

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

**REMOTE MEETING DUE TO CORONAVIRUS
EMERGENCY**

June 24, 2021

Chairman Fisher called the meeting to order at 9:05 am.

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

Roll call indicated the following:

Members Present

Chairman Fisher
Gina Fischetti
Denis Germano
Pete Johnson
Renee Jones
Richard Norz
Ralph Siegel
James Waltman
Roger Kumpel, Alternate Farmer Member

Members Absent

Martin Bullock
Scott Ellis
Brian Schilling

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

Minutes

SADC Regular Meeting of May 27, 2021 (Open Session)

It was moved by Mr. Germano and seconded by Mr. Waltman to approve the Open Session minutes of the SADC regular meeting of May 27, 2021. Ms. Jones and Mr. Kumpel abstained from the vote. The motion was approved by the remaining members.

Report of the Chairman

Chairman Fisher stated that there are several major issues under consideration and soil protection is currently number one on the list. He stated that the committee received a packet containing informal comments made by various stakeholders and interested parties. He requested the committee to take into consideration all comments that were made and to remember the objective with the anticipated rules is to protect the soils and enable agricultural endeavors to continue to flourish .

Chairman Fisher spoke about Special Occasion Events (SOEs) and noted that the pilot program legislation has expired. Preserved farm wineries are asking about what is permissible under the terms of the Deed of Easement (DOE) and whether any enforcement action will be taken by the SADC. Chairman Fisher stated that the committee will tread as lightly as it can, but as the municipalities begin getting involved, there will come a time when action has to be taken. Hopefully, the legislature will address these issues as soon as possible.

Lastly, Chairman Fisher stated that there was a lot of work done with the grid scale and dual use scale solar initiatives. The SADC spent a lot of time informing the public about how to advance the policy goals of protecting farmland soils and promoting clean energy.

Report of the Executive Director

Ms. Payne reminded the public that the SADC has changed how the public participates in its monthly meetings. If a member of the public who attends the meeting by using Microsoft Teams following the URL link would like to address the committee during the public portion of the meeting, they can do so by “raising their hand” on the icon at the top of the screen. Once all the members of the public who have “raised their hands” have spoken, the committee will recognize any attendees who has called into the meeting by phone and wishes to provide a public comment.

Ms. Payne stated that the committee has received a full packet of every public comment that was received by the June 18th deadline, regarding soil protection standards. Additional comments have come in and staff will distribute them to the committee once a week.

Staff is reviewing and organizing the comments received and will categorize the changes requested to the proposed rules. Once that task is completed, staff will convene with the deed of easement subcommittee for further discussion, and any proposed changes to the draft rules will be brought to the committee for review. Ms. Payne anticipates that a revised draft will be presented to the committee in September. In the mean time she asked the committee to communicate its thoughts, ideas, and opinions regarding the comments to her or Mr. Everett.

Ms. Payne stated that a press release was issued notifying the public that SADC is accepting applications for the state acquisition program. She noted that staff is circulating the information to interested parties and looks forward to seeing some great applications.

Public Comment

Patricia Springwell commented that the objective of the farmland preservation program is to protect the soil and that, as a taxpayer who funds the program, her wish is to protect the soil. Ms. Springwell said agriculture is not about parking lots, solar panels, development of “McMansions” and other non-agricultural uses. She stated that if there is an agricultural need that does not require direct soil contact, then it should not disturb the farmland. The 8% allocation for soil disturbance should be determined based on the amount of tillable, good soil. Chairman Fisher thanked Ms. Springwell for her impassioned words.

New Business**A. Resolutions: Eligibility Waiver- County PIG Program**

Ms. Miller stated that on April 7, 2021, the SADC received a Planning Incentive Grant (PIG) application from Camden County for Stella Farms, Inc., totaling approximately 53.0 gross acres. Since the County did not submit individual farm applications for the previous three funding cycles, there is no average quality score for Camden County. In instances where the County does not have an average quality score, the SADC considers, on a case-by-case basis, a waiver of the minimum score criterion for individual farm applications submitted under the County PIG Program.

The Committee may grant a waiver of the minimum score criteria upon a finding that any of the following apply: (a) the conversion of the farm to non-agricultural use will likely cause a substantial negative impact on the public investment made in farmland preservation within the project area; or (b) the subject property is of exceptionally high agricultural resource value based on soil characteristics; or (c) the subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.

The Stella farm is located in the Tansboro section of Winslow Township where the agricultural industry is prominent, offering ample direct marketing opportunities. The tillable acreage percentage is 69%, and 99% of the soils are classified as of Statewide Importance. Finally, it is adjacent to the preserved Michaels Farm, the State’s permanently protected Penbryn Point Wildlife Management Area, and Camden County’s Berlin Park. This is Camden County’s first PIG application since 2012 and staff has been working with the County to reinvigorate their farmland preservation efforts.

Ms. Miller stated that staff recommendation is to approve the resolution granting an eligibility waiver.

Ms. Payne stated that if the resolution is approved, then the application will proceed through the normal acquisition process.

Mr. Siegel made a motion to approve the waiver and noted it was great to see both Winslow Township and Camden County become active in farmland preservation again. Mr. Kumpel seconded the motion.

Mr. Norz asked if there is any other preserved farmland around this farm. Ms. Payne stated that the property to the north as well as the property to the southeast of this farm are both preserved. Mr. Norz asked if there were Green Acres preserved properties around this farm. Ms. Miller stated that the wildlife management area and Camden County park is nearby. Ms. Jones stated that the wildlife management area was funded through Green Acres program.

Mr. Germano stated that he is voting in favor of this application; however, the motion needs to recite the reason(s) for which the Committee is granting the eligibility waiver. Chairman Fisher asked Mr. Siegel if he would like to amend his motion. Mr. Siegel agreed. Mr. Germano stated that the motion should be amended to mention the third of the three criteria in the resolution that states *“the subject property represents unique and valuable agricultural resource to the surrounding community, and the committee finds that it has a reasonable opportunity to remain agriculturally viable.”*

It was moved by Mr. Siegel and seconded by Mr. Kumpel to approve Resolution FY2021R6(1) granting an eligibility waiver to the following application, as presented, and amended to state *“the subject property represents unique and valuable agricultural resource to the surrounding community, and the committee finds that it has a reasonable opportunity to remain agriculturally viable.”* subject to any conditions of said resolution.

1. Stella Farms, Inc., SADC ID #04-0025-PG, FY2021R6(1), Block 801, Lot 3, Winslow Township, Camden County, 53 acres.

The motion was unanimously approved. A copy of Resolution FY2021R6(1) is attached to and a part of these minutes.

B. Resolutions: Final Approval – County PIG Program

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

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve Resolution FY2021R6(2) granting approval to the following application, as presented, subject to any conditions of said resolution.

