

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)
REGULAR MEETING**

**REMOTE MEETING DUE TO CORONAVIRUS
EMERGENCY**

February 25, 2021

Chairman Fisher called the meeting to order at 9:04 am.

Ms. Payne read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Ms. Payne advised that anyone wishing to make a public comment at this meeting should email their comments to SADC@AG.NJ.GOV. All public comments will be read during the public comment portions of the meeting.

Roll call indicated the following:

Members Present

Chairman Fisher
Martin Bullock
Scott Ellis
Denis Germano
Pete Johnson
Roger Kumpel (Serving for Mr. Norz)
James Waltman
Gina Fischetti
Renee Jones
Brian Schilling
Ralph Siegel

Members Absent

Richard Norz

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

Minutes

A. SADC Regular Meeting of January 28, 2021(Open Session)

It was moved by Mr. Germano and seconded by Mr. Kumpel to approve the Open Session minutes of the SADC regular meeting of January 28, 2021. Mr. Ellis abstained from the vote. The motion was approved by the remaining members.

Report of the Chairman

Chairman Fisher stated that today staff will finish discussions of the Soil Protection Standards and get them out for comment. He also stated that a new bill was introduced in the Legislature regarding dual use designed to encourage renewable energy sources while keeping New Jersey (NJ) soil preserved for their productivity.

Chairman Fisher stated that he, Ms. Payne and other staff members recently attended a National Association of State Departments of Agriculture (NASDA) meeting where important topics like climate resilience and diversity of workforce on farmland were discussed.

Report of the Executive Director

Ms. Payne stated that she attended several of the NASDA sessions, particularly related to natural resources and climate change, and said she was optimistic about the emerging partnership between environmental and agricultural interests. She explained that agriculture is a key component in addressing climate change, that economic incentives are necessary, and that both sides are striving to find mutually agreeable solutions. NASDA is looking for ideas from the states, as each region of the country is different.

Ms. Payne gave an update on staffing. She noted that Mr. Tim Willmott recently filled a Stewardship position and a fourth regional coordinator position was filled in the acquisition division. Staff is still looking to fill vacancies for a planner, an information technology specialist and a third attorney.

Ms. Payne directed the committee to the delegation report which covers deer fencing, certifications of value and soil and water grants.

Ms. Payne discussed a renewable energy incentive program facilitated by Solar Renewable Energy Credits (SRECs). Most solar projects built in NJ qualify for SRECs through an approval process administered by the Board of Public Utilities (BPU). Up until now, the BPUs siting criteria has prohibited solar on farmland. While some farmland has been used for solar across the state, it has not been done on a large scale.

The original SREC program is ending, and legislation has been introduced to create a successor program that provides for solar facility siting on areas that include agricultural lands. Secretary Fisher, the State Board of Agriculture and the Farm Bureau support renewable energy but are concerned about solar facilities occupying the state's prime agricultural resources. The legislation will be the subject of a senate committee hearing, and SADC staff will be looking to see whether any changes will be made to the original.

Ms. Payne stated that BPU recently proposed a rule that, in part, does not apply BPU siting criteria to solar energy facilities not qualifying for SRECs. That means projects that don't need financial incentives through BPU could essentially be located on broad areas of vacant land throughout the state, including on NJ farmland.

Ms. Payne read the agriculture industry impact statement accompanying the BPU proposed rules, which state in part, *"To the extent that the proposed rulemaking facilitates the development of solar energy facilities on land currently agricultural in nature, the proposed rulemaking could have a detrimental impact on the agricultural industry by displacing farming with solar development. Potential harms will likely be limited by existing or future land-use regulations that discourage or prohibit solar development on agricultural lands."*

The BPU statement suggests that a significant amount of agricultural land could be impacted but does not provide any estimate of the extent of such impact. Accordingly, due to the potential for significant adverse impacts on NJ's agricultural resources, SADC staff issued a letter to the BPU requiring consultation before the rule is adopted pursuant to the SADC's authority under the Right to Farm Act. Ms. Payne said that there had been no response to the letter from the BPU yet, but staff is hopeful to hear something in the near future.

Mr. Bruder shared mapping graphics with the committee to help visualize potential impacts to NJ's farmland resources. He reviewed the 2019 NJ Energy Master Plan, the goals of the plan and the SADC agricultural impact analysis of the plan in NJ. Ms. Payne noted that in the absence of siting criteria, solar should be kept off of farmland to achieve farmland resiliency. Ms. Payne asked for the committee's feedback as to whether it wants to send an independent message to the administration or legislature based on this analysis.

Chairman Fisher asked for comment from the committee. Mr. Kumpel asked about the extent to which the siting criteria applied to the Pinelands region. Ms. Payne stated that large scale solar is prohibited in the Pinelands preservation area, Pinelands forest area as well as the Highlands preservation area.

Mr. Waltman asked what the SADC's current authority, if any, would be for a large-scale solar request in an agriculture development area (ADA). Ms. Payne stated that based on section 19 of the Agriculture Retention and Development Act, the SADC does not have the power to stop a solar project. Section 19 says there is an opportunity for review by the county and the SADC, and that if a proposed project is unreasonably adverse, the board or the

committee may direct that no action be taken for 60 days during which time a public hearing may be held and a written report containing recommendations will be made public.

The committee inquired as to whether section 19 applies to private companies with projects in an ADA. Mr. Stypinski stated that is something that will be looked into further. Mr. Bruder observed that typically, private developers of solar projects usually sell the facilities to utility companies, so a great deal of fact-finding is necessary. Ms. Payne stated that more research will be done by staff as to whether section 19 applies to these types of development.

Mr. Johnson asked if there is anything in the pending legislation or proposed BPU rule affecting a preserved farm's ability under SADC solar rules to generate 110% of its prior year energy demand? Ms. Payne stated that the SADC rule is not affected by the proposed legislative and regulatory action.

Mr. Siegel suggested that since the BPU has to approve these requests, the SADC should request that they cross-check with the SADC before approving the solar projects because of the potential impact on agricultural lands. Chairman Fisher stated that even if the BPU knew about these impacts on agriculture, BPU would not be able to stop the solar requests.

Chairman Fisher also stated that renewable energy legislation is moving fast, and no one wants to put up roadblocks in the development of solar. Mr. Siegel suggested a formalized reporting system occur in order to support approval when it comes to solar installation on farmland. Chairman Fisher stated that staff will work towards a collection system soon and he thanked the committee for a lively discussion and noted that the points raised will be taken into consideration.

Communications

Ms. Payne stated that there is a letter in the communications packet from Mr. William Asdal of Chester Township, Morris County. Mr. Asdal is a neighbor of Hideaway Farms. Mr. Asdal was advised that the SADC can't comment on his letter as there is litigation pending with the owner of Hideaway Farms involving Morris County and the SADC. Ms. Payne noted that the first part of his letter addresses alleged violations of the Deed of Easement (DOE) and the second part of the letter deals with Right to Farm (RTF) questions and concerns, some of which may ultimately come before the agency. Although the SADC can't comment at this time, the SADC and staff wanted to assure Mr. Asdal that his letter was received.

Public Comment

Ms. Winzinger stated that Ms. Susan Yates sent an email regarding the draft soil protection standards, and that Ms. Uttal will be sending the full correspondence from Ms. Yates to the SADC and staff.

Old Business

A. Soil Protection Standards – Proposed General Standards and Best Management Practices (BMPs)

Mr. Everett stated that as a result of the discussion at the Committee's January 2021 meeting, staff reassembled a complete package of reference materials that led to the development of the proposed soil protection standards (SPS). Additionally, marked-up versions of all proposed best management practices (BMPs) are provided to show changes made to the original BMP drafts as a result of comments received from the Soil Protection Standards subcommittee and the full SADC.

He noted that bond counsel to the Garden State Preservation Trust provided an opinion that the proposed standards do not affect the tax-exempt status of any bonds issued for farmland preservation purposes. Mr. Everett advised that if the committee is satisfied that the current drafts of the general standards and BMPs are acceptable, it can authorize staff to distribute the documents to all partners for a 60-day informal review period.

SPS Discussion

Mr. Everett reviewed the proposed land use chart and summarized the least and most reversible land uses broken down in color categories -- red, orange, yellow and green -- under the general standards of soil disturbance. [The general standards, including the land use chart, are included in the meeting materials attached to these minutes].

