

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)

**Department of Agriculture
Market and Warren Streets, 1st Floor Auditorium
Trenton, NJ 08625**

REGULAR MEETING

January 23, 2020

Chairman Fisher called the meeting to order at 9:12 a.m. The flag salute was conducted.

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

Roll call indicated the following:

Members Present

Chairman Fisher
Renee Jones
Gina Fischetti (Rep. DCA Commissioner Sheila Oliver)
Martin Bullock
Scott Ellis
Pete Johnson
James Waltman
Brian Schilling
Denis Germano
Ralph Siegel
Richard Norz

Members Absent

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

Others present as recorded on the attendance sheet: Brian Wilson, Burlington County Agriculture Development Board (CADB); John Kluthe, KES LLC; Tom Cosentino, Garden State Wine Growers; Bob Hornby, Hunterdon CADB; Donna Rue, Public; Emily Blackman, Mercer CADB; Harriet Honigfeld, Monmouth CADB; Katherine Coyle, Morris CADB; Sean Pizzio, Monmouth CADB; Amy Hansen, New Jersey Conservation Foundation; Katherine Fullerton; Kurt Alstead, Farmer; and Kate Katzer, Somerset County.

Minutes

A. SADC Regular Meeting of December 5, 2019 (Open and Closed Sessions)

It was moved by Mr. Schilling and seconded by Ms. Fischetti to approve the Open and Closed Session minutes of the SADC regular meeting of December 5, 2019. Mr. Bullock, Mr. Ellis, Mr. Germano, Mr. Norz and Mr. Siegel abstained. The motion was approved.

Report of the Chairman

Chairman Fisher acknowledged the newly appointed members to the State Agriculture Development Committee (SADC), all of whom are seasoned in agriculture and farming and matters important to the Committee. These members include Mr. Martin Bullock (replacing Jane Brodhecker), Mr. Richard Norz (replacing Alan Danser) and Mr. Roger Kumpel who is the farmer alternate, a new position with the SADC. The members re-appointed by the Governor include Mr. Pete Johnson, Mr. Scott Ellis and Mr. Denis Germano.

Chairman Fisher asked each of the new members to introduce themselves and discuss their role in farming. Mr. Norz stated that he farms 800 acres in Hillsborough Township, Somerset County, including row crops, vegetables, livestock and agritourism activities. Mr. Bullock stated that he farms land in Upper Freehold Township, Monmouth County where he grows grain, does agritourism, and has an on-farm brewery called the Screamin' Hill Brewery. He noted that he was on the State Board of Agriculture with Mr. Norz and has been on the Monmouth CADB for quite a few years. Mr. Kumpel stated that he serves on the Burlington County Board of Agriculture, as a director of NJ Farm Bureau, and served on the State Board as president. He noted that he farms between 250 to 300 acres of grain and vegetables and has a small farm market on the farm. He noted that he was thankful to be a part of the Committee.

Chairman Fisher stated that Soil Protection and Special Occasion Events (SOEs) are on the agenda today and that everyone here understands and appreciates the importance of getting things right to assist farmers while protecting the integrity of the SADC program in which taxpayers have invested over 1.5 billion dollars.

Report of the Executive Director

Ms. Payne stated that a Special Occasion Event (SOE) bill, S-3393, was passed by both houses of the legislature and had some good as well as problematic aspects to it. The bill was pocket vetoed by the Governor. There is a lot of discussion in the ag community surrounding this issue which focuses SADC efforts to develop its recommendations even more.

The FY20 appropriation bills were approved and signed by the Governor, so those funds are now available. Ms. Payne also reminded the public that comments on the SADC proposed planning incentive grant rule changes to provide municipalities with competitive grant funds are due January 31st.

Ms. Payne noted that senior planner staff member Megan Stanley recently resigned to take a job closer to her home and wanted to pass on her thanks to the Committee. Ms. Payne noted that Ms. Stanley did outstanding work and will be missed.

Communications

Ms. Payne stated there is an article by the New Jersey Conservation Foundation (NJCF) about the Farmland Preservation Program and she rerecommended the Committee members take that article with them. She also noted an article about the increase in development of warehouses in the state and that for many years industrially zoned land has been fairly dormant, and a lot of farmland has been sitting idle from a developmental stand point. The changes in our economy are causing a lot of development pressure on industrial land which is a big concern for farmers throughout the state.

Chairman Fisher stated that earlier he acknowledged the newest members of the SADC, but he also wants to recognize Ms. Jane Brodhecker and Mr. Alan Danser as long-serving members who did extraordinary work on the Committee. He noted that they will be attending a future SADC meeting and will be recognized publicly again at that time.

Public Comment

Mr. Bruce Abrams from Skillman, NJ stated that he has a letter accompanied with numerous signature related to the neighbors' requests to have Hunter Farms comply with the 2013 resolution set forth by the SADC and not have additional show dates. He gave a copy of the letter to Committee staff and stated that he wants to speak with the Committee further regarding this matter.

Old Business

A. Right to Farm Appeal - SSAMP Appeal: Brodhecker Farm, LLC, Hampton Township, Sussex County (discussion only)

Mr. Brian Smith stated that this is a continuation of a long running case involving Brodhecker Farm, LLC, which has been going on for over 10 years. In February 2014, the SADC issued a final decision in which it observed that the Sussex CADB (SCADB) and Brodhecker had not properly addressed site conditions as they related to public safety. The farm market needed a site plan and Brodhecker was aware of the ability to file a site plan with the Hampton Township planning board or to go back to the CADB and get an SSAMP for these public health and safety issues.

The application was filed with the SCADB in October of 2017. The SCADB had a preliminary hearing in November 2017 and an issue similar to what happened several years prior came up which was potential conflict of interest issues among certain CADB members. Inquiry was made to the local finance board, which did not issue a decision until July 2018. The decision said that all CADB members could hear the case. The hearing was held in November 2018 and Brodhecker submitted information regarding on-site traffic, off-site traffic, on-site pedestrian safety, and parking. At that hearing, three engineers

testified and provided expert opinions to the CADB. The Brodhecker engineer prepared a site plan that was reviewed by the county engineer and the Hampton township engineer. The resolution was issued in March 2019 and that approved these elements in the site plan.

The Brodhecker neighbor, Mr. Pierson, lives across the street from the complex and in March 2019, he filed an appeal of the CADB resolution. That appeal alleged that his constitutional rights were violated, his property value had been diminished, the CADB resolution did not comply with the administrative law judge's decision from a few years back and that he had a right to cross examine some of the documentary evidence that had been presented by Brodhecker.

Mr. Smith stated that he read the minutes from all of the meetings and that Mr. Pierson did attend all of the meetings, but he did not speak at the meetings. However, he still filed an appeal. When the appeal was received, staff appeared before SADC and received permission to keep the case before the SADC. Normally, appeals are sent to the Office of Administrative Law (OAL) which sometimes results in another two years of administrative litigation, then it comes back to the SADC. However, the SADC determined that the facts were not in dispute and that the appeal did not raise substantial issues that would require the case to be forwarded to the OAL.

There were some paper work issues at the CADB level. There was a delay between the application and the disposition of the case, but the SCADB did not ask for refreshing information on commercial farm eligibility. There is also a requirement for farm markets that 51% of what is marketed must be grown on the farm. All information from the CADB when dealing with the case was old. At Mr. Smith's request, Brodhecker gave updated commercial farm eligibility information, receipts for the 2016, 2017, and 2018 growing seasons, and updated attestation reports. This procedural history will be reflected in a final decision that will be drafted and presented to the Committee at February's meeting.

Mr. Smith went over the key aspects of the site plan with the Committee and presented the experts' opinions and the facts based on the record. He noted the opinion is that there is sufficient site distance along the entrance of Branchville/Halsey road that leads into the Brodhecker farm market. However, in addition, Brodhecker is going to do a right of way dedication to the county to add site triangles to either corner and paint a stop bar for traffic control. There will also be trees taken down to assist in the site distance along the road.

The county, which has jurisdiction over this road, has waived the need for curbing and drainage. The county engineer said that the turning radius coming into the property is sufficient for regular traffic and truck traffic that enters and exits. The internal roadways are sufficient as they comply with municipal requirements as to width and the municipal engineer stated that they are sufficient for onsite traffic circulation, for onsite pedestrians to walk around while they shop, and for loading and unloading vehicles.

Onsite parking will be constructed within municipal standards, there will be more parking spaces than the municipality requires, and the parking will be ADA compliant. Also, the intensity and installation of the lighting was the subject of discussion at the CADB level. Brodhecker and the municipal engineer agreed to work on it with a view to arrive at an agreement for lighting intensity and lighting location. Mr. Smith recommended a final

decision to be drafted finding that the CADB properly disposed of the case and that the SADC approves of the disposition of the SSAMP. The SADC members did not have any questions or comments.

B. Resolution: Review of Activities – Princeton Show Jumping, Montgomery Township, Somerset County

Note: Mr. Schilling and Mr. Norz recused from this matter.

Mr. Roohr stated that the resolution before the Committee today reflects the actions taken by the Committee at the December 2019 meeting, however, for the benefit of the new Committee members, he gave a brief synopsis of the 2013 resolution adopted by the Committee.

The 2013 resolution stated the Committee approved Princeton Show Jumping's (PSJ) development of the Hunter Farms site as a hunter jumper equine show place under numerous conditions, the main one being that it primarily markets the output of its farm through these shows. At that time, PSJ asked for 9 shows and 42 show days, which the Committee approved with conditions including evidence that a certain number of the horses shown belonged to PSJ and were marketed for sale. PSJ also provided a site plan to show the build out of the property which was included in the 2013 resolution. Since 2013, the operation has gotten more intensive than originally proposed including larger shows and more show dates and the build out of the site was done differently than what was shown on the 2013 site plan.

In September 2019, the Committee heard this case again and found that not all the previously required conditions were met and that there were additional items that needed to be addressed, primarily conservation issues and state storm water standards. The Committee, at its September 2019 meeting, allowed PSJ to finish out their season, but rescinded its approval for any shows in 2020.

At the December 2019 meeting, Mr. Sposaro, the landowner's attorney, updated the Committee on the progress that PSJ has made on meeting the conditions. Most of the design work was done but because it involved earth moving, PSJ's experts recommended holding off on that work until early Spring to get better seeding for erosion control and better conservation practices. PSJ had to get their show calendar set up for the 2020 year so they made a request to hold shows in 2020 with the guarantee that they would get the required work done. At the December meeting the Committee reinstated and approved 9 shows at 42 days for the 2020 season with the caveat that if the required work was completed PSJ could come back to the Committee and request more shows. The staff resolution before the Committee today is meant to reflect the Committee's December actions.

Mr. Sposaro stated that one aspect of the work is to remediate the soil at Hunter Farms and that work is weather dependent. He noted that he consulted with Stephanie Murphy, state soil scientist from Rutgers University, regarding this, and the soil has to be dry to somewhat dry for the 1st and 2nd phases of the soil remediation. Mr. Sposaro stated that it is not certain whether this will be completed by when the ninth show occurs, but if there is a time crunch, he will come back before the Committee and address the issue at that time. Chairman Fisher

asked if there was an application or contract that states when this work will commence. Mr. Sposaro stated there was not a contract for work to begin but that there will be one.

Mr. Ellis asked which area of soil needed to be remediated. Mr. Sposaro stated that there was a temporary tent pad area that was disturbed as a mound was created and then graded out and flattened which caused the soil to mix together. The rock now needs to be separated from the soil and then add composite material to restore the soil to a more tillable condition.

Chairman Fisher opened up the meeting to anyone from the public who wanted to address the Committee on this matter.

Mr. Bruce Abrams stated that the issue for the neighbors of PSJ comes down to the location of the tents. He noted that the neighbors understood the original 2013 resolution plus the addendum that was adopted, to read that the tents were to be moved. Instead they are still there and there are more tents than what was allowed. The farm plan is not being followed and Mr. Abrams asked the Committee why nothing is being done and why PSJ is not being questioned regarding these items.

Mr. Johnathan Pike, resident on Skillman Road, stated that tractor trailers and large rubber tires are what is causing the soil to be disturbed and compacted. He noted that he's not sure why PSJ is being approved for more shows when they have not done what they were required to do in the first place. He stated that the six tents in front of his house is ruining his property value. Mr. Abrams added to that stating that the additional tents have in fact decreased the property value of the neighbor's homes significantly.

Mr. Anthony Todara, legal counsel for Montgomery Township, wanted to confirm that the impervious coverage is more than 5% and noted that at the last two SADC meetings he was present for, it was stated that impervious coverage was at 4.8%.

Ms. Payne stated that PSJ's calculation of 4.8% was dependent on the tent areas not counting as impervious cover, but the test results that came back showed them as being impermeable. The testimony has been that PSJ is acting to bring those areas back into compliance and that is a big part of what this resolution states. PSJ will have to demonstrate compliance with the impervious cover limit that is in the deed in order to continue to use the property for this use. The issue was to try to give PSJ time to get in compliance rather than stopping their operations all together and miss an entire season. She noted that the Committee is trying to work with the property owner.

Mr. Waltman commented that this is a tough issue because PSJ is a very successful business that has not complied with the resolution of this Committee since 2013 and noted that the Committee made a wise decision in September 2019 to suspend all further activity until all conditions were complied with. However, he mentioned that the Committee made the wrong decision in December 2019 to allow the activities of PSJ to start up again even though PSJ hasn't implemented all of the conditions set forth by the Committee. He indicated that he voted against the 9 shows, as well as the 16 shows, in December and he intends to vote against the 9 shows for 2020 today. The trouble is that PSJ is not complying with the resolution. Had they done so it would be easy to vote in favor of their request as it should not take 7 years to comply with the Committee's initial conditions.

Chairman Fisher noted that the vote is for the resolution outlined here, which approves the 9 show dates and there is a strong expectation and realization that if this Committee votes in favor it's because these conditions will be met. Ms. Jones reiterated that in order for PSJ to have the potential for additional shows all conditions, including Department of Environmental Protection (DEP) regulations must be met. The Committee agreed. Ms. Payne stated that they could have the 9 shows through 42 days but anything beyond that will require compliance with all conditions; everything has to be completed by July 2020 before PSJ can request additional shows. Chairman Fisher called for a roll call vote. Ms. Jones, Ms. Fischetti, Mr. Bullock, Mr. Johnson, Mr. Ellis and Chairman Fisher voted in favor of the resolution. Mr. Waltman voted against the resolution. Mr. Schilling recused as PSJ has consulted with Rutgers University in the past. Mr. Norz recused as he is a member of the Somerset CADB. Mr. Germano and Mr. Siegel abstained from the vote. The motion to pass the resolution was approved. A copy of resolution FY2020R(1) is attached to and is a part of these minutes.

Chairman Fisher stated that he is hopeful that PSJ will not have to be back here under the same set of circumstances next year and that it will find every opportunity to comply with the conditions set forth. If not, it will have to go through this entire process again.

C. Resolution: Rural Microenterprise – Stone Circle Farm, Middle Township, Cape May County

Note for the record: Mr. Schilling recused from this matter due to his position at Rutgers as Jennifer Matthews works with him.

Ms. Armstrong referred the Committee to an application for the Rural Microenterprise on Stone Circle Farm. The owner/operator, Jennifer Matthews, is a senior program coordinator for Rutgers University Cooperative Extension and has been active in the ultra-niche project through a beginning farmer grant. This RME is a way for Jennifer to implement what she has learned over the course of this project and she is seeking to expand her vegetable production by constructing two additional high tunnels to increase her local clientele in the Cape May shore tourist area.

In September 2019, staff received an RME application for Ms. Matthews to host farm to table dinners as a Class 1 activity and finds the land is eligible considering the property was preserved prior to January 2006 without an exception area and Ms. Matthews is the owner/operator of the farm. Ms. Matthews is proposing to utilize an existing barn and some outdoor space and plans to host 2 to 6 dinners a year. The dinners will be serving products produced on her farm as well as products from local farms in the area. The barn will need significant repair but does not need a new septic or well and she will be bringing in portable bathrooms for each event. Staff is recommending a 20-year permit for Ms. Matthews and is requesting final approval from the Committee today.

It was moved by Mr. Ellis and seconded by Mr. Germano to approve Resolution FY2020R1(2) granting approval to the following application under the Rural Micro Enterprise program, as presented, subject to any conditions of said resolution:

**Stone Circle Farm
Block 163.01, Lot 10.01
Middle Township, Cape May County
11.98 Acres**

Mr. Schilling recused. The motion was approved. A copy of Resolution FY2020R1(2) is attached to and is a part of these minutes.

New Business

A. Stewardship

Ms. Armstrong referred the Committee to one house replacement request under the Stewardship program. She reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant approval.

Mr. Anthony Maragos, property owner on Cuddihy Farms, stated that he grew up on a farm all of his life and wants to replicate that same tradition with his young family. He noted that he has a great rapport with a lot of neighboring farmers who plan to help him out on his farm as well. Chairman Fisher congratulated Mr. Maragos and stated that he was excited for him and thanked him and his Dad for coming in to speak with the Committee today.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2020R1(3) granting approval to the following application under the Stewardship Program, as presented, subject to any conditions of said resolution.:

1. Resolution: House Replacement, Cuddihy Farm, Freehold Township, Monmouth County

Mr. Bullock recused. The motion was approved. A copy of Resolution FY2020R1(3) is attached to and is a part of these minutes.

2. Annual Monitoring Report – FY2019

Mr. Roohr stated that every year staff is required to submit an annual monitoring report to the Committee, which is a compilation of all the monitoring reports received state-wide, consisting of over 2,500 properties. Staff compiles statistics consisting of monitoring rates as well as the types and number of issues that may be found. The report also includes post-closing requests submitted to the Committee over the year. Mr. Roohr noted that he has done the monitoring report for the last 8 years, but his new role does not allow for him to do it anymore, so it's been assigned to Mr. Kimmel.

Mr. Roohr stated that Mr. Kimmel was given the task to formulate the report in November 2019 and he is very happy with the work that Mr. Kimmel has done. He noted that Mr. Kimmel is doing an excellent and efficient job on the report and has already begun to figure out ways to improve the system going forward. Mr. Roohr pointed out that the SADCs

monitoring numbers are down from years past since the full-time monitoring staff member retired in the year that this report accounts for. There was a big gap in staff ability to monitor and staff had to concentrate on higher priority tasks at the time. The goal is to improve the monitoring numbers and get back to a 100% monitoring rate. One of the ways in which that will be done is to enter into contracts with three soil conservation districts who will handle 10 of the counties that staff would normally monitor and there is a new staff member hired to monitor Salem County. It is anticipated that next year's report will reflect improved SADC numbers.

Mr. Kimmel reviewed the monitoring maps with the Committee that depict the monitoring completion rates for each county as well as for the SADC. Under the SADC rules, once a year during the fiscal year every farm must be monitored using an e-Form. About 80% of the easements are held by counties, 2% by non-profits and the balance held by the SADC at approximately 20%. There are 9 counties with very high monitoring rates between 93% and 100%, 3 counties had an 80% completion rate, 4 counties had between 51% and 79% completion rates, and 2 counties had between 0% and 50% completion rates.

Overall, the counties had an 86% completion rate and the nonprofits and the SADC had 80% completion rates. Plans for the future include providing more outreach to the counties by providing more support and training regarding use of the e-Form monitoring system, which should increase the efficiency of the monitoring. Any issues that are noted will be addressed by staff, National Resource Conservation Service (NRCS) or any other necessary resource.

The Committee discussed the potential of farm violations and asked staff if there was a way of measuring the acreage associated with suspected violations with the Deed of Easement (DOE). Ms. Payne stated that staff could go back and see if this is something that needs to be collected going forward. Mr. Roohr stated that question could be added to the e-Form, but that would be time consuming for staff to find out the data. Mr. Schilling stated that he is impressed with the annual monitoring report and the work that goes into it.

Chairman Fisher stated that this would be a good idea so that the farming community knows what staff expects from them in the future. Mr. Norz asked if the counties that were not participating in the monitoring were penalized. Mr. Roohr stated that a big part of what Stewardship does is to resolve solutions so that it does not have to come before the Committee.

It was moved by Mr. Schilling and seconded by Mr. Germano to approve the FY2019 Annual Monitoring Report, to be submitted to the Treasury Department, for bond compliance purposes. The motion was unanimously approved.

B. Special Occasion Events (discussion only)

Ms. Payne stated that there was a very productive orientation session with the new Committee members at which time there was discussion for the need for recusal by members at the SADC level on matters where they participated in discussion of the same matter as a member of their CADB, as required by the SADC's supplemental ethics code. The new SADC farmer members, Mr. Norz and Mr. Bullock, are both CADB members in their respective counties as well as the existing farmer members, Mr. Ellis and Mr. Johnson, all of whom participated in the discussion of the Special Occasion Events (SOE) matter at

the county level. Unfortunately, as a result, all four of these farmer members are recused from the SOE discussion today. This is not how the SADC wants to see policy matters handled, but it's important to stay in compliance with the ethics code. Ms. Payne explained this recusal only extends to the SADC's recommendations to the legislature as required in the pilot law. Once the legislature takes action, presumably by passing a new law, the issue will come back as a new issue and all of the farmer members will be able to participate in future discussions.

Mr. Bullock stated that he would like some clarification as to what he can do on the county level, preferably something in writing, so that he will be able to participate at the SADC level. Ms. Payne stated that staff will get specific instructions to the farmer members on recusals so that they are clear on the recusal process.

Mr. Schilling stated that he is concerned about participation and listening sessions at the county level because as far as he understood it, the SOE discussion at the county level was just an educational and outreach session to solicit feedback from farmer members. Chairman Fisher stated that the county sent letters in regard to what they wanted the SADC to deliberate. Mr. Stypinski stated that based on the Supplemental Code of Ethics, if someone participated at the county level, she or he could not participate at the SADC level if that person was a member of both boards. Chairman Fisher advised that if Mr. Schilling needs more clarification on this matter, the Committee should enter closed session to get advice from Mr. Stypinski.

CLOSED SESSION

At 10:52 a.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss certain matters including attorney client privilege on the issue of recusal for board members. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Schilling and seconded by Mr. Ellis to approve the resolution to go into Closed Session and Chairman Fisher called for a roll call vote. Ms. Jones, Ms. Fischetti, Mr. Schilling, Mr. Waltman, Mr. Germano, Mr. Bullock, Mr. Siegel, Mr. Norz, Mr. Johnson, Mr. Ellis, and Chairman Fisher voted in favor of going into Closed Session.

At 11:11 a.m., the Committee returned into Open Session and the Special Occasion Events discussion was continued.

Ms. Payne stated that the pilot program that was passed to allow wineries to conduct SOEs on preserved farmland is due to expire May 30, 2020. The legislation that extended that for two years obligates the SADC to submit a report to the governor and the legislature containing recommendations as to whether the program should be amended, extended or made permanent.

To advance that discussion, the SADC convened a SOE working group comprised of farmer members, public members, CADB administrators, Rutgers University staff, Farm Bureau staff and the League of Municipalities staff to assist in developing recommendations for the Committee's consideration. The result of that process has been presented to the Committee which consists of the ideas for what an approach may look like. The SADC reviewed that and authorized staff to present those ideas to the CADBs to solicit their feedback. The SADC is required to submit a report the legislature and Governor no later than April 15, however, based on the urgency of this issue and the legislative activity around it, the report should be issued as soon as possible.

Ms. Payne noted that she would be reviewing the public comments from the CADBs and the public with the Committee today as well as the issues that were most discussed and she stated that she wanted to review what is allowed on a preserved farm, what's eligible for Right to Farm (RTF) protection, and what constitutes an SOE. Based on the Committee's feedback at this meeting, staff will commence drafting the report to the legislature for review by the SADC at its February meeting and for approval no later than at its March meeting.

Ms. Payne reviewed the SOEs on Preserved Farmland Draft chart with the Committee in detail and explained that the document contains a summary of all of the written comments received and highlights the subject matters that garnered the most comments. She noted the purpose of the SOE concept is to allow farmers to participate in a piece of "agritourism" activities in order to make additional funds to help support viability of farms in NJ. Ms. Payne also acknowledged that the wine industry is a unique sector of the agricultural industry, which is highly regulated by other agencies regarding marketing and has a social element that is unique from other types of agriculture. Ms. Payne stated that the Committee was given a packet of all public comments received, including letters and emails, regarding SOEs. She reviewed a document titled "Special Occasion Events on Preserved Farmland Evaluation Criteria Comments (1/14/20)", which contains a summary of all the written comments received and highlights the subject matter that received the most comments and how those comments would allow the SOEs to play out procedurally. The three issues most commonly raise were 1) the administrative burden the proposal could put on CADBs and their staff; 2) that all preserved farms should be treated equally and wineries should not have a different standard; and 3) that the difference between the minimum and maximum number of events proposed is to large.

The Committee had some concerns, which included production value of the farm and making sure there is enough to support the SOEs; how expansive SOEs can be because the community and municipality rights need to be taken into consideration; RTF protection for SOEs; how many events is too many and zoning issues. The consensus was that municipalities have to be protected, but farmers should still be allowed a certain number of SOEs even if the municipalities don't issue zoning approval. Another concern was that the Committee did not want to lose the support of the public as they are the ones who help provide funds to preserve farmland and open space. Secretary Fisher stated that the goal here is to find a way to balance both needs of the farmers and the public. He then opened up the discussion to the public for their feedback on this issue.

Mr. David Walton, owner of Old York Cellars, stated that he's part of the Garden State Wine Growers Association and mentioned that his concern is the SOEs issues are melding into the RTF rules, that Old York Cellars depends on the RTF Act to do tastings in its own tasting rooms and it is concerned that SOEs will change how wineries can operate as a whole.

Katherine Fullerton, East Amwell and Delaware Township, needed clarification as to what could be done on an exception area in relation to an SOE. Ms. Payne stated that the proposed standards only affect land under the easements, not exception areas

Tom Costantino, Executive Director at the Garden State Wine Growers Association, stated that he has had a great working dialogue with Ms. Payne on this issue and the meetings they had has opened the door to more agreement in the direction that the SADC wants to go with this. One of the biggest concerns that the members had early on in this process was the delineations between RTF and SOEs and a clear delineation has to be made to the legislature. Some of the things opposed are the 25% income requirement because the legislature called for 50% and the on-farm grape production requirement because wineries buy grapes from different types of wineries and they need flexibility in grape production. Ms. Payne asked Mr. Costantino if he would like to see an income limit and Mr. Costantino responded that an income limit is a fair idea.

Amy Hansen, NJ Conservation Foundation, stated that the concern that this tax payer supported preservation program would be threatened by allowing so many events on preserved land and would cause an issue with traffic. She noted that nonprofits don't have the capacity to regulate a lot of these events and this will open the door to more violations and having over 250 people would be very problematic. Ms. Hansen also requested that nonprofits have jurisdiction over SOEs on the farms on which the nonprofits own easements.

Kurt Alstede, owner of Alstede Farm, stated that SOEs are an innovative approach with maintaining the viability of agriculture and it's important to support the long-term viability of farmers, however, he is concerned that if there are too many restrictions put on the farms that would hurt the agriculture community and urged the Committee not to forget the viability of farming.

Ms. Jones stated that there is value to go beyond SOEs on wineries and assess the impact of other types of SOEs. Mr. Waltman stated that the proposed number of allowable SOEs seemed very high. Chairman Fisher asked for the final recommendations from the working group. Ms. Payne stated that, after consulting with the working group, it is reasonable to embrace the standards that the Farm Bureau proposed, which was that if a farm had \$10,000 in production value, they could have 15 SOEs and if a farm produced \$100,000 of production value it could host 26 SOEs, regardless of what type of farm it is.

Ms. Payne stated that the SADC could recommend to the legislature that it sees the potential for Right to Farm protection for SOEs and that the SADC does have the statutory authority to include it, so that all the questions regarding the parameters of RTF protection do not have to be answered today if the Committee is willing to commit to exploring that moving forward. Chairman Fisher stated that there should be a way for farms to utilize the

output of other NJ Farms production to support the entire aggregate of agriculture across the state. He also noted that the CADBs want all farm operations to have the same rights across the board.