1. Barry W. Gruber et. al, SADC ID #08-0221-PG, FY2021R6(2), Block 103.07, Lot 12, East Greenwich Township, Gloucester County, 38.045 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R6(2) is attached to and a part of these minutes.

Mr. Siegel stated he still objects to preserving farms of this size, but he is voting in favor of this application since Gloucester County has preacquired this property and withholding the reimbursement for the acquisition of this farm would be unfair.

C. Resolutions: Final Approval – Non-Profit Program

Note: Mr. Norz recused on this matter because he took action at the County level as a member of the Somerset CADB.

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

Mr. Waltman stated that this property has an impervious cover limit because of the ALE funding so he will be voting in favor of the application. He noted that if not for that limit, and the concerns he has previously expressed regarding the proposed soil standards, he would be voting against it. Mr. Siegel stated that he intended to make the same comment as Mr. Waltman's.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2021R6(3), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Palermo Show Stable LLC., SADC ID#18-0014-NP, FY2021R6(3), Block 52.01, Lot 3, Bedminster Township, Somerset County, 25.1 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R6(3) is attached to and a part of these minutes.

D. Resolutions: Final Approval – Direct Easement Program

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

It was moved by Mr. Siegel and seconded by Mr. Kumpel to approve Resolution FY2021R6(4), granting approval to the following application under the Direct Easement Program, as presented, subject to any conditions of said resolution.

1. Christopher and Deirdre Ely, SADC ID#10-0279-DE, FY2021R6(4), Block 25, Lot 21 and Block 25, Lot 10, Bedminster Township, Somerset County, 149.7 net easement acres.

The motion was unanimously approved. A copy of Resolution FY2021R6(4) is attached to and a part of these minutes.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolution FY2021R6(5), granting approval to the following application under the Direct Easement Program, as presented, subject to any conditions of said resolution.

2. Estate of Donald Elston, SADC ID#19-0030-DE, FY2021R6(5), Block 17, Lot 23.01 & Block 117, Lots 27.01 & 27.05, Wantage Township, Sussex County, 108.60 net easement acres.

The motion was unanimously approved. A copy of Resolution FY2021R6(5) is attached to and a part of these minutes.

Public Comment

Mr. Siegel stated that he looked over the comments received on the soil protection standards and found that there is an overwhelming theme that the standards should only be applied going forward. He suggested that people are not understanding that retroactive standards are not the issue here because the easement is what it is and the SADC is applying standards as to how it interprets that easement. He noted that Mr. Everett did a great job making this clear. Chairman Fisher agreed that it is a consistent theme and that the SADC will try to get an understanding of what it all means in those terms.

Mr. Norz stated that he made the same observation as Mr. Siegel, but he doesn't agree that this is spelled out in the DOE and this could hurt the program going forward if things do change. He noted that there is a feeling that the SADC is telling landowners how their land is to be farmed. Mr. Norz stated that he appreciates the public support behind the program and stated that a lot of thought still needs to go into these standards and he looks forward to addressing the issues.

Chairman Fisher stated that he understands there is a concern for the program, but the program was envisioned to preserve farmland and farmland operations. There will be operations in the state that decide not to preserve farmland because they want to do what they want on their land. However, the SADC's mission and its principles are to protect farming in New Jersey in the long run.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., July 22, 2021

Location: TBA

ADJOURNMENT

The meeting was adjourned at 9:43 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director

State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2021R6(1)

ELIGIBLE FARM REVIEW AND WAIVER

For

CAMDEN COUNTY PLANNING INCENTIVE GRANT

On the Property of

Stella Farms, Inc.

SADC ID# 04-0025-PG

Winslow Township

JUNE 24, 2021

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the County received SADC approval of its FY2020 PIG Plan application annual update on May 23, 2019; and

WHEREAS, on April 7, 2021, the SADC received a Planning Incentive Grant (“PIG”) application from Camden County for Stella Farms, Inc., identified as Block 801, Lot 3 in Winslow Township, totaling approximately 53.0 gross acres hereinafter referred to as “Property” and as identified on the attached map (Schedule A); and

WHEREAS, the property is in the Pinelands Rural Development Area, which is an area not eligible for Pinelands Development Credits, and will therefore be valued based on the certified market value; and

WHEREAS, the Property is located in the County’s Great Egg Harbor Project Area; and

WHEREAS, the Property is currently in corn production; and

WHEREAS, the application for the Property submitted by the County includes zero (0) exception areas, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

WHEREAS, SADC staff has reviewed the application and determined that it is complete and accurate and meets the minimum standards as per N.J.A.C. 2:76-6.20 and has a quality score of 51.29 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 and 17.2 the SADC is responsible for establishing standards for determining an “eligible farm” by determining minimum score requirements in the County Planning Incentive Grant Program (PIG); and

WHEREAS, Pursuant to N.J.A.C. 2:76-17.2 an “eligible farm” means a targeted farm that qualifies for grant funding under subchapter (17) by achieving an individual rank score pursuant to N.J.A.C. 2:76-6.16 that is equal to or greater than 70 percent of the county’s average quality score of all farms granted preliminary approval by the SADC through the County

Planning Incentive Grant Program within the previous three funding cycles, as determined by the SADC ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 9, 2020, in accordance with Resolution #FY2020R6(5), Executive Director Payne and Secretary Fisher approved the quality score standards for determining farms eligible for the County PIG program (effective January 1, 2021 - December 31, 2021); and

WHEREAS, since Camden County did not submit individual farm applications for the previous three funding cycles, there is no average quality score for Camden County; and

WHEREAS, because the County does not have an average quality score, the SADC will consider on a case by case basis, a waiver of the minimum score criterion pursuant to N.J.A.C. 2:76-17.9(a)7 for individual farm applications submitted under the county planning incentive grant program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7i the Committee may grant a waiver of the minimum score criteria upon a finding that any of the following apply:

- (A) The conversion of the farm to non-agricultural use will likely cause a substantial negative impact on the public investment made in farmland preservation within the project area; or
- (B) The subject property is of exceptionally high agricultural resource value based on soil characteristics; or
- (C) The subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.

WHEREAS, the Camden County Agriculture Development Board (CADB) has requested that the SADC provide a waiver of the minimum score criteria based on the following which meet the requirements of N.J.A.C. 2:76-17.9(a)7i (1)(B) and (C) above (Schedule C):

- The farm is a family operation providing a unique and valuable resource to the surrounding community.
- The farm is prominently located in the Tansboro section of Winslow Township where the agricultural industry is predominant, facilitating the farm's capacity for direct marketing and agricultural tourism in the area.
- The farm is adjacent to the preserved Michaels farm, the State's permanently protected Penbryn Point Wildlife Management Area, and Camden County's Berlin Park.
- The physical characteristics of the farm otherwise qualify it as a high quality application including road frontage and access to the east of the property.
- The tillable acreage percentage is high at 69% and 99% of the soils are classified as Statewide Importance.
- The size of the farm, at 53 gross acres, make it well suited for a variety of agriculture.