Mr. Germano asked if any pre-existing improvements in the semi-permanent soil category would count towards the 5%. Mr. Everett stated that they would count toward the 5% if not constructed in accordance with best practices. Ms. Payne stated that if semi-permanent uses are currently in place, the assumption is that when the rules go into effect, these semi-permanent soil disturbance uses will be considered permanent soil disturbances, but it's important that the farmers know we are willing to work with them.

Chairman Fisher expressed concern that SADC staff do not have the resources to evaluate each farm and determine which category each practice falls under. Ms. Payne stated that staff would generate an aerial map of the apparent soil disturbance that has already taken place on each preserved farm so that landowners understand how the SADC sees the soil protection rules applying to each farm. If a landowner feels his/her property was not accurately mapped, the SADC can engage with landowners to refine the mapping and provide guidance as to how to stay within the soil protection limits by following the BMPs. However, for the very small number of farms that have nearly reached or exceeded the soil protection limits, staff could have a conversation about specific practices to determine which category applies.

Mr. Germano stated that the standards need to be explained in narrative form to ensure the public can understand them. He urged the committee to develop, review and approve a narrative statement for landowners. Chairman Fisher agreed. Mr. Everett agreed, and noted the standards presented today are drafts, do not apply to exception areas, and for any land uses that fall under the yellow or orange categories, the farmer does not have to follow the BMP if they are not concerned about exceeding the soil protection limits on their farm.

Mr. Kumpel asked about cranberry bog operations, including the roadways between the bogs. Mr. Everett stated the bogs themselves would be exempt from these regulations, but the roadways could be subject to yellow and orange categories. He also noted that any existing roadways that fell under the yellow category would be exempt. Mr. Kumpel stated the importance of making these details clear to the agricultural community.

Mr. Everett reviewed the average sizes of farmstead complexes in the Mid-Atlantic counties and noted that the average farmstead complex occupies 6% of the total farm's acreage. Mr. Waltman stated that the farmstead complex could exceed the total amount of existing (individual) disturbances. Mr. Everett stated the farmstead complex figure represents both existing and future growth; the Rutgers study noted that approximately 40% of the farmstead complex is developed with individual disturbances and you don't want to regulate to this current figure but instead have to consider future growth

Mr. Everett reviewed the North American Industry Classification System commodity groups by average farm acres in NJ. There is divide between more intensive and less intensive infrastructure that is approximately 75 acres, - the less intensive farms being larger than 75 acres and the more intensive farms being less than 75 acres – and 75 acres is also is the average size of a farm in NJ in 2017. The land use chart contemplates both 8% or 6 acres of total soil disturbance, whichever is greater, so it's necessary to have minimum disturbance acreage because small farms proportionally will not generate enough disturbance allocation on their own without a minimum disturbance allocation.

Mr. Everett reviewed Rowan University's study of individual disturbances across all 2,700 preserved farms in NJ and how the 6-acre number came about. He explained the rate of compliance and percent of small farms in the preservation portfolio and described what that would look like if 6 acres were dispensed with and only 8% was used. He noted that staff proposes 8% or 6 acres plus an additional 5% for land uses that fall under the orange category of soil disturbance, which reduces the number of farms that are not in compliance. The 6 acres allotment was chosen to provide enough disturbance allocation because a smaller farm will have a difficult time being viable without necessary infrastructure.

Mr. Waltman stated that he is concerned about the aggregation of the red and orange categories and, despite the number of farms with dirt roads and geotextiles, the Committee should not adopt a standard to allow for 6 to 8 acres of cut and fill. Mr. Waltman stated he believes these allocations are too high to be applied to all farms and the SADC should adopt a different method to calculate soil disturbance limitations. Mr. Everett stated that the question becomes how to deal with non-compliant farms that could potentially come before the committee in litigation. The extra 2% or 2 acres, whichever is greater, that would be allocated to farms that currently exceed the disturbance limitations will help avoid that. Mr. Waltman suggested to grandfather farms that are out of compliance in hopes that the extra two acres will help those farms to be in compliance.

Chairman Fisher suggested that each piece of the SPS be voted on separately so that, if needed, they can be revised in accordance with the committee's wishes and then be released for pre-proposal comments. He asked the committee if they would like to motion for the SPS to be released for pre-proposal comments.

Mr. Germano motioned for staff recommendation as proposed of 8% or 6 acres, whatever is greater and that includes the additional 2%/2 acres that was allocated for farms that are currently non-compliant. Mr. Schilling seconded that motion. Mr. Waltman proposed an amendment to the motion to set the disturbance limit at 8% or 2 acres, whichever is greater, and then grandfather the 27 non-compliant farms and provide an additional number of acres to farms that are out of compliance. Mr. Siegel seconded Mr. Waltman's amendment.

Chairman Fisher asked Mr. Germano if he would agree to accept Mr. Waltman's amendment. Mr. Germano declined, and his original motion remained before the committee for discussion.

Ms. Jones stated that she was concerned with the proposed high allocations of soil disturbance related to smaller farms in light of Mr. Waltman's comments and that she cannot vote in favor of Mr. Germano's motion. Mr. Everett stated the premise behind the proposed numbers are to support agricultural viability and agricultural development, and 2 acres is not enough for operations such as equine and green house operations, almost all of which are under 75 acres in NJ.

Mr. Schilling commented that his concern lies with the land being farmed profitably, and in many cases, infrastructure determines whether a farm operation is economically viable.

Mr. Siegel acknowledged the enormous amount of work and effort that the staff put into drafting the standards. He stated that it's important to note the percentage of infrastructure that should be allowed on a preserved farm. He stated that taxpayers in NJ have paid a lot of money to preserve farms and expect them to stay primarily undeveloped.

Mr. Schilling stated that he understands both Mr. Waltman and Mr. Siegel's point of view and that there should be broader input.

Chairman Fisher called for a motion to release the SPSs for pre-proposal comments.

It was moved by Mr. Germano and seconded by Mr. Schilling to distribute the Soil Protection Standard documents to all partners and the public for a 60-day informal review period. A roll call vote was taken. Mr. Bullock, Mr. Ellis, Mr. Germano, Mr. Johnson, Mr. Kumpel, Ms. Fischetti, Mr. Schilling and Chairman Fisher voted in favor of the motion. Mr. Waltman, Ms. Jones and Mr. Siegel voted against the motion. The motion was approved.

BMP Discussion

Mr. Everett reviewed the BMPs with the committee. [The BMPs are included in the meeting materials attached to these minutes]. Mr. Germano asked who would be responsible for monitoring the maintenance of the BMPs. He suggested the narrative explanation of this program include wording that annual monitoring of preserved farms will examine whether the maintenance requirements of the BMPs are being followed. Secondly, if either the annual monitoring or a specific complaint about a property results in an investigation of the preserved farm, that may result in the withdrawal of the certification and the farmer may be required to restore disturbed area.

Mr. Germano reiterated that the narrative has to be clear that adherence to the BMPs will be evaluated during normal annual monitoring, the farmer will be required to fix areas where practices do not follow the BMP to get back into compliance and in cases where that is not possible, they could potentially lose their certification and be required to restore the area. Mr. Germano stated that he is very supportive of this program as presented, however his concern lies with all of the detail and he wants to make sure that the narrative is done properly so that the idea can be clearly presented to the farmers.

Mr. Waltman stated that he is concerned about areas on a farm used primarily for parking versus areas primarily used for farming in relation to the parking area BMP. He suggested the BMPs should try to minimize impacts as much as possible and stated the current revisions to the documents move away from that mission.

Ms. Payne stated that staff is trying to understand the big picture of NJ farmers and what it takes to be productive on a large NJ farm in terms of how temporary parking coincides with large scale ag-tourism operations. She commented that there must be a line of tolerance and staff is being careful to make sure that it's not impossible for farmers to grow their operations successfully. The same thought process applies to nurseries and the need for gravel lanes for those operations.

Mr. Germano and Mr. Johnson stated that they are concerned about bulk density testing of semi-permanent parking and storage areas and suggested removing those provisions from the BMP draft. Mr. Clapp explained that areas more heavily used and having less crop growth (orange category parking) would be bulk density tested annually to ensure those areas are meeting the standards and such testing for the yellow category parking would only be conducted if the annual monitoring indicated a potential problem. Chairman Fisher suggested that portion of the BMP be clarified so that it is clearly understood.

