

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Department of Agriculture

Market and Warren Streets, 1st Floor Auditorium

Trenton, NJ 08625

REGULAR MEETING

March 28, 2019

Acting Chairwoman Purcell called the meeting to order at 9:05 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

Monique Purcell, Acting Chairwoman

Cecile Murphy (Rep. NJDEP Commissioner Catherine R. McCabe)

Tom Stanuikynas (Rep. DCA Commissioner, Sheila Oliver)

Jane Brodhecker

Ralph Siegel (Rep. State Treasurer, Elizabeth Maher Muoio)

Pete Johnson

Scott Ellis

Denis Germano

Members Absent

Alan Danser

Brian Schilling

James Waltman

Susan E. Payne, Executive Director

Jason Stypinski, Esq., Deputy Attorney General

Others present as recorded on the attendance sheet: Donna Rue, Public; Katherine Coyle, Morris County Agriculture Development Board (CADB); Harriet Honigfeld, Monmouth CADB, Julie McGowan, D. Post, Katherine Fullerton, East Amwell, and other members of the public.

Minutes

A. SADC Regular Meeting of February 28, 2019 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve the Open and Closed Session minutes of the SADC regular meeting of February 28, 2019. Mr. Germano and Ms. Murphy abstained. The motion was approved.

Report of the Chairman

Acting Chairperson Purcell stated that the State Board of Agriculture approved adoption of the beekeeping regulations. The adopted rules incorporated comments received during the proposal process. The regulations should be published in the next week or so.

Ms. Purcell stated that food and safety inspections, for which most NJ farmers are well-trained and prepared, will begin next month.

Ms. Purcell noted that there is an educational session on industrial hemp that will be held at the Rutgers Cooperative Extension on Wednesday, April 3, 2019 from 9 a.m. to 12 p.m. in Burlington, NJ.

She also advised that the Governor released the NJDA's budget and that there are no substantive changes from the prior year.

Report of the Executive Director

Ms. Payne gave an update on S2920. She stated that the bill passed the Senate on Monday, March 25, 2019. She outlined the basic provisions of the bill, advising that the funding allocation for farmland preservation in FY2020 will continue to be 31%, Green Acres 62%, and historic preservation 7%.

Starting in July 2022, the Garden State Preservation Trust (GSPT) board will be tasked with annually reviewing the performance of the preservation programs and making recommendations to the Legislature on whether any funding allocations should be changed.

Ms. Payne also noted that the definition of “stewardship” is proposed to be amended as it relates to the SADC to include providing grants for improving the resiliency of farmland soils. The allocation for stewardship grants was increased from 3% to 4%.

S2920 allows preserved farm landowners in the Highlands and Pinelands regions to be eligible for stewardship grants if the SADC approves the deed of easement that was recorded on their property, and the law amends the GSPT Act to extend the dual appraisal provision in the Highlands region for another five years.

Communications