WHEREAS, based on the factors presented by the CADB above, SADC staff recommends the SADC provide a waiver for Stella Farms, Inc.; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.

Pursuant to N.J.A.C. 2:76-17.9(a)7i (1) (C), the SADC finds that the subject property meets criteria C and represents a unique and valuable agricultural resource to the surrounding community

2. The SADC grants a waiver of the minimum score criteria for Stella Farms, Inc.; and
3. The SADC shall notify the County in writing that the application has been granted a waiver and SADC staff will finalize the preliminary approval as per N.J.A.C. 2:76-17.9; and
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

6/24/2021
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



X:\counties\camden\projects\Stella Farms, Inc 2.mile.mxd

Application with the Pinelands Rural Development Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stella Farms, Inc.
Block 801 Lot 3 (53.0 ac)
Gross Total - 53.0 ac
Winslow Twp., Camden 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 Spaces, State Owned Conservation Easements, & State Owned OVS & Recreation Easements

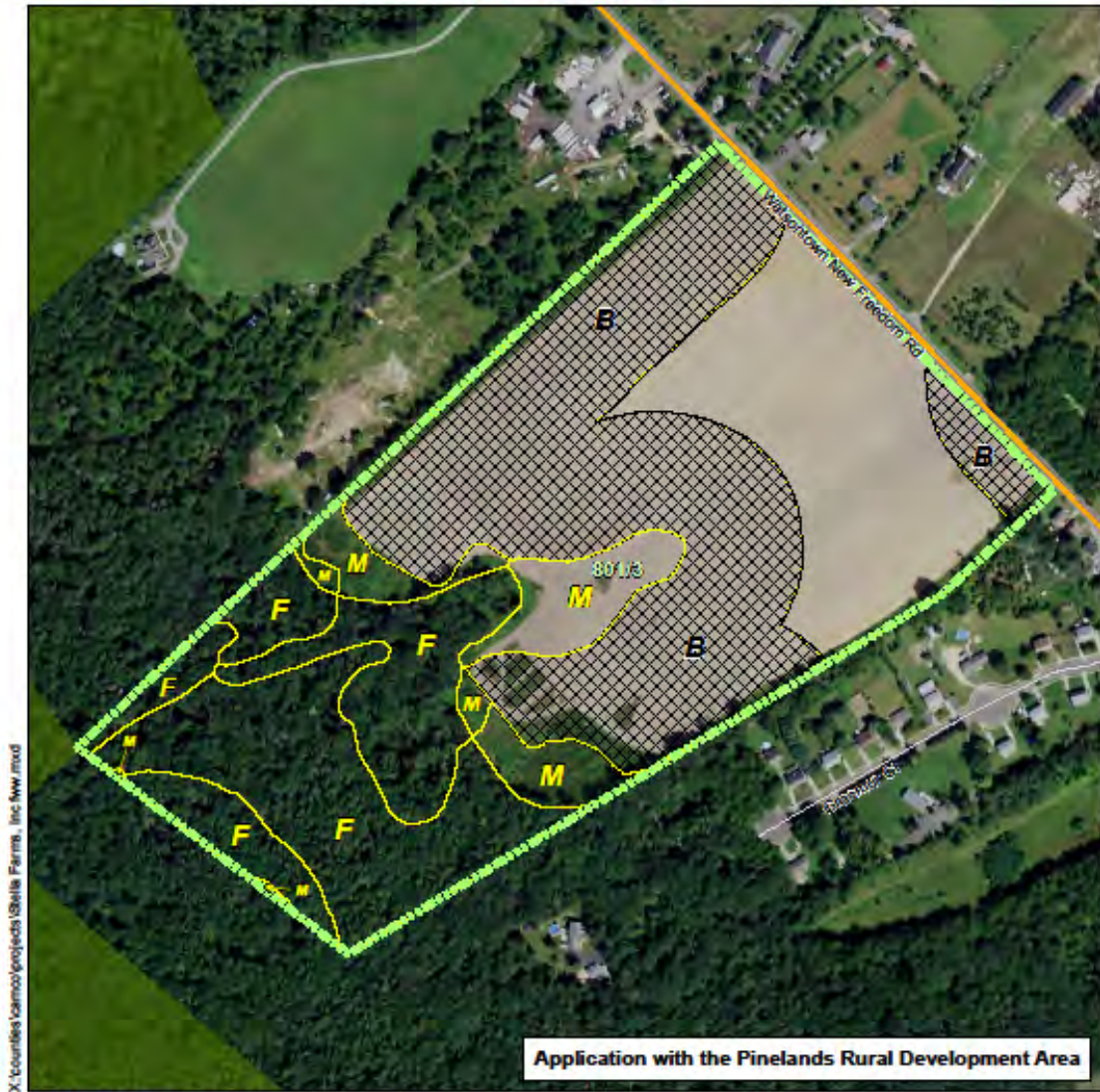


NOTE:
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors.

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOITOGIS 2019 Digital Aerial Image

May 21, 2021

Wetlands



X:\counties\camden\projects\Stella Farms, Inc\New.mxd

Application with the Pinelands Rural Development Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stella Farms, Inc.
Block 801 Lot 3 (53.0 ac)
Gross Total - 53.0 ac
Winslow Twp., Camden County



SOURCES:
NJ Farmland Preservation Program
Green Home Conservation Easement Data
NJ Pinelands Commission PDC Data
NAOT/OGIS 2019 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 geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring definition and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

	Property In Question
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwy's
	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
S - Saltwater Wetlands
M - Wetlands Modified for Agriculture
T - Total Wetlands
N - Non-Wetlands
B - 200 Buffer
W - Water

May 20, 2021

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

GENERAL INFORMATION

COUNTY OF Camden Winslow Twp. 0436
 APPLICANT Stella Farms, Inc.