The number and the size of the SOEs is of concern for the Committee members as there may be an issue with the size of SOEs down the line where it could grow out of control and be no longer considered an agricultural use. Mr. Siegel recommended giving the legislature a legal paragraph that defines what an SOE is.

Chairman Fisher stated that all of the comments and feedback given today on the subject of SOEs will be taken into consideration and staff will commence drafting the report to the legislature for review by the SADC at its next meeting.

Finally, Ms. Payne reviewed a spreadsheet with the Committee titled "On-Farm Activities – Analyzing Compliance with RTFA and Farmland Preservation Program and Proposed Special Occasion Event (SOE) Standards". This document breaks down the wide variety of on farm activities occurring on NJ farms into subject categories in order to better understand and clarify what kinds of events are most likely currently eligible for RTF protection; which are permitted on preserved farmland; and how the proposed SOE standards would affect what could be permitted on preserved farmland.

C. Soil Protection Standards – Best Management Practices

Mr. Everett stated that since the last time the conceptual framework of the draft Soil Protection Standards was discussed with the Committee at the June, July, and September 2019 meetings, staff has met with a number of CADBs and the State Board of Agriculture to explain the salient features of the proposal and solicit feedback. During the first quarter of 2020, additional outreach will be conducted with the remaining CADBs who have an interest in discussing the issue as well as the Central Jersey Vegetable Growers.

Mr. Everett explained that while this outreach is ongoing, staff is researching and drafting the various Best Management Practices (BMPs) for the land uses previously discussed. When following BMPs, operators can limit having these land uses count as soil disturbance and instead be considered soil protection or be given an additional allowance for land uses that soil scientists would consider disturbance. Each land use would have an adopted BMP analogous to Agriculture Management Practices (AMPs) promulgated pursuant to the Right to Farm Act that could be updated as new scientific findings and agronomic practices are developed over time.

Mr. Everett mentioned that between now and the end of the fiscal year, staff will bring several BMPs to the Committee each month for its consideration and feedback.

He stated that staff members Ms. Doyle and Mr. Clapp would explain to the Committee in further detail the concept of Geotextiles and Travel Lanes. Mr. Clapp stated that the BMPs are based on common themes regarding soil protection looking specifically at compaction, ability of water to infiltrate soil, erosion, managing and maintaining organic matter, soil structure and biological activity. All of those things maintain the quality of the soil over a period of time. As far as the degree of reversibility is concerned, there are other BMPs in

place for that which are still in the process of being written which will help to manage the material of the soil if it has to be moved so that agricultural production economically feasible down the line.

Ms. Doyle passed out samples of geotextile fabrics for the Committee to look at for illustrative purposes and explained that geotextile fabrics are permeable, woven and non-woven fabrics used for separation of soil layers. Geomembranes are impermeable plastic film used for a variety of ag uses including plastic mulch, pond liners and manure storage. Mr. Clapp stated that in order to be in compliance with the BMP for geotextiles and geomembranes, the material placed on the surface must be readily permeable to water and must be placed over the native soil with the top soil in place or the top soil can be removed and stockpiled according to the stockpile BMP that will be drafted next month.

Mr. Norz asked if a farmer did not do this work through a federally based program, would this work count towards their percentages. Mr. Clapp stated that the work does not have to be done through NRCS or a federally held program, however, the concern is having some level of oversight so that the structure built is of the right size for the need. Mr. Everett stated that what is important is that it is built to specifications, not necessarily who is building it.

Mr. Clapp and Ms. Doyle referred the Committee to pictures of properly installed geotextile fabrics and geomembranes and improperly installed geotextiles and geomembranes. The idea is to protect the soil on a farm that has a public investment. Mr. Waltman asked what the lifespan is for the geotextile and geomembrane fabrics, how to dispose of them and if they could be recycled. Ms. Doyle stated that they could last for up to a year and could be thrown out as garbage, but that there was no recycling program for them at this time. Chairman Fisher asked if there were geotextiles made of hemp. Mr. Clapp stated that there were some that were made of coconut fibers.

Mr. Clapp explained that in order for travel lanes to meet the BMP standard the use of travel lanes shall be in accordance with a farm conservation plan approved by the local soil conservation district and otherwise be compliant with the deed of easement and applicable local and state regulations. Mr. Clapp and Ms. Doyle reviewed a travel lane flow chart and discussed the difference between improved and unimproved travel lanes and the implications and benefits of each.

Mr. Waltman thanked the staff for all the work and effort that they put into this endeavor.

NOTE: Secretary Fisher left the meeting at 2:00 P.M. and Monique Purcell joined the meeting to serve as Chairperson for the remainder of the meeting.

D. Resolutions of Final Approval – County PIG Program

Ms. Roberts and Ms. Mazzella referred the Committee to three requests for final approval under the County PIG Program. They reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Sigel and seconded by Mr. Waltman to approve Resolutions FY2020R1(4) through FY2020R1(6) granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution:

1. DLB Holdings LLC, SADC ID #05-0025-PG, Resolution FY2020R1(4), Block 53, Lots 4 through 9, Dennis Township, Cape May County, 337.93 acres.
2. Dale Cruzan, SADC ID #06-0196-PG, Resolution FY2020R1(5), Block 26, Lot 11.02, Stow Creek Township, Cumberland County, 23 acres.
3. Eberdale Farms (Lot 3), SADC ID #06-0198-PG, Resolution FY2020R1(6), Block 14, Lot 3, Hopewell Township, Cumberland County, 25 Acres.

The motion was unanimously approved. A copy of Resolutions FY2020R1(4) through FY2020R1(6) is attached to and is a part of these minutes.

E. Resolutions: Final Approval – Municipal PIG Program

Ms. Mazzella referred the Committee to seven requests for final approval under the Municipal PIG Program. She reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolutions FY2020R1(7) through FY2020R1(12) granting approval to the following applications under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. William and Virginia Hurst, SADC ID #17-0198-PG, Resolution FY2020R1(7), Block 27, Lot 13 & 13.02, Upper Pittsgrove Township, Salem County, 23.4 acres.
2. Joseph and Nancy Leone, SADC ID # 17-0183-PG, Resolution FY2020R1(8), Block 27, Lot 2, Pilesgrove Township, Salem County, 56.44 acres.
3. Venerando Maccarrone, SADC ID# 17-0214-PG, Resolution FY2020R1(9), Block 22, Lot 1.03 and Block 21, Lot 7, Pilesgrove Township, Salem County. 41.594 Acres.
4. Anthony & Kathleen Rizzo, SADC ID #17-0208-PG, Resolution FY2020R1(10), Block 2201, Lot 14, Pittsgrove Township, Salem County, 28.17 Acres.
5. Nolan and Devorah Helig, SADC ID #17-0211-PG, Resolution FY2020R1(11), Block 601, Lot 9 & 9.01 and Block 2003, Lot 13, Pittsgrove Township, Salem County, 37.4 Acres.

6. Franklin Atkinson (Lot 1.01), SADC ID #06-0169-PG, Resolution FY2020R1(12), Block 77, Lot 1.01 and Block 76, Lot 11.04 Hopewell Township, Cumberland County, Acres.

The motion was unanimously approved. A copy of Resolutions FY2020R1(7) through FY2020R1(12), is attached to and is a part of these minutes.

F. Resolutions: Final Approval – Direct Easement Purchase Program

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

It was moved by Mr. Sigel and seconded by Mr. Waltman to approve Resolutions FY2020R1(13) and FY2020R1(14) granting approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. Michael and Janie Catalano (Lot 10), SADC ID #17-0346-DE-PG, Resolution FY2020R1(13), Block 2, Lot 10, Mannington Township, Salem County, 117 acres.
2. Michael and Janie Catalano (Lot 4), SADC ID #PG, Resolution FY2020R1(14), Block 40, Lot 4, Mannington Township, Salem County, 102.1 acres.

The motion was unanimously approved. A copy of Resolutions FY2020R1(13) and FY2020R1(14), is attached to and is a part of these minutes.

G. Resolutions of Approval: Soil & Water Conservation Project Cost Sharing

Mr. Clapp referred the Committee to four requests for final approval under the Soil and Water Conservation Project Cost Sharing Program. He reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Ms. Jones to approve Resolutions FY2020R1(15) through FY2020R1(18) granting approval to the following applications under the Soil and Water Conservation Project Cost Sharing Program, as presented, subject to any conditions of said resolution:

1. John Hall, SADC ID# 03-0000-NA, Resolution FY2020R1(15), Block 2001, Lot 22, Tabernacle Township, Burlington County, 116.31 acres.
2. Santo Joseph Maccherone, SADC ID #10-0024-PG, Resolution FY2020R1(16), Block 1, Lots 2, 3 and 6 and Block 5, Lot 4 South Harrison Township, Gloucester County, 110.321 acres.

3. E & A Farms, LLC, SADC ID #17-0169-PG, Resolution FY2020R1(17), Quinton Township, Salem County, 81.93 Acres.
4. Richard Melchert, SADC ID #17-0195-PG, Resolution FY2020R1(18), Upper Pittsgrove Township, Salem County, 77.159 Acres.

The motion was unanimously approved. A copy of Resolutions FY2020R1(15) through FY2020R1(18) is attached to and is a part of these minutes.

Public Comment

There was no public comment

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday February 27, 2019

Health and Agriculture Building, Auditorium

CLOSED SESSION

At 2:37 p.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss certain matters including the certification of values for property acquisitions under the farmland preservation program, personnel matters, any pending or anticipated litigation, including the Quaker Valley Farms settlement offer, and any matters falling within the attorney-client privilege, including attorney advice on the application of the Highlands dual appraisal provision to the Peacefield farmland preservation application. The certifications of value for each property acquisition shall remain confidential until a closing on that particular acquisition occurs or until the application for that particular acquisition is withdrawn. Otherwise the minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Schilling and seconded by Mr. Germano to approve the resolution to go into closed session. and Acting Chairperson Purcell called for a roll call vote. Ms. Jones, Ms. Fischetti, Mr. Schilling, Mr. Waltman, Mr. Germano, Mr. Bullock, Mr. Siegel, Mr. Norz, Mr. Johnson, Mr. Ellis, and Acting Chairperson Purcell voted in favor of going into Closed Session.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters – Certification of Values

It was moved by Mr. Schilling and seconded by Ms. Fischetti to approve the Certification of Values for the following applications as discussed in closed session.

1. County Planning Incentive Grant Program

- a. RTE, III Farms, LLC (Eckert West), SADC ID# 03-0432-PG, Block 903, Lot 14.01, Tabernacle Township, Burlington County,
- b. Daniel, & Pamela Giberson (Home Farm), SADC ID # 03-0431-PG, Block 1503.07, Lot 2 and Block 1602, Lot 1, Southampton Township, Burlington County.

2. NonProfit Easement Purchase

- a. Albertus and Cathy Pepper, SADC ID #03-0002-NP, Block 4602, Lots 3, 4, 7, & 8, Woodland Township, Burlington County, 20 acres.

Mr. Johnson recused. The motion was approved.

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve the Certification of Values for the following applications as discussed in closed session.

3. County Planning Incentive Grant Program

- a. 7 Old Orchard Rd, LLC, SADC ID# 21-0619-PG, Block 1201, Lot 1, Harwick Township, Warren County, 74.22 Net Acres.

4. Municipal Planning Incentive Grant Program

- a. James McLain, SADC ID #21-0618, Block #44, Lots 15 & 19, Block 45, Lot 1, and Block 46, Lot 3, Harmony Township, Warren County, 140.38 Acres.

5. Direct Easement Purchase

- a. Kelly et al (Powers), SADC ID #17-0350-DE, Block 22, Lot 12 and Block 24, Lot 2, Pilesgrove Township, Salem County, 148.77 net acres.
- b. Kelly et al (Sharp), SADC ID #17-0351-DE, Block 21, Lot 11, Pilesgrove Township, Salem County, 116.2 net acres.
- c. Hitcher Land Holding, LLC, SADC ID #17-0344-DE, Block 105, Lots 5.01, 9, and 11; Block 107, Lots 2 & 3; Block 108, Lots 1 & 1.02; Block 3, Lots 2 & 7; Block 4, Lots 1 & 1.01; Block 2, Lot 5.01; Alloway & Hopewell Townships, 259.3 net acres.

- d. Carl & Mিকেle Mehaffey, SADC ID #17-0343-DE, block 110, Lots 2 & 5.01, Alloway Township, Salem County, 97.3 net acres.

6. Non-Profit Easement Purchase

- a. Kent Kimball, SADC ID #21-0045-NP, Block 61, Lot 5, White Township, Warren County, 44.23 Acres.
- b. Robert and Sarah Santini, SADC ID # 21-0046-NP, Block 79, Lot 1, Washington Township, Warren County, 53.07 Acres.
- c. Matthew, Robert and Sharon Santini (Lot 31.01), SADC ID #21-0044-NP, Block 57, Lot 31.01, Washington Township, Warren County, 57.41 Acres.
- d. Daniel Rogers and Sioban Flaherty, SADC ID #21-0042-NP, Block 601, Lots 1, 1.01 and 2, Frelinghuysen Township, Warren County, 105.03 Acres.
- e. David and Shannon Black, SADC ID #13-0018-NP, Block 202, Lot 1.03, Hardwick Township, Warren County, 23.70 Acres.
- f. Richard Murphy, SADC ID #21-0031-NP, Block 301, Lot 6, Frelinghuysen Township, Warren County, 244.762 Net Acres.
- g. Palermo Show Stable, SADC ID #18-0014-NP, Block 52.01, Lot 3, Bedminster Township, Somerset County, 21.1 Acres.

The motion was unanimously approved.

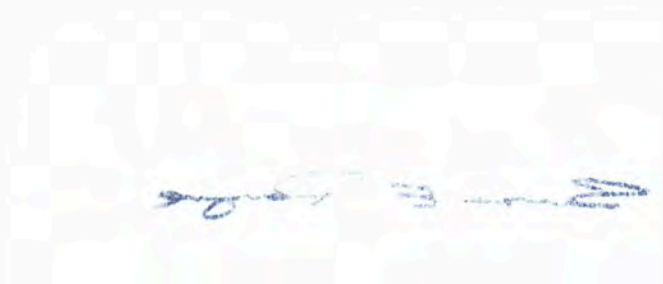
ADJOURNMENT

The meeting was adjourned at 3:40 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee



**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R1(1)**

Review of Activities Occurring on Preserved Farm

**Princeton Show Jumping, LLC/Hunter Farms North
Equine Activities**

January 23, 2020

Subject Property:

Block 26001, Lot 1.02

Montgomery Township, Somerset County

101.46 Acres

WHEREAS, Princeton Show Jumping LLC, hereinafter (“Owner”) is the current record owner of Block 26001, Lot 1.02, as identified in the Township of Montgomery, County of Somerset, as recorded in the Somerset County Clerk’s Office in Deed Book 6519, Page 3387 by deed dated May 7, 2012, totaling 101.46 acres, hereinafter referred to as the “Premises”, as shown in Schedule “A”; and

WHEREAS, the development easement on the Premises was conveyed from the State of New Jersey to the State Agriculture Development Committee on December 2, 2003, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 5599, Page 859; and

WHEREAS, the overall Property includes the Premises acreage plus 3.55 acres of unpreserved land within the right-of-way lines of Skillman and Burnt Hill Roads and 1.99 acres of unpreserved land around the perimeter of the Premises subject to a 15-foot wide recreation easement in favor of Montgomery Township together totaling 5.54 acres; and

WHEREAS, the Deed of Easement limits the impervious coverage for existing and new construction on the Premises to 5% of the total acreage of the Premises; and

WHEREAS, the Deed of Easement for the Premises does not encumber, and more specifically, the impervious cover limitations do not apply to, the 5.54 acres of unpreserved right-of-way and perimeter lands that are part of the overall Property; and

WHEREAS, Andrew Philbrick is the sole owner of Princeton Show Jumping, LLC, hereinafter referred to as the “Owner;” and

WHEREAS, the Owner currently operates a hunter/jumper equine breeding, raising, and training operation known as Hunter Farms on a non-preserved farm approximately two miles from the Premises; and

WHEREAS, the Owner refers to his home farm as “Hunter Farms” and to the Premises as “Hunter Farms North”, which make up his farm management unit; and

WHEREAS, upon purchasing the Premises, the Owner began to develop the site with state-of-the-art sand rings and other infrastructure designed to create a premier hunter/jumper show training and competition facility; and

WHEREAS, in May 2013, the Owner made a request to the Committee to utilize the Premises to host nine, 3- to 5-day, hunter/jumper shows (42 total show days), which are sanctioned and licensed by the U.S. Equine Federation (USEF); and

WHEREAS, on May 23, 2013, the Committee approved Resolution #FY2013R5(5), see attached Schedule "B", finding that the shows, as described, were a legitimate marketing tool for the farm's output and that there was a clear distinction between events and activities that are held on a farm to attract the public to the farm in an effort to increase the direct marketing and sales of the agricultural output of the farm versus those activities whose primary purpose is to market the use of the farm's land and/or facilities to support a nonagricultural use; and

WHEREAS, the 2013 SADC resolution contained the following key requirements as conditions of approval:

1) Development and use of the site for production activities, including but not limited to breeding, raising and training of the Owner's horses as shown in engineering plans provided at that time; and

2) Number of shows were limited to nine, totaling 42 show days; and

3) Shows are permitted as a venue for marketing the output of the Premises and farm management unit of the Owner; and

4) Use of existing infrastructure as described in the 2013 resolution consisting of four sand rings and three tents, is consistent with the Deed of Easement; and

5) Tents used as temporary stables and for attendees shall be removed at the conclusion of each show unless shows are held on consecutive weeks, in which case they must be removed at the conclusion of the second show; and

6) A minimum of 10 horses or 10% of the horses participating in the shows, whichever is greater, shall be owned by the Owner, and bred, raised and/or trained on the Premises; and

7) The Owner shall annually provide to the SADC evidence of sales of horses bred, raised and/or trained on the Premises; and

8) Development and implementation of an NRCS conservation plan for the Premises within two years of the SADC's approval.

WHEREAS, the 2013 approval specified the Owner has the ability to request additional show days provided he can demonstrate the need for additional shows to market the output of his farm management unit; and

WHEREAS, the 2013 approval specified that failure to provide the SADC with evidence of substantial equine production or sales resulting from holding shows on the Premises

could result in the SADC rescinding its approval of the ability to hold equine shows on the Premises; and

WHEREAS, at that time of the 2013, approval the Owner had constructed four sand show rings on the Premises and proposed a grass Grand Prix ring; and

WHEREAS, at its September 26, 2019, meeting, the Committee found the following related to use of the Premises since the SADC's May 2013 resolution of approval:

- 1) The Owner has continued to develop the site for show purposes including three additional sand rings, new and expanded temporary horse stable areas, new gravel parking for attendees with equine trucks and trailers, a warm-up area for horses and grass parking for spectators as shown in Schedule "A"; and
- 2) The Owner has stated that all topsoil that was stockpiled as a result of developing the existing infrastructure has been retained and redistributed on-site; and
- 3) The Owner has testified that the facility has been very successful in terms of attracting elite horses and riders from the region as well as the development of a young horse/beginning level program designed to increase participation in the sport; and
- 4) The Owner has testified that due to the success of programs offered at Hunter Farms North, the USEF has offered additional show licenses and more desirable show dates; and
- 5) According to show records, participation has increased from the anticipated 300 horses in 2013 to as many as 600 horses during the busiest shows in recent years; and
- 6) Temporary tent stables to accommodate the higher number of animals has increased from three in 2013 to eight tents during the busiest recent shows; and
- 7) The Owner has advertised, and in some years held, more than the nine annually approved shows, in violation of the 2013 approval; and
- 8) The Owner has, during certain periods from 2013 through 2018, used temporary tents as equine stables for longer than one week after the conclusion of a show, in violation of the 2013 approval; and
- 9) In 2013, the Owner stated that he was in the process of seeking stormwater approval for certain parking areas created at that time, however, since that time the Owner has not received approvals for, or constructed, any stormwater retention facilities which, if required, would be a violation of state stormwater regulations; and
- 10) The adjacent neighbors have stated that their properties are being negatively impacted by runoff from the Premises, including irrigation of the sand rings, which is piped to the township storm drains and immediately outlets into a stream which runs through their properties.

- 11) A conservation plan for the Premises was not developed for the property within two years of the SADC's 2013 approval, and to date, is still not fully implemented, in violation of the 2013 approval; and
- 12) Impervious infrastructure improvements are near, or possibly exceed, 5% of the total acreage of the Premises which, if exceeded, would be in violation of paragraph 13 of the Deed of Easement; and
- 13) The SADC and the Owner have agreed on a methodology to test the pervious nature of the soils on the farm; and
- 14) The area originally designated for temporary horse stables has been excavated and then regraded, resulting in a mixing of topsoil and subsoil horizons; and

WHEREAS, at its September 26, 2019, meeting the SADC rescinded its approval to host shows on the Premises, as set forth in the 2013 resolution, for the 2020 season until the Premises was brought back into compliance with previous approval conditions and current Deed of Easement requirements, see attached Schedule "C" Resolution #FY2020R9(1); and

WHEREAS, at the SADC's December 5, 2019, meeting the Owner's attorney represented to the Committee, on behalf of his client, that:

- 1) The Owner had made substantial progress developing engineering designs to address the Committee's concerns expressed at its September 26, 2019 meeting; and
- 2) The Owner's professionals advised that conservation practices not be installed until early Spring 2020 for seeding and stabilization purposes; and
- 3) For event planning purposes, the Owner had to schedule 2020 show dates months in advance of the April start of the season; and
- 4) The Owner was seeking Committee approval for 14-16 shows and up to 70 show days for the 2020 season; and
- 5) Weather permitting, a majority of the work on the Premises required for compliance with the Deed of Easement and SADC resolutions would be completed prior to the first show, currently scheduled for April 15, 2020; and

WHEREAS, the Committee finds the following related to the equine shows that are proposed for the Premises:

- 1) The 2013 approval allowed for nine shows totaling 42 show days as licensed and sanctioned by the USEF at that time; and
- 2) According to the Owner, as a result of successful operations on the Premises and the availability of more show licenses the Owner is requesting an increase in total shows to 14-16 shows and total show days to 70; and

- 3) These shows are weather, and participation-dependent; and
- 4) The Owner has indicated that currently up to 600 horses may participate in the largest shows; and
- 5) In 2019 up to 8 tents, erected over an approximately 5-acre area, have been utilized to accommodate the larger number of horses participating in shows; and
- 6) Approximately 13-acres are currently being utilized as outdoor sand training rings which the Owner has represented are used to train Hunter Farm's horses and which are also being used as show rings during show days; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs and subparagraphs above are incorporated herein by reference.
2. The SADC resolution #FY2013R5(5), dated May 23, 2013, and resolution #FY2020R9(1), dated September 26, 2020, are incorporated herein by reference.
3. The SADC finds that development and use of the Premises for breeding, raising, and training of the Owner's horses for sale and those horses which he is training for others and for which he has a commission agreement in place when sold, is consistent with the definition of agriculture use as defined in paragraph 2 of the Deed of Easement for the Premises.
4. The SADC finds that the use of the Premises to host nine (9) equine shows sanctioned by the USEF, as approved in 2013, as a primary method of marketing the output of the Owner's farm management unit, is consistent with the terms of the Deed of Easement for the Premises.
5. The SADC reinstates the ability of the Owner to utilize the Premises to host up to nine (9) horse shows, not to exceed 42 show days for the 2020 season.
6. The SADC acknowledges the Owner's request for 14-16 horse shows for the 2020 season but declines to approve any shows in excess of the nine (9) originally approved in 2013.
7. The SADC finds that the Owner shall address to the Committee's full satisfaction ongoing and newly-identified compliance issues arising from Owner's use and activities on the Premises including, but not limited to, stormwater management, restoration of the soils area along Burnt Hill Road formerly used for equine tents which has been mounded and then regraded, and infrastructure improvements that are inconsistent with the 2013 approval.
8. With regard to impervious cover, based on test results utilizing the agreed upon testing methodology, more than 5% of the Premises is currently considered

impervious, as defined in the Deed of Easement, and the Owner has described his efforts to resolve this violation by focusing on remediation of the temporary tented horse stall areas.

9. The SADC finds that any impervious cover in an amount exceeding 5% of the Premises is a violation of the Deed of Easement and shall be remediated to a pervious condition similar to that of the undisturbed portion of the farm within the same soil classification in accordance with a plan approved by the Committee.


10. Upon bringing the Premises into compliance with all conditions set forth herein, the Owner may apply to the Committee for the scheduling of additional show days for the 2020 show year.

