUS PROPERTIES / DENSITY:		Cerbo	Restricted Farm or Current Application			2	
		Lundbergh	Restricted Farm or Current Application			2	
		Foody #5	Restricted Farm or Current Application			2	
		Fairclough #1	Restricted Farm or Current Application			2	
		Foody #6	Restricted Farm or Current Application			2	
						DENSITY SCORE:	10.00
LOCAL COMMITMENT:			100% ^A	18	=	18.00	
						LOCAL COMMITMENT SCORE:	18.00
SIZE:							SIZE SCORE: 3.22
IMMIMENCE OF CHANGE:		SADC Impact factor = 1.43					
						IMMINENCE OF CHANGE SCORE:	1.43
COUNTY RANKING:							
EXCEPTIONS:							EXCEPTION SCORE: .00
						TOTAL SCORE:	62.82