PRIORITIZATION SCORE

SOILS:		Other	44% * 0	=	.00	
		Statewide	55% * .1	=	5.50	
		Unique zero	1% * 0	=	.00	
					SOIL SCORE:	5.50
TILLABLE SOILS:		Cropland Harvested	58% * .16	=	10.35	
		Wetlands/Water	30% * 0	=	.00	
		Woodlands	1% * 0	=	.00	
					TILLABLE SOILS SCORE:	10.35
BOUNDARIES AND BUFFERS:		Farmland (Unrestricted)	12% * .06	=	.72	
		Residential Development	31% * 0	=	.00	
		Streams and Wetlands	62% * .18	=	11.34	
		Woodlands	4% * .06	=	.24	
					BOUNDARIES AND BUFFERS SCORE:	12.30
CONTIGUOUS PROPERTIES / DENSITY:		Stella Farms, Inc.	Restricted Farm or Current Application		2	
		Michael	Restricted Farm or Current Application		2	
		Auwater	Restricted Farm or Current Application		2	
					DENSITY SCORE:	6.00
LOCAL COMMITMENT:			100% * 9	=	9.00	
					LOCAL COMMITMENT SCORE:	9.00
SIZE:						SIZE SCORE: 5.64
IMMINENCE OF CHANGE:		SADC Impact factor = 2.5				
					IMMINENCE OF CHANGE SCORE:	2.50
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
					TOTAL SCORE:	51.29

CAMDEN COUNTY AGRICULTURE DEVELOPMENT BOARD

John Rigolizzo
Chairman



*1301 Park Blvd.
Cherry Hill, NJ 08107
Phone: (856) 858-5241
Fax: (856) 216-7156*

Jack Sworaski
Administrator

April 30, 2021

Mr Jeffrey Everett,
Deputy Executive Director
Chief of Acquisitions
State Agriculture Development Committee
NJ Department of Agriculture
PO Box 330
Trenton, NJ 08625-0330

RE: Stella Farms, Inc
Block 801 Lot 3, Winslow Township

Dear Mr. Everett,

I am writing to you regarding a farmland preservation application that is being considered for preservation by Camden County and is currently under review by SADC staff. The Stella Farms, Inc. property meets the minimum eligibility requirements of the SADC for consideration for preservation. Through the Planning Incentive Grant Program (PIG), Camden County is eligible for cost sharing grants as it has an approved Farmland Preservation Plan. We are aware this farm must meet specific criteria for consideration, including meeting 70% of the County's average rank score as certified by the SADC. However, because the County does not currently have an average rank score, Camden County is requesting a waiver of the Minimum Quality Score to allow this application to be considered for funding.

I understand that for the waiver to be considered, the farm must meet certain resource qualities that support its inclusion in the program. The Stella Farm is of high agricultural resource value, in part due to its soil characteristics. It contains 99% soils of statewide importance and is a targeted farm within the Great Egg Harbor Project Area as identified in the Camden County Farmland Preservation Plan.

The farm property is located in the Tansboro section of Winslow Township where the agricultural industry is predominant. It is located in close proximity to the Michaels Farm preserved with State funds in 2011. It backs up to hundreds of acres of preserved state land and Camden County's Berlin Park is within a quarter mile of the farm.

The Stella family has a long history of farming in Camden County and the Stella farm stand has been a staple in the area for generations and attracts customers throughout the County.

In consideration of the facts identified above, Camden County requests that the Minimum Quality Score requirements be waived for this farm.

Please contact me should you require any further information.

Sincerely,

Jack Sworaski, Administrator
Camden County Agriculture Development Board

From: Jack Sworaski <Jack.Sworaski@camdencounty.com>
Sent: Friday, April 30, 2021 8:59 AM
To: Everett, Jeffrey (AG) <Jeffrey.Everett@ag.nj.gov>
Cc: Mandelbaum, Amy (AG) <Amy.Mandelbaum@ag.nj.gov>
Subject: [EXTERNAL] Request for waiver of minimum score criteria

Jeff,

Attached please find Camden County's request for a waiver of the minimum score criteria for the Stella Farms, Inc farm in Winslow Township for the reason's stated in my letter. The application has previously been forwarded to the Committee office for review. The County has long sought to preserve this parcel given it location among both preserved open space and farmland.

Please contact me should you have any questions.

Jack Sworaski
Administrator

Camden County Agriculture Development Board
1301 Park Boulevard, Cherry Hill NJ, 08002
Office: (856) 5858-5241
Fax: (856)216-7156

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**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2021R6(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Gruber, Barry W. et al (“Owners”)
SADC ID# 08-0221-PG
East Greenwich Township, Gloucester County
N.J.A.C. 2:76-17 et seq.**

JUNE 24, 2021

WHEREAS, on June 17, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 103.07, Lot 12, East Greenwich Township, Gloucester County, totaling approximately 38.045 gross survey acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception for a future single-family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 37.045 net survey acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 1-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 63.33 which exceeds 45, 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 29, 2020 in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified a development easement value of \$11,100 per acre based on zoning and environmental regulations in place as of the current valuation date July 9, 2020; and

WHEREAS, the certification was conditioned upon recording a vesting deed transferring the Property from The Carl W. Gruber and Jean E. Gruber AB Living Trust to its beneficiaries prior to SADC final approval; and

WHEREAS, pursuant to Deed Book 6420, Page 50, recorded on February 10, 2021 in the Gloucester County Clerk's office, the Owners have transferred the ownership to its beneficiaries, Barry W. Gruber, Sarah A. Gruber, John A. Gruber, and Joyce Gruber; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$11,100 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on April 13, 2021, the East Greenwich Township Committee approved the application for the sale of development easement, but is not participating financially in the easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 25, 2021, the Gloucester 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 April 21, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$4,400 per acre to cover the local cost share; and

WHEREAS, if the County decides to purchase the development easement in advance of the SADC grant, the County will request a cost share grant reimbursement from the SADC; and

WHEREAS, Gloucester County purchased the development easement on May 20, 2021 for \$411,199.50 (\$11,100 per acre), and is about to be recorded; and

WHEREAS, on May 20, 2021 and subsequent to the easement sale, the Owners transferred the Property ownership to Russell and April Leone; and

WHEREAS, the estimated cost share breakdown is as follows (based on 37.045 net survey acres):

	Total	Per/acre
SADC	\$ 246,719.70	(\$6,660/acre)
Gloucester County	\$ 164,479.80	(\$4,440/acre)
Total Easement Purchase	\$ 411,199.50	(\$11,100/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$246,719.70 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 37.045 net surveyed easement acres, at a State cost share of \$6,660 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$246,719.70 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. The prior condition to transfer the Property from The Carl W. Gruber and Jean E. Gruber AB Living Trust to its beneficiaries prior to final approval has been resolved and is no longer a condition.
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 funds).
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved outside of any exception areas, adjusted

for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.

7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
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.