11. No new site disturbances or site work shall be conducted on the Premises without approval of the SADC.

12. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

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

1/23/2020
DATE

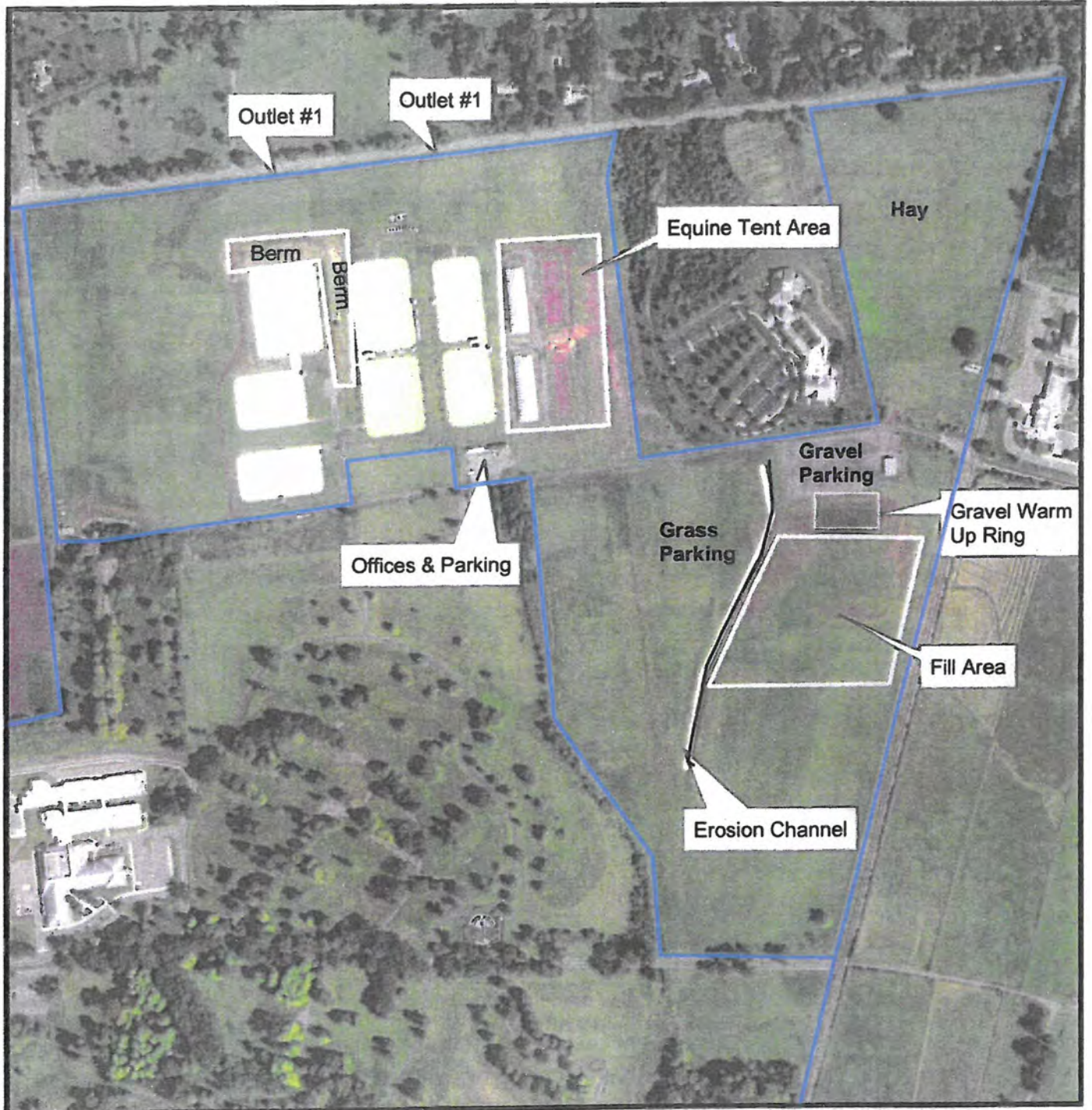

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	ABSTAIN
Martin Bullock	YES
Richard Norz	RECUSE
Scott Ellis	YES
Denis C. Germano, Esq.	ABSTAIN
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	RECUSE
James Waltman	NO

Schedule "A"

S:\StateOwnedLand\NPDC\Treasury-NPDC\Selody-Hunter Farms\Post Closing-Stewardship-Hunter Farms\Farmview 7-2019.mxd

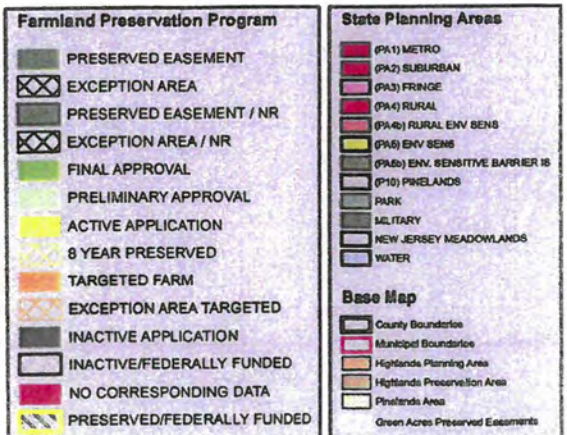


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Princeton Show Jumping
Block 26001, Lot 1.02
Montgomery Township, Somerset County
101.46 - Acres



1/6/2020



Schedule "B"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R5(5)

Review of Activities Occurring on Preserved Farm

Princeton Show Jumping, LLC/Hunter Farms North Equine Activities

May 23, 2013

WHEREAS, Princeton Show Jumping LLC, hereinafter ("Owner") is the current record owner of Block 26001, Lot 1.02, as identified in the Township of Montgomery, County of Somerset, as recorded in the Somerset County Clerk's Office in Deed Book 6519, Page 3387 by deed dated May 7, 2012, totaling 101.46 acres, hereinafter referred to as the "Premises," (Exhibit "A"); and

WHEREAS, the development easement on the Premises was conveyed from the State of New Jersey to the State Agriculture Development Committee on December 2, 2003, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 5599, Page 859; and

WHEREAS, the overall Property includes the Premises acreage plus 3.55 acres of unreserved land within the right-of-way lines of Skillman and Burnt Mill Roads and 1.99 acres of unreserved land around the perimeter of the Premises subject to a 15-foot wide recreation easement in favor of Montgomery Township; and

WHEREAS, the Deed of Easement for the Premises limits the impervious coverage for existing and new construction on the Premises to 5% of the total acreage of the Premises; and

WHEREAS, the Deed of Easement for the Premises does not encumber, and more specifically, the impervious cover limitations do not apply to, the 5.54 acres of unreserved perimeter lands that are part of the overall property; and

WHEREAS, Andrew Philbrick is the sole owner of Princeton Show Jumping, LLC, hereinafter referred to as the "Owner;" and

WHEREAS, the Owner is a former U.S. Equestrian Team rider, coach and long-time equine breeder and trainer; and

WHEREAS, the Owner currently operates a hunter/jumper equine breeding, raising, and training operation known as Hunter Farms on a non-preserved farm approximately two miles from the Premises; and

WHEREAS, the Owner refers to his original farm as Hunter Farms and the Premises as Hunter Farms North; and

WHEREAS, the Owner hosts several 3-5 day hunter/jumper equine shows annually at Hunter Farms South; and

WHEREAS, during these shows the Owner showcases his own horses in competition with horses owned by other individuals in the region in competitive show jumping events; and

WHEREAS, the Owner proposes to utilize the Premises to expand his current equine operation and to host hunter/jumper shows; and

WHEREAS, the Committee finds the following related to the equine operation proposal for the Premises, see attached Exhibit "B";

- 1) **Paragraph 13iv of the Deed of Easement limits the impervious coverage for existing and new construction on the Premises to 5% of the total acreage of the Premises (101.46 acres), defined as, "a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water" and "shall not include permeable woven and non-woven geotextile fabrics that allow for water infiltration or impermeable materials that are in contact with the soil for no more than one year;" and**
- 2) **The Owner has created four outdoor sand rings used for training and showing horses as well as two gravel parking areas and a gravel lane and has demonstrated through his engineer that the sand rings are pervious areas and do not count towards the impervious cover limit; and**
- 3) **Based on the installation method and high traffic use, the gravel lane and parking areas are considered impervious surfaces as defined in this Deed of Easement; and**
- 4) **The Owner has provided detailed plans for his proposed development and use of the Premises for equine related activities, which includes breeding, raising and training horses on-site for sale; and**
- 5) **The Owner has stated he intends to bring 20 of his current horses, a mixture of broodmares and young stock, to the Premises upon completion of the stable; and**
- 6) **The Owner has explained that he plans to increase the number of horses on-site once the facility is fully operational and upon his assessment of the capability of the land to support additional animals; and**
- 7) **The Owner proposes an equine stable, indoor riding ring, horse pastures, hay fields, an additional outdoor sand ring, as well as an outdoor, grass Grand Prix ring with judge's booth and seating; and**
- 8) **Grand Prix is considered the highest level of competition by the U.S. Equestrian Federation for hunter/jumper type horses; and**

- 9) As calculated from the Owner's engineering drawings, the existing and proposed improvements would create 4.81% impervious cover on the Premises, a majority of which is related to the gravel farm lanes and gravel parking areas; and
- 10) All existing and proposed infrastructure, with the exception of the judge's booth, seating, and gravel parking areas, serve a daily production use on the Premises related to on-site breeding, raising, and training horses for sale owned by Hunter Farms; and
- 11) According to the Owner, all topsoil that was stockpiled as a result of developing the current infrastructure has been retained on-site; and
- 12) The Owner has indicated that the possibility exists that the quality of this facility could possibly afford him the opportunity to host an Olympic level equine trial onsite; and
- 13) Olympic trials occur once every four years for a period of three days and involve fewer horses and riders than a typical show; and

WHEREAS, the Committee finds the following related to the equine shows that are proposed for the Premises;

- 1) The Owner currently has licenses for nine U.S. Equestrian Federation sanctioned shows totaling 42 days per year; and
- 2) These shows are weather and participation-dependent; and
- 3) The Owner has indicated that up to 300 horses may participate in a show; and
- 4) The Owner has stated that up to three temporary tents may be needed on show days to provide shelter for horses participating in the shows; and
- 5) The Owner has stated that two temporary tents will be needed on show days to provide shelter and accommodations for attendees; and
- 6) At any given show, the Owner has stated he may showcase as many as 25-40 of his own horses, with the remainder coming from other farms in the region; and
- 7) The U.S. Equine Federation has indicated that these types of shows are a common method of competing, showcasing and marketing high-end hunter/jumper horses; and
- 8) According to the Owner, there are only two other locations in New Jersey which host equine competitions at this level; and

- 9) The Owner believes his site will be superior to the other sites due in large part to the quality of the footing in the rings, therefore attracting the highest level horses and riders; and
- 10) The Owner believes that showcasing his horses in competition with the best competitors will serve to increase their ranking and in turn their value; and
- 11) Based on the engineering drawing provided by the Owner (see attached Schedule "B"), the proposed infrastructure which would primarily service the equine shows (gravel parking - 2.8 acres; judges' booths - 0.12 acres; and seating - 0.08 acres) totals approximately 3 acres; and
- 12) Approximately 7.5-acres are currently being utilized as outdoor sand training rings used to train Hunter Farm's horses and which are also being used as show rings during show days; and
- 13) An approximately 3.5-acre area of the existing grass field is proposed to be used, in its existing condition, for daily training as well as Grand Prix competitions; and
- 14) The remainder of the Premises would be used on a daily basis for equine related breeding, raising, training, pasture and hay production; and
- 15) The Owner has proposed additional entertainment-related activities during show days, which could include, but are not limited to, a farmers market, pony rides, wine tastings, musical entertainment and equine related vendors; and
- 16) Paragraph one of the Deed of Easement states that any development of the Premises for nonagricultural purposes is expressly prohibited; and
- 17) Paragraph two of the Deed of Easement defines "agricultural use" as use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, draining and water management and grazing; and
- 18) The Committee finds a clear distinction between events and activities that are held on a farm to attract the public to the farm in an effort to increase the direct marketing and sales of the agricultural output of the farm versus those activities whose primary purpose is to market the use of the farm's land and/or facilities to support a nonagricultural use; and

NOW THEREFORE BE IT RESOLVED, that the SADC finds that development and use of the Premises for breeding, raising, and training of the Owner's horses for sale as described by the Owner and as shown in the attached engineering drawing, Schedule "B," is consistent with the terms of the Deed of Easement for the Premises; and

- BE IT FURTHER RESOLVED, that the SADC finds that the use of the Premises to host the nine equine shows sanctioned by the U.S. Equine Federation, for which the Owner currently has licenses, utilizing the infrastructure as shown on Schedule "B," as a primary method of marketing the output of the Owner's farm management unit, is consistent with the terms of the Deed of Easement for the Premises; and
- BE IT FURTHER RESOLVED, that the SADC approves of the use of the Premises for the nine sanctioned shows, totaling 42 show days annually; and
- BE IT FURTHER RESOLVED, that the SADC approves the use of the Premises to host Olympic equine trials, as described above, utilizing only the existing structure; and
- BE IT FURTHER RESOLVED, that this approval is conditioned on the Owner's development and use of the Premises for equine production activities, including breeding and raising his horses for sale, as has been represented to the SADC and as described herein; and
- BE IT FURTHER RESOLVED, that horse shows, as described herein, are permitted when used as a venue for marketing the agricultural production output of the Premises and farm management unit of the Owner; and
- BE IT FURTHER RESOLVED, that the Owner has the right to request additional show days provided the need for additional shows to market the output of his farm management units can be demonstrated; and
- BE IT FURTHER RESOLVED, that accommodations for show attendees, including restrooms, food, beverage, necessary supplies and services and temporary shelter tents as well as temporary shelter tents for show horses are permitted provided they are portable in nature and removed at the conclusion of each show; and
- BE IT FURTHER RESOLVED, that in instances where two shows are held on consecutive weeks the tents may remain until the conclusion of the second show; and
- BE IT FURTHER RESOLVED, that a minimum of 10 horses or 10% of the horses, participating in shows held on the Premises, whichever is greater, shall be owned by the Owner, and bred, raised and/or trained on the Premises; and
- BE IT FURTHER RESOLVED, the Owner shall be required annually to provide evidence of the sale of horses he owned that were bred, raised and/or trained on the Premises, commencing two (2) years from the date of this resolution and that the Owner will continue to conduct equine breeding, raising and training of horses he owns on-site in all subsequent years in which shows are held at the Premises; and
- BE IT FURTHER RESOLVED, that failure to provide evidence of substantial equine production or failure to demonstrate continued sales of the output of the Premises as

the result of holding shows on the Premises may result in the SADC rescinding its approval of the ability to hold equine shows on the Premises; and

BE IT FURTHER RESOLVED, that the Committee acknowledges the potential for fluctuations in livestock production and sales from one year to the next due to a variety of factors including but not limited to, the degree of success in breeding, overall equine health and the equine-related economy, and reserves the ability to revisit production requirements in the event of extraordinary circumstances; and

BE IT FURTHER RESOLVED, that use of the Premises to host equine shows or other activities for which the primary purpose of the functions is other than the sale of the farm's agricultural product/output, constitutes a nonagricultural use of the premises which was not in existence at the time of conveyance and is therefore prohibited by Paragraph 3 of the Deed of Easement; and

BE IT FURTHER RESOLVED, that the SADC finds that certain activities, such as, but not limited to, farmers markets, wine tastings and certain vendor sales areas, are not directly related to the sale of the farm's agricultural output and may be considered a non-agricultural use of the Premises; and


BE IT FURTHER RESOLVED, that only suppliers of goods and services which are directly related to the hunter-jumper equine industry, or are necessary to operate the show itself, may be permitted to advertise and offer their product or service during the show; and

BE IT FURTHER RESOLVED, that the area utilized to provide temporary, tented, shelter areas for attendees and suppliers shall not exceed ¼ acre in area; and

BE IT FURTHER RESOLVED, that any existing and proposed activities and uses of the Premises, including animal waste management and the storage of topsoil, must be in accordance with an approved Natural Resources Conservation Service farm conservation plan, said plan needing approval by the Somerset-Union Soil Conservation District no later than ninety (90) days of the date of this resolution and fully implemented within two (2) years of the date of this resolution, to insure that such activities are properly managed so as to not have a detrimental effect on the continued agricultural use of the Premises; and

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

5/23/13
DATE


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

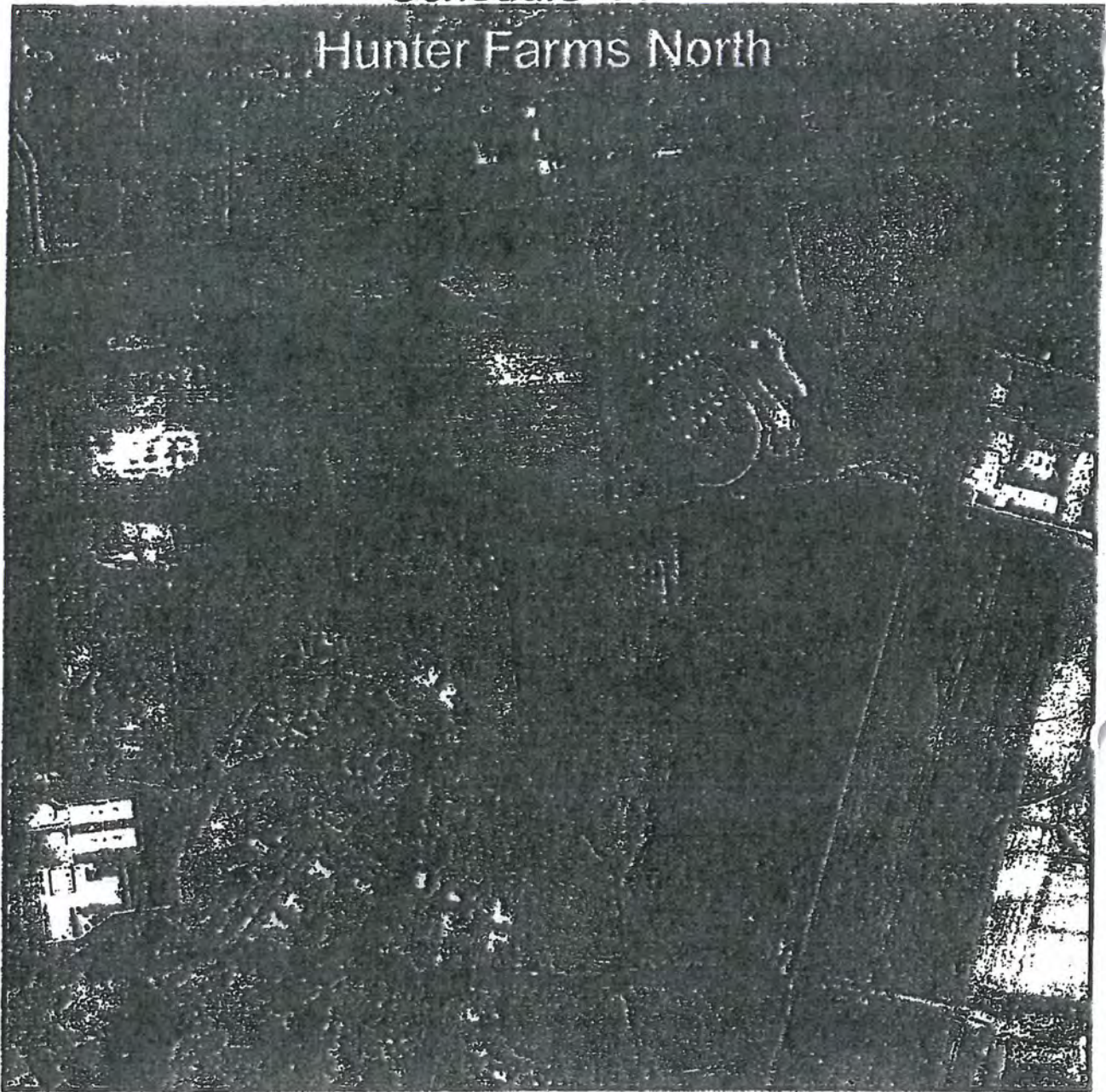
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane Brodhecker	YES
Alan A. Danser, Vice Chairman	YES
Denis C.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

Michael Dwan, Secretary of the Board of Environmental and Planning Appeals

Schedule "A"

Hunter Farms North

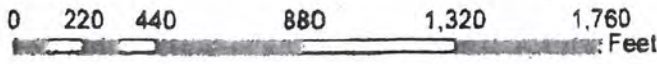
u:\county_state\project_name.mxd



FARMLAND PRESERVATION PROGRAM

NJ State Agriculture Development Committee

Hunter Farms North
 Block 26001, Lot 1.02
 Montgomery Township, Somerset County
 101.46 - Acres

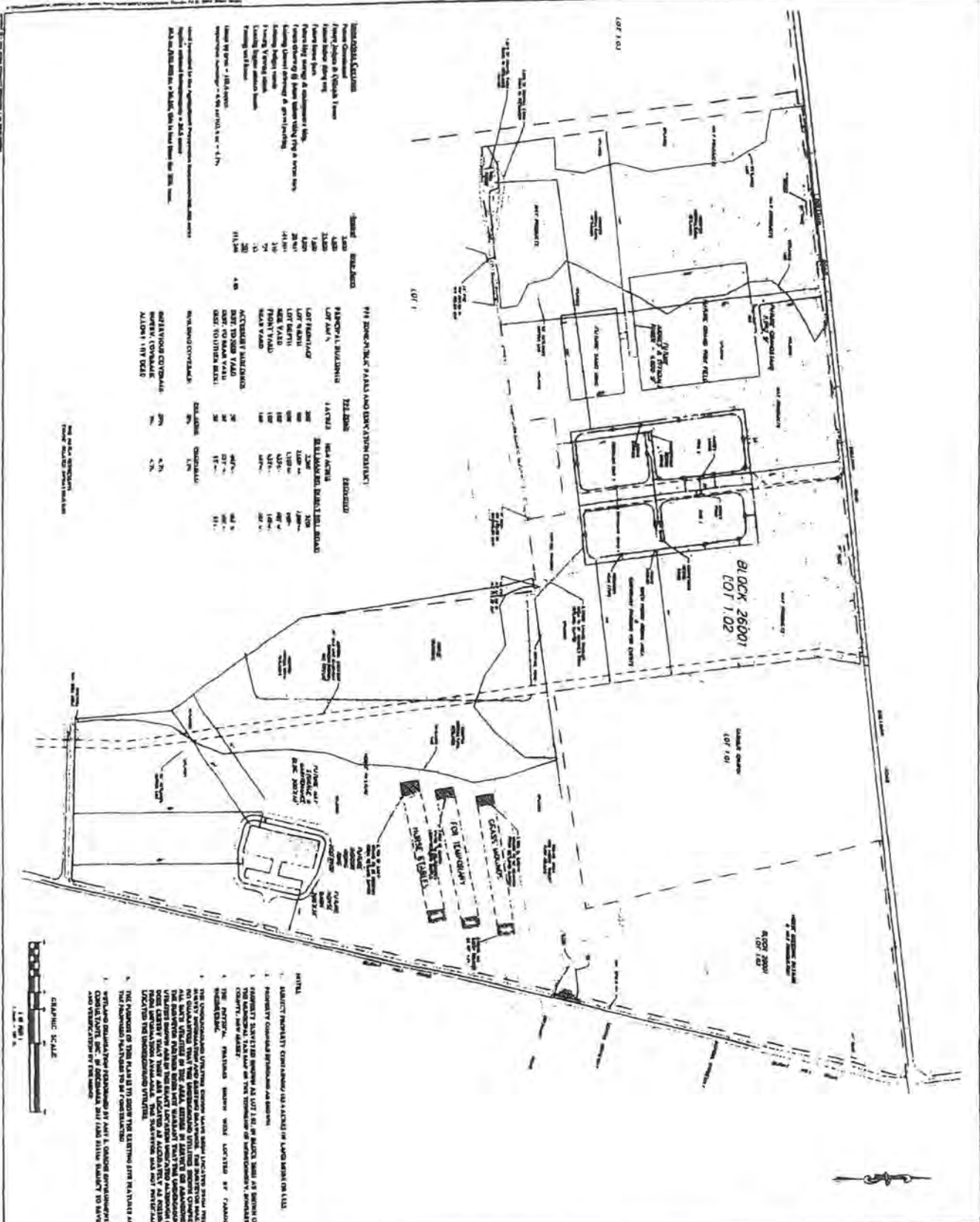


month/day/year

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

	PA 9 METRO
	PA 20 SUBURBAN
	PA 23 FRINGE
	PA 24 RURAL
	PA 25 RURAL E MV SEAS
	PA 26 MV SEAS
	PA 27 MV SEAS-THE BARBERS PT
	PA 28 PENNSYLVANIA
	PA 29
	PA 30
	PA 31
	PA 32
	PA 33
	PA 34
	PA 35
	PA 36
	PA 37
	PA 38
	PA 39
	PA 40
	PA 41
	PA 42
	PA 43
	PA 44
	PA 45
	PA 46
	PA 47
	PA 48
	PA 49
	PA 50
	PA 51
	PA 52
	PA 53
	PA 54
	PA 55
	PA 56
	PA 57
	PA 58
	PA 59
	PA 60
	PA 61
	PA 62
	PA 63
	PA 64
	PA 65
	PA 66
	PA 67
	PA 68
	PA 69
	PA 70
	PA 71
	PA 72
	PA 73
	PA 74
	PA 75
	PA 76
	PA 77
	PA 78
	PA 79
	PA 80
	PA 81
	PA 82
	PA 83
	PA 84
	PA 85
	PA 86
	PA 87
	PA 88
	PA 89
	PA 90
	PA 91
	PA 92
	PA 93
	PA 94
	PA 95
	PA 96
	PA 97
	PA 98
	PA 99
	PA 100

Schedule "B"



GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
3. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
4. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
5. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
6. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
7. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
8. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
9. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
10. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.

GENERAL BUILDING	AREA	REMARKS
LOT 1.01	1.00	1.00
LOT 1.02	1.00	1.00
LOT 1.03	1.00	1.00
LOT 1.04	1.00	1.00
LOT 1.05	1.00	1.00
LOT 1.06	1.00	1.00
LOT 1.07	1.00	1.00
LOT 1.08	1.00	1.00
LOT 1.09	1.00	1.00
LOT 1.10	1.00	1.00
LOT 1.11	1.00	1.00
LOT 1.12	1.00	1.00
LOT 1.13	1.00	1.00
LOT 1.14	1.00	1.00
LOT 1.15	1.00	1.00
LOT 1.16	1.00	1.00
LOT 1.17	1.00	1.00
LOT 1.18	1.00	1.00
LOT 1.19	1.00	1.00
LOT 1.20	1.00	1.00



- NOTES:**
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 3. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 4. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 5. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 6. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 7. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 8. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 9. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.
 10. THE PROPERTY IS TO BE USED FOR AGRICULTURAL PURPOSES.

AGRICULTURAL PLAN
HUNTER FARMS NORTH
SKILLMAN ROAD & BURNT HILL ROAD
BLOCK 26001, LOT 1.02
MONTGOMERY TOWNSHIP
SOMERSET COUNTY
NEW JERSEY
 PREPARED FOR
 1232 GREAT ROAD
 MONTGOMERY TOWNSHIP 08240

DATE	10/15/11
SCALE	AS SHOWN
BY	WILLIAM R. BUIZOT
CHECKED BY	WILLIAM R. BUIZOT
APPROVED BY	WILLIAM R. BUIZOT
DATE	10/15/11

William R. Buizot
 Surveyor
 1232 GREAT ROAD
 MONTGOMERY TOWNSHIP
 SOMERSET COUNTY, NJ 08240
 Phone: 908-390-1234
 Fax: 908-390-5678
 Email: wrbuizot@williamsurveyors.com



Schedule "C"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R9(1)

Review of Activities Occurring on Preserved Farm

Princeton Show Jumping, LLC/Hunter Farms North Equine Activities

September 26, 2019

Subject Property:

**Block 26001, Lot 1.02
Montgomery Township, Somerset County
101.46 Acres**

WHEREAS, Princeton Show Jumping LLC, hereinafter ("Owner") is the current record owner of Block 26001, Lot 1.02, as identified in the Township of Montgomery, County of Somerset, as recorded in the Somerset County Clerk's Office in Deed Book 6519, Page 3387 by deed dated May 7, 2012, totaling 101.46 acres, hereinafter referred to as the "Premises", as shown in Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed from the State of New Jersey to the State Agriculture Development Committee on December 2, 2003, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 5599, Page 859; and

WHEREAS, the overall Property includes the Premises acreage plus 3.55 acres of unpreserved land within the right-of-way lines of Skillman and Burnt Hill Roads and 1.99 acres of unpreserved land around the perimeter of the Premises subject to a 15-foot wide recreation easement in favor of Montgomery Township together totaling 5.54 acres; and

WHEREAS, the Deed of Easement limits the impervious coverage for existing and new construction on the Premises to 5% of the total acreage of the Premises; and

WHEREAS, the Deed of Easement for the Premises does not encumber, and more specifically, the impervious cover limitations do not apply to, the 5.54 acres of unpreserved right-of-way and perimeter lands that are part of the overall Property; and

WHEREAS, Andrew Philbrick is the sole owner of Princeton Show Jumping, LLC, hereinafter referred to as the "Owner;" and

WHEREAS, the Owner is a former U.S. Equestrian Team rider, coach and long-time equine breeder and trainer; and

- WHEREAS, the Owner currently operates a hunter/jumper equine breeding, raising, and training operation known as Hunter Farms on a non-preserved farm approximately two miles from the Premises; and
- WHEREAS, the Owner refers to his home farm as "Hunter Farms" and to the Premises as "Hunter Farms North", which make up his farm management unit; and
- WHEREAS, upon purchasing the Premises, the Owner began to develop the site with state-of-the-art sand rings and other infrastructure designed to create a premier hunter/jumper show training and competition facility; and
- WHEREAS, in May of 2013, the Owner made a request to the Committee to utilize the Premises to host nine, 3 to 5-day, hunter/jumper shows (42 total show days), which are sanctioned and licensed by the U.S. Equine Federation (USEF); and
- WHEREAS, the Owner testified that the value of hunter/jumper horses increases based on their performance in these types of competitions; and
- WHEREAS, during these competitions, the Owner enters his own horses and horses he trains in competition with horses owned by other individuals in the region in competitive show jumping events; and
- WHEREAS, in 2013, the Owner testified that competitions on the Premises are only viable if there is a substantial mix of horses from operations other than his own and that he anticipated up to 300 horses may participate in these shows; and
- WHEREAS, in 2013, the Owner stated that he may have 25 to 40 of his own horses participate in any given show; and
- WHEREAS, the Committee approved Resolution #FY2013R5(5) (see attached Schedule "B"), finding that the shows, as described, were a legitimate marketing tool for the farm's output and that there was a clear distinction between events and activities that are held on a farm to attract the public to the farm in an effort to increase the direct marketing and sales of the agricultural output of the farm versus those activities whose primary purpose is to market the use of the farm's land and/or facilities to support a nonagricultural use; and
- WHEREAS, the 2013 SADC resolution contained the following key requirements as conditions of approval:
- 1) Development and use of the site for production activities, including but not limited to breeding, raising and training of the Owner's horses as shown in engineering plans provided at that time; and
 - 2) Number of shows were limited to nine, totaling 42 show days; and

3) Shows are permitted as a venue for marketing the output of the Premises and farm management unit of the Owner; and

4) Use of existing infrastructure as shown on Schedule B of the 2013 resolution (the Owner's site plan) consisting of four sand rings and three tents, is consistent with the Deed of Easement; and

5) Tents used as temporary stables and for attendees shall be removed at the conclusion of each show unless shows are held on consecutive weeks, in which case they must be removed at the conclusion of the second show; and

6) A minimum of 10 horses or 10% of the horses participating in the shows, whichever is greater, shall be owned by the Owner, and bred, raised and/or trained on the Premises; and

7) The Owner shall annually provide to the SADC evidence of sales of horses bred, raised and/or trained on the Premises; and

8) Development and implementation of an NRCS conservation plan for the Premises within two years of the SADC's approval.