Chairman Fisher asked what would happen if the bulk density provision was removed altogether. Ms. Payne stated that this issue should be raised with the public during the solicitation of pre-proposal comments and explained that the SADC is open to other ideas on how to ensure that viable farmland will not be damaged. Chairman Fisher suggested possibly removing sections A and B under design criteria number 4 from the semi-permanent parking and storage BMP to help with clarification and avoid confusion.

Mr. Germano suggested that the footnote under the design criteria for the Agricultural Water Impoundments BMP should not be a footnote, but rather a part of the actual design criteria. Staff agreed and will make the revision to this BMP.

Mr. Waltman stated that the general structure for these BMP standards provides valuable direction on how to handle infrastructure; however, he is concerned about the allowance for gravel to be capped with materials that result in an impervious surface.

Mr. Germano suggested making a change in wording under the BMP for Soil Stockpiling. He stated that point number 7 under "maintenance of soil stockpiles" should read "The following uses are permitted on low intensity *topsoil* stockpiles". Staff agreed to that change because there is no low intensity versus moderate-intensity subsoils stockpiles.

Lastly, Mr. Germano noted a correction to be made under the design criteria for Temporary Structures in which the words ‘*Universal Construction Code*’ was used incorrectly and should be referred to as the *Uniform Construction Code*.

It was moved by Mr. Germano and seconded by Mr. Kumpel to distribute the BMPs and the SPS with the changes that were discussed, to all partners and the public for a 60- day informal review period. A roll call vote was taken. Mr. Bullock, Mr. Ellis, Mr. Germano, Mr. Johnson, Mr. Kumpel, Ms. Fischetti, Mr. Schilling and Chairman Fisher voted in favor of the motion. Mr. Waltman, Ms. Jones, and Mr. Siegel voted against the motion. The motion was approved.

There were a few committee members who had reservations about distributing the BMPs and SPSs without the committee reviewing the narrative description, but a majority of the members felt that it was necessary to get them out soon for feedback. Mr. Ellis suggested that Mr. Germano review the narrative document once the changes are made. Chairman Fisher agreed and said that he will look them over with Mr. Germano.

New Business

A. Stewardship

Note: Mr. Johnson left the meeting during this discussion.

1. FY2020 Annual Monitoring Report

Mr. Kimmel and Mr. Willmott provided an overview of the FY2020 easement monitoring program, which is based on monitoring e-Form reports submitted by the SADC and partners as well as subsequent outreach conversations with partners. Each year, the SADC and its farmland preservation partners, the County Agriculture Development Boards (CADBs) and non-profits organizations, are required to monitor the farms on which they hold the farmland preservation deeds of easement. Partners submit their monitoring reports to the SADC, inform the SADC of any concerns or violations observed during the monitoring visits, and work with landowners and farmers to address the concerns.

As expected, the number of inspections in FY2020 dropped for most counties, nonprofits and the SADC as a result of the COVID pandemic. Some issues that caused performance to drop were staffing, drone monitoring, and submitting the e-Form.

Mr. Willmott and Mr. Kimmel reviewed plans for improving the monitoring process in FY2021, including increasing monitoring completion rates.

It was moved by Mr. Germano and seconded by Mr. Ellis to adopt the FY2020 Annual Monitoring Report. The motion was unanimously approved.

B. Resolution of Final Approval – FY2022 PIG Program

Mr. Bruder referred the committee to the Municipal PIG Program and Plan Update for Millstone Township in Monmouth County. He reviewed the specifics of the township’s

update with the committee and stated that the staff recommendation is to grant final approval and release of the funds for the township's planning grant. Mr. Bruder thanked the Millstone agriculture advisory committee and stated that he looks forward to working with it in the future.

It was moved by Mr. Waltman and seconded by Ms. Jones to approve Resolution FY2021R2(1), granting approval to the following application under the FY2022 PIG Program, as presented, subject to any conditions of said resolution.

1. Millstone Township, Monmouth County Planning Incentive Grant Application Including Update to the Comprehensive Farmland Preservation Plan.

The motion was unanimously approved. A copy of Resolution FY2021R2(1) is attached to and made a part of these minutes.

C. Resolutions: Final Approval – County PIG Program

NOTE: Mr. Bullock recused from this matter.

Ms. Miller referred the committee to two requests for final approval under the County PIG 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. Kumpel and seconded by Mr. Schilling to approve Resolution FY2021R2(2), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Gibson Farm, SADC ID #13-0477-PG, Resolution FY2021R2(2), Block 44, Lots 4, 5, 6 and 7, Freehold Township, Monmouth County, 52.089 acres.

Mr. Siegel explained he would be voting against the approval of farms under 75 acres until the 6 acre allowance in the proposed soil protection standards has been resolved.

A roll call vote was taken. Mr. Bullock recused. Mr. Ellis, Mr. Germano, Mr. Kumpel, Mr. Waltman, Ms. Fischetti, Ms. Jones, Mr. Schilling and Chairman Fisher voted in favor of the motion. Mr. Siegel voted against the motion. The motion was approved. A copy of Resolution FY2021R2(2) is attached to and made a part of these minutes.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve Resolution FY2021R2(3), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

2. James, Linda and Fritz Chando, SADC ID #06-0209-PG, Resolution FY2021R2(3), Block 214, Lot 21, Commercial Township, Cumberland County, 79 acres.

A roll call vote was taken. Mr. Johnson, who announced at this time that he had returned to the meeting, abstained. The motion was unanimously approved by the remaining members. A copy of Resolution FY2021R2(3) is attached to and made a part of these minutes.

D. Resolutions: Final Approval – Direct Easement Purchase Program

Ms. Miller referred the committee to one request for final approval under the Direct Easement Purchase Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2021R2(4), granting approval to the following application under the Direct Easement Program, as presented, subject to any conditions of said resolution.

1. Estate of Dorothy Kenney, SADC ID #06-0084-DE, Resolution FY2021R2(4), Block 188, Lots 1 and 2, Lawrence Township and Block 44, Lot 5, Fairfield Township, Cumberland County, 139.5 acres.

A roll call vote was taken, and the motion was unanimously approved. A copy of Resolution FY2021R2(4) is attached to and made a part of these minutes.

E. Resolutions: Final Approval – Nonprofit Program

Ms. Miller referred the committee to one request for final approval under the Nonprofit Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Schilling and seconded by Mr. Siegel to approve Resolution FY2021R2(5), granting approval to the following applications under the Nonprofit Program, as presented, subject to any conditions of said resolution.

1. Daniel and Raquel DeTullio, SADC ID #06-0009-NP, Resolution FY2021R2(5), Block 27, Lots 3, Fairfield Township, Cumberland County, 30.41 acres.

A roll call vote was taken, and the motion was unanimously approved. A copy of Resolution FY2021R2(5) is attached to and made a part of these minutes.

F. Resolution of Approval – SADC Bylaws Amendments – Procedures for Alternate SADC Members

As a result of the discussion at the SADC January executive session meeting and advice from the Attorney General's Office, Mr. Smith reviewed with the committee the proposed amendments to the SADC Bylaws. He noted that there is an amendment to section 4 of the Bylaws which sets forth in more detail the role of the alternate member position, the conduct of that individual as a regular member, and the extent to which alternate members function when they attend public and executive sessions but are not sitting as a regular committee member.

Mr. Smith recommended, upon further review of the Bylaws, that section F, which notes that an alternate is a state officer, be a stand-alone provision to make it more clearly applicable to alternates sitting as a committee member and alternates who attend meetings but are not taking the place of a regular member. Mr. Smith noted that the word “the” needs to be inserted before “executive director” in the main body of new section 4.

It was moved by Mr. Ellis and seconded by Ms. Fischetti to approve Resolution FY2021R2(6), granting approval to the SADC Bylaws amendments, as revised, subject to any conditions of said resolution. Mr. Kumpel abstained from the vote. The motion was approved.

Public Comment

There was no public comment.