6/24/2021
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

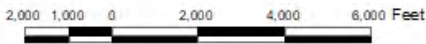


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Application within the (PA2) Suburban Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gruber, Barry W., et al
Block 103.07 Lots P/O 12 (37.045 ac) &
P/O 12-EN (non-severable exception – 1.0 ac)
Gross Total = 38.045 ac
East Greenwich Twp., Gloucester County



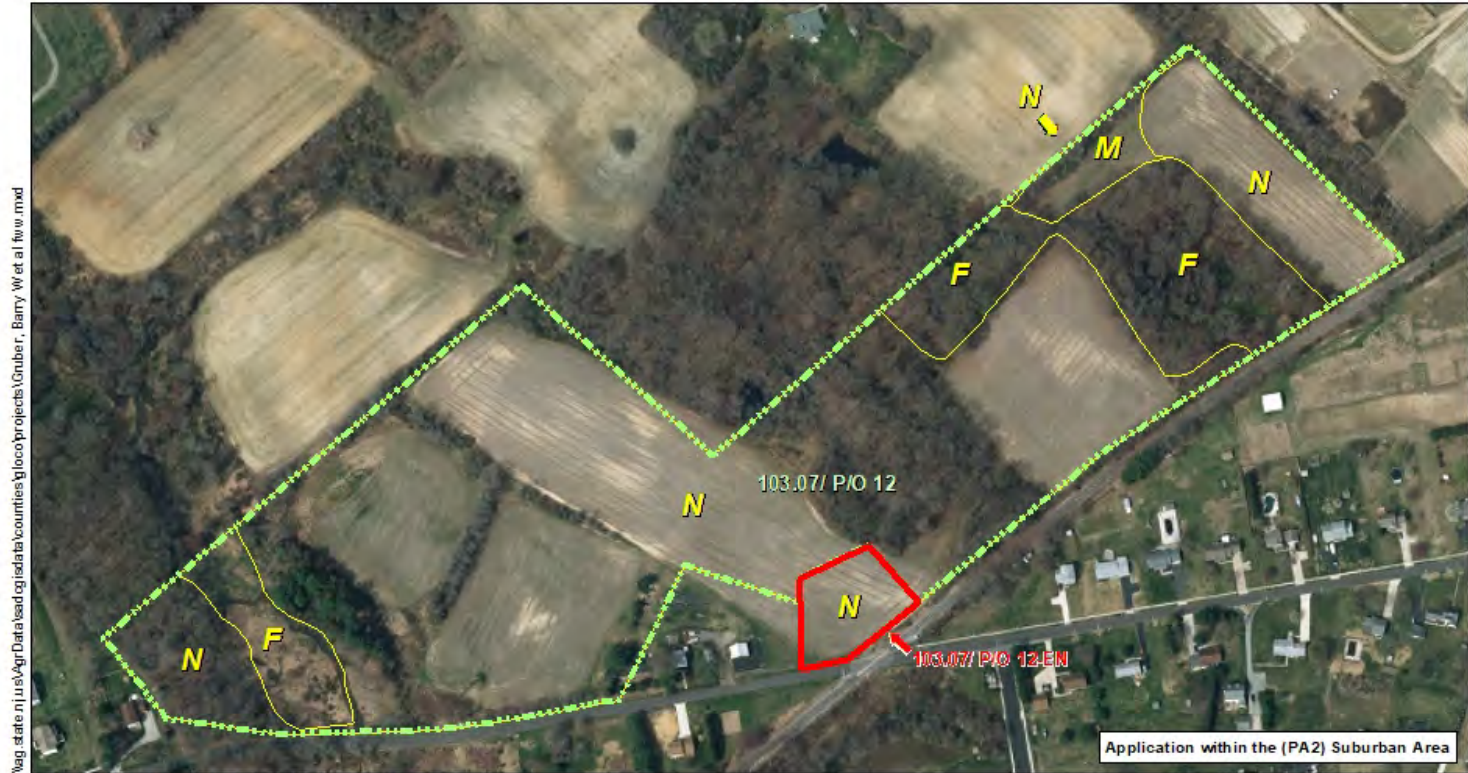
	Property in Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR)
	Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned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



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

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

Wetlands



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Application within the (PA2) Suburban Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Gruber, Barry W., et al
 Block 103.07 Lots P/O 12 (37.045 ac) &
 P/O 12-EN (non-severable exception – 1.0 ac)
 Gross Total = 38.045 ac
 East Greenwich Twp., Gloucester County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Assessment Data
 Protected Areas Database of the United States (PAD-US)
 NJDEP Wetlands Data
 NJCH/COGIS 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 by entities requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

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



Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 N - Non-Wetlands
 S - 300 Buffer
 W - Water

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Gruber, Barry W. et al
 08- 0221-PG
 County PIG Program
 37 Acres

Block 103.07	Lot 12	East Greenwich Twp.	Gloucester County	
SOILS:		Other	14% * 0	= 0.00
		Prime	27% * .15	= 4.05
		Statewide	38% * .1	= 3.80
		Unique zero	21% * 0	= 0.00
				SOIL SCORE: 7.85
TILLABLE SOILS:		Cropland Harvested	58% * .15	= 8.70
		Wetlands/Water	17% * 0	= 0.00
		Woodlands	25% * 0	= 0.00
				TILLABLE SOILS SCORE: 8.70
FARM USE:	Corn-Cash Grain		2.8 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for For future SFR
 Exception is not to be severed from Premises
 Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as 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 FY2021R6(3)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
New Jersey Conservation Foundation (NJCF)
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Palermo Show Stable LLC("Owners")**

FY2019 Non Profit Round - SADC #18-0014-NP

JUNE 24, 2021

WHEREAS, on March 30, 2018, the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from New Jersey Conservation Foundation ("NJCF") for the Palermo Show Stable, LLC, farm identified as Block 52.01, Lot 3, Bedminster Township, Somerset County, totaling approximately 25.1 gross acres hereinafter referred to as "Property" (Schedule A); and

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

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

WHEREAS, the Premises includes one (1), approximately 4.5 acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 20.6 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 4.5-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to one (1) apartment in the barn and zero (0) single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) One (1) single family residential unit
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property is currently an equine operation with approximately 19 acres in equine production as permanent pasture and hay (Schedule B) and approximately 0.5 acres devoted to equine boarding services outside the exception area; and

WHEREAS, a specialized "Equine Schedule B" (Schedule B) and the equine map (Schedule C) will be recorded with the Deed of Easement; and

WHEREAS, on May 24, 2018, the SADC granted preliminary approval by Resolution #FY2018R5(9) to NJCF's FY2019 Nonprofit application and appropriated \$557,000 for the acquisition of development easement on two farms including the Palermo Show Stable, LLC Farm; and

WHEREAS, at this time \$218,250.90 for the Parave, James Elicia farm has been expended, therefore approximately \$338,749.10 is still available; and

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

WHEREAS, the Property has a quality score of 66.2, which is greater than 70% of the County average quality score of 47 as determined by the SADC at the time the application was submitted; and

WHEREAS, the Owner provided a recorded deed showing that the property was acquired in 2015; therefore, the property is ineligible for being appraised under zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

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

WHEREAS, on December 16, 2019, the SADC acknowledged the development easement value of the Premises to be \$18,250 per acre based on current zoning and environmental regulations in place as of September 2019; and