WHEREAS, the 2013 approval specified the Owner has the ability to request additional show days provided he can demonstrate the need for additional shows to market the output of his farm management unit; and

WHEREAS, the 2013 approval specified that failure to provide the SADC with evidence of substantial equine production or sales resulting from holding shows on the Premises could result in the SADC rescinding its approval of the ability to hold equine shows on the Premises; and

WHEREAS, at that time of the 2013, approval the Owner had constructed four sand show rings on the Premises and proposed a grass Grand Prix ring; and

WHEREAS, the Committee finds the following related to use of the Premises since the SADC's May 2013 resolution of approval:

- 1) The Owner has continued to develop the site for show purposes including three additional sand rings, new and expanded temporary horse stable areas, new gravel parking for attendees with equine trucks and trailers, a warm-up area for horses and grass parking for spectators (see Schedule "A"); and
- 2) The Owner has stated that all topsoil that was stockpiled as a result of developing the existing infrastructure has been retained and redistributed on-site; and
- 3) The Owner has testified that the facility has been very successful in terms of attracting elite horses and riders from the region as well as the development of a

young horse/beginning level program designed to increase participation in the sport; and

- 4) The Owner has testified that due to the success of programs offered at Hunter Farms North, the USEF has offered additional show licenses and more desirable show dates; and
- 5) According to show records, participation has increased from the anticipated 300 horses in 2013 to as many as 600 horses during the busiest shows in recent years; and
- 6) Temporary tent stables to accommodate the higher number of animals has increased from three in 2013 to eight tents during the busiest recent shows; and
- 7) The Owner has advertised, and in some years held, more than the nine annually approved shows, in violation of the 2013 approval; and
- 8) The Owner has, during certain periods from 2013 through 2018, used temporary tents as equine stables for longer than one week after the conclusion of a show, in violation of the 2013 approval; and
- 9) In 2013, the Owner stated that he was in the process of seeking stormwater approval for certain parking areas created at that time, however, since that time the Owner has not received approvals for, or constructed, any stormwater retention facilities which, if required, would be a violation of state stormwater regulations; and
- 10) The adjacent neighbors have stated that their properties are being negatively impacted by runoff from the Premises, including irrigation of the sand rings, which is piped to the township storm drains and immediately outlets into a stream which runs through their properties.
- 11) A conservation plan for the Premises was not developed for the property within two years of the SADC's 2013 approval, and to date, is still not fully implemented, in violation of the 2013 approval; and
- 12) Impervious infrastructure improvements are near, or possibly exceed, 5% of the total acreage of the Premises which, if exceeded, would be in violation of paragraph 13 of the Deed of Easement; and
- 13) The SADC and the Owner have agreed on a methodology to test the pervious nature of the soils on the farm and awaiting the results of those tests; and
- 14) The area originally designated for temporary horse stables has been excavated and then regraded resulting in a mixing of topsoil and subsoil horizons; and

WHEREAS, the Committee finds the following related to agricultural production on the Premises:

- 1) The 2013 approval was conditioned on the Owner's development of the site for equine production activities including breeding and raising his horses for sale, as had been represented to the SADC at that time, but to date no horses have been bred or raised on the Premises; and
- 2) Onsite production to this point has consisted of hay production on approximately 40-acres of the Premises; and
- 3) The Owner has stated that while equine production has continued to occur at Hunter Farms, several factors have contributed to the lack of production infrastructure on the Premises including the expansion of a natural gas pipeline through the Premises and his divorce; and
- 4) At a June 18, 2019, site visit the Owner represented to SADC staff that he was under contract to have equine fencing and run-in sheds installed on the Premises which would allow for a mixture of his broodmares and youngstock to be raised onsite; and
- 5) SADC staff advised the Owner that no additional infrastructure should be constructed onsite until it is determined that existing impervious cover accounts for less than 5% of the Premises as set forth in the Deed of Easement and that any further development results in compliance with the 5% impervious cover limit; and

WHEREAS, the Committee finds the following related to the equine shows that are proposed for the Premises:

- 1) The 2013 approval allowed for nine shows totaling 42 show days as licensed and sanctioned by the USEF at that time; and
- 2) According to the Owner, as a result of successful operations on the Premises and availability of more show licenses the Owner is requesting an increase in total shows to 20 shows and total show days to 88; and
- 3) These shows are weather, and participation-dependent; and
- 4) The Owner has indicated that currently up to 600 horses may participate in the largest shows; and
- 5) In 2019 up to 8 tents have been needed to accommodate the larger number of horses participating in shows;

- 6) Approximately 13-acres are currently being utilized as outdoor sand training rings which the Owner has represented are used to train Hunter Farm's horses and which are also being used as show rings during show days; and
- 7) Approximately 5-acres are used for temporary tent stables during show days; and
- 8) The Owner has represented that the approximately 3.5-acres of the existing grass field is proposed to be used, in its existing condition, for daily training as well as Grand Prix competitions; and
- 9) The neighbor has testified that they only see horses on the site during show days; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs and subparagraphs above are incorporated herein by reference.
2. The SADC finds that development and use of the Premises for breeding, raising, and training of the Owner's horses for sale and those horses which he is training for others and for which he has a commission agreement in place when sold, is consistent with the terms of the Deed of Easement for the Premises.
3. The SADC finds that the use of the Premises to host nine (9) equine shows sanctioned by the USEF, for which the Owner has licenses, utilizing the existing infrastructure as shown in the site plan attached to the 2013 approval, as a primary method of marketing the output of the Owner's farm management unit, is consistent with the terms of the Deed of Easement for the Premises.
4. That a minimum of 10 horses, or 10% of the horses participating in shows held on the Premises, whichever is greater, shall be owned by, or being trained by the Owner with a commission agreement in place should the horse be sold.
5. That horse shows, as described herein, are permitted when used as a venue for marketing the agricultural production output of the Premises and farm management unit of the Owner.
6. The SADC finds that the Owner has not fulfilled many of the conditions of his 2013 approval.
7. The SADC finds that infrastructure improvements inconsistent with Schedule "B" of the 2013 approval are inconsistent with the approval and will be reviewed once the property is otherwise brought back into compliance.
8. The Owner shall provide testing results and documentation showing the amount of impervious cover onsite and any amount over 5% of the Premises shall be

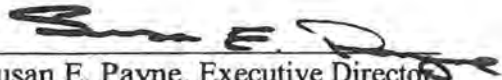
remediated to a previous condition similar to that of the undisturbed portions of the farm in accordance with a plan approved by the Committee.

9. The SADC finds that in order to continue to host the previously approved nine shows in 2020 and beyond, the Owner will need to satisfy the outstanding conditions of the 2013 approval, including, but not limited to, development and implementation of a conservation plan and impervious cover requirements.
10. The SADC finds that the Owner will need to address certain deficiencies and newly identified issues, including, but not limited to, stormwater compliance, restoration of the soils area along Burnt Hill Road formerly used for equine tents, which has been mounded and then regraded and infrastructure improvements that are inconsistent with the 2013 approval.
11. The SADC acknowledges the Owner's request for additional horse shows but declines to approve any shows in 2020 until the property is brought into compliance with the 2013 approval, including satisfaction of paragraphs 9 and 10 above.
12. The Owner shall be required *annually* to provide to the SADC, by December 31st of each year, evidence of the sale of horses he owned or trained with a commission agreement that were bred, raised and/or trained on the Premises and his farm management unit, and that the Owner will continue to conduct equine breeding, raising and training of horses he owns on-site or on his farm management unit in all subsequent years in which shows are held at the Premises; and
13. Documentation provided showing evidence of sales of horses shall be in a format that is approved by the SADC.
14. No new site disturbances or site work shall be conducted on the Premises without approval of the SADC.
15. The SADC and Owner acknowledge that as of 9/26/2019 the Owner had exhausted the nine permitted shows and 42 show days set forth in the 2013 approval, but the SADC agrees to allow the Owner to complete the 2019 show season scheduled for September and October consisting of three days for the show currently underway and two, four-day shows in October.
16. The SADC hereby rescinds its approval to host shows on the Premises, as set forth in the 2013 resolution #FY2013R5(5), for the 2020 season until:
 - (1) the Owner complies with the conditions set forth in this resolution.
 - (2) the SADC passes a resolution reinstating approval.
17. All conditions set forth in the 2013 approval not otherwise addressed in this resolution remain in affect.

18. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

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

9/26/19 _____
DATE


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	RECUSED
James Waltman	ABSENT

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2020R1(2)

Approval of Special Permit for Rural Microenterprise Activity on a Preserved Farm

Stone Circle Farm

January 23, 2020

Subject Property:

Block 163.01, Lot 10.01

Middle Township, Cape May County

11.98 Acres

WHEREAS, Jennifer Matthews, hereinafter "Owner," is the current record owner of Block 163.01, Lot 10.01, as identified in the Township of Middle, County of Cape May, by deed dated June 4, 2013, and recorded in the Cape May County Clerk's office, in Deed Book 3540, Page 166, totaling approximately 12 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to the County of Cape May on December 20, 2000, by the former owners, William and Geraldine Eckstein, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded on December 26, 2000, in the Cape May County Clerk's office in Deed Book 2891, Page 227; and

WHEREAS, N.J.S.A 4:1C-32.1 and 32.3 (P.L. 2015, c. 275), in pertinent part, allow a farmer who owns a qualifying preserved farm to apply for a special permit to conduct a Rural Microenterprise ("RME") on the land, establish standards governing SADC review of such applications, and designate certain RME activities as "Class 1" and "Class 2" ("RME statute"); and

WHEREAS, the SADC adopted regulations at N.J.A.C. 2:76-22.1 et seq. and N.J.A.C. 2:76-22A.1 et seq. ("RME regulations"), to implement the RME statute; and

WHEREAS, the RME regulations state that the owner of a preserved farm may conduct an RME activity thereon provided that the SADC determines that the application meets the criteria set forth in the said regulations; and

WHEREAS, on September 9, 2019, the SADC received an "Application for a Special Permit for a Rural Microenterprise Activity on Preserved Farmland" from the Owner, pursuant to the RME statute and regulations for a "Class 1" activity; and

WHEREAS, the RME statute and regulations define "Class 1" activities as those which rely on the equipment and aptitude historically possessed by the agricultural

community, such as snow plowing, bed and breakfasts, bakeries, woodworking, and craft-based businesses; and

WHEREAS, the RME regulations define "Qualifying land" as a farm in which a development easement was conveyed to, or retained by, the Committee, a board, or a qualifying tax exempt nonprofit organization prior to January 12, 2006, and for which no portion of the farm was excluded from the area preserved under the deed of easement, in accordance with N.J.A.C. 2:76- 22.3; and

WHEREAS, the development easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds; and

WHEREAS, the development easement was acquired without an exception area or other area excluded from the deed of easement; and

WHEREAS, the Premises is currently in niche-vegetable and equine production, and is farmed by the Owner; and

WHEREAS, the RME statute and regulations define "farmer" as a person who owns and operates the premises subject to the following:

- i. Exclusive of any income received from the rental of lands, realized gross sales of at least \$2,500 for agricultural or horticultural products produced on the premises during the calendar year immediately preceding submission of an application for a special permit;
- ii. Continues to own and operate the premises and meet the income threshold every year during the term of the special permit; and

WHEREAS, the RME regulations also provide that the definition of "farmer" is satisfied when the owner and operator of the premises are comprised of one or more of the same individuals, whether singly or as managers(s)/ owner(s) of a business entity; and

WHEREAS, four (4) acres of tillable ground on the Premises is utilized as permanent pasture to support the Owner's equine production, and an additional 1.5 acres is utilized for specialty crop production, verified through the submission of the Owner's receipts of sales to local area restaurants totaling \$2,800, satisfying the eligibility criteria for differential property taxation under the Farmland Assessment Act, N.J.S.A. 54:4-23.1, et seq.; and

WHEREAS, the Owner proposes to utilize an existing 1,000 sq. ft. barn and up to 1,000 sq. ft. of outdoor space within a one-acre envelope on the Premises to host farm-to-table dinners, hereinafter "Rural Microenterprise activity"; and

WHEREAS, the application indicates that the existing barn is currently utilized to store equipment used on the Premises; and

WHEREAS, the application indicates that the Rural Microenterprise activity will utilize the entire 1,000 sq. ft. of floor space in the barn as a commercial kitchen where cooking and food preparation will take place, and utilize approximately 1,000 sq. ft. of outdoor space to seat dinner guests; and

WHEREAS, the RME regulations allow for no more than 2,500 sq. ft. of the interior of an existing residential or agricultural structure be substantially altered or finished for a rural microenterprise activity if such alteration or finishing requires improvements to the structure, such as installation of new walls, insulation, flooring, lighting, HVAC systems, sanitary plumbing, and associated wiring;

WHEREAS, the application indicates that the entire 1,000 sq. ft. of barn floor space will undergo substantial improvements such as installation of new walls, insulation, flooring, lighting, and associated wiring, and will utilize the 1,000 sq. ft. of outdoor space in its existing condition to support the Rural Microenterprise activity; and

WHEREAS, three (3) 18" x 24" directional signs indicating where persons visiting the Rural Microenterprise activity should drive and/or park will be placed at the end of the farm driveway and parking area; and

WHEREAS, the maximum number of employees needed on a daily, weekly, and annual basis for anticipated peak operational periods is one (1) full-time employee and one (1) part-time employee; and

WHEREAS, the Owner is requesting that the special permit to operate the Rural Microenterprise activity be effective for a duration of 20 years ; and

WHEREAS, the Cape May County Agriculture Development Board provided comments on the application in accordance with N.J.A.C. 2:76-22.7(b)1, 2, and 3, respectively:

- i. No other rural microenterprise activities exist on the premises;
- ii. The board recommends the permit be valid for a period of 20 years from the date of SADC approval;
- iii. The owner of the premises is not in violation of any provision of the deed of easement as determined by the board.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds that the Owner's proposed Rural Microenterprise activity is a "Class 1" customary rural microenterprise as defined in the RME statute and regulations.

3. The SADC makes the following findings of fact with regard to the application by Owner for the issuance of a special permit to conduct a Rural Microenterprise activity on the Premises:
 - a. The Premises meets the definition of a “commercial farm” in accordance with N.J.S.A. 2:76-22.6(a)1, produces agricultural and horticultural products worth at least \$2,500.00 or more annually, and satisfies the eligibility criteria for differential property taxation under the Farmland Assessment Act, N.J.S.A. 54:4-23.1, et seq.;
 - b. The Owner of the Premises is a farmer, in accordance with N.J.A.C. 2:76-22.6(a)2;
 - c. The Premises meets the definition of “qualifying land” as set forth in N.J.S.A. 4:1C-32.1(k) and N.J.A.C. 2:76-22.3, as it was preserved by Cape May County with no portion of the farm excluded from the area preserved, by Deed of Easement recorded on December 26, 2000 , in accordance with N.J.A.C. 2:76-22.6(a)3 and 4, respectively;
 - d. No other special permit for a rural microenterprise activity has been issued by the Committee, in accordance with N.J.A.C. 2:76-22.6(a)5;
 - e. The proposed Rural Microenterprise activity will be located within an existing barn in accordance with N.J.A.C 2:76-22.6(a)6i.;
 - f. The barn dedicated for the Rural Microenterprise activity, constructed circa 1980, is approximately 1,000 sq. ft. in size, thus satisfying the criterion in N.J.A.C. 2:76-22.6(a)6ii., and is currently used to store the Owner’s farm equipment used on the Premises, as shown in Schedule “B”;
 - g. The Rural Microenterprise activity requires that 1,000 sq. ft. of the interior of the existing barn undergo substantial improvements such as installation of new walls, insulation, flooring, lighting, and associated wiring to support the Rural Microenterprise, in accordance with N.J.A.C. 2:76-22.6(a)7i;
 - h. The Rural Microenterprise will utilize existing on-site septic and well facilities, in accordance with N.J.A.C. 2:76-22.6(a)7iii.;
 - i. No public utilities or wastewater facilities are being created or expanded in accordance with N.J.A.C. 2:76-22.6(a)7iv.;
 - j. No new structures will be constructed on the premises to support the rural microenterprise, in accordance with N.J.A.C. 2:76-22.6(a)8;

- k. The application does not propose to use agricultural labor housing for the rural microenterprise activity, pursuant to N.J.A.C. 2:76-22.6(a)9;
- l. The proposed Rural Microenterprise activity does not interfere with the use of the qualifying land for agricultural production purposes, as the Premises will continue conducting its equine and vegetable production activities, in accordance with N.J.A.C. 2:76-22.6(a)10;
- m. The Rural Microenterprise activity is incidental to and compatible with the use of the Premises as a farm because each dinner will serve vegetables produced on the farm, in accordance with N.J.A.C 2:76-22.6(a)11;
- n. The Rural Microenterprise activity is compatible with the agricultural use of the premises and surrounding land use of adjacent properties because the dinners will serve products produced on the Premises and other local farms, in accordance with N.J.A.C. 2:76-22.6(a)12;
- o. The Rural Microenterprise activity uses the qualifying land in its existing condition, in accordance with N.J.A.C. 2:76-22.6(a)13i., ii., and iii., respectively:
 - i. No new improvements to farm lanes will be created to support the Rural Microenterprise activity;
 - ii. The Rural Microenterprise activity will dedicate no more than 2,000 sq. ft. of an existing parking area adjacent to the barn, up to 10 parking spaces, for customer parking, as depicted in Schedule "A";
 - iii. The number of parking space shall be sufficient to accommodate visitors to the rural microenterprise activity under normal conditions because dinners will be limited to hosting a maximum of 20-30 attendees per event;
 - iv. The Rural Microenterprise activity will utilize no more than a total of 5,000 sq. ft. for the outside storage of equipment, supplies, products or by-products associated with the microenterprise, such as tables and chairs.
- p. The total area of land and structures devoted to supporting the rural microenterprise does not exceed a one-acre envelope on the qualifying land, in accordance with N.J.A.C 2:76-22.6(a)14;
- q. The rural microenterprise activity does not have an adverse impact upon the soils, water resources, air quality, or other natural resources of the qualifying land or the surrounding area, as the rural microenterprise activity utilizes the qualifying land and structures in their existing


- condition, in accordance with N.J.A.C. 2:76-22.6(a)15;
- r. The proposed rural microenterprise activity consists of only one business, Stone Circle Farms' farm-to-table dinners, in accordance with N.J.A.C. 2:76-22.6(a)17;
 - s. Ten (10) 21" x 12" LED parking lot exterior lights will be mounted on existing posts in the parking lot and above doors to the barn to ensure safe movement of pedestrians and vehicles during working hours, and shall otherwise be installed in conformance with N.J.A.C. 2:76-22.6(a)18;
 - t. The proposed Rural Microenterprise activity will employ two (2) employees at peak operational periods, in accordance with N.J.A.C. 2:76-22.6(a)19i.;
 - u. The location, design, height, and aesthetic attributes of the Rural Microenterprise activity will reflect the public interest of preserving the natural and unadulterated appearance of the landscape and structures, in accordance with N.J.A.C. 2:76-22.6(a)20 because the qualifying land and structure is being utilized in its existing condition;
 - v. There are no existing violations of the Deed of Easement, in accordance with N.J.A.C. 2:76-22.6(a)21;
 - w. Three (3) 18" x 24" directional signs indicating where persons visiting the Rural Microenterprise activity should drive and/or park will be placed at the end of the farm driveway and parking area, in accordance with N.J.A.C. 2:76-22.10(a);
 - x. There are no other facts or issues presented by the Owner's application that could be considered inconsistent with a finding that the Rural Microenterprise activity otherwise complies with N.J.S.A. 4:1C-32.1;
4. The SADC finds that the Owner can engage in the "Class 1" Rural Microenterprise activity set forth above subject to the following conditions:
- a. Farm-to-table dinners shall be confined to the barn and 1,000 sq./ft. of outdoor space;
 - b. A majority of the vegetables served in the dinners will be sourced from the Premises;
 - c. The majority of the items (greater than 50%) served will be sourced from New Jersey farms;

- d. The primary activity associated with the farm-to-table dinner is the preparation and consumption of farm-raised products;
 - e. Seating, shelter, and/or any other infrastructure utilized to accommodate the farm-to-table dinners outside the barn shall be portable in nature and have no impact on the land for agricultural purposes;
5. Based on the above findings of fact, the SADC determines that the Owner is eligible to receive, and is hereby granted, a special permit for a Rural Microenterprise activity on the Premises pursuant to applicable provisions in the RME statute and regulations, which grant of approval will become effective only upon the following conditions:
- a. No special permit shall be issued until the Owner receives all necessary Federal, State and local approvals, provided that if such approvals contain any requirements for implementation of the Rural Microenterprise activity that the SADC determines are inconsistent with the RME statute and regulations, the special permit itself, the deed of easement, applicable SADC regulations, or this resolution, the permit may be denied;
 - b. All pending Federal, State and local approvals related to implementation of the Rural Microenterprise activity shall be forwarded to the SADC for review upon receipt by the Owner;
 - c. The special permit:
 1. Shall be valid for a period of 20 years from the date this resolution becomes effective;
 2. Applies to the current record owner, and is not transferrable;
 3. Shall automatically terminate upon a change in record ownership of the property.
 - d. In accordance with N.J.A.C 2:76-22.8(g)2, the SADC has determined that the Owner shall initiate the Rural Microenterprise activity within twelve (12) months of the effective date of this approval;
6. The Owner shall be subject to all applicable requirements, not specifically referenced herein, as set forth in N.J.S.A. 4:1C-32.1 and 32.3 and N.J.A.C. 2:76.22.1 et seq.
7. The Owner shall record the special permit with the Cape May County Clerk's office, and a copy of the recorded permit shall be provided by the Owner to the Committee, the clerk of the municipality in which the Premises is located, the

owner of the development easement, and to the owner of land that was subdivided from the initial preserved farm (if applicable).

8. SADC staff is authorized to issue an appropriate permit document to the Owner consistent with this Resolution.
9. This action 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.

1/23/2020
DATE


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

S:\ACQUISITION\EP\2002A\cape may\eckstein\...ost Closing- Stewardship\farm map.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

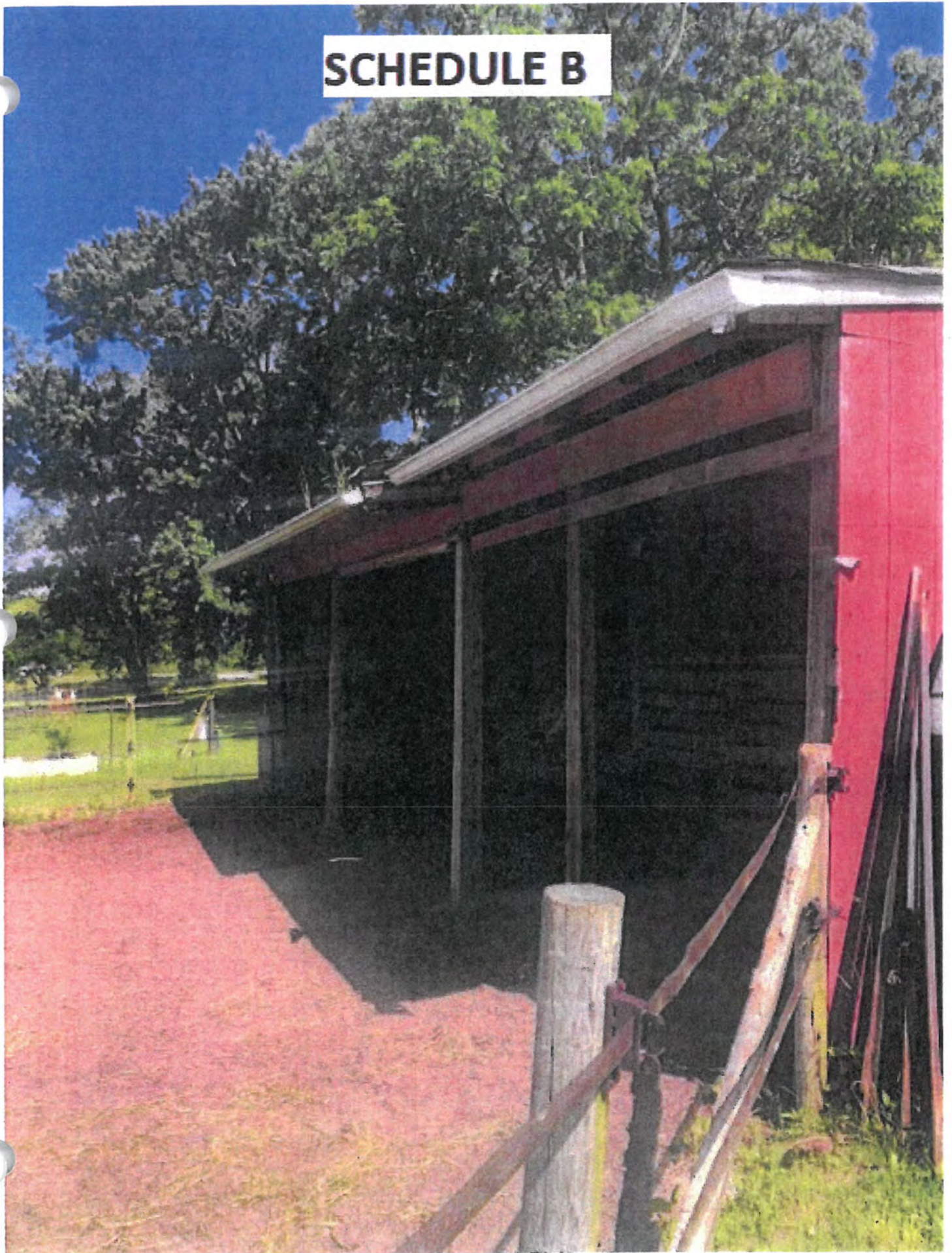
Stone Circle Farm, LLC
(Eckstein, William and Geraldine)
Block 163.01, Lot 10.01
Middle Twp, Cape May County
12 Acres
SADC ID# 05-0069-EP



12/19/2019

Farmland Preservation Program		State Planning Areas	
	PRESERVED EASEMENT		(PA1) METRO
	EXCEPTION AREA		(PA2) SUBURBAN
	PRESERVED EASEMENT / NR		(PA3) FRINGE
	EXCEPTION AREA / NR		(PA4) RURAL
	FINAL APPROVAL		(PA4b) RURAL ENV SENS
	PRELIMINARY APPROVAL		(PA5) ENV SENS
	ACTIVE APPLICATION		(PA5b) ENV SENSITIVE BARRIER IS
	8 YEAR PRESERVED		(P10) PINELANDS
	TARGETED FARM		PARK
	EXCEPTION AREA TARGETED		MILITARY
	INACTIVE APPLICATION		NEW JERSEY MEADOWLANDS
	INACTIVE/FEDERALLY FUNDED		WATER
	NO CORRESPONDING DATA	Base Map	
	PRESERVED/FEDERALLY FUNDED		County Boundaries
			Municipal Boundaries
			Highlands Planning Area
			Highlands Preservation Area
			Pinelands Area
			Green Acres Preserved Easements

SCHEDULE B



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R1(3)

Request to Replace a Single-Family Residence

Cuddihy/Maragos Farm

January 23, 2020

Subject Property:

Block 96, Lots 46, 47
Freehold Township, Monmouth County
Block 138, Lots 30.01, 49
Howell Township, Monmouth County
65.22 Acres

WHEREAS, Anthony Maragos, hereinafter "Applicant," is the current contract purchaser of Block 96, Lots 46 and 47, Freehold Township, Monmouth County, and Block 138, Lots 30.01 and 49, Howell Township, Monmouth County, hereinafter referred to as the "Premises", as shown in Schedule "A"; and

WHEREAS, the owners of the Premises are Barbara and William Bailey, referred to as "Owners", who have authorized the Applicant's request; and

WHEREAS, the Premises totals 65.22 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Premises was conveyed to the Monmouth County Agriculture Development Board (MCADB) on May 18, 2007, by the former owner, John J. Cuddihy, Jr., pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. as a Deed of Easement recorded in the Monmouth County Clerk's Office on May 21, 2007, in Deed Book 8652, Page 9975; and

WHEREAS, the Deed of Easement identifies one (1) single family residence on the Premises, no agricultural labor units, no Residual Dwelling Site Opportunities, and no exception areas; and

WHEREAS, the Premises currently is in hay production and is being farmed by a neighbor; and

WHEREAS, the Applicant has several years of experience in farming mixed vegetables and fruit trees with his father in Freehold Township, and will be purchasing the property to start his own farm business;

WHEREAS, the Applicant represented that he will plant fruit trees, mixed vegetables and flowers, raise goats, and expand his existing apiary; and

WHEREAS, on November 20, 2019, the SADC received a request from the Applicant to replace the existing, 1,150 sq. ft. single-family residence on the Premises, located at 409 Georgia Road in Freehold Township, as shown in Schedule "A"; and

WHEREAS, the existing residence is in a state of disrepair and uninhabitable due to structural damage and prolonged lack of maintenance; and

WHEREAS, paragraph 14ii. of the Deed of Easement allows for the replacement of any existing single-family residential building anywhere on the Premises with the approval of the MCADB and the Committee; and

WHEREAS, the existing house is a two-story stucco dwelling, built circa 1917, and is not listed on the New Jersey or National Register of Historic Places; and

WHEREAS, SADC staff received confirmation from the MCADB that the existing residence is not included on the County Historic Sites list; and

WHEREAS, the Applicant proposes to replace the existing residence with an approximately 5,000 sq. ft., home, hereinafter referred to as the "Proposed Residence", to be used as a residence for the Applicant; and

WHEREAS, the Proposed Residence will be built once the existing house is removed, and will be placed along the tree line on the west side of the property, on Block 96, Lot 47, Freehold Township, as shown in Schedule "A"; and

WHEREAS, the new residence will require the installation of a 20 ft. wide, asphalt driveway, and a new septic system, as shown in Schedule "A"; and

WHEREAS, on December 12, 2019, the Monmouth CADB approved the Applicant's request to replace a residence on the Premises;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of the existing, deteriorating single-family residence on the Premises with a new residence will have a positive impact on the continued agricultural operations of this farm by the construction of a new residence which shall serve as the primary residence for the Applicant and his immediate family.
3. The Committee approves the construction of a five-bedroom residence, consisting of approximately 5,000 sq. ft. of heated living space to be constructed on the Premises as shown in Schedule "A," to replace the current residence on the Premises.