Chairman Fisher thanked everyone for the many hours spent preparing the draft SPSs and commended the staff, partners in government and volunteers for all of their hard work.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday March 25, 2021

Location: TBA

ADJOURNMENT

The meeting was adjourned at 1:16 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**RESOLUTION #FY2021R2(1)
FINAL APPROVAL**

of the

**MILLSTONE TOWNSHIP, MONMOUTH COUNTY
PLANNING INCENTIVE GRANT APPLICATION INCLUDING UPDATE TO THE
COMPREHENSIVE FARMLAND PRESERVATION PLAN**

2022 PLANNING ROUND

February 25, 2021

WHEREAS, the State Agriculture Development Committee ("SADC") is authorized under the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1), to provide a grant to eligible counties and municipalities for farmland preservation purposes based on whether the identified project area provides an opportunity to preserve a significant area of reasonably contiguous farmland that will promote the long term viability of agriculture as an industry in the municipality or county; and

WHEREAS, to be eligible for a grant, a municipality shall:

1. Identify project areas of multiple farms that are reasonably contiguous and located in an agricultural development area ("ADA") authorized pursuant to the Agriculture Retention and Development Act, P.L. 1983, c.32 (C.4:1C-11 et seq.);
2. Establish an agricultural advisory committee composed of at least three, but not more than five, residents with a majority of the members actively engaged in farming and owning a portion of the land they farm;
3. Establish and maintain a dedicated source of funding for farmland preservation pursuant to P.L. 1997, c.24 (C.40:12-15.1 et seq.), or an alternative means of funding for farmland preservation, such as, but not limited to, repeated annual appropriations or repeated issuance of bonded indebtedness, which the SADC deems to be, in effect, a dedicated source of funding; and
4. Prepare a farmland preservation plan element pursuant to paragraph (13) of section 19 of P.L. 1975, c.291 (C.40:55D-28) in consultation with the agricultural advisory committee; and

WHEREAS, the SADC adopted amended rules, effective July 2, 2007, under Subchapter 17A (N.J.A.C. 2:76-17A) to implement the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1) by establishing a municipal farmland preservation planning incentive grant program; and

WHEREAS, recent amendments to Subchapter 17A (N.J.A.C. 2:76-17A), effective August 3, 2020, were made to enhance the planning incentive grant program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6, a municipality applying for a grant to the SADC shall submit:

1. A copy of the municipal comprehensive farmland preservation plan, as amended, if appropriate;
2. An inventory for each project area showing the number of farms or properties, and their individual and aggregate acreage, for targeted farms, farmland preservation applications with final approvals, preserved farms, lands enrolled in a term farmland preservation program and preserved open space compatible with agriculture;
3. A report summarizing the status of development easement purchases, the expenditure of Committee funds, updates to policies, funding availability, estimates of targeted farm easement costs and contact information;
4. Copies of agricultural advisory committee meeting minutes; and
5. A resolution of support from the governing body and documentation of the agricultural advisory committee's review of the proposed application; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.4, the SADC specified that a municipal comprehensive farmland preservation plan shall, at a minimum, include the following components:

1. The adopted farmland preservation plan element of the municipal master plan;
2. A map and description of the municipality's agricultural resource base including, at a minimum, the proposed farmland preservation project areas and the location and extent of important farmland soils;
3. A description of the land use planning context for the municipality's farmland preservation initiatives including identification and detailed map of the county's adopted Agricultural Development Area (ADA) within the municipality, consistency of the municipality's farmland preservation program with county and other farmland preservation program initiatives and consistency with municipal, regional and State land use planning and conservation efforts;
4. A description of the municipality's past and future farmland preservation program activities, including program goals and objectives, and a summary of available municipal funding and approved funding policies in relation to the municipality's one-, five- and ten-year preservation projections;
5. A discussion of the actions the municipality has taken, or plans to take, to promote agricultural economic development in order to sustain the agricultural industry;
6. Other farmland preservation techniques being utilized or considered by the municipality;

7. A description of the policies, guidelines or standards used by the municipality in conducting its farmland preservation efforts, including any minimum eligibility criteria or standards used by the municipality for solicitation and approval of farmland preservation program applications in relation to SADC minimum eligibility criteria as described at N.J.A.C. 2:76-6.20, adopted ranking criteria in relation to SADC ranking factors at N.J.A.C. 2:76-6.16, and any other policies, guidelines or standards that affect application evaluation or selection;
8. A description of municipal staff and/or consultants used to facilitate the preservation of farms; and
9. Any other information as deemed appropriate by the municipality; and

WHEREAS, on July 25, 2019 the SADC updated its 2007 adopted *Guidelines for Developing Municipal Comprehensive Farmland Preservation Plans* which supplement N.J.A.C. 2:76-17A and provide uniform, detailed plan standards, update previous planning standards, and incorporate recommendations from the 2006 edition of the Agricultural Smart Growth Plan for New Jersey and the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1); and

WHEREAS, the *Guidelines* emphasize that these municipal comprehensive farmland preservation plans should be developed in consultation with the agricultural community including the municipal agricultural advisory committee, municipal planning board, CADB, county planning board and the county board of agriculture, and where appropriate, in conjunction with surrounding municipalities and the county comprehensive farmland preservation plan, with at least two public meetings including a required public hearing prior to planning board adoption as an element of the municipal master plan; and

WHEREAS, to date, the SADC has received 45 municipal planning incentive grant applications pursuant to N.J.A.C. 2:76-17A.6(a); and

WHEREAS, in total, these 45 municipal planning incentive grant applications identified 111 project areas in 9 counties and targeted 2,336 farms and 101,798 acres at an estimated total cost of, \$1,175,530,000, with a ten-year preservation goal of 63,617 acres; and

WHEREAS, to date 43 of the municipal planning incentive grant applications have received SADC Final Approval;

WHEREAS, the SADC granted final approval to Millstone Township's initial planning incentive grant application, submitted for the 2009 funding cycle, on April 24, 2009; and

WHEREAS, Millstone's 2009 application included a comprehensive farmland preservation plan, dated April 9, 2008, consistent with the SADC's adopted *Guidelines*; and

WHEREAS, recent amendments to Subchapter 17A (N.J.A.C. 2:76-17A) included a requirement, at N.J.A.C. 2:76-17A.4(b), that comprehensive farmland preservation plans be reviewed and readopted by the municipal planning board, in consultation with the agricultural advisory committee, at least every 10 years; and

WHEREAS, the SADC established cost share grant funding for the preparation or update of comprehensive farmland preservation plans as detailed in SADC Policy #55, effective July 25, 2019; and

WHEREAS, Millstone Township and the SADC have executed a grant agreement for funding of an update of Millstone's comprehensive farmland preservation plan; and

WHEREAS, as part of its application for the 2022 Municipal Planning Incentive Grant round Millstone Township included an amended comprehensive farmland preservation plan, dated December 16, 2020, developed consistent with the SADC's adopted *Guidelines*; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6(b)1 and N.J.A.C. 2:76-17A.6(b)2, in order to improve municipal and county farmland preservation coordination, the municipality forwarded its application to the county for review and provided evidence of county review and comment and, if appropriate, the level of funding the county is willing to provide to assist in the purchase of development easements on targeted farms; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, SADC staff reviewed and evaluated the municipality's application to determine whether all the components of the comprehensive farmland preservation plan are fully addressed and complete and whether the project area inventories are complete and technically accurate, and that the application is designed to preserve a significant area of reasonably contiguous farmland that will promote the long-term economic viability of agriculture as an industry; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Millstone Township Planning Incentive Grant application submitted under the FY2022 program planning round as summarized in the attached Schedule A, including its comprehensive farmland preservation plan, dated December 16, 2020:

BE IT FURTHER RESOLVED, that the SADC authorizes release of cost share funding for the update of Millstone's comprehensive farmland preservation plan upon completion of grant requirements pursuant to SADC Policy #55 and the executed agreement; and

BE IT FURTHER RESOLVED, that funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and that the SADC's approval of State funding is subject to Legislative appropriation of funds and the Governor signing the respective appropriation bills; and

BE IT FURTHER RESOLVED, that the SADC will monitor the municipality's funding plan pursuant to N.J.A.C. 2:76-17A.8(a) and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each Planning Incentive Grant municipality should expend its grant funds within three years of the date the funds are appropriated. To be considered expended a closing must have been completed with the SADC. Any funds that are not expended within three years are subject to reappropriation and may no longer be available to the municipality; and