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

WHEREAS, the Owner accepted the nonprofit's offer of \$18,500 per acre, which is equal to the highest appraised value); and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on February 27, 2020, NJCF informed the SADC that it will accept the SADC cost share of \$9,125 per acre, which is 50% of the SADC approved average value and 49.32% of the NRCS approved easement value (\$20,000) per acre; and

WHEREAS, a parcel application was submitted by NJCF to the FY2018 United States Department of Agriculture, Natural Resources Conservation Service ("NRCS"), for a Regional Conservation Partnership Program (RCPP) grant for an Agricultural Land Easement ("ALE"); and

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

WHEREAS, the owner has read and signed the SADC ALE guidance document and agreed to the additional restrictions associated with the ALE Grant, including no future division of the premises and a 6.33% maximum impervious coverage restriction (approximately 1.3 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, 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 RCPP funding; and

WHEREAS, the cost share breakdown based on 20.6 survey acres is as follows:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$187,975	(\$9,125/acre or 50% of SADC certified value and 49.32% total cost)
ALE	\$193,125	(\$9,375/acre or 46.875% approved ALE approved easement value)
Total Purchase	\$381,100	(\$18,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to NJCF for up to 50% of the eligible ancillary costs which will be deducted from its FY19 appropriation and subject to the availability of funds; and

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

WHEREAS, on June 9, 2021 the Somerset Board of County Commissioners agreed to accept the assignment of the development easement from NJCF and be responsible for annual monitoring; and

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


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to NJCF for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. This approval is conditioned upon receipt of ALE or other funds sufficient enough to cover the remaining 50% cost share.
4. The SADC approves the assignment of the Deed of Easement from NJCF to Somerset County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
5. The SADC shall provide a cost share grant not to exceed \$9,125 per acre (total of approximately \$187,975 based on 20.6 acres) to New Jersey Conservation Foundation for the development easement acquisition on the Premises, subject to the availability of funds.
6. The application is subject to the conditions contained in (Schedule D).
7. The SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1.
8. The SADC's cost share grant to NJCF for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement.
9. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
10. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to

provide a grant to NJCF for the acquisition of a development easement on the Property.

11. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
12. This approval 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.

___6/24/2021___
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Palermo Show Stable, LLC (NJCF)
 Block 52.01 Lots P/O 3 (19.8 & 1.3 ac) &
 P/O 3-EN (non-severable exception – 4.0 ac)
 Gross total = 25.1 ac
 Bedminster Twp., Somerset County



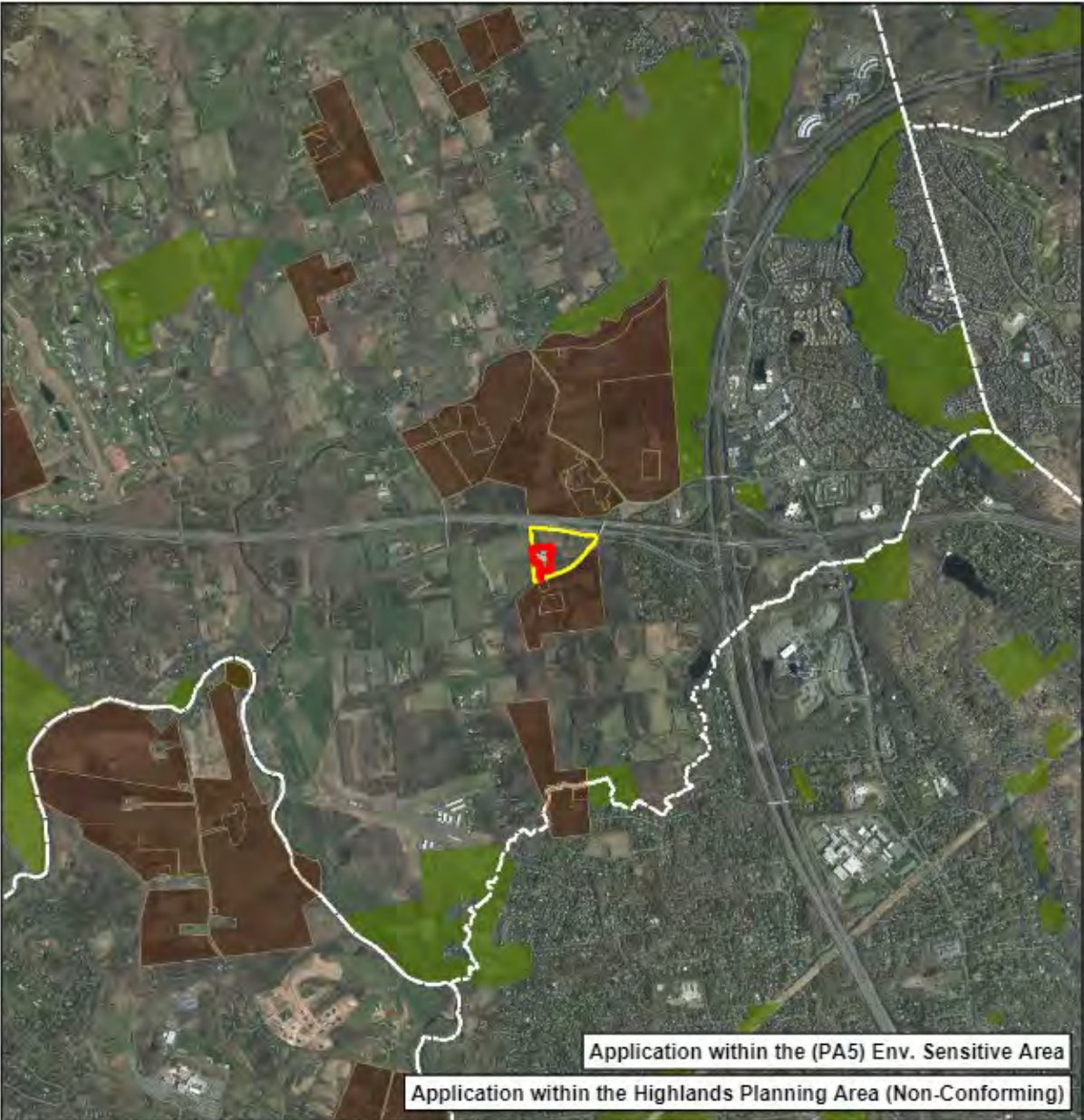
Source:
 NJ Farmland Preservation Program
 Green Acres Conservation Assessment Data
 NJDCP Wetlands Data
 NJ Highlands Council Data
 NJDOT/OGIS 2015 Digital Aerial Image

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

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

Wetlands Legend:
 P - Freshwater Wetlands
 L - Linear Wetlands
 A - Wetlands Identified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 200' Buffer
 W - Water

Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Palermo Show Stable, LLC (NJCF)
 Block 52.01 Lots P/O 3 (19.8 & 1.3 ac) &
 P/O 3-EN (non-severable exception – 4.0 ac)
 Gross total = 25.1 ac
 Bedminster Twp., Somerset County



- Property In Question
- EN - (Non-Severable) Exception
- E8 - (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 Q/I & 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.