4. This approval is valid for a period of three years from the date of this resolution.
5. This approval is non-transferable.
6. The construction of the new residence is subject to all applicable local, State and Federal regulations.
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.

1/23/2020
Date



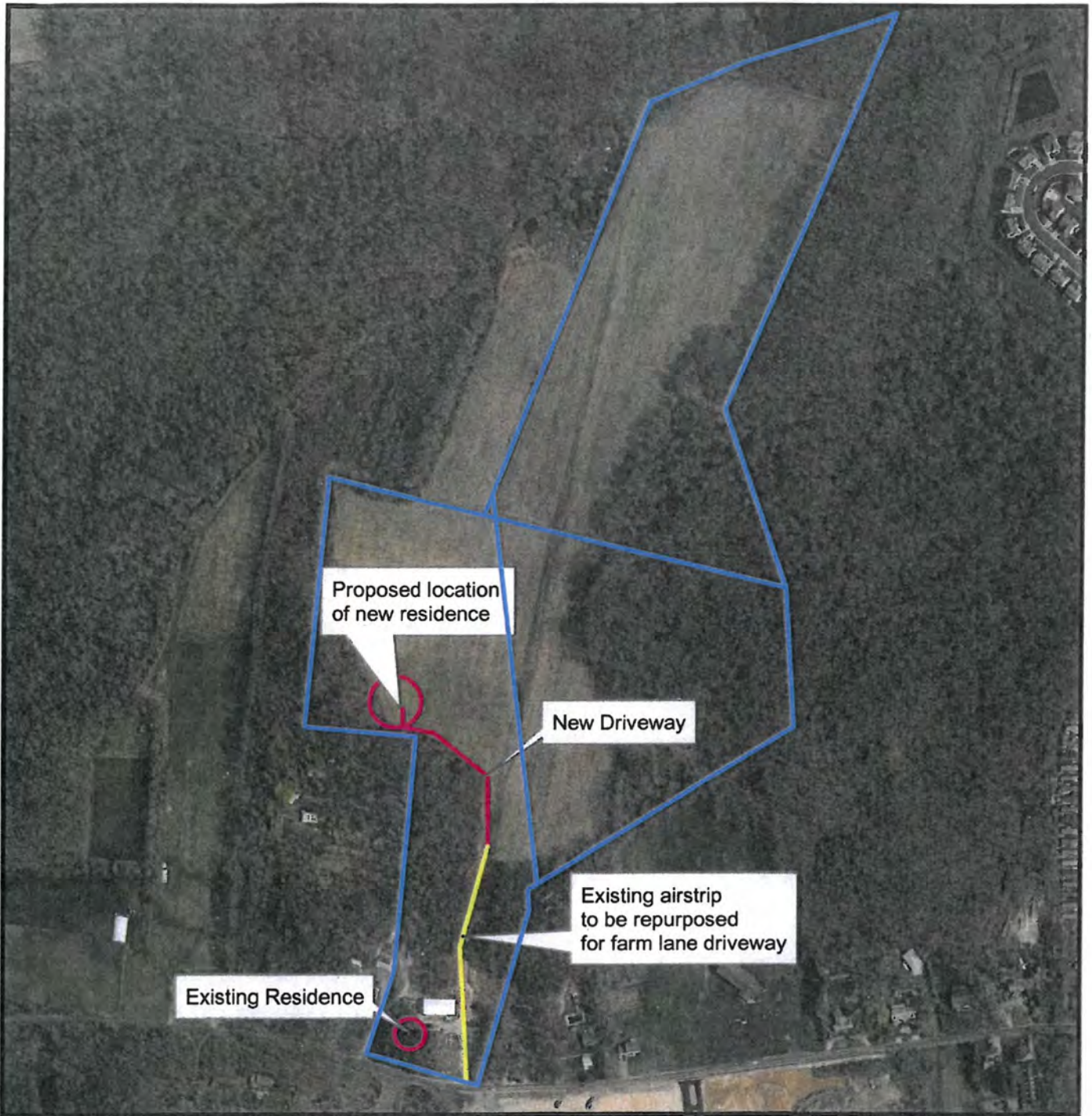
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

C:\Users\agsarms\Desktop\georgia rd.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Cuddihy Farm
Block 96, Lots 46, 47
Freehold Township, Monmouth County
Block 138, Lots 30.01, 49
Howell Township, Monmouth County
65.22- Acres



12/23/2019

Farmland Preservation Program		State Planning Areas	
	PRESERVED EASEMENT		(PA1) METRO
	EXCEPTION AREA		(PA2) SUBURBAN
	PRESERVED EASEMENT / NR		(PA3) FRINGE
	EXCEPTION AREA / NR		(PA4) RURAL
	FINAL APPROVAL		(PA4b) RURAL ENV SENS
	PRELIMINARY APPROVAL		(PA5) ENV SENS
	ACTIVE APPLICATION		(PA5b) ENV SENSITIVE BARRIER IS
	8 YEAR PRESERVED		(P10) PINELANDS
	TARGETED FARM		PARK
	EXCEPTION AREA TARGETED		MILITARY
	INACTIVE APPLICATION		NEW JERSEY MEADOWLANDS
	INACTIVE/FEDERALLY FUNDED		WATER
	NO CORRESPONDING DATA	Base Map	
	PRESERVED/FEDERALLY FUNDED		County Boundaries
			Municipal Boundaries
			Highlands Planning Area
			Highlands Preservation Area
			Pinelands Area
			Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R1(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CAPE MAY COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of DLB Holdings, LLC ("Owner")
SADC ID#05-0025-PG
Dennis Township, Cape May County
N.J.A.C. 2:76-17 et seq.

January 23, 2020

WHEREAS, on March 7, 2019 it was determined that the application for the sale of a development easement for the subject farm identified as Block 53, Lots 4-9, 48, 51.01, 52.01, and 58, Dennis Township, Cape May County, totaling approximately 337.93 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes no exception areas, zero (0) single family residential units, zero (0) Residual Dwelling Site Opportunities (RDSO), zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in sod, ornamental nursery products and rye production; and

WHEREAS, the Property has a quality score of 65.72 which exceeds 59.19, 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 September 26, 2019 the SADC certified a development easement value of \$1,400 per acre based on zoning and environmental regulations in place as of the current valuation date March 23, 2019; and

WHEREAS, the certification of easement value was and this Final Approval is conditioned on extinguishing the existing lot lines and consolidating all acreage into a single tax lot simultaneously with closing for ease of future taxation and monitoring; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$2,400 per acre for the development easement for the Property, which is higher than the certified easement value and equal to the highest appraised value of \$2,400; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on November 12, 2019, the Dennis 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 October 28, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 12, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding 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, 348.08 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 348.08 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$375,926.40	(\$1,080/acre) based on certified value
County	\$459,465.60	(\$1,320/acre) based on County offer of \$2,400
Total Easement Purchase	\$835,392.00	(\$2,400/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 \$375,926.40 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 348.08 easement acres, at a State cost share of \$1,080 per acre, (77.14% of certified easement value and 45.00% of the purchase price), for a total grant of approximately \$375,926.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. The certification was and this Final Approval is conditioned on extinguishing the existing lot lines and consolidating all acreage into a single tax lot simultaneously with closing for ease of future taxation and monitoring.
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).

5. 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.
6. 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.
7. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
8. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/23/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



X:\counties\capco\projects\DLB Holdings, LLC fww.mxd

Application in the Pinelands Forest Area

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

DLB Holdings, LLC
 Block 53 Lots 4 (4.1 ac); 5 (2.5 ac); 6 (11.1);
 7 (27.5 ac); 8 (32.4 ac); 9 (1.5 ac);
 48 (80.8 ac); 51.01 (56.5 ac); 52.01 (67.6 ac) & 58 (67.3 ac)
 Gross Total = 351.3 ac
 Dennis Twp., Cape May County



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

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

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

	Property In Question
	Wetlands Boundaries
	300 ft Buffered Wetlands
	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

SADC County Pig Financial Status
Schedule B

Cape May County

SADC ID#	Farm	Municipality	Acres	SADC		Federal Grant		Base Grant				Competitive Funds				
				Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Maximum Grant			Fund Balance	
												Fiscal Year 11	Fiscal Year 13	Fiscal Year 17		Fiscal Year 18
								Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance
											2,259,318.30					
05-0023-PG	Tomlin, Carol A. (Shenandoah)	Woodbine Boro	14.5060	116,048.00	71,079.40			72,177.00	71,079.40	71,079.40	2,188,238.90					
05-0020-PG	B-Jack Farms, LLC	Middle	6.7070	80,484.00	48,290.40			48,816.00	48,290.40	48,290.40	2,139,948.50					
05-0025-PG	DLB Holdings LLC	Dennis	348.0800	835,392.00	375,926.40			375,926.40			1,764,022.10					
Closed	2		21.2130	196,532.00	119,369.80											
Encumbered	1		348.0800	835,392.00	375,926.40											
								Encumber/Expended FY09	139,948.50	-	119,369.80	-				
								Encumber/Expended FY11	235,977.90	-	-	1,264,022.10				
								Encumber/Expended FY13	-	-	-	500,000.00				
								Encumber/Expended FY17	-	-	-	-				
								Encumber/Expended FY18	-	-	-	-				
								Total			1,764,022.10				3,000,000.00	5,000,000.00

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

DLB Holdings, LLC
 05- 0025-PG
 County PIG Program
 351 Acres

Block 53	Lot 4	Dennis Twp.	Cape May County
Block 53	Lot 5	Dennis Twp.	Cape May County
Block 53	Lot 6	Dennis Twp.	Cape May County
Block 53	Lot 7	Dennis Twp.	Cape May County
Block 53	Lot 8	Dennis Twp.	Cape May County
Block 53	Lot 9	Dennis Twp.	Cape May County
Block 53	Lot 48	Dennis Twp.	Cape May County
Block 53	Lot 51.01	Dennis Twp.	Cape May County
Block 53	Lot 52.01	Dennis Twp.	Cape May County
Block 53	Lot 58	Dennis Twp.	Cape May County

SOILS:	Local	3% * .05	=	.15	
	Prime	41% * .15	=	6.15	
	Statewide	18% * .1	=	1.80	
	Unique zero	38% * 0	=	.00	
					SOIL SCORE: 8.10

TILLABLE SOILS:	Cropland Harvested	31% * .15	=	4.65	
	Wetlands	38% * 0	=	.00	
	Woodlands	31% * 0	=	.00	
					TILLABLE SOILS SCORE: 4.65

FARM USE:	Other	47 acres		Rye
	Ornament Nursery Products	120 acres		
	Sod	150 acres		

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R1(5)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY

for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Cruzan, Dale F. Sr. et al ("Owners")
SADC ID#06-0196-PG
Stow Creek Township, Cumberland County
N.J.A.C. 2:76-17 et seq.

January 23, 2019

WHEREAS, on September 14, 2017, it was determined that the application for the sale of a development easement for the subject farm identified as Block 26, Lot 11.02, Stow Creek Township, Cumberland County, totaling approximately 23 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 Stow Creek Project Area; and

WHEREAS, the Property includes no exception areas, resulting in approximately 23 gross acres to be preserved; and

WHEREAS, the Property includes:

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

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

WHEREAS, the Property has a quality score of 65.04 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 October 26, 2017, the SADC certified a development easement value of \$5,350 per acre based on zoning and environmental regulations in place as of the current valuation date June 1, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,350 per acre for the development easement for the Property; and

WHEREAS, on December 9, 2019, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on October 9, 2018, the Stow Creek Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 13, 2018, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 27, 2018, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$1,775 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, 23.7 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 23.7 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$84,727.50	(\$3,575/acre)
County	\$42,067.50	(\$1,775/acre)
Total Easement Purchase	\$126,795	(\$5,350/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 \$84,727.50 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 Property, comprising approximately 23.7 net easement acres, at a State cost share of \$3,575 per acre, (66.82% of certified easement value and purchase price), for a total grant of approximately \$84,727.50, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.

5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/23/2020

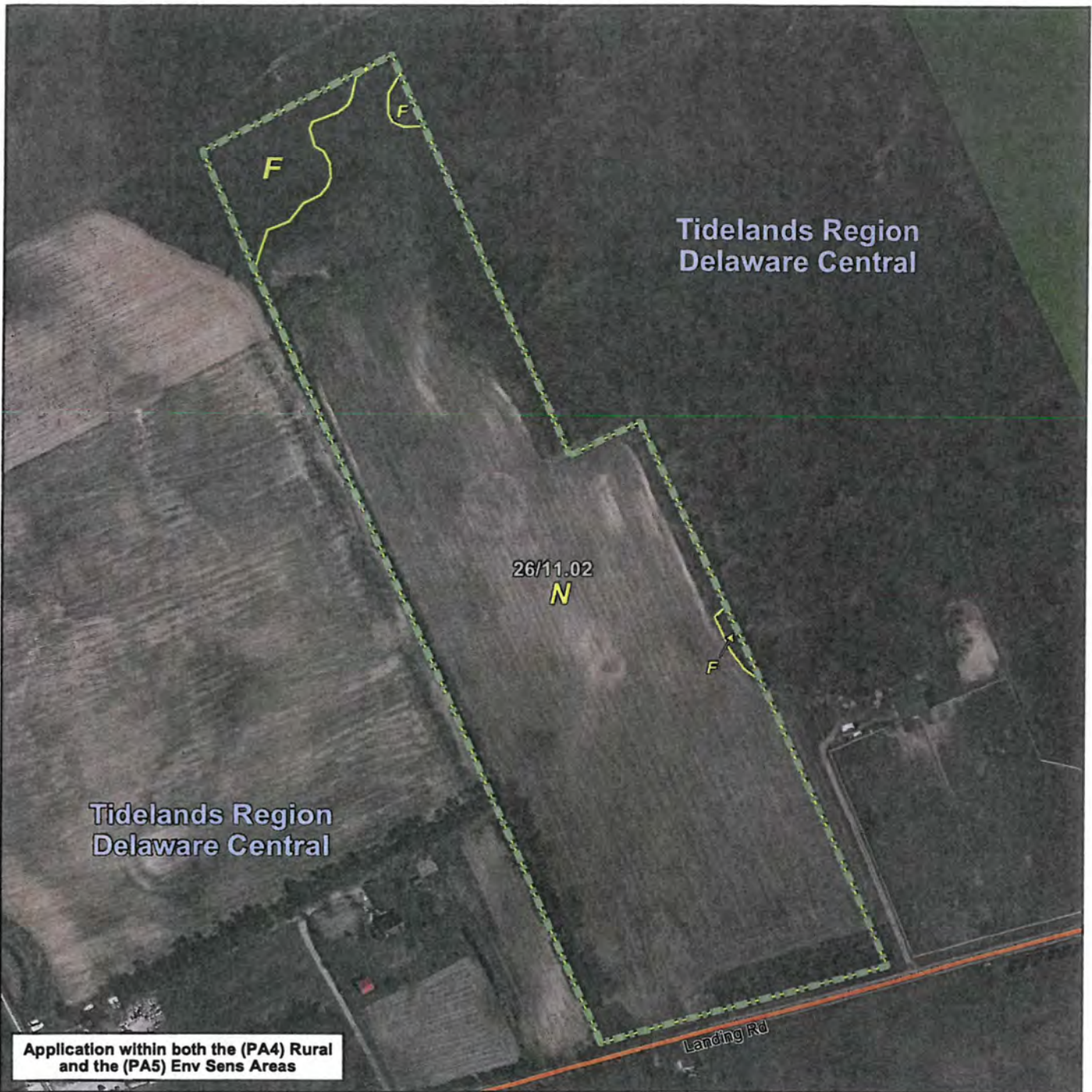
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



X:\counties\cumco\projects\Cruzan_Farm_fw.mxd

Application within both the (PA4) Rural and the (PA5) Env Sens Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Cruzan Farm
Block 26 Lot 11.02 (22.9 ac)
Gross Total = 22.9 ac
Stow Creek Twp., Cumberland County



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

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

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

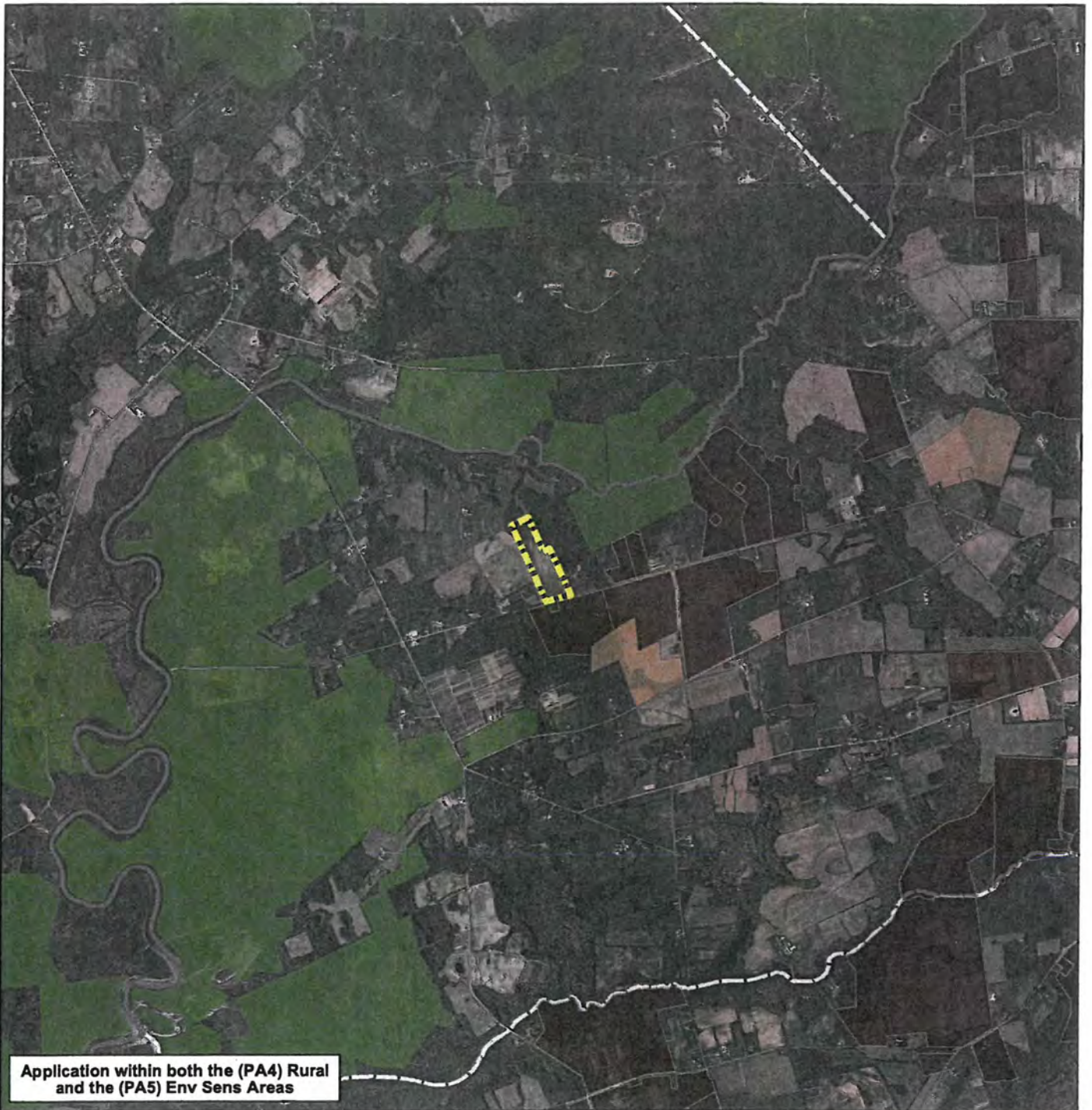
	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Tidelands Boundary
	State Owned O/S & Recreation Easement



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

Preserved Farms and Active Applications Within Two Miles

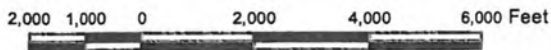
X:\counties\cumco\projects\Cruzan_Farm_2mile.mxd



Application within both the (PA4) Rural and the (PA5) Env Sens Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Cruzan Farm
Block 26 Lot 11.02 (22.9 ac)
Gross Total = 22.9 ac
Stow Creek Twp., Cumberland County



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



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

SADC County Pig Financial Status
Schedule B

Cumberland County

SADC ID#	Farm	Municipality	Acres	SADC		Federal Grant		Base Grant				Competitive Funds				Fund Balance			
				Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Maximum Grant			FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance		
											Fiscal Year 11	Fiscal Year 13	Fiscal Year 17					Encumbered	PV
06-0174-PG	Russell, Velan M. (Ray, William Henry)	Upper Deerfield	8.9000	40,050.00	27,590.00														
06-0172-PG	Shoemaker, Joseph C. & Betty P. #1	Hopewell	27.9980	176,387.40	112,482.86														
06-0171-PG	Shoemaker, Joseph C. & Betty P. #2	Hopewell	57.2610	320,661.60	211,865.70														
06-0164-PG	App, Bonnie L. #1	Hopewell	36.9010	273,067.40	169,744.60														
06-0167-PG	App, Bonnie L. et al #2	Hopewell	115.3180	713,947.50	458,066.25														
06-0173-PG	Coleman & Charlton (Fleetwood)	Stow Creek	38.8220	224,614.20	145,448.90														
06-0176-PG	Ale, Kenneth & Carol (Lot 2)	Hopewell	12.8330	70,581.50	46,840.45														
06-0181-PG	Ballinger, Frank P., III	Hopewell	69.2970	436,536.80	280,632.60														
06-0182-PG	Ballinger, Shirley	Hopewell	39.0850	197,543.48	132,475.84														
06-0177-PG	Ale, Kenneth O. & Carol H. (Lot 7.02)	Hopewell	21.3660	128,316.00	83,405.40														
06-0146-PG	Casper, Todd & Margret (Lot 9.05)	Upper Deerfield	32.3370	155,112.00	105,993.20														
06-0187-PG	Eachus, T. Glenn, Ella M., Travis & Rebekah	Upper Deerfield	51.7310	274,174.30	183,845.05														
06-0188-PG	Homan, Garry & Diane	Stow Creek	46.3020	217,961.80	148,569.88														
06-0189-PG	A&A Likanchuk Enterprises (Likanchuk, John)	Hopewell	45.7200	213,704.30	146,410.18														
06-0193-PG	Mehaffey, Robert	Upper Deerfield	120.5100	482,040.00	337,428.00														
06-0194-PG	Cedar Rose Winery	Deerfield	31.2450	221,796.90	139,013.55														
06-0190-PG	Sparacio, Jr. Anthony & Sparacio, III Anthony	Deerfield	20.3680	154,796.80	95,729.60														
06-0185-PG	Sparacio, Anthony III & Anthony, Jr (Lot 40)	Deerfield	12.1060	80,530.00	41,160.40														
06-0184-PG	M. R. Dickinson & Son, Inc.	Stow Creek	61.7400	314,874.00	213,003.00														
06-0190-PG	Eberdale Farms (Lot 6)	Stow Creek	101.5340	588,897.20	385,829.20														
06-0196-PG	Cruzan, Dale F. Sr. et al	Stow Creek	23.7000	126,795.00	84,727.50														
06-0198-PG	Eberdale Farms (Lot 3)	Hopewell	25.7500	154,500.00	100,425.00														
Closed	76		3,753,5160	19,382,116.97	12,871,831.94	2,596,650.52	686,967.39												
Encumbered	6		448,5520	2,381,053.70	1,580,378.95														
								Encumber/Expended FY09	-	-	-	-	-	-	-	-	-	-	-
								Encumber/Expended FY11	-	-	1,500,000.00	-	-	3,000,000.00	-	-	-	-	-
								Encumber/Expended FY13	-	-	1,000,000.00	-	-	4,997,872.38	-	2,127.62	-	-	-
								Encumber/Expended FY17	498,408.50	-	503,591.50	-	1,121,412.70	-	-	-	2,459,857.90	-	-
								Encumber/Expended FY18	-	-	-	-	-	-	-	-	-	-	2,000,000.00
								Total			0.00					2,127.62	2,459,857.90	2,000,000.00	

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cruzan, Dale F. Sr, et al
06- 0196-PG
County PIG Program
23 Acres

Block 26	Lot 11.02	Stow Creek Twp.	Cumberland County
SOILS:		Prime	87% * .15 = 13.05
		Unique zero	13% * 0 = .00
			SOIL SCORE: 13.05
TILLABLE SOILS:		Cropland Harvested	79% * .15 = 11.85
		Wetlands/Water	5% * 0 = .00
		Woodlands	16% * 0 = .00
			TILLABLE SOILS SCORE: 11.85
FARM USE:	Soybeans-Cash Grain		21 acres

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R1(6)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Eberdale Farms (Lot 3) ("Owner")
SADC ID#06-0198-PG
Hopewell Township, Cumberland County
N.J.A.C. 2:76-17 et seq.