BE IT FURTHER RESOLVED, that the SADC will continue to assist municipalities with planning for agricultural retention, the promotion of natural resource conservation efforts, county and municipal coordination, and agricultural economic development and in strengthening of Right to Farm protections; and

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

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

2/25/2021
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

2022 MUNICIPAL PLANNING INCENTIVE GRANT
FINAL APPROVAL

Municipality	County	Project Area	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0_/\$100	Annual Tax Revenue in Millions	Annual Tax for Farm Preservation in Millions
Millstone	Monmouth	Perrineville East	17	659	\$19,111,000	\$29,000						
		Perrineville West	13	959	\$27,811,000	\$29,000						
		Clarksburg East	11	687	\$19,923,000	\$29,000						
		Clarksburg West	7	425	\$12,325,000	\$29,000						
Total		4	48	2730	\$79,170,000	\$29,000	200	600	1,000	6.00	\$1.126	No Set Amount

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2021R2(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
MONMOUTH COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Gibson Farm, LLC ("Owner")
SADC ID# 13-0477-PG
Freehold Township, Monmouth County
N.J.A.C. 2:76-17 et seq.**

February 25, 2021

WHEREAS, on September 25, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 44, Lots 4, 5, 6 and 7, Freehold Township, Monmouth County, totaling approximately 52.089 gross survey 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 Northern Howell-Eastern Freehold Project Area; and

WHEREAS, the Property includes one (1), approximately 5.417-acre non-severable exception area for two (2) existing single family residential units and to afford future flexibility for nonagricultural uses resulting in approximately 46.672 net survey acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 5.417-acre non-severable 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 limited to two (2) existing single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) One (1) existing single family residential unit
- 2) Zero (0) Residual Dwelling Site Opportunities (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 vegetable, corn, and hay production; and

WHEREAS, the Property has a quality score of 64.77 which exceeds 49, 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 November 19, 2020 in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$63,000 per acre based on zoning and environmental regulations in place as of the current valuation date September 8, 2020; and

WHEREAS, on November 26, 2019 the Freehold Township Committee adopted Ordinance O-19-16 and Ordinance O-19-20 to authorize the purchase of the development easement and potential assignment to another party, and to authorize an Installment Purchase Agreement (IPA) to fund the easement purchase, respectively; and

WHEREAS, Freehold Township purchased the development easement on August 25, 2020 for \$750,000 (\$63,384.97 per acre) and, which was recorded on September 11, 2020 in the County Clerk's Office in Deed Book OR-9440, Page 2585; and

WHEREAS, pursuant to paragraph 22 of the farmland preservation deed of easement, the Township intends to assign the development easement to the Monmouth County Agriculture Development Board less the municipal contribution; and

WHEREAS, the existing solar panels on the machine shed in the non-severable exception area are subject to the requirements of NJSA 4:1C-32.4 and N.J.A.C. 2:76-24.1, et seq., and the SADC will need to review the existing solar lease with Sunnova Energy Corporation prior to closing to ensure it comports with the statute and rules; and

WHEREAS, the Township has requested to consolidate the four (4) lots associated with the property at the time of the Assignment of the Deed of Easement or immediately thereafter; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Township accepted the County's offer of \$63,000 per acre for the assignment of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on December 8, 2020, the Freehold Township Committee approved the application for the assignment of development easement and recognizing the municipal cost share of \$10,606.71 per acre, which will be deducted from the assignment consideration; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 1, 2020 the Monmouth County Agriculture Development Board passed a resolution granting final approval for the assignment of the development easement on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 17, 2020, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$15,243.29 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, 48.072 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 48.072 acres):

	Total	Per/acre
SADC	\$1,785,874.80	(\$37,150/acre)
Freehold Township	\$ 509,885.76	(\$10,606.71 / acre)
<u>Monmouth County</u>	<u>\$ 732,775.44</u>	<u>(\$15,243.29/acre)</u>
Total Easement Purchase	\$3,028,536.00	(\$63,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$1,785,874.80 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 Premises, comprising approximately 48.072 net easement acres, at a State cost share of \$37,150 per acre, (58.97% of certified easement value and purchase price), for a total grant of approximately \$1,785,874.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. This final approval is conditioned upon the SADC counsel reviewing the Sunnova Energy Corporation solar lease prior to closing.
4. This final approval is conditioned upon the SADC counsel reviewing the proposed lot consolidation deed prior to closing.
5. 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 funds).
6. 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.
7. 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.

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

____ 2/25/2021 ____
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	RECUSED
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	ABSENT
Roger Kumpel	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Muoio)	NO
Renee Jones (rep. DEP Commissioner McCabe)	YES
Douglas Fisher, Chairperson	YES

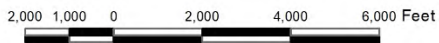
Preserved Farms and Active Applications Within Two Miles



X:\counties\monco\projects\Gibson Farm, LLC 2mile 3.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gibson Farm, LLC
 Block 44 Lots 4 (5.9 ac); P/O 5 (30.9 ac);
 P/O 6 (6.7 & 0.2 ac);
 & P/O 6-EN (non-severable exception - 5.4 ac); & 7 (2.8 ac)
 Gross Total = 51.9 ac
 Freehold Twp., Monmouth County



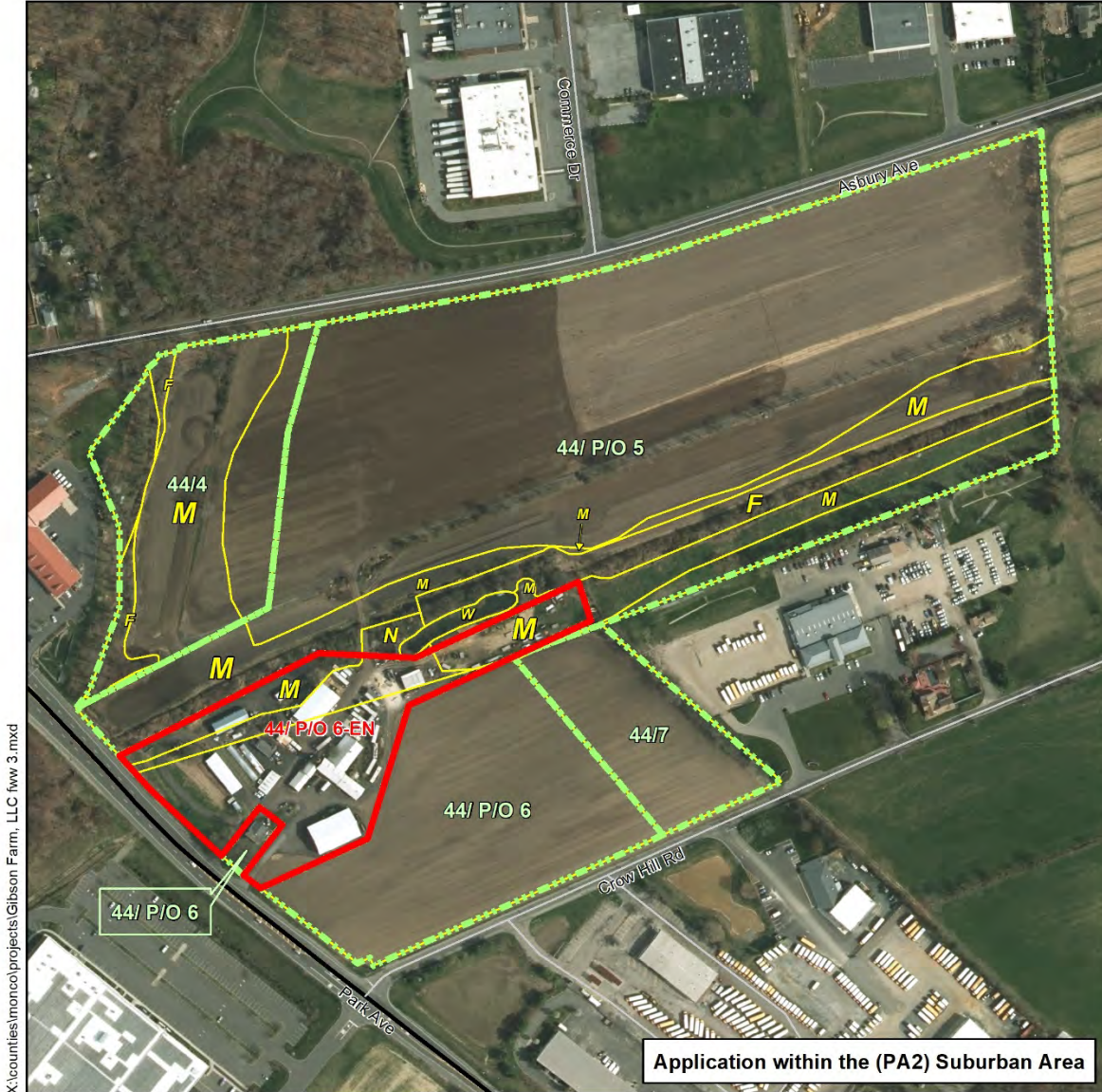
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & 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)
 NJGITOGIS 2015 Digital Aerial Image