SCHEDULE B

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

The Grantor currently boards horses on the Premises.

Grantor understands that the above use is considered an "equine service activity" that would not be permitted on the Premises (i.e., the preserved area of the farm described in Schedule A) unless the activity was ancillary to equine-related production, including pasturing, horse breeding and hay production. "Ancillary" means that the area of land on which equine service activities are conducted is subordinate, secondary and auxiliary in comparison to the area of the farm devoted to equine production activities. Grantor understands and agrees that if equine service activities (such as boarding horses, riding lessons and schooling horses) on the Premises were ancillary to equine-related production, then the said equine service activities would be deemed agricultural uses and not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement. The areas occupied by equine service activities and equine production activities are depicted on the attached aerial photograph identified as Schedule B1.

Grantor understands that none of these restrictions apply to the land within the Exception area.

Grantor also understands and agrees that if, in the future, equine service activities on the Premises are not "ancillary" as defined above, then the said activities would be deemed non-agricultural and would be subject to the restrictions contained in Paragraphs 3 and 4 of the Deed of Easement.

----- (L.S)

Palermo Show Stable, LLC (NJCF) - Equine Areas



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

Palermo Show Stable, LLC (NJCF)
Block 52.01 Lots P/O 3 (19.8 & 1.3 ac) &
P/O 3-EN (non-severable exception – 4.0 ac)
Gross total = 25.1 ac
Bedminster Twp., Somerset County



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Equine Pasture - 0.8 ac
	Parking Area (Twice monthly) - 1.1 ac
	Equine Service - 0.5 ac
	Farmstead - 1.3 ac

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximations and were developed primarily for planning purposes. The 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:
NJDOT Road Data
NJDOT/OGIS 2015 Digital Aerial Image

April 24, 2018

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Palermo Show Stable LLC (NJCF)

18- 0014-NP

No Value Selected Easement Purchase - Nonprofit
21 Acres

Block 52.01	Lot 3	Bedminster Twp.	Somerset County	
SOILS:		Local	53% * .05	= 2.65
		Prime	14% * .15	= 2.10
		Statewide	33% * .1	= 3.30
				SOIL SCORE: 8.05
TILLABLE SOILS:		Cropland Harvested	80% * .15	= 12.00
		Other	3% * 0	= .00
		Woodlands	17% * 0	= .00
				TILLABLE SOILS SCORE: 12.00
FARM USE:	Horse & Other Equine	19 acres		Pasture

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (4.5) acres for Equestrian summer camp
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2021R6(4)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Ely, Christopher A. & Deirdre M.

JUNE 24, 2021

Subject Property: **Ely, Christopher A. & Deirdre M.**
Kingwood Township, Hunterdon County
Block 26, Lot 21 & Block 25, Lot 10
SADC ID# 10-0279-DE
Approximately 149.7 Net Easement Acres

WHEREAS, on January 7, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from Christopher A. & Deirdre M. Ely, hereinafter "Owners," identified as Block 26, Lot 21 & Block 25, Lot 10, Kingwood Township, Hunterdon County, hereinafter "the Property," totaling approximately 153.7 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 have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the Property includes one (1), approximately 4-acre non-severable exception area for two existing single family residential units and to afford future flexibility for nonagricultural uses resulting in approximately 149.7 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 4-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to two (2) single family residential units

4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises outside the exception area includes:

- 1) Zero (0) exceptions,
- 2) Zero (0) housing opportunities
- 3) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 4) Zero (0) agricultural labor units
- 5) No pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in hay 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 September 9, 2020, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 47 and minimum quality score of 58) because it is approximately 153.7 acres and has a quality score of 65.92; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on April 28, 2021 in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$3,600 per acre based on zoning and environmental regulations in place as of the current valuation date March 23, 2021; and

WHEREAS, the Owners accepted the SADC's offer of \$3,600 acre for the purchase of the development easement on the Premises; and

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

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


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$3,600 per acre for a total of approximately \$538,920 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 Premises to be

preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.