January 23, 2020

WHEREAS, on April 3, 2018, it was determined that the application for the sale of a development easement for the subject farm identified as Block 14, Lot 3, Hopewell Township, Cumberland County, totaling approximately 25 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

WHEREAS, the Owner 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 Shiloh-Hopewell North Project Area; and

WHEREAS, the Property includes no exception areas, resulting in approximately 25 gross acres to be preserved; and

WHEREAS, the Property includes:

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

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

WHEREAS, the Property has a quality score of 69.35 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 May 24, 2018, the SADC certified a development easement value of \$6,000 per acre based on zoning and environmental regulations in place as of the current valuation date December 1, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$6,000 per acre for the development easement for the Property; and

WHEREAS, on December 11, 2019, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 20, 2018, the Hopewell 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 July 10, 2018, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 25, 2018, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$2,100 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 25.75 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 25.75 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$100,425	(\$3,900/acre)
County	\$54,075	(\$2,100/acre)
Total Easement Purchase	\$154,500	(\$6,000/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 \$100,425 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 Property, comprising approximately 25.75 gross easement acres, at a State cost share of \$3,900 per acre, (65% of certified easement value and purchase price), for a total grant of approximately \$100,425 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).

4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/23/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A



X:\counties\curm\projects\Eberdale Farms (Lot 3) fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Eberdale Farms (Lot 3)
Block 14 Lot 3 (24.7 ac)
Gross Total = 24.7 ac
Hopewell Twp., Cumberland County



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

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

Application within the (PA 4) Rural Area

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



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

Preserved Farms and Active Applications Within Two Miles

X:\counties\cum\projects\Eberdale Farms (Lot 3) 2mile.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Eberdale Farms (Lot 3)
Block 14 Lot 3 (24.7 ac)
Gross Total = 24.7 ac
Hopewell Twp., Cumberland County



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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule C

Eberdale Farms (Lot 3)
06- 0198-PG
County PIG Program
25 Acres

Block 14	Lot 3	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Soybeans-Cash Grain		25 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-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 FY2020R1(7)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
UPPER PITTSBORO TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Hurst, William I. ("Owner")
SADC ID#17-0198-PG
Upper Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A. et seq.**

January 23, 2020

WHEREAS, on May 4, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 27, Lot 13 & 13.02, Upper Pittsgrove Township, Salem County, totaling approximately 23.4 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes one (1), approximately 4-acre severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 19.4 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

- 1) 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 barley and soybean production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 24, 2019 the SADC certified a development easement value of \$6,200 per acre based on zoning and environmental regulations in place as of the current valuation date September 28, 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$6,200 per acre for the development easement for the Property; and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2017 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 landowner has agreed to the additional restrictions associated with the ALE Grant, including no future division of the premises and a 6.33% maximum impervious coverage restriction (approximately 1.23 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 \$3,145 per acre (50% of \$6,290) or approximately \$61,000 in total ALE funds will be utilized; 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, due to a shortage of available funds this final approval is conditioned upon ALE funding in an amount sufficient enough to cover the County and Township's cost share and any remaining funds will be used to offset the SADC grant needs; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on September 10, 2019, the Upper Pittsgrove Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval, but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

WHEREAS, the estimated cost share breakdown is as follows (based on 19.40 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$77,600	(\$4,000/acre)
Upper Pittsgrove	\$21,340	(\$1,100/acre)
Salem County	\$21,340	(\$1,100/acre)
Total Easement Purchase	\$120,280	(\$6,200/acre)

Whereas, the estimated cost share breakdown if the \$61,000 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>	<u>Per/acre</u>
SADC	\$77,600	\$18,320	\$59,280	(\$3,055/acre)
Upper Pittsgrove	\$21,340	\$21,340	\$0	
Salem County	\$21,340	\$21,340	\$0	
<u>ALE Grant</u>			<u>\$61,000</u>	<u>(\$3,145/acre)</u>
TOTAL			\$120,280.00	(\$6,200/acre)

WHEREAS, the Township is requesting \$3,055 per acre or approximately \$59,280 and sufficient funds are available (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 19.4 net easement acres, at a State cost share of \$3,055 per acre, (49.29% of certified easement value and purchase price), for a total grant of approximately \$59,280 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. This approval is conditioned upon receipt of ALE funds sufficient enough to cover the Township and County's cost share or in absence of ALE funding a resolution by the Township and the County Board of Chosen Freeholder's to commit the funds needed to cover the Township's and County's cost share.
4. If ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the county and municipal cost share and then, with the remaining funds (estimated \$18,320), reduce the SADC's cost share.
5. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.

6. The SADC will be providing its grant directly to Salem County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
7. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
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.

1/23/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

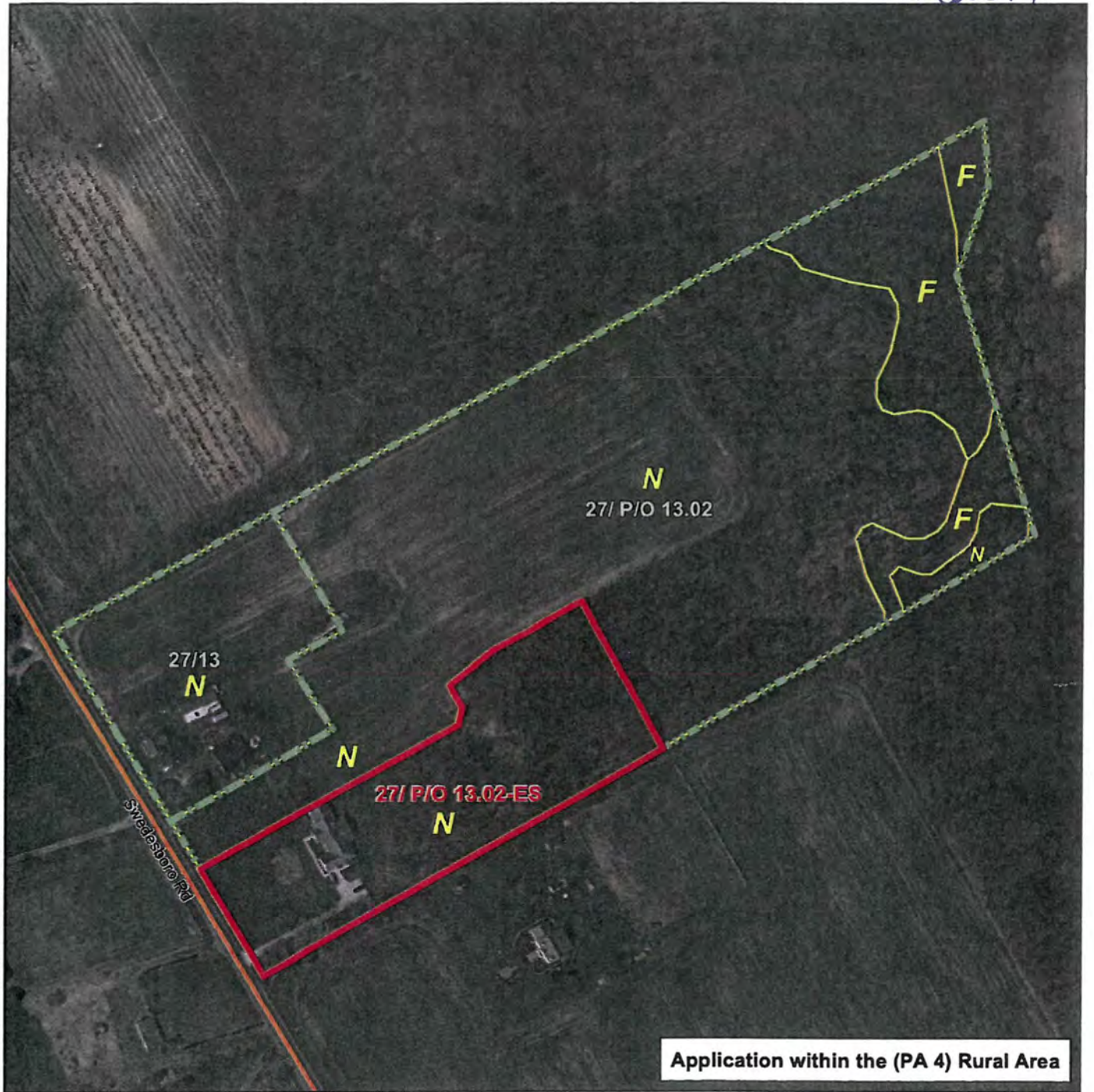
VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A

X:\counties\saico\projects\Hurst, William I. & Virginia O. fww.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

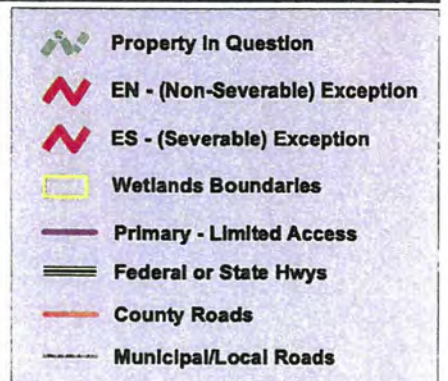
Hurst, William I. & Virginia O.
Block 27 Lots 13 (3.1 ac); P/O 13.02 (16.3 ac)
& P/O 13.02-ES (severable exception - 4.0 ac)
Gross Total = 23.4 ac
Upper Pittsgrove Twp., Salem County



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

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

Application within the (PA 4) Rural Area



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

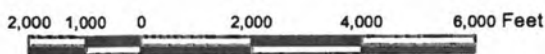
X:\counties\sa\co\projects\Hurst, William I. & Virginia O. 2mile.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hurst, William I. & Virginia O.
 Block 27 Lots 13 (3.1 ac); P/O 13.02 (16.3 ac)
 & P/O 13.02-ES (severable exception - 4.0 ac)
 Gross Total = 23.4 ac
 Upper Pittsgrove Twp., Salem County



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



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

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

SADC Municipal Pig Financial Status
Schedule B

Upper Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant				
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 19
											Encumbered	PV	Expended	Balance
														3,250,000.00
17-0136-PG	Jasper	90.6200	85.2500	5,300.00	3,550.00	451,825.00	302,637.50			331,215.00	302,637.50	302,637.50	2,126,575.95	
17-0137-PG	Bishop Brothers Properties, LLC	81.2420	80.9720	5,800.00	3,800.00	470,425.25	230,770.20	239,655.05	76,923.40	307,800.00	230,778.75	230,770.20	1,895,805.75	
17-0156-PG	Thumlert, LeRoy J.	64.3500	64.3500	5,600.00	3,700.00	360,360.00	238,095.00			227,798.45	238,095.00	238,095.00	1,657,710.75	
17-0162-PG	Williams, Steven R. & Katherine E.	22.0020	22.0020	3,750.00	2,650.00	82,507.50	58,305.30			58,300.00	58,305.30	58,305.30	1,599,405.45	
08-0192-PG	Michael &Carolynn Foote	8.6020	8.6020	7,100.00	2,295.82	61,074.20	19,748.68	41,325.52	2,626.93	22,375.61	19,748.68	19,748.68	1,579,656.77	
17-0136-PG	Jasper ancillary												10,337.50	
17-0156-PG	Thumlert ancillary												5,996.50	
17-0162-PG	Williams ancillary												3,522.00	
17-0158-PG	Hackett, James & Pauline	22.4240	22.3310	6,000.00	3,900.00	133,986.00	87,090.90			89,700.00	87,090.90	87,090.90	1,472,709.87	
17-0159-PG	Seery, David J.	54.6840	54.6840	4,650.00	3,190.00	254,280.60	174,441.96			175,450.00	174,441.96	174,441.96	1,298,267.91	
17-0167-PG	Monroeville Farm LLC (Ambruster)	25.1050	25.1050	7,900.00	4,850.00	198,329.50	121,759.25			121,250.00	121,759.25	121,759.25	1,176,508.66	
17-0138-PG	Foote, Michael &Carolynn	30.4750	30.4750	7,100.00	3,164.52	216,372.50	96,438.60	119,933.90	37,651.40	95,266.68	96,438.60	96,438.60	1,080,070.06	
17-0159-PG	Seery ancillary												5,388.75	
17-0158-PG	Hackett ancillary												3,936.00	
17-0111-PG	Lewis ancillary												3,784.00	
17-0108-PG	Schmid ancillary												4,085.00	
17-0120-PG	Sottile ancillary												9,987.50	
17-0113-PG	Kramme ancillary												5,127.50	
17-0167-PG	Monroeville Farm LLC (Ambruster) ancillary												4,292.50	
	Bishop Brothers and Foote Ancillary												15,062.00	
17-0187-PG	Seery, Michael and David	19.5460	18.8730	6,100.00	3,950.00	115,125.30	74,548.35			73,075.00	74,548.35	74,548.35	953,858.46	
17-0180-PG	Ambruster, L. Scott	25.7500	25.7500	5,950.00	3,875.00	153,212.50	99,781.25			99,781.25			854,077.21	
17-0181-PG	McCracken, Hilda	42.8200	42.8200	6,000.00	3,900.00	256,920.00	166,998.00			166,998.00	166,998.00	166,998.00	687,079.21	
17-0193-PG	Kessel, Robert A. Jr.	44.9360	44.9360	5,900.00	3,850.00	265,122.40	173,003.60			172,865.00	173,003.60	173,003.60	514,075.61	
	Seery, McCracken, and Kessel Ancillary												14,298.00	
17-0198-PG	Hurst, William I. & Virginia O.	19.4000	19.4000	6,200.00	3,055.67	120,280.00	59,280.00	61,000.00	18,320.00	59,280.00			440,497.61	
Closed	18	772.1000	763.8800			4,291,592.75	2,686,426.51	759,469.07	249,741.85					
Encumbered	2	45.1500	45.1500			273,492.50	159,061.25	61,000.00	18,320.00					
											Encumber/Expended FY09	-	750,000.00	-
											Encumber/Expended FY11	-	500,000.00	-
											Encumber/Expended FY13	-	500,000.00	-
											Encumber/Expended FY17	-	500,000.00	-
											Encumber/Expended FY19	159,061.25	-	400,441.14
											Total			440,497.61

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Hurst, William I. & Virginia O.
17- 0198-PG
PIG EP - Municipal 2007 Rule
19 Acres

Block 27 Lot 13 Upper Pittsgrove Twp. Salem County
Block 27 Lot 13.02 Upper Pittsgrove Twp. Salem County

SOILS:	Other	26% * 0	=	.00	
	Prime	32% * .15	=	4.80	
	Statewide	42% * .1	=	4.20	
					SOIL SCORE: 9.00

TILLABLE SOILS:	Cropland Harvested	53% * .15	=	7.95	
	Wetlands/Water	14% * 0	=	.00	
	Woodlands	33% * 0	=	.00	
					TILLABLE SOILS SCORE: 7.95

FARM USE:	Cash Grains	14 acres		
	Soybeans-Cash Grain	14 acres		Barley

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st four (4) acres for Existing residence
 - Exception is severable
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions:
 1. ALE via NJCF Impervious coverage restriction of 6.33%
 2. ALE via NJCF no further subdivision
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R1(8)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
PILEGROVE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Leone, Joseph & Nancy ("Owners")
SADC ID#17-0183-PG
Pilesgrove Township, Salem County
N.J.A.C. 2:76-17A. et seq.
January 23, 2020

WHEREAS, on November 9, 2017, it was determined that the application for the sale of a development easement for the subject farm identified as Block 27, Lot 2, Pilesgrove Township, Salem County, totaling approximately 58.44 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes one (1), approximately 2 acre severable exception area for a future single family residential unit and resulting in approximately 56.44 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

- 1) 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 soybean production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 27, 2018, the SADC certified a development easement value of \$8,500 per acre based on zoning and environmental regulations in place as of the current valuation date January 22, 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$8,500 per acre for the development easement for the Property; and

WHEREAS, an application was submitted by the New Jersey Conservation Foundation (NJCF) to the 1772 Foundation's 2018 Northeast Farmland Preservation Program for a capital cost share grant; and

WHEREAS, the 1772 Foundation's Farmland Protection Program for Land Trusts supports sustainable regional food systems in the Boston and New York City foodsheds or anywhere in New Jersey; and

WHEREAS, the 1772 Foundation awarded NJCF a \$215,000 grant for the preservation of the Leone farm to support the preservation of highly productive soils to increase the food producing capacity of the region, while preserving the character and rural context of the area; and

WHEREAS, the landowner has agreed to an additional restriction required by NJCF of a 6.33% maximum impervious coverage restriction (approximately 3.57 acres) for the construction of agricultural infrastructure on the Property outside of exception area; and

WHEREAS, the maximum impervious coverage limitation was determined using the same parameters commonly used for farms being preserved using Natural Conservation Resource Service (NRCS) Agricultural Land Easement (ALE) grant and represents the maximum allowable on this property utilizing the ALE program parameters; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on May 14, 2019, the Pilesgrove Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of NJCF funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019 the County Board of Chosen Freeholders passed a resolution granting final approval, but is not participating financially in the easement purchase due to the anticipated receipt of NJCF funding; and

WHEREAS, due to the shortage of available funding this final approval is conditioned upon NJCF funding in the amount sufficient enough to cover the County and Township's cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 56.44 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$290,666	(\$5,150/acre)
Pilesgrove	\$94,537	(\$1,675/acre)
<u>Salem County</u>	<u>\$94,537</u>	<u>(\$1,675/acre)</u>
Total Easement Purchase	\$479,740	(\$8,500/acre)

WHEREAS, the estimated cost share breakdown if the \$215,000 NJCF grant is applied:

	<u>Total</u>	<u>NJCF \$</u>	<u>New Cost Share</u>	<u>Per/acre</u>
SADC	\$290,666	\$25,926	\$264,740	(\$4,690.64/acre)
Pilesgrove	\$94,537	\$94,537	\$0	
Salem County	\$94,537	\$94,537	\$0	
<u>NJCF</u>			<u>\$215,000</u>	<u>(\$3,809.36/acre)</u>
Total Easement Purchase			\$479,740	(\$8,500/acre)

WHEREAS, the Township is requesting \$4,690.64 per acre or approximately \$264,740 and sufficient funds are available (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 56.44 net easement acres, at a State cost share of \$4,690.64 per acre, (55.18% of certified easement value and purchase price), for a total grant of approximately \$264,740 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. This approval is conditioned upon NJCF's receipt of 1772 Foundation funds sufficient enough to cover the Township and County's cost share or in absence of 1772 Foundation funding a resolution by the Township and the County Board of Chosen Freeholder's to commit the funds needed to cover the Township's and County's cost share.
4. If NJCF secures 1772 Foundation funds and approved for use by the SADC, said funding will first be used to reduce the county and municipal cost share and then, the remaining funds (estimated \$25,926) will reduce the SADC's cost share.

5. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.
6. The SADC will be providing its grant directly to Salem County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
7. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
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.

1/23/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



X:\counties\salc\projects\Leone_Joseph_and Nancy_fwv.mxd

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

Leone, Joseph and Nancy
Block 27 Lots P/O 2 (58.1 ac);
& P/O 2-ES (severable exception - 2.0 ac)
Gross Total = 60.1 ac
Pilesgrove Twp., Salem County



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

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

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

Application within the (PA 4) Rural Area

	Property In Question
	EN - (Non-Severable) Exception
	ES - (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

Preserved Farms and Active Applications Within Two Miles

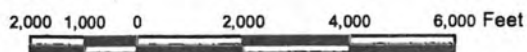
X:\counties\saico\projects\Leone_Joseph_and Nancy_2mile.mxd



Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Leone, Joseph and Nancy
 Block 27 Lots P/O 2 (58.1 ac);
 & P/O 2-ES (severable exception - 2.0 ac)
 Gross Total = 60.1 ac
 Pilesgrove Twp., Salem County



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

SADC Municipal Financial Status
Schedule B

Pilesgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant			
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
17-0094-PG	Williams Lot 1	29.7190	29.7190	9,800.00	5,880.00	291,246.20	174,747.72	145,139.28	28,640.80	146,106.92	146,106.92	146,106.92	3,250,000.00
17-0092-PG	Lippincott	152.8340	152.8340	8,200.00	5,000.00	1,253,238.80	764,170.00	643,538.12	154,469.32	609,700.68	609,700.68	609,700.68	3,103,893.08
17-0126-PG	Robbins	72.6190	72.1060	9,050.00	5,430.00	652,559.30	391,535.58	331,687.59	70,663.88	320,871.70	320,871.70	320,871.70	2,494,192.40
	Lippincott ancillary											13,607.00	2,173,320.70
	Williams ancillary											9,127.50	2,159,713.70
17-0054-PG	Fitton	50.0610	50.0610	9,700.00	5,820.00	485,591.70	291,355.02			291,355.02	291,355.02	291,355.02	2,150,586.20
17-0143-PG	Peters	37.0200	37.0200	9,300.00	5,580.00	344,286.00	206,571.60			206,571.60	206,571.60	206,571.60	1,859,231.18
	Fitton and Peters ancillary											13,972.00	1,652,659.58
17-0144-PG	Ostrum, Gordon J. Jr.	31.6400	31.4840	8,000.00	3,938.68	253,120.00	124,005.55	128,475.64	18,459.55	124,977.97	124,005.55	124,005.55	1,638,687.58
	Robbins ancillary											8,433.50	1,514,682.03
17-0153-PG	Wentzell, Wayne & Marlene	33.8070	33.8070	6,930.00	2,310.00	234,282.51	78,094.17	156,188.34	78,094.17	75,741.43	78,094.17	78,094.17	1,506,248.53
17-0154-PG	Stoms, William K. (Revocable Trust)	16.0180	16.0180	7,500.00	2,500.00	120,135.00	40,045.00	80,090.00	34,438.70	38,042.75	40,045.00	40,045.00	1,428,154.36
17-0155-PG	Atanasio, Phillip R.	39.0840	39.0840	7,040.00	2,399.40	275,151.36	93,777.96	181,373.40	66,466.44	94,305.63	93,777.96	93,777.96	1,388,109.36
17-0175-PG	Byrnes, Edward & Barbara (Lot 2)	46.8320	46.8320	7,000.00	3,502.24	327,824.00	164,016.90	163,807.10	30,335.90	163,912.00	164,016.90	164,016.90	1,294,331.40
17-0214-PG	Maccarone, Venerando M.	41.5940	41.5940	8,000.00	4,900.00	332,752.00	203,810.60			203,810.60			1,130,314.50
17-0183-PG	Leone, Joseph & Nancy	56.4400	56.4400	8,500.00	4,690.64	479,740.00	264,740.00			264,740.00			926,503.90
Closed	12	607.6680	606.9990			5,049,926.87	2,796,870.10	1,830,299.47	481,568.76				661,763.90
Encumbered	2	98.0340	98.0340			812,492.00	468,550.60						661,763.90
										Encumber/Expended FY09	-	-	750,000.00
										Encumber/Expended FY11	-	-	500,000.00
										Encumber/Expended FY13	-	-	500,000.00
										Encumber/Expended FY17	130,314.50	-	369,685.50
										Encumber/Expended FY19	338,236.10	-	-
										Total			661,763.90

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule

Leone, Joseph & Nancy
17- 0183-PG
PIG EP - Municipal 2007 Rule
58 Acres

Block 27	Lot 2	Pilesgrove Twp.	Salem County				
SOILS:		Prime	47% *	.15	=	7.05	
		Statewide	22% *	.1	=	2.20	
		Unique .125	31% *	.125	=	3.88	
							SOIL SCORE: 13.13
TILLABLE SOILS:		Cropland Harvested	93% *	.15	=	13.95	
		Other	7% *	0	=	.00	
							TILLABLE SOILS SCORE: 13.95
FARM USE:	Soybeans-Cash Grain			58 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 two (2) acres for Future residence
 - Exception is severable
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R1(9)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
PILESGROVE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Maccarone, Venerando M. ("Owner")
SADC ID#17-0214-PG
Pilesgrove Township, Salem County
N.J.A.C. 2:76-17A. et seq.

January 23, 2020

WHEREAS, on February 26, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 22, Lot 1.03, and Block 21, Lot 7, Pilesgrove Township, Salem County, totaling approximately 41.594 surveyed acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes no exception areas resulting in approximately 41.594 surveyed acres to be preserved; and

WHEREAS, the Property includes:

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 23, 2019 the SADC certified a development easement value of \$8,000 per acre based on zoning and environmental regulations in place as of the current valuation date April 8, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$8,000 per acre for the development easement for the Property; and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2019 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 landowner has agreed to the additional restrictions associated with the ALE Grant, including no future division of the premises and a 7% maximum impervious coverage restriction (approximately 2.73 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 \$4,363 per acre (50% of \$8,726) or approximately \$181,514.50 in total ALE funds will be utilized; 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, due to a shortage of available funds this final approval is conditioned upon ALE funding in an amount sufficient enough to cover the County and Township's cost share and any remaining funds will be used to offset the SADC grant needs; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 8, 2019, the Pilesgrove Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval, but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

WHEREAS, the estimated cost share breakdown is as follows (based on 41.594 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$203,810.60	(\$4,900/acre)
Pilesgrove	\$64,470.70	(\$1,550/acre)
Salem County	\$64,470.70	(\$1,550/acre)
Total Easement Purchase	\$332,752.00	(\$8,000/acre)

Whereas, the estimated cost share breakdown if the \$181,514.50 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>	<u>Per/acre</u>
SADC	\$203,810.60	\$52,573.10	\$151,237.50	(\$3,637/acre)
Pilesgrove	\$64,470.70	\$64,470.70	\$0	
Salem County	\$64,470.70	\$64,470.70	\$0	
<u>ALE Grant</u>			\$181,514.50	(\$4,363/acre)
TOTAL			\$332,752.00	(\$8,000/acre)

WHEREAS, the Township is requesting \$3,637 per acre or approximately \$151,237.50 and sufficient funds are available (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and


WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 41.594 net easement acres, at a State cost share of \$3,637 per acre, (45.45% of certified easement value and purchase price), for a total grant of approximately \$151,237.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. This approval is conditioned upon receipt of ALE funds sufficient enough to cover the Township and County's cost share or in absence of ALE funding a resolution by the Township and the County Board of Chosen Freeholder's to commit the funds needed to cover the Township's and County's cost share.
4. If ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the county cost share and then, with the remaining funds (estimated \$52,573.10), reduce the SADC's cost share.
5. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.

6. The SADC will be providing its grant directly to Salem County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
7. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
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.