August 31, 2020

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\monco\projects\Gibson Farm, LLC fww 3.mxd

Application within the (PA2) Suburban Area

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

Gibson Farm, LLC
Block 44 Lots 4 (5.9 ac); P/O 5 (30.9 ac);
P/O 6 (6.7 & 0.2 ac);
& P/O 6-EN (non-severable exception - 5.4 ac); & 7 (2.8 ac)
Gross Total = 51.9 ac
Freehold Twp., Monmouth County



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

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



	Property In Question
	EN - (Non-Severable) Exception
	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

August 31, 2020

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gibson Farm, LLC
13- 0477-PG
County PIG Program
46 Acres

Block 44	Lot 4	Freehold Twp.	Monmouth County
Block 44	Lot 7	Freehold Twp.	Monmouth County
Block 44	Lot 6	Freehold Twp.	Monmouth County
Block 44	Lot 5	Freehold Twp.	Monmouth County
SOILS:		Other	8% * 0 = .00
		Prime	66% * .15 = 9.90
		Statewide	8% * .1 = .80
		Unique zero	18% * 0 = .00
			SOIL SCORE: 10.70
TILLABLE SOILS:		Cropland Harvested	85% * .15 = 12.75
		Other	1% * 0 = .00
		Wetlands/Water	6% * 0 = .00
		Woodlands	6% * 0 = .00
			TILLABLE SOILS SCORE: 12.75
FARM USE:		Hay	2 acres
		Corn-Cash Grain	30 acres
		Vegetable & Melons	11 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (5.417) acres for flexibility for farm market, dwelling & other buildings
 - Exception is not to be severed from Premises
 - Exception is to be limited to two existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions.
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - Standard Single Family - 1 single family residence on the premises
 - 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 FY2021R2(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Chando, James, & Fritz-Chando, Linda (“Owners”)
SADC ID#06-0209-PG
Commercial Township, Cumberland County
N.J.A.C. 2:76-17 et seq.**

February 25, 2021

WHEREAS, on June 4, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 214, Lot 21, Commercial Township, Cumberland County, totaling approximately 79 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 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 County’s Fairfield North (Fairfield-Millville) Project Area; and

WHEREAS, the Property includes one (1), approximately 1 acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 78 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the 1-acre nonseverable 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 limited to one future single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 44.33 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, pursuant to N.J.A.C. 2:76-17.11, on July 25, 2019, the SADC certified the Development Easement value of \$2,000 per acre based on zoning and environmental regulations in place as of the current valuation date February 1, 2019; and

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

WHEREAS, on January 15, 2021, 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 December 19, 2019, the Commercial 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 13, 2019, the Cumberland 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 September 24, 2019, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$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, 80.34 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 80.34 acres):

	Total	Per/acre
SADC	\$120,510	(\$1,500/acre)
<u>County</u>	<u>\$40,170</u>	<u>(\$500/acre)</u>
Total Easement Purchase	\$160,680	(\$2,000/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 \$120,510 in competitive grant funding which is available at this time (Schedule B); and

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

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 Premises, comprising approximately 80.34 net easement acres, at a State cost share of \$1,500 per acre, (75% of certified easement value and purchase price), for a total grant of approximately \$120,510 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 funds).
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 Premises 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.

2/25/2021
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/06-0209-PG/Acquisition/Final Approval/Chando Final Approval.docx>

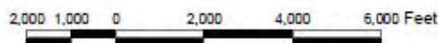
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Chando, James & Fritz-Chando, Linda
Block 214 Lots P/O 21 (78 ac);
& P/O 21-EN (non-severable exception - 1.0 ac);
Gross Total = 79 ac
Commercial Twp., Cumberland 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.

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Chando, James & Fritz-Chando, Linda
Block 214 Lots P/O 21 (78 ac);
& P/O 21-EN (non-severable exception - 1.0 ac);
Gross Total = 79 ac
Commercial Twp., Cumberland County

500 250 0 500 1,000 Feet

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

TIDELANDS DISCLAIMER:
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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.

Application within the (PA5) Env Sens Area

- Property In Question
- EN - (Non-Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- 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 - 300' Buffer
W - Water

May 26, 2019

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Chando, James & Fritz-Chando, Linda
06- 0209-PG
County PIG Program
78 Acres

Block 214	Lot 21	Commercial Twp.	Cumberland County		
SOILS:		Other	6% * 0	=	.00
		Prime	50% * .15	=	7.50
		Unique .125	7% * .125	=	.88
		Unique zero	37% * 0	=	.00
				SOIL SCORE:	8.38
TILLABLE SOILS:		Cropland Harvested	34% * .15	=	5.10
		Wetlands/Water	63% * 0	=	.00
		Woodlands	3% * 0	=	.00
				TILLABLE SOILS SCORE:	5.10
FARM USE:		Corn-Cash Grain	26 acres		
		Agricultural Production Crops	9 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 Existing dwelling
 - Exception is not to be severed from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-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.

**139.5188STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2021R2(4)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Kenney, Dorothy L. - Estate of (Gilson, Paul Executor)

February 25, 2021

Subject Property: **Kenney, Dorothy L. - Estate of (Gilson, Paul Executor)**
Cumberland County
Block 188, Lots 1 & 2 Lawrence Township
Block 44, Lot 5 Fairfield Township
SADC ID#:06-0084-DE
Approximately 139.5 Net Easement Acres

WHEREAS, on July 21, 2020, the State Agriculture Development Committee ("SADC") received a development easement sale application from Paul Gilson Executor of the Estate of Dorothy L. Kenney, hereinafter "Owner," identified as Block 188, Lot 1 & 2, Lawrence Township, Cumberland County and Block 44, Lot 5, Fairfield Township, Cumberland County, hereinafter "the Property," totaling approximately 142.5 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 Owner read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for future flexibility and an existing agricultural labor building but with zero (0) single family residential opportunities resulting in approximately 139.5 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 3-acre nonseverable 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 limited to zero (0) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises 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 nursery production; and

WHEREAS, the option, offer, and this final approval are conditioned upon an access easement being recorded prior to closing along the existing farm lane up to the railroad to permit possible future access to Block 187, Lot 1 (owned by the Estate); 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 September 26, 2019, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Cumberland County (minimum acreage of 88 and minimum quality score of 54) because it is approximately 139.5 acres and has a quality score of 68.63; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 12, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,600 per acre based on zoning and environmental regulations in place as of the current valuation date November 18, 2021; and

WHEREAS, the Owners accepted the SADC's offer of \$4,600 acre for the purchase of the development easement on the Premises; 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 \$4,600 per acre for a total of approximately \$641,700 subject to the conditions contained in (Schedule B).
3. This final approval is conditioned upon an access easement to be recorded prior to closing along the existing farm lane up to the railroad to permit possible future access to Block 187, Lot 1.