4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

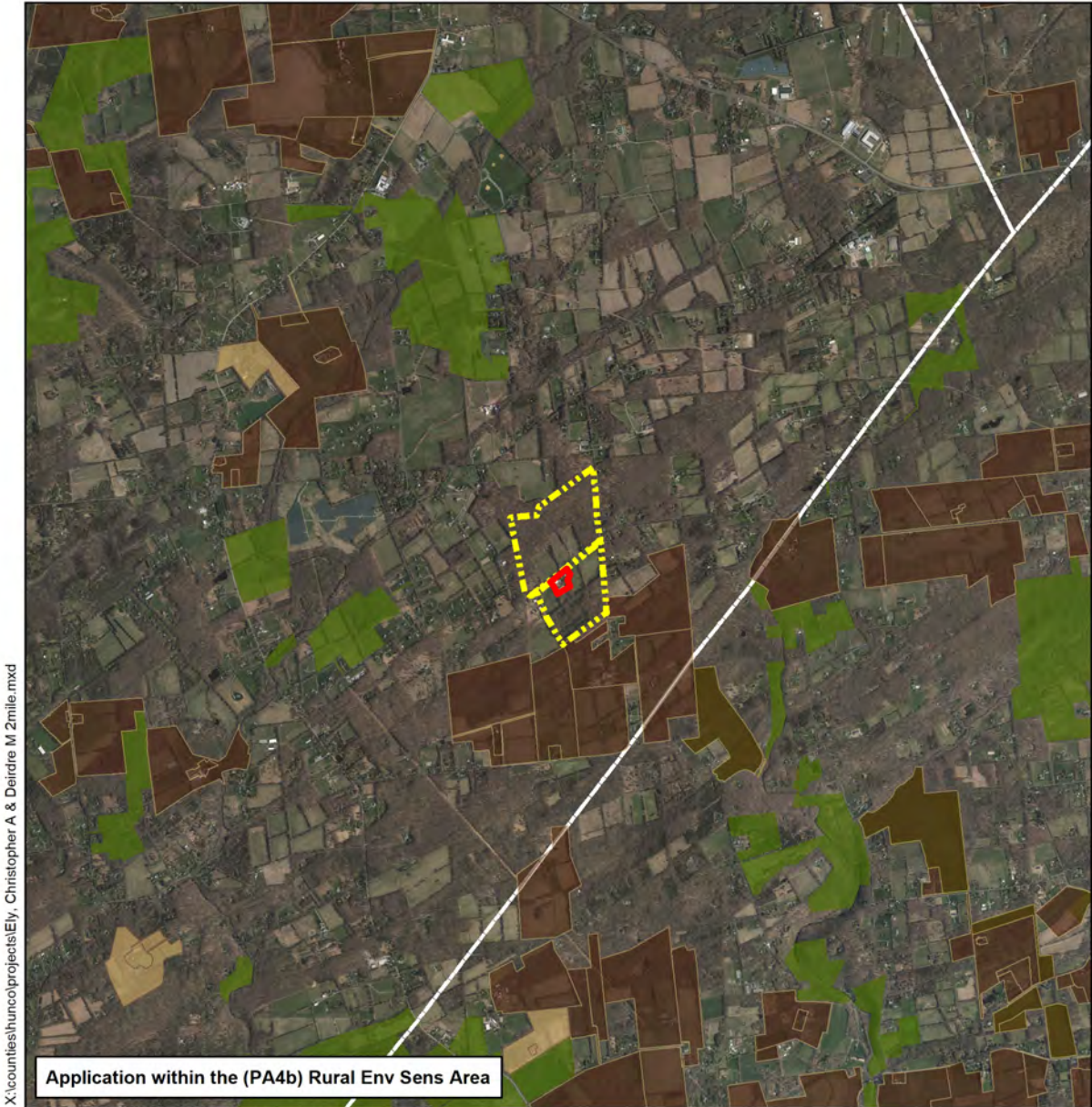
____6/24/2021_____
Date

_________
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



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

Ely, Christopher A. & Deirdre M.
Block 25 Lot 10 (93.5 ac); Block 26 Lots P/O 21 (56.2 ac)
& P/O 21-EN (non-severable exception - 4.0 ac)
Gross Total - 153.7 ac
Kingwood Twp., Hunterdon County



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



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

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

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ely, Christopher A. & Deirdre M.
Block 25 Lot 10 (93.5 ac); Block 26 Lots P/O 21 (56.2 ac)
& P/O 21-EN (non-severable exception - 4.0 ac)
Gross Total - 153.7 ac
Kingwood Twp., Hunterdon County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement 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.



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

January 11, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ely, Christopher A. & Deirdre M.
Easement Purchase - SADC
150 Acres

Block 26	Lot 21	Kingwood Twp.	Hunterdon County		
Block 25	Lot 10	Kingwood Twp.	Hunterdon County		
SOILS:		Other	18% *	0	= .00
		Prime	28% *	.15	= 4.20
		Statewide	54% *	.1	= 5.40
					SOIL SCORE: 9.60
TILLABLE SOILS:		Cropland Harvested	26% *	.15	= 3.90
		Wetlands/Water	51% *	0	= .00
		Woodlands	23% *	0	= .00
					TILLABLE SOILS SCORE: 3.90
FARM USE:	No Value Selected		39 acres		

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2021R6(5)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Elston, Donald A, Jr. - Estate of

JUNE 24, 2021

Subject Property: **Elston, Donald A, Jr. - Estate of**
Block 17, Lot 23.01 & Block 117, Lots 27.01 & 27.05
Wantage Township, Sussex County
SADC ID#: 19-0030-DE
Approximately 108.60 Net Easement Acres

WHEREAS, on October 1, 2020, the State Agriculture Development Committee ("SADC") received a development easement sale application from Elston, Donald A, Jr. -Estate of, hereinafter "Owner," identified as Block 17, Lot 23.01 and Block 117, Lots 27.01 & 27.05 Wantage Township, Sussex County, hereinafter "the Property," totaling approximately 111.60 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 108.60 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, this final approval is conditioned on consolidating, prior to closing, lots 27.01 and 27.05; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 3-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises
- 3) Shall be limited to one (1) single family residential unit

4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises outside the exception area includes:

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

WHEREAS, at the time of application, the Property was in hay and corn 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 September 26, 2019 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Sussex County (minimum acreage of 44 and minimum quality score of 42) because it is approximately 108.60 net acres and has a quality score of 63.01; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on May 26, 2021, the SADC certified a development easement value \$3,400 per acre based on zoning and environmental regulations in place as of the current valuation date April 28, 2021; and

WHEREAS, the Owners accepted the SADC's offer of \$3,400 per acre for the purchase of the development easement on the Premises; and

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

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


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$3,400 per acre for a total of approximately \$369,240 subject to the conditions contained in (Schedule B).
3. Final approval is conditioned on consolidating, prior to closing, lots 27.01 and 27.05.
4. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved outside of any exception areas, adjusted for proposed road rights-of-way,

other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.

5. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
6. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
7. 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.
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.

___6/24/2021___
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

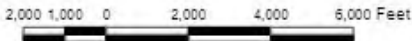


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Application within the (PA 4) Rural Area

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

Elston, Donald A., Jr. - Estate of
Block 17 Lot 23.01 (57.3 ac); & Block 117 Lots 27.05 (1.6 ac);
P/O 27.01 (49.7 ac) &
P/O 27.01-EN (non-severable exception - 3.0 ac)
Gross Total = 111.6 ac
Wantage Twp., Sussex County



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



Source:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/IGIS 2010 Digital Aerial Image

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

Wetlands



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Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Elston, Donald A., Jr. - Estate of
 Block 17 Lot 23.01 (57.3 ac); & Block 117 Lots 27.05 (1.6 ac);
 P/O 27.01 (49.7 ac) &
 P/O 27.01-EN (non-severable exception - 3.0 ac)
 Gross Total = 111.6 ac
 Wantage Twp., Sussex County



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

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

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Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 A - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 100' Buffer
 W - Water

December 1, 2020

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Elston, Donald A., Jr. - Estate of
 Easement Purchase - SADC
 109 Acres

Block 17	Lot 23.01	Wantage Twp.	Sussex County		
Block 117	Lot 27.05	Wantage Twp.	Sussex County		
Block 117	Lot 27.01	Wantage Twp.	Sussex County		
SOILS:		Other	54% * 0	=	.00
		Prime	46% * .15	=	6.90
				SOIL SCORE:	6.90
TILLABLE SOILS:		Cropland Harvested	43% * .15	=	6.45
		Wetlands/Water	14% * 0	=	.00
		Woodlands	43% * 0	=	.00
				TILLABLE SOILS SCORE:	6.45
FARM USE:		Corn-Cash Grain	12 acres		
		Hay	52 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for Future SPR
 Exception is not to be severable from Premises
 Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The multiple lots in Block 117 (Lots 27.01 and 27.05) will need to be consolidated to facilitate potential ease of taxation, and to assist in monitoring. The lot consolidation will occur simultaneously with closing on the easement.
 2. It appears that an approximately 0.5-acre portion of the yard and driveway on Block 117, Lot 26 encroaches on Lot 27.05. This encroachment, if it exists, will need to be addressed prior to the sale of the development easement or the SADC will not be able to compensate for the farm easement on that acreage due to unclear title.
 - 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.