1/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



X:\counties\saico\projects\Maccarone, Venerando M fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

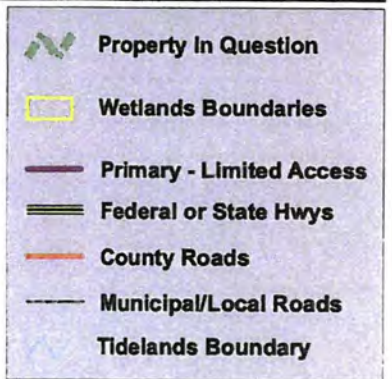
Maccarone, Venerando M
Block 21 Lot 7 (24.1 ac); and Block 22 Lot 1.03 (14.7 ac)
Gross Total = 38.8 ac
Pilesgrove Twp., Salem County



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

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

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



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

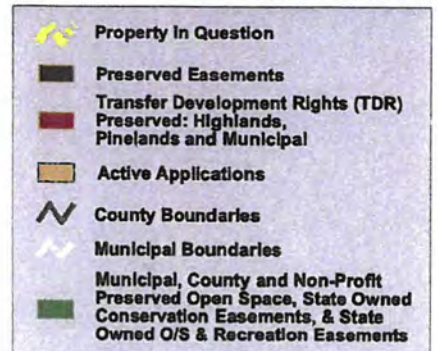
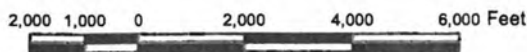


X:\counties\salc\projects\Maccarone, Venerando M 2mile.mxd

Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Maccarone, Venerando M
Block 21 Lot 7 (24.1 ac); and Block 22 Lot 1.03 (14.7 ac)
Gross Total = 38.8 ac
Pilesgrove Twp., Salem County



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

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

February 21, 2019

SADC Municipal Financial Status
Schedule B

Pilesgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant				
										Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13
						Cost Basis	Cost Share	Encumbered	PV			Expended	Balance	
														750,000.00
														500,000.00
														500,000.00
														500,000.00
														1,000,000.00
														3,250,000.00
17-0094-PG	Williams Lot 1	29.7190	29.7190	9,800.00	5,880.00	291,246.20	174,747.72	145,139.28	28,640.80	146,106.92	146,106.92	146,106.92	146,106.92	3,103,893.08
17-0092-PG	Lippincott	152.8340	152.8340	8,200.00	5,000.00	1,253,238.80	764,170.00	643,538.12	154,469.32	609,700.68	609,700.68	609,700.68	609,700.68	2,494,192.40
17-0126-PG	Robbins	72.6190	72.1060	9,050.00	5,430.00	652,559.30	391,535.58	331,687.59	70,663.88	320,871.70	320,871.70	320,871.70	320,871.70	2,173,320.70
	Lippincott ancillary												13,607.00	2,159,713.70
	Williams ancillary												9,127.50	2,150,586.20
17-0054-PG	Fitton	50.0610	50.0610	9,700.00	5,820.00	485,591.70	291,355.02			291,355.02	291,355.02	291,355.02	291,355.02	1,859,231.18
17-0143-PG	Peters	37.0200	37.0200	9,300.00	5,580.00	344,286.00	206,571.60			206,571.60	206,571.60	206,571.60	206,571.60	1,652,659.58
	Fitton and Peters ancillary												13,972.00	1,638,687.58
17-0144-PG	Ostrum, Gordon J. Jr.	31.6400	31.4840	8,000.00	3,938.68	253,120.00	124,005.55	128,475.64	18,459.55	124,977.97	124,005.55	124,005.55	124,005.55	1,514,682.03
	Robbins ancillary												8,433.50	1,506,248.53
17-0153-PG	Wentzell, Wayne & Marlene	33.8070	33.8070	6,930.00	2,310.00	234,282.51	78,094.17	156,188.34	78,094.17	75,741.43	78,094.17	78,094.17	78,094.17	1,428,154.36
17-0154-PG	Stoms, William K. (Revocable Trust)	16.0180	16.0180	7,500.00	2,500.00	120,135.00	40,045.00	80,090.00	34,438.70	38,042.75	40,045.00	40,045.00	40,045.00	1,388,109.36
17-0155-PG	Atanasio, Phillip R.	39.0840	39.0840	7,040.00	2,399.40	275,151.36	93,777.96	181,373.40	66,466.44	94,305.63	93,777.96	93,777.96	93,777.96	1,294,331.40
17-0175-PG	Byrnes, Edward & Barbara (Lot 2)	46.8320	46.8320	7,000.00	3,502.24	327,824.00	164,016.90	163,807.10	30,335.90	163,912.00	164,016.90	164,016.90	164,016.90	1,130,314.50
17-0214-PG	Maccarone, Venerando M.	41.5940	41.5940	8,000.00	4,900.00	332,752.00	203,810.60			203,810.60				926,503.90
17-0183-PG	Leone, Joseph & Nancy	56.4400	56.4400	8,500.00	4,690.64	479,740.00	264,740.00			264,740.00				661,763.90
Closed	12	607.6680	606.9990			5,049,926.87	2,796,870.10	1,830,299.47	481,568.76					
Encumbered	2	98.0340	98.0340			812,492.00	468,550.60							
										Encumber/Expended FY09	-	-	750,000.00	-
										Encumber/Expended FY11	-	-	500,000.00	-
										Encumber/Expended FY13	-	-	500,000.00	-
										Encumber/Expended FY17	130,314.50	-	369,685.50	-
										Encumber/Expended FY19	338,236.10	-	-	661,763.90
										Total			-	661,763.90

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Maccarone, Venerando M.
17- 0214-PG
PIG EP - Municipal 2007 Rule
39 Acres

Block 21 Lot 7 Pilesgrove Twp. Salem County
Block 22 Lot 1.03 Pilesgrove Twp. Salem County

SOILS:	Prime	84% * .15	=	12.60
	Statewide	9% * .1	=	.90
	Unique zero	7% * 0	=	.00
				SOIL SCORE: 13.50

TILLABLE SOILS:	Cropland Harvested	91% * .15	=	13.65
	Wetlands	6% * 0	=	.00
	Woodlands	3% * 0	=	.00
				TILLABLE SOILS SCORE: 13.65

FARM USE: Soybeans-Cash Grain 18 acres

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R1(10)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
PITTSBORO TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Rizzo, Jr, Anthony & Kathleen ("Owners")
SADC ID#17-0208-PG
Pittsboro Township, Salem County
N.J.A.C. 2:76-17A. et seq.

January 23, 2020

WHEREAS, on May 8, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 2201, Lot 14, Pittsboro Township, Salem County, totaling approximately 28.17 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes no exception areas, resulting in approximately 28.17 gross acres to be preserved; and

WHEREAS, the Property includes:

- 1) zero (0) exceptions,
- 2) One (1) single family residential unit
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 26, 2019, the SADC certified a development easement value of \$4,700 per acre based on zoning and environmental regulations in place as of the current valuation date June 19, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$4,700 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 12, 2019, the Pittsboro Township Committee approved the application for the sale of development easement and a funding commitment of \$740 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development

easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$740 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 28.17 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$90,707.40	(\$3,220/acre)
Pittsgrove Township	\$20,845.80	(\$740/acre)
<u>Salem County</u>	<u>\$20,845.80</u>	<u>(\$740/acre)</u>
Total Easement Purchase	\$132,399.00	(\$4,700/acre)

WHEREAS, the Township is requesting \$3,220 per acre or approximately \$90,707.40 and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 28.17 gross easement acres, at a State cost share of \$3,220 per acre, (68.51% of certified easement value and purchase price), for a total grant of approximately \$90,707.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Should additional funds be needed, and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.
4. The SADC will be providing its grant directly to Salem County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).

5. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
6. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
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.

1/23/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

X:\counties\salcop\projects\Rizzo_Anthony_J_and_Kathleen_FWW.mxd



Application within the (PA4b) Rural Env Sens Area

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

Rizzo, Jr., Anthony D. & Kathleen
Block 2001 Lot 14 (28.17 Ac)
Gross Total – 28.17 Ac
Pittsgrove Twp. Salem County



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

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



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

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

Preserved Farms and Active Applications Within Two Miles

X:\counties\calco\projects\Rizzo_Anthony_J_and_Kathleen_2Mile.mxd



Application within the (PA 4b) Rural Env. Sen. Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rizzo, Jr., Anthony D. & Kathleen
Block 2001 Lot 14 (28.17 Ac)
Gross Total – 28.17 Ac
Pittsgrove Twp. Salem County

	Property in Question
	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)
NJIT/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

SADC Municipal Pig Financial Status Schedule B

Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant					
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 19	
										Encumbered	PV	Expended	Balance		
											3,250,000.00				
17-0107-PG	Walters	19.3300	19.3300	4,900.00	3,340.00	94,717.00	64,562.20			64,562.20	64,562.20	64,562.20	2,340,032.66		
17-0095-PG	Schmidt	89.9000	89.9000	7,100.00	4,450.00	638,290.00	400,055.00	360,083.22	241,848.22	400,055.00	158,206.78	158,206.78	2,181,825.88		
17-0139-PG	Kupelian	36.4660	36.4660	8,100.00	4,950.00	295,374.60	180,506.70			180,506.70	180,506.70	180,506.70	2,001,319.18		
17-0145-PG	Dubois Farm Properties LLC	64.1180	64.1180	7,950.00	4,875.00	509,738.10	312,575.25			312,575.25	312,575.25	312,575.25	1,688,743.93		
17-0176-PG	CTI Solutions	86.0620	86.0620	3,700.00	2,620.00	318,429.40	225,482.44			221,390.00	225,482.44	225,482.44	1,463,261.49		
17-0139-PG	Kupelian ancillary											4,437.50	1,458,823.99		
17-0145-PG	Dubois ancillary											4,913.00	1,453,910.99		
17-0176-PG	CTI Solutions ancillary											5,958.50	1,447,952.49		
17-0095-PG	Schmidt ancillary											6,274.25	1,441,678.24		
17-0107-PG	Walters ancillary											3,750.00	1,437,928.24		
17-0200-PG	Rodriguez, Joanne L.	38.9510	38.9510	5,600.00	3,700.00	218,125.60	144,118.70			149,184.00	144,118.70	144,118.70	1,293,809.54		
17-0211-PG	Helig, Nolan R. & Devorah W.	36.4000	36.4000	7,100.00	4,450.00	258,440.00	161,980.00			161,980.00			1,131,829.54		
17-0208-PG	Rizzo, Jr., Anthony D. & Kathleen	28.1700	28.1700	4,700.00	3,220.00	132,399.00	90,707.40			90,707.40			1,041,122.14		
Closed	12	505.3310	505.4760			3,398,038.05	2,142,566.07	360,083.22	241,848.22						
Encumbered	2	64.5700	64.5700			390,839.00	252,687.40								
											Encumber/Expended FY09	-	-	750,000.00	-
											Encumber/Expended FY11	-	-	500,000.00	-
											Encumber/Expended FY13	-	-	500,000.00	-
											Encumber/Expended FY17	252,687.40	-	62,071.76	185,240.84
											Encumber/Expended FY19	-	-	144,118.70	855,881.30
											Total				1,041,122.14

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Rizzo, Jr., Anthony D. & Kathleen
17- 0208-PG
PIG EP - Municipal 2007 Rule
28 Acres

Block 2001	Lot 14	Pittsgrove Twp.	Salem County		
SOILS:		Other	16% *	0	= .00
		Prime	69% *	.15	= 10.35
		Statewide	1% *	.1	= .10
		Unique .125	14% *	.125	= 1.75
					SOIL SCORE: 12.20
TILLABLE SOILS:		Cropland Harvested	50% *	.15	= 7.50
		Other	5% *	0	= .00
		Woodlands	45% *	0	= .00
					TILLABLE SOILS SCORE: 7.50
FARM USE:	Soybeans-Cash Grain		15 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as 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 FY2020R1(11)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
PITTSGROVE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Helig, Nolan R. & Devorah W. ("Owners")
SADC ID#17-0211-PG
Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A. et seq.

January 23, 2020

WHEREAS, on December 6, 2018, it was determined that the application for the sale of a development easement for the subject farm identified as Block 601, Lot 9 & 9.01 and Block 2003, Lot 13, Pittsgrove Township, Salem County, totaling approximately 37.4 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

WHEREAS, the targeted Property is located in the Township's East 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 36.4 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

- 1) 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 hay & rye production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 26, 2019, the SADC certified a development easement value of \$7,100 per acre based on zoning and environmental regulations in place as of the current valuation date February 25, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owners accepted the Township's offer of \$7,100 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 12, 2019, the Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,325 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 4, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$1,325 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 36.4 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$161,980	(\$4,450/acre)
Pittsgrove Township	\$48,230	(\$1,325/acre)
Salem County	\$48,230	(\$1,325/acre)
Total Easement Purchase	\$258,440	(\$7,100/acre)

WHEREAS, the Township is requesting \$4,450 per acre or approximately \$161,980 and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 36.4 net easement acres, at a State cost share of \$4,450 per acre, (62.68% of certified easement value and purchase price), for a total grant of approximately \$161,980 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

3. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.
4. The SADC will be providing its grant directly to Salem County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
5. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
6. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
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.

1/23/2020

Date



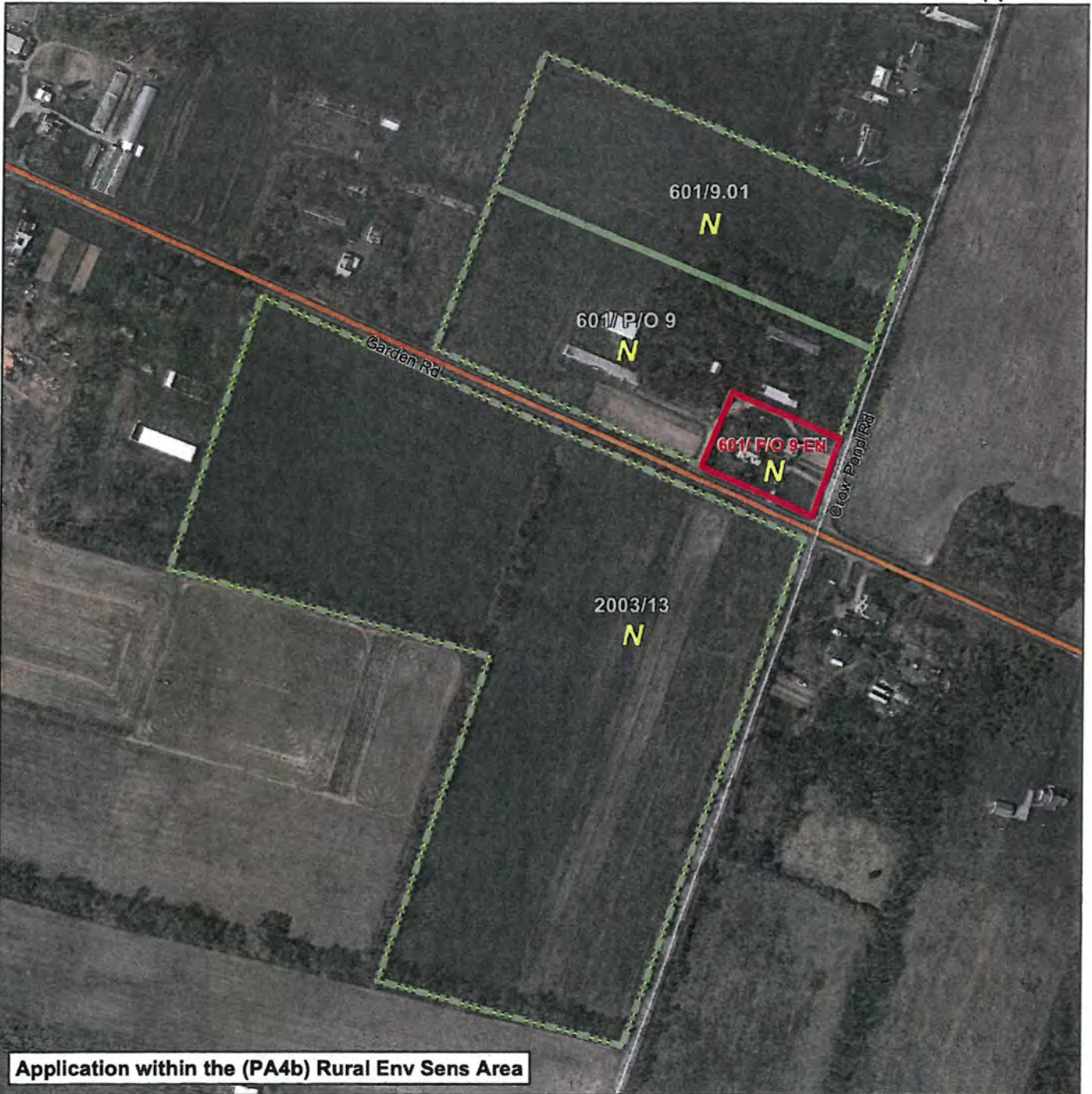
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A



X:\counties\saico\projects\Helig, Nolan R. & Devorah W. fww.mxd

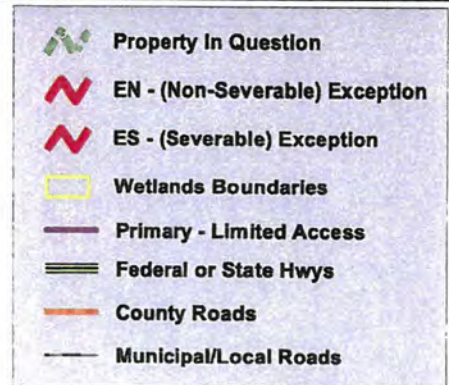
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Helig, Nolan R. & Devorah W.
Block 601 Lots P/O 9 (6.5 ac);
P/O 9-EN (non-severable exception - 1.0 ac)
Lot 9.01 (6.0 ac) & Block 2003 Lot 13 (23.9 ac)
Gross Total = 37.4 ac
Pittsgrove Twp., Salem County



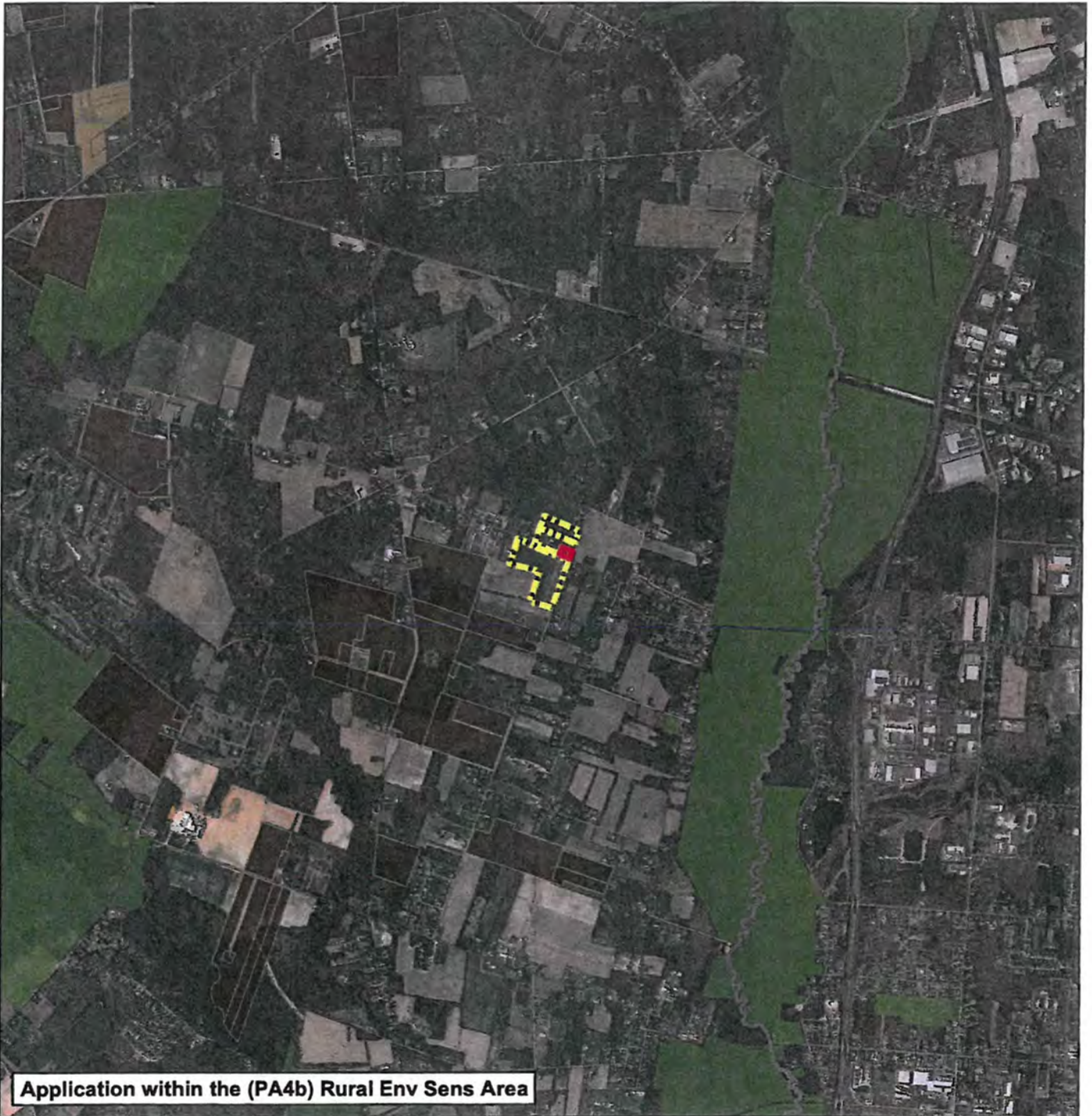
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOT/OGIS 2015 Digital Aerial Image

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



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

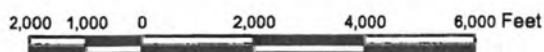


X:\counties\alco\projects\Helig, Nolan R. & Deborah W. 2mile.mxd

Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Helig, Nolan R. & Deborah W.
 Block 601 Lots P/O 9 (6.5 ac);
 P/O 9-EN (non-severable exception - 1.0 ac)
 Lot 9.01 (6.0 ac) & Block 2003 Lot 13 (23.9 ac)
 Gross Total = 37.4 ac
 Pittsgrove Twp., Salem County



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

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

SADC Municipal Pig Financial Status
Schedule B

Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant				
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	
														Fiscal Year 09
														3,250,000.00
17-0107-PG	Walters	19.3300	19.3300	4,900.00	3,340.00	94,717.00	64,562.20			64,562.20	64,562.20	64,562.20	2,340,032.66	
17-0095-PG	Schmidt	89.9000	89.9000	7,100.00	4,450.00	638,290.00	400,055.00	360,083.22	241,848.22	400,055.00	158,206.78	158,206.78	2,181,825.88	
17-0139-PG	Kupelian	36.4660	36.4660	8,100.00	4,950.00	295,374.60	180,506.70			180,506.70	180,506.70	180,506.70	2,001,319.18	
17-0145-PG	Dubois Farm Properties LLC	64.1180	64.1180	7,950.00	4,875.00	509,738.10	312,575.25			312,575.25	312,575.25	312,575.25	1,688,743.93	
17-0176-PG	CTI Solutions	86.0620	86.0620	3,700.00	2,620.00	318,429.40	225,482.44			221,390.00	225,482.44	225,482.44	1,463,261.49	
17-0139-PG	Kupelian ancillary											4,437.50	1,458,823.99	
17-0145-PG	Dubois ancillary											4,913.00	1,453,910.99	
17-0176-PG	CTI Solutions ancillary											5,958.50	1,447,952.49	
17-0095-PG	Schmidt ancillary											6,274.25	1,441,678.24	
17-0107-PG	Walters ancillary											3,750.00	1,437,928.24	
17-0200-PG	Rodriguez, Joanne L.	38.9510	38.9510	5,600.00	3,700.00	218,125.60	144,118.70			149,184.00	144,118.70	144,118.70	1,293,809.54	
17-0211-PG	Helig, Nolan R. & Deborah W.	36.4000	36.4000	7,100.00	4,450.00	258,440.00	161,980.00			161,980.00			1,131,829.54	
17-0208-PG	Rizzo, Jr., Anthony D. & Kathleen	28.1700	28.1700	4,700.00	3,220.00	132,399.00	90,707.40			90,707.40			1,041,122.14	
Closed	12	505.3310	505.4760			3,398,038.05	2,142,566.07	360,083.22	241,848.22					
Encumbered	2	64.5700	64.5700			390,839.00	252,687.40							
										Encumber/Expended FY09	-	-	750,000.00	-
										Encumber/Expended FY11	-	-	500,000.00	-
										Encumber/Expended FY13	-	-	500,000.00	-
										Encumber/Expended FY17	252,687.40	-	62,071.76	185,240.84
										Encumber/Expended FY19	-	-	144,118.70	855,881.30
										Total				1,041,122.14

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Helig, Nolan R. & Devorah W.
17- 0211-PG
PIG EP - Municipal 2007 Rule
36 Acres

Block 601	Lot 9	Pittsgrove Twp.	Salem County
Block 601	Lot 9.01	Pittsgrove Twp.	Salem County
Block 2003	Lot 13	Pittsgrove Twp.	Salem County

SOILS:	Prime	98% *	.15	=	14.70
	Statewide	2% *	.1	=	.20
					SOIL SCORE: 14.90

TILLABLE SOILS:	Cropland Harvested	86% *	.15	=	12.90
	Woodlands	14% *	0	=	.00
					TILLABLE SOILS SCORE: 12.90

FARM USE:	Hay	17 acres	
	Other	7 acres	Rye straw

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 residence
 - 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.

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R1(12)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
HOPEWELL TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Atkinson, Franklin T. Jr, (Lot 1.01) ("Owner")
SADC ID#06-0169-PG
Hopewell Township, Salem County
N.J.A.C. 2:76-17A. et seq.