4. 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 Premises 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.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. 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.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____ 2/25/2021 _____
Date

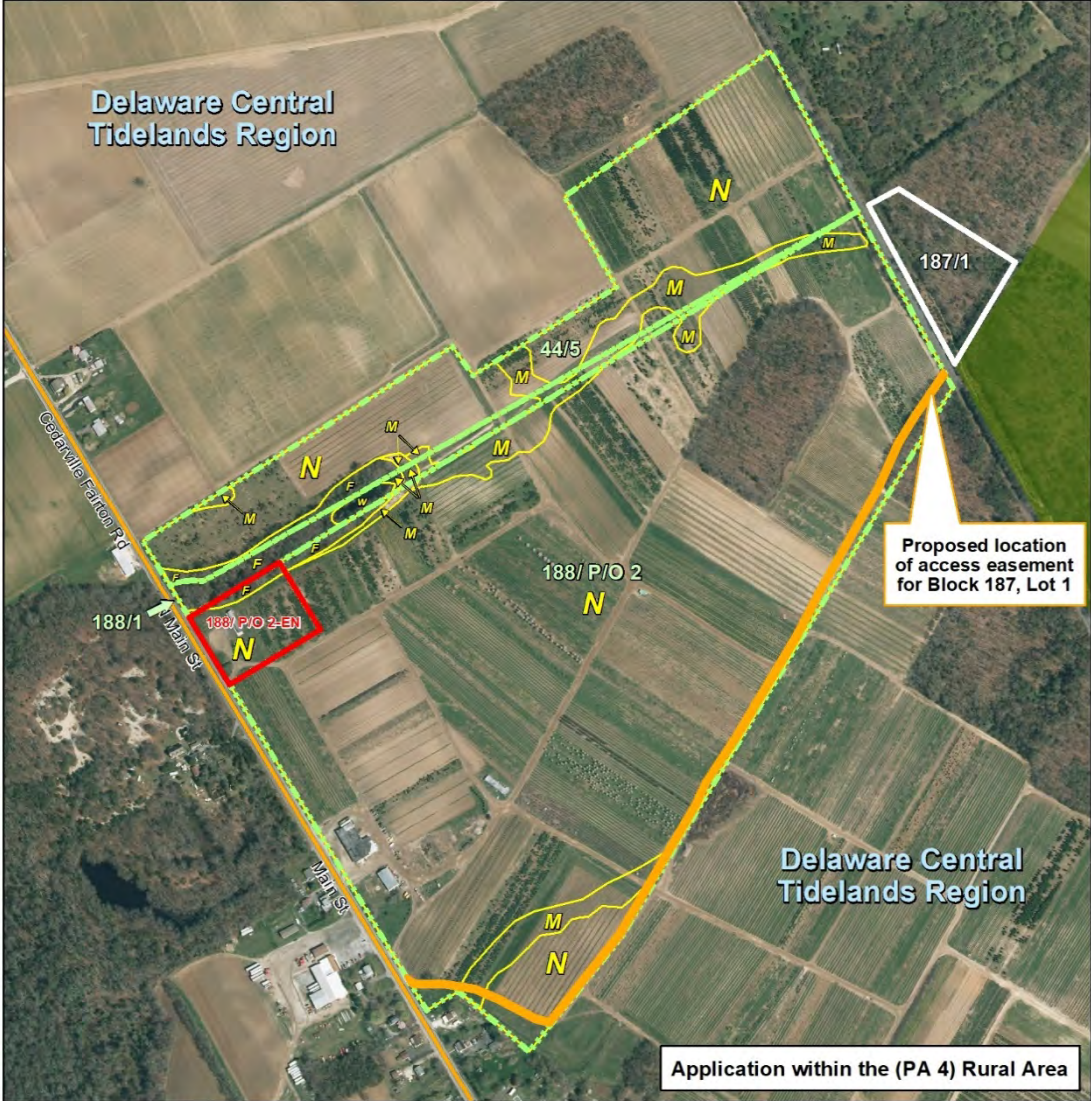


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



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

Kenney, Dorothy Estate of (Gilson, Executor)
Fairfield Twp. - Block 44 Lot 5 (28.2 ac);
Lawrence Twp. - Block 188 Lots 1 (3.6 ac);
P/O 2 (107.7 ac) & P/O 2-EN (non-severable exception - 3.0 ac)
Gross Total = 142.5 ac
Cumberland County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Tidelands Claim Line, NJ, Edition 20161214
NJOT/OGIS 2015 Digital Aerial Image

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

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



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

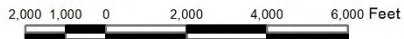
Preserved Farms and Active Applications Within Two Miles



X:\counties\cumco\projects\Kenney, Dorothy Estate of (Gilson, Executor) 2 mile 2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kenney, Dorothy Estate of (Gilson, Executor)
 Fairfield Twp. - Block 44 Lot 5 (28.2 ac);
 Lawrence Twp. - Block 188 Lots 1 (3.6 ac);
 P/O 2 (107.7 ac) & P/O 2-EN (non-severable exception - 3.0 ac)
 Gross Total = 142.5 ac
 Cumberland 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)
 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

August 21, 2020

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kenney, Dorothy L. - Estate of (Gilson, Paul Executor)
Easement Purchase - SADC
140 Acres

Block 188	Lot 1	Lawrence Twp.	Cumberland County
Block 44	Lot 5	Fairfield Twp.	Cumberland County
Block 188	Lot 2	Lawrence Twp.	Cumberland County
SOILS:		Prime	81% * .15 = 12.15
		Statewide	16% * .1 = 1.60
		Unique zero	3% * 0 = .00
			SOIL SCORE: 13.75
TILLABLE SOILS:		Cropland Harvested	86% * .15 = 12.90
		Wetlands/Water	2% * 0 = .00
		Woodlands	12% * 0 = .00
			TILLABLE SOILS SCORE: 12.90
FARM USE:	Ornament Nursery Products		130 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 three (3) acres for Labor Building
Exception is not to be severable from Premises
Right to Farm language is to be included in Deed of Easement
Exception is to be limited to zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. SADC final approval and the Agreement of Sale are conditioned upon the an access easement to be recorded prior to closing along the existing farm lane up to the railroad to permit possible future access to Block 187, Lot 1 (owned by the Estate).
 - 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 FY2021R2(5)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
New Jersey Conservation Foundation (NJCF)
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of DeTullio, Daniel J. & Raquel Lynn (“Owners”)**

FY18 Non Profit Round – SADC #06-0009-NP

February 25, 2020

WHEREAS, on April 3, 2017, the State Agriculture Development Committee (“SADC”), received a non-profit cost share grant application from New Jersey Conservation Foundation (NJCF) for the DeTullio farm identified as Block 27, Lot 3, Fairfield Township, Cumberland County, totaling approximately 30.41 gross acres hereinafter referred to as “Property” (Schedule A); and

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

WHEREAS, the Premises includes one (1), approximately 1.53 acre non-severable exception area for an existing single family residential unit and one 0.31 acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 28.57 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the 1.5-acre non-severable 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 limited to one single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 0.31-acre non-severable exception area:

- 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 limited to one (1) single family residential unit
- 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) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property includes approximately 2.8 acres of Tidelands, therefore, the appraisals were based on an adjusted net acreage of 25.77 upland and/or wetland acres as per the SADC Appraisal Handbook; and

WHEREAS, on May 25, 2017, the SADC granted preliminary approval by Resolution #FY2017R5(6) to the NP's FY2018 Nonprofit application and appropriated \$212,500 for the acquisition of development easement on two farms including the DeTullio farm; and

WHEREAS, at this time, \$77,762.90 for the Wentzell farm has been encumbered, therefore, approximately \$134,737.10 is still available; and

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

WHEREAS, the Property has a quality score of 60.92 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, preliminary information raised questions regarding ownership of and access to Block 55, Lots 1 and 2; accordingly the SADC will require that those issues be addressed by the Owner prior to closing and as a condition of closing; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.1, on October 1, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,300 per acre based on zoning and environmental regulations in place as of the current valuation date August 7, 2020; and

WHEREAS, the SADC advised NJCF 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 NJCF's eligible costs and subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on January 4, 2021, NJCF informed the SADC that it will accept the SADC cost share of \$2,650 per acre; and

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

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

WHEREAS, the owner has read and signed the SADC ALE guidance document and agreed to the additional restrictions associated with the ALE Grant, including no future division of the premises and a 6% maximum impervious coverage restriction

(approximately 1.45 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, at this time the ALE approved current easement value has not been finalized, therefore, the estimated ALE grant of \$3,000 per acre (50% of \$6,000) or approximately \$77,310 in total ALE funds will be utilized; and

WHEREAS, the Owner accepted the nonprofit's offer of 50% of the SADC certified market value and 50% of the estimated ALE grant, which is anticipated to be \$5,650 per acre for the development easement for the Property which is higher than the certified easement, but not higher than the highest appraised value of \$6,000); and

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

WHEREAS, the cost share breakdown based on 25.77 acres is as follows:

<u>Total</u>	<u>Per/acre</u>		
SADC	\$68,290.50	(\$2,650/acre or 50% CMV)	
ALE	\$77,310.00	(\$3,000/acre or 50% approved federal appraisal)	
Total Easement Purchase	\$145,600.50	(\$5,650/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 NJCF for up to 50% of the eligible ancillary costs which will be deducted from its FY18 appropriation and subject to the availability of funds; 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 NJCF for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. This approval is conditioned upon receipt of ALE or other funds sufficient enough to cover the remaining 50% cost share.
4. This final approval is conditioned on resolving access to Block 27, Lots 1 & 2 to the satisfaction of SADC counsel prior to closing.
5. The SADC shall provide a cost share grant not to exceed \$2,650 per acre (total of approximately \$68,290.50 based on 25.77 acres) to NJCF for the development easement acquisition on the Premises, subject to the availability of funds.
6. The application is subject to the conditions contained in (Schedule B).