January 23, 2020

WHEREAS, on December 28, 2015, it was determined that the application for the sale of a development easement for the subject farm identified as Block 77, Lot 1.01 and Block 76, Lot 11.04, Hopewell Township, Cumberland County, totaling approximately 51 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes one (1) approximately 1.5 acre severable exception areas for a future single family residential unit and one (1) approximately 1.5 acre severable exception for an existing single family residential unit resulting in approximately 48 net acres to be preserved; and

WHEREAS, the Exception Areas:

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

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

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

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

WHEREAS, the SADC's Green Light Approval was conditioned upon Hopewell Township's Municipal Planning Incentive Grant Plan receiving SADC approval prior to SADC Final Approval for this individual farmland preservation program application; and

WHEREAS, on September 27, 2018, the SADC approved the Hopewell Township PIG Plan; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 28, 2015, the SADC certified a development easement value of \$5,300 per acre based on zoning and environmental regulations in place as of the current valuation date June 1, 2014; and

WHEREAS, during SADC staff's preparation of this Final Approval, it was discovered that the date of value of the appraisals was older than three years and required updating; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 26, 2019, the SADC certified an updated development easement value of \$5,200 per acre based on zoning and environmental regulations in place as of the current valuation date May 1, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$5,300 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 \$5,750); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on August 18, 2016, the Hopewell Township Committee approved the application for the sale of development easement and a funding commitment of \$265 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on May 11, 2016, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on November 26, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$1,800 per acre to cover the additional local cost share; and

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

	<u>Total</u>	<u>Per/acre</u>
SADC	\$168,000	(\$3,500/acre) based on certified value of \$5,200/acre
Hopewell Township	\$12,720	(\$265/acre)
Cumberland County	\$73,680	(\$1,535/acre) based on township offer of \$5,300/acre
Total Easement Purchase	\$254,400	(\$5,300/acre)

WHEREAS, the Township is requesting \$3,500 per acre or approximately \$168,000 and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 48 net easement acres, at a State cost share of \$3,500 per acre, (67.31% of certified easement value and 66.04% of purchase price), for a total grant of approximately \$168,000 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. The prior condition of Hopewell Township's Municipal Planning Incentive Grant Plan receiving SADC approval has been met and is no longer a condition.
4. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.
5. The SADC will be providing its grant directly to Cumberland County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
7. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/23/2020

Date



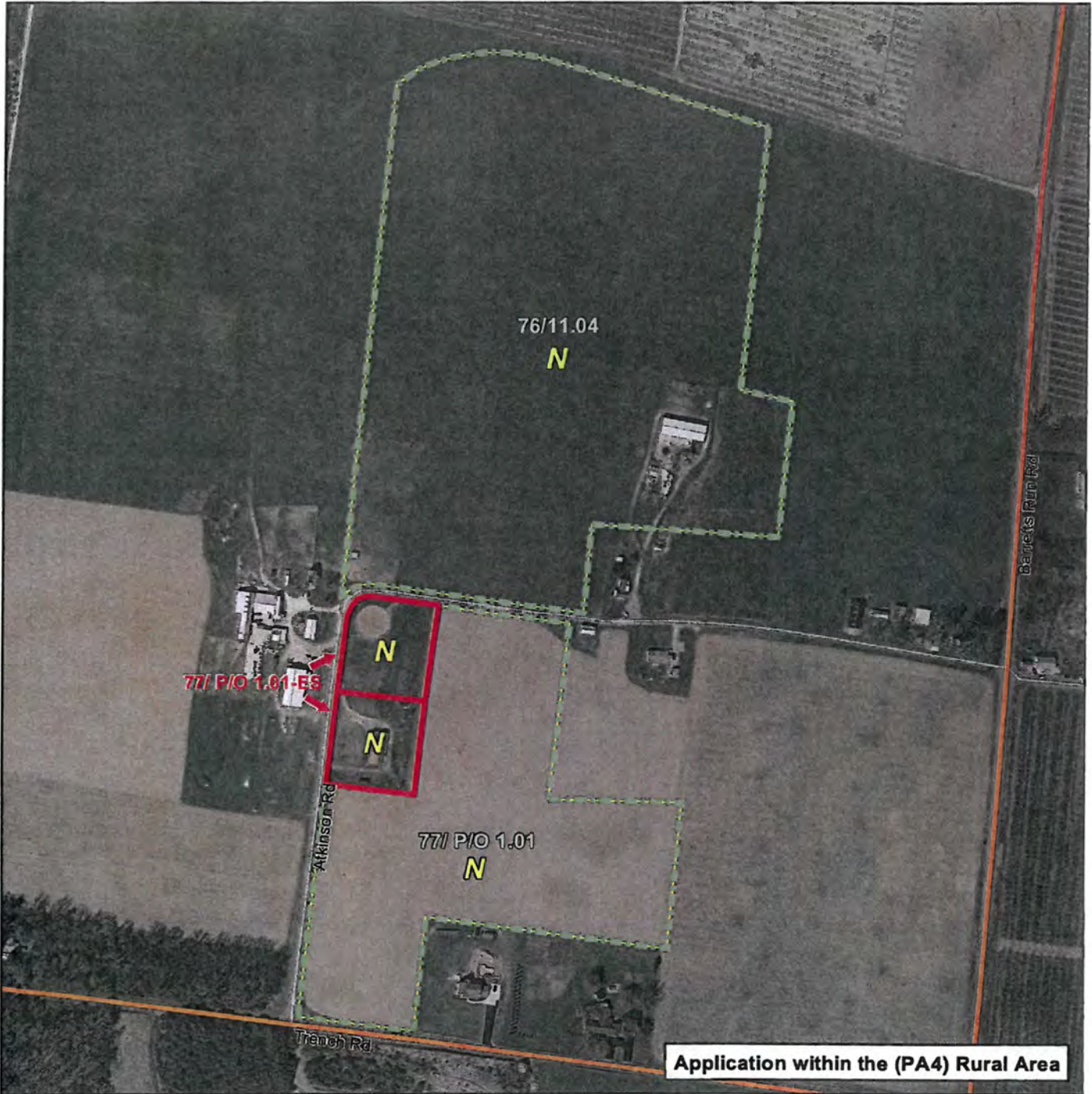
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A



X:\counties\cum\proj\atkinson2_fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Franklin Atkinson, Jr (#2)
Block 76 Lot 11.04 (33.9 ac); Block 77 Lots P/O 1.01 (15.0 ac);
& P/O 1.01 - ES (severable exceptions - 1.5 & 1.5 ac)
Gross Total = 51.9 ac
Hopewell Twp., Cumberland County



Application within the (PA4) Rural Area

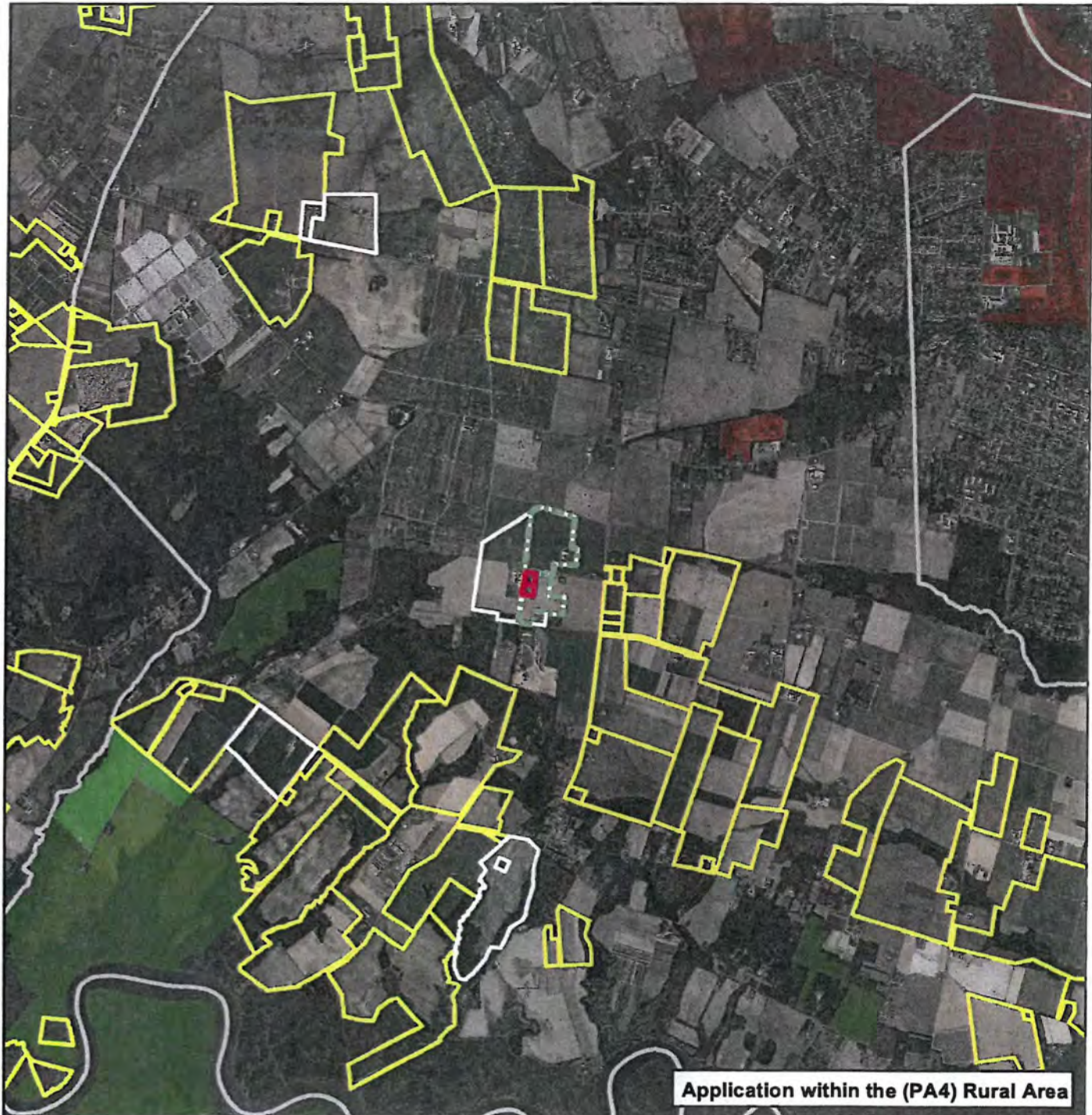


Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJDOT Road Data
NJOT/OGIS 2012 Digital Aerial Image

Preserved Farms and Active Applications Within Two Miles



X:\counties\cumco\project\stakinson_2_mile.mxd

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Franklin Atkinson, Jr (#2)
 Block 76 Lot 11.04 (33.9 ac); Block 77 Lots P/O 1.01 (15.0 ac);
 & P/O 1.01 - ES (severable exceptions - 1.5 & 1.5 ac)
 Gross Total = 51.9 ac
 Hopewell Twp., Cumberland County



Farmland Preservation Program

- Property in Question
- EH - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned O&B & Recreation Easement
- Base Map
- County Boundary
- Municipal Boundary

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

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

SADC Municipal Financial Status
Schedule B

Hopewell Township, Cumberland County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant				
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 19
										Encumbered	PV	Expended	Balance	
06-0168-PG	Atkinson, Jr., Franklin T. (Lot 11.01)	52.5710	52.5710	4,500.00	3,100.00	236,569.50	162,970.10			155,000.00	162,970.10	162,970.10	750,000.00	
06-0169-PG	Atkinson, Jr., Franklin T. (Lot 1.01)	48.000	48.000	5,300.00	3,500.00	254,400.00	168,000.00			168,000.00			587,029.90	
Closed	1	52.5710	52.5710			236,569.50	162,970.10							
Encumbered	1	48.0000	48.0000			254,400.00	168,000.00							
										Encumber/Expended FY09	-	-	-	-
										Encumber/Expended FY11	-	-	-	-
										Encumber/Expended FY13	168,000.00	-	162,970.10	419,029.90
										Encumber/Expended FY17	-	-	-	-
										Encumber/Expended FY19	-	-	-	-
										Total				419,029.90

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Atkinson, Jr., Franklin T. (Lot 1.01)
06- 0169-PG
PIG EP - Municipal 2007 Rule
46 Acres

Block 76	Lot 11.04	Hopewell Twp.	Cumberland County
Block 77	Lot 1.01	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Hay		49 acres
	Horse & Other Equine		5 acres personal use

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (1.5) acres for around existing single family residential unit
Exception is severable
Exception is to be limited to one existing single family residential unit(s)
 - 2nd (1.5) acres for future single family residential unit
Exception is severable
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R1(13)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Catalano, Michael J. & Janie E. (Lot 10) ("Owners")

January 23, 2020

Subject Property: **Catalano, Michael J. & Janie E. (Lot 10)**
Block 2, Lot 10
Mannington Township, Salem County
SADC ID#: 17-0346-DE
Approximately 107 Net Easement Acres

WHEREAS, on April 24, 2019, the State Agriculture Development Committee ("SADC") received a development easement sale application from Michael & Janie Catalano, hereinafter "Owners," identified as Block 2, Lot 10, Mannington Township, Salem County, hereinafter "the Property," totaling approximately 117 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the original application included one (1), approximately 4.6 acre severable exception area for two (2) existing single family residential units and to afford future flexibility for nonagricultural uses resulting in approximately 112.4 net acres to be preserved; and

WHEREAS, prior to accepting the offer, the owners requested an increase to the size of the severable exception area from 4.6 acres to 10 acres; and

WHEREAS, it is the opinion of the SADC staff Review Appraiser that this change does not impact the SADC certified value; and

WHEREAS, the Property includes one (1), approximately 10 acre severable exception area for two (2) existing single family residential units and to afford future flexibility for nonagricultural uses resulting in approximately 107 net acres to be preserved; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises

- 3) Shall be restricted to two single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

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

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 26, 2018, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 62) because it is approximately 107 acres and has a quality score of 64.70; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on October 24, 2019, the SADC certified a development easement value of \$5,500 per acre based on zoning and environmental regulations in place as of the current valuation date August 20, 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$5,500 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,500 per acre for a total of approximately \$588,500 subject to the conditions contained in (Schedule B).

3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/23/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



X:\counties\atco\projects\Catalano, Michael J & Janie E (Lot 10) fww 2.mxd

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

Catalano, Michael J & Janie E (Lot 10)
Block 2 Lots P/O 10 (107 ac);
& P/O 10-ES (severable exception – 10.00 ac)
Gross Total = 117 ac
Mannington Twp., Salem County



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

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

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

	Property In Question
	ES - (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
S - 300' Buffer
W - Water

Preserved Farms and Active Applications Within Two Miles

X:\counties\sarco\projects\Catalano, Michael J & Janie E (Lot 10) 2mile 2.mxd



Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Catalano, Michael J & Janie E (Lot 10)
 Block 2 Lots P/O 10 (107.00 ac);
 & P/O 10-ES (severable exception – 10.00 ac)
 Gross Total = 117 ac
 Mannington Twp., Salem 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

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Catalano, Michael J. & Janie E. (Lot 10)
 Easement Purchase - SADC
 107 Acres

Block 2	Lot 10	Mannington Twp.	Salem County		
SOILS:		Local	52% * .05	=	2.60
		Other	15% * 0	=	.00
		Statewide	33% * .1	=	3.30
				SOIL SCORE:	5.90
TILLABLE SOILS:		Cropland Harvested	90% * .15	=	13.50
		Wetlands/Water	10% * 0	=	.00
				TILLABLE SOILS SCORE:	13.50
FARM USE:	Soybeans-Cash Grain		51 acres		
	Cash Grains		50 acres		barley

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st ten (10) acres for Two existing single family residences and buildings
 - Exception is severable
 - Exception is to be limited to two existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R1(14)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Catalano, Michael J. & Janie E. (Lot 4) ("Owners")

January 23, 2020

Subject Property: **Catalano, Michael J. & Janie E. (Lot 4)**
Block 40, Lot 4
Township, County
SADC ID#:17-0347 -DE
Approximately 99.5 Net Easement Acres

WHEREAS, on April 24, 2019, the State Agriculture Development Committee ("SADC") received a development easement sale application from Michael & Janie Catalano, hereinafter "Owners," identified as Block 40, Lot 4, Mannington Township, Salem County, hereinafter "the Property," totaling approximately 102.1 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the original application included one (1), approximately 3-acre non-severable exception area for and limited to two (2) existing single-family residences; and

WHEREAS, prior to accepting the offer, the owners requested a change to the configuration of the non-severable exception area for one of the residences to remain on the Premises; and

WHEREAS, it is the opinion of the SADC staff Review Appraiser that this change does not impact the SADC certified value; and

WHEREAS, the Property includes one (1), approximately 2.6 acre non-severable exception area for one (1) existing single family residential unit resulting in approximately 99.5 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

- 1) one (1) single-family residence
- 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 and wheat production; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 26, 2018, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 62) because it is approximately 99.1 acres and has a quality score of 77.38; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on October 24, 2019, the SADC certified a development easement value of \$4,700 per acre based on zoning and environmental regulations in place as of the current valuation date August 20, 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$4,700 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$4,700 per acre for a total of approximately \$467,650 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.

4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/23/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A



X:\counties\salc\projects\Catalano, Michael J & Janie E (Lot 4) fww 2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Catalano, Michael J & Janie E (Lot 4)
Block 40 Lots P/O 4 (99.5 ac);
& P/O 4-EN (non-severable exception - 2.6 ac)
Gross Total = 102.1 ac
Mannington Twp., Salem County

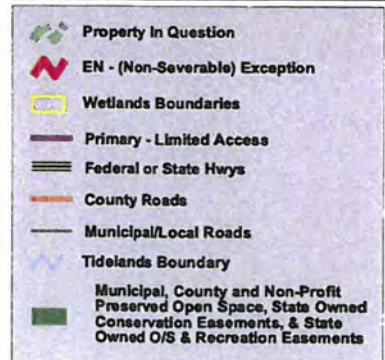


Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDEP Wetlands Data
NJDOT/IGIS 2015 Digital Aerial Image

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

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The 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 (PA 4) Rural Area



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

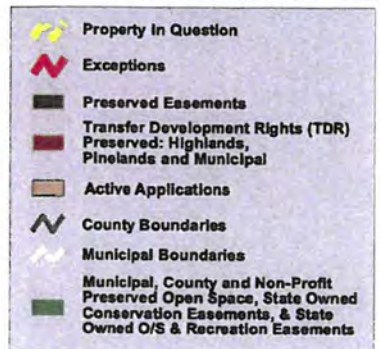
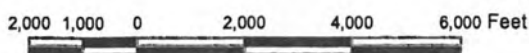
X:\counties\salco\projects\Catalano, Michael J & Janie E (Lot 4) 2mile 2.mxd



Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Catalano, Michael J & Janie E (Lot 4)
Block 40 Lots P/O 4 (99.5 ac);
& P/O 4-EN (non-severable exception - 2.6 ac)
Gross Total = 102.1 ac
Mannington Twp., Salem County



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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Catalano, Michael J. & Janie E. (Lot 4)
Easement Purchase - SADC
100 Acres

Block 40	Lot 4	Mannington Twp.	Salem County		
SOILS:		Other	5% * 0	=	.00
		Prime	94% * .15	=	14.10
		Statewide	1% * .1	=	.10
				SOIL SCORE:	14.20
TILLABLE SOILS:		Cropland Harvested	88% * .15	=	13.20
		Wetlands/Water	6% * 0	=	.00
		Woodlands	6% * 0	=	.00
				TILLABLE SOILS SCORE:	13.20
FARM USE:	Soybeans-Cash Grain		35 acres		
	Cash Grains		35 acres		barley

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (2.6) acres for one 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)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R1(15)**

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

BURLINGTON COUNTY

JOHN HALL

JANUARY 23, 2020

WHEREAS, John A. Hall, Jr., hereinafter “Applicant” and Krystal L. Hall (ID# 03-0000-NA), are the current record owners of Block 2001, Lot 22 and Block 2002, Lot 11.01, Tabernacle Township, Burlington County, hereinafter referred to as the “Premises”, by deed dated January 18, 2018, and recorded in the Burlington County Clerk’s Office in Deed Book 13318, Page 8532; and

WHEREAS, the Premises totals approximately 116.31 acres, as shown in Schedule “A”; and

WHEREAS, a Pinelands Development Credit Deed Restriction for Agricultural Production Area was conveyed to the State of New Jersey, Department of Environmental Protection (DEP) on September 18, 1990, by the previous owners, J Rodgers Brick and Marion Stratton Brick, as recorded in Deed Book 4128, Page 211; and

WHEREAS, recent amendments to the Preserve New Jersey Act (P.L. 2019, Chapter 136) allow farms preserved through and Pinelands Development Credit (PDC) program to qualify for SADC stewardship grants; and

WHEREAS, at the time of application, the Premises is in blueberry production; and

WHEREAS, the Applicant is eligible to apply for a soil and water conservation cost-share grant for the installation of soil and water conservation projects approved by the Department of Agriculture, State Soil Conservation Committee (SSCC) pursuant to N.J.A.C. 2:90-3; and

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

WHEREAS, the Applicant is eligible for a cost share grant of up to \$41,631.00 expiring September 18, 2022; and

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

WHEREAS, the Application has been prioritized for soil and water cost-share funding pursuant to SADC Policy P-48; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-5.7, the SADC shall review and approve, conditionally approve or disapprove applications for funds authorized and appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds, and may provide grants to eligible applicants for up to 75 percent of the cost of the soil and water conservation projects; and

WHEREAS, consistent with N.J.A.C. 2:76-5.7, SADC Policy P-48 limits funding provided for soil and water conservation projects approved pursuant to the Soil and Water Conservation Cost-Sharing Program to no greater than 50% of the cost of installing these projects to respond to limited funding availability and substantial program demand; and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. Soil and water cost-share funds are approved from funds appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds for providing grants to eligible applicants for up to 50 percent of the cost of soil and water conservation projects for eight-year periods identified as:

<u>APPLICANT</u>	<u>S&W ID#</u>	<u>COST SHARE</u>	<u>PROJECT TYPE</u>
John Hall	03-0000-NA-01	\$4,398.03	2:90-2.17 Permanent Open Drainage Systems 2:90-2.22 Obstruction Removal

PROJECT DESCRIPTION:

Clean 1035 cubic yards of accumulated sediment from 1455 linear feet of surface drainage. Spread 1841.5 cubic yards of spoils, remove 0.53 acres of woody vegetation, and seed 0.53 acres with permanent herbaceous vegetation.

3. Payment shall be contingent upon the completion of the project as verified by the SSCC and availability of funds.
4. Construction of the project is subject to all applicable local, State, and Federal regulations.
5. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/23/2020
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A - Soil and Water Cost Share Grant




FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee


Applicant: John Hall
Owner: John and Krystal Hall
Application Number: 03-0004-NA-01
County: Burlington
Municipality: Tabernacle


Legend

Practices

Practice Code

 2:90-2.22

 2:90-2.17

 SW_Premises



0 500 1,000 2,000 3,000 Feet

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R1(16)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

GLOUCESTER COUNTY

SANTO JOSEPH MACCHERONE

JANUARY 23, 2020

WHEREAS, Santo Joseph Maccherone, hereinafter “Applicant” (ID# 10-0024-PG), is the current record owner of Block 1, Lots 2, 3, and 6 and Block 5, Lot 4, South Harrison Township, Gloucester County, hereinafter referred to as the “Premises”, by deed dated May 4, 2012, and recorded in the Gloucester County Clerk’s Office in Deed Book 4961, Page 76; and

WHEREAS, the Premises totals approximately 110.321 acres, as shown in Schedule “A”; and

WHEREAS, the development easement on the Premises was conveyed to Gloucester County on December 27, 2012, by the current owner as recorded in Deed Book 5034, Page 92; and

WHEREAS, Gloucester County entered into a Cost Sharing Grant Agreement with SADC on May 8, 2013, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32, and N.J.A.C. 2:76 as recorded in Deed Book 5072, Page 8; and

WHEREAS, the Applicant is eligible to apply for a soil and water conservation cost-share grant for the installation of soil and water conservation projects approved by the Department of Agriculture, State Soil Conservation Committee (SSCC) pursuant to N.J.A.C. 2:90-3; and

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

WHEREAS, the Applicant is eligible for a cost share grant of up to \$41,032.10 expiring December 27, 2020; and

WHEREAS, at the time of application, the Premises is in vegetable and grain production; and

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

WHEREAS, the Application has been prioritized for soil and water cost-share funding pursuant to SADC Policy P-48; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-5.7, the SADC shall review and approve, conditionally approve or disapprove applications for funds authorized and appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds, and may provide grants to eligible applicants for up to 75 percent of the cost of the soil and water conservation projects; and

WHEREAS, consistent with N.J.A.C. 2:76-5.7, SADC Policy P-48 limits funding provided for soil and water conservation projects approved pursuant to the Soil and Water Conservation Cost-Sharing Program to no greater than 50% of the cost of installing these projects to respond to limited funding availability and substantial program demand; and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. Soil and water cost-share funds are approved from funds appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds for providing grants to eligible applicants for up to 50 percent of the cost of soil and water conservation projects for eight-year periods identified as:

<u>APPLICANT</u>	<u>S&W ID#</u>	<u>COST</u> <u>SHARE</u>	<u>PROJECT TYPE</u>
Santo Joseph Maccherone	08-0126-PG-01	\$31,140.23	2.90-2.15 Irrigation System

PROJECT DESCRIPTION:

Install a high volume well, 8" or greater, 760 feet deep and one internal combustion powered pump, 40 to 75 horsepower.

3. Payment shall be contingent upon the completion of the project as verified by the SSCC and availability of funds.
4. Construction of the project is subject to all applicable local, State, and Federal regulations.

5. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

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

01/23/2020
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A - Soil and Water Cost Share Grant




FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Santo Joseph Maccherone
Owner: Santo Joseph Maccherone
Application Number: 08-0126-PG-01
County: Gloucester
Municipality: South Harrison

Legend

Practices

Practice Code

 2:90-2.15

 SW_Premises

N

0 250 500 1,000 1,500 Feet

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R1(17)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

SALEM COUNTY

E&A FARMS

JANUARY 23, 2020

WHEREAS, E&A Farms, hereinafter "Applicant" (ID# 17-0169-PG), is the current record owner of Block 18, Lot 3, and Block 29, Lot 4, Quinton Township, Salem County, hereinafter referred to as the "Premises", by deed dated May 23, 2014, and recorded in the Salem County Clerk's Office in Deed Book 3794, Page 321; and

WHEREAS, the Premises totals approximately 81.93 acres, as shown in Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Salem County on June 29, 2018, by the current owner, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book 4443, Page 752; and

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

WHEREAS, the Applicant is eligible for a cost share grant of up to \$36,386.00 expiring June 29, 2026; and

WHEREAS, at the time of application, the Premises is in grain production; and

WHEREAS, the Applicant has applied for a soil and water cost-share grant for the installation of approved soil and water conservation projects ("Application"); and

WHEREAS, the Application has been prioritized for soil and water cost-share funding pursuant to SADC Policy P-48; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-5.7, the SADC shall review and approve, conditionally approve or disapprove applications for funds authorized and appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds, and may provide grants to eligible applicants for up to 75 percent of the cost of the soil and water conservation projects; and

WHEREAS, consistent with N.J.A.C. 2:76-5.7, SADC Policy P-48 limits funding provided for soil and water conservation projects approved pursuant to the Soil and Water Conservation Cost-Sharing Program to no greater than 50% of the cost of installing these projects to respond to limited funding availability and substantial program demand; and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. Soil and water cost-share funds are approved from funds appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds for providing grants to eligible applicants for up to 50 percent of the cost of soil and water conservation projects for eight-year periods identified as:

<u>APPLICANT</u>	<u>S&W ID#</u>	<u>COST SHARE</u>	<u>PROJECT TYPE</u>
E&A Farms	17-0169-PG-01	\$35,757.92	2:90-2.15 Irrigation System

PROJECT DESCRIPTION:

Install two high volume wells, 8" or greater, both 280 feet deep, two electric powered pumps, 3HP or less with pressure tanks, and 2800 linear feet of 6-8 inch PVC irrigation pipeline.

3. Payment shall be contingent upon the completion of the project as verified by the SSCC and availability of funds.
4. Construction of the project is subject to all applicable local, State, and Federal regulations.
5. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

01/23/2020
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A - Soil and Water Cost Share Grant



S:\SWGIS\Soil Water.mxd


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


Applicant: E&A Farms
Owner: E&A Farms
Application Number: 17-0169-PG-01
County: Salem
Municipality: Quinton

Legend

Practices

Practice Code

 2:90-2.15

 SW_Premises



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R1(18)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

SALEM COUNTY

RICHARD MELCHERT

JANUARY 23, 2020

WHEREAS, Richard Melchert, hereinafter “Applicant” (ID# 17-0195-PG), is the current record owner of Block 76, Lots 4 and 4.02, Upper Pittsgrove Township, Salem County, hereinafter referred to as the “Premises”, by deed dated May 8, 2017, and recorded in the Salem County Clerk’s Office in Deed Book 4238, Page 574; and

WHEREAS, the Premises totals approximately 77.159 acres, as shown in Schedule “A”; and

WHEREAS, the development easement on the Premises was conveyed to Salem County on June 7, 2019, by the current owner, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book 4526, Page 1103; and

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

WHEREAS, the Applicant is eligible for a cost share grant of up to \$35,431.80 expiring June 7, 2027; and

WHEREAS, at the time of application, the Premises is in grain production; and

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

WHEREAS, the Application has been prioritized for soil and water cost-share funding pursuant to SADC Policy P-48; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-5.7, the SADC shall review and approve, conditionally approve or disapprove applications for funds authorized and appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds, and may provide grants to eligible applicants for up to 75 percent of the cost of the soil and water conservation projects; and

WHEREAS, consistent with N.J.A.C. 2:76-5.7, SADC Policy P-48 limits funding provided for soil and water conservation projects approved pursuant to the Soil and Water Conservation Cost-Sharing Program to no greater than 50% of the cost of installing these projects to respond to limited funding availability and substantial program demand; and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. Soil and water cost-share funds are approved from funds appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds for providing grants to eligible applicants for up to 50 percent of the cost of soil and water conservation projects for eight-year periods identified as:

<u>APPLICANT</u>	<u>S&W ID#</u>	<u>COST SHARE</u>	<u>PROJECT TYPE</u>
Richard Melchert	17-0195-PG-01	\$35,431.80*	2:90-2,15 Irrigation System

*Cost Share limited to maximum eligibility.

PROJECT DESCRIPTION:

Install one high volume well, 8" or greater, 700 feet deep and one internal combustion powered pump, greater than 75 HP.

3. Payment shall be contingent upon the completion of the project as verified by the SSCC and availability of funds.
4. Construction of the project is subject to all applicable local, State, and Federal regulations.
5. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

01/23/2020
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A - Soil and Water Cost Share Grant



S:\SW\GIS\Soil Water.mxd


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Richard Melchert
Owner: Richard Melchert
Application Number: 17-0195-PG-01
County: Salem
Municipality: Upper Pittsgrove

Legend

Practices

Practice Code

 2:90-2.15

 SW_Premises

N

0 250 500 1,000 1,500 Feet