7. 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.
8. The SADC's cost share grant to NJCF for the development easement purchase on the Premises 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.
9. 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 NJCF for the acquisition of a development easement on the Property.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/25/2021
Date

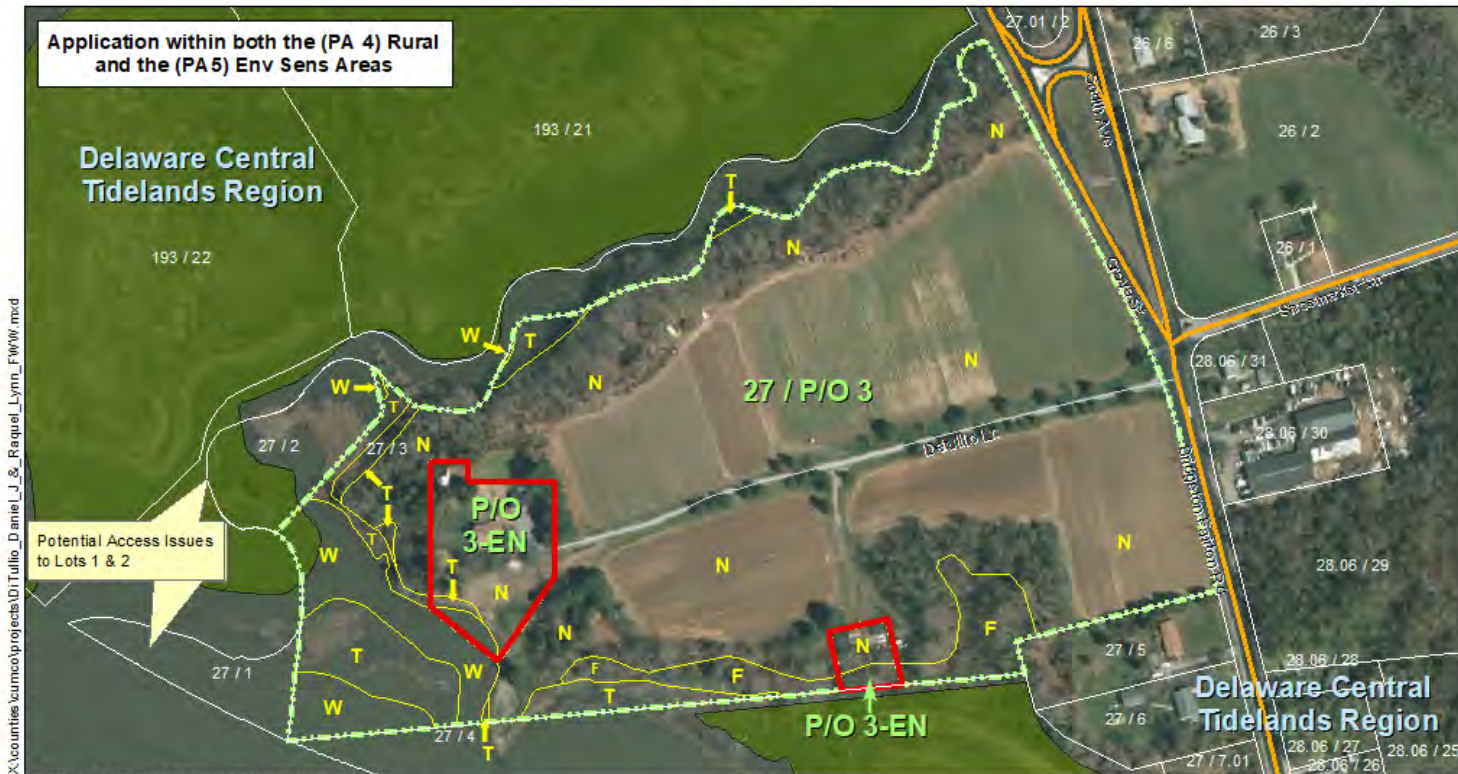


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



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Application within both the (PA 4) Rural and the (PA5) Env Sens Areas

Delaware Central Tidelands Region

Potential Access Issues to Lots 1 & 2

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

DiTullio, Daniel J & Raquel Lynn
 Block 27 P/O Lot 3 (28.57 ac) & P/O Lot 3-EN (non-severable exceptions – 1.84 ac)
 Gross Total – 30.41 ac
 Fairfield Twp. Cumberland County



WETLANDS DISCLAIMER:
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	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 OIS & Recreation Easements



Wetlands Legend:
 F - Freshwater Wetlands
 L - Little Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-tidal Wetlands
 B - 500' Buffer
 W - Water

Source:
 NJ Farmland Preservation Program
 Great Acres Conservation Easement Data
 NJDEP - Wetlands Data
 NJDOT Road Data
 NJDOT GIS 2010 Digital Aerial Image
 Date: 4/16/2017

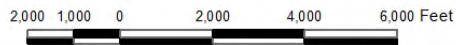
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

DiTullio, Daniel J & Raquel Lynn
Block 27 P/O Lot 3 (28.57 ac) & P/O Lot 3-EN (non-severable exceptions – 1.84 ac)
Gross Total – 30.41 ac
Fairfield Twp. Cumberland County



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

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

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

Date: 4/19/2017

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

DeTullio, Daniel J. & Raquel Lynn
06- 0009-NP

FY 2018 Easement Purchase - Nonprofit
Acres

Block 27	Lot 3	Fairfield Twp.	Cumberland County		
SOILS:		Other	10% *	0	= .00
		Prime	32% *	.15	= 4.80
		Statewide	33% *	.1	= 3.30
		Unique .125	25% *	.125	= 3.13
					SOIL SCORE: 11.23
TILLABLE SOILS:		Cropland Harvested	55% *	.15	= 8.25
		Woodlands	45% *	0	= .00
					TILLABLE SOILS SCORE: 8.25
FARM USE:	Corn-Cash Grain		15 acres	Acreage is taken from the farmland assessment form.	

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 (1.53) acres for Existing Single Family Residential Unit
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s)
 - 2nd (.31) acres for Existing Rented Single Family Residential Unit
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions:
 1. Applying for ALE via NJCF, which restricts the premises from any future division and includes a 6% maximum impervious cover restriction on the acreage outside of the exception area.
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2021R2(6)

Final Approval - SADC Bylaw Amendments

Procedures for Alternate Members

February 25, 2021

WHEREAS, P.L.2017, c. 385 amended N.J.S.A. 4:1C-4c. of the Right to Farm Act to provide for the appointment of alternate farmer and alternate public members (collectively, "alternate members") to the State Agriculture Development Committee (SADC); and

WHEREAS, current SADC bylaws do not address the circumstances under which alternate members can attend and participate at SADC meetings; and

WHEREAS, it is necessary to amend the SADC bylaws to accommodate the attendance and participation of alternate members; and

WHEREAS, Article VIII of the bylaws, entitled "Amendments and Suspension", require that amendments be adopted by resolution of the SADC; and

WHEREAS, proposed amendments to Article III ("Officers") have been reviewed by the SADC,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The above WHEREAS paragraphs are incorporated herein by reference.
2. The amendments to Article III of the bylaws are hereby approved.
3. The SADC bylaws, as amended, are attached hereto and incorporated herein by reference.
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



2/25/2021
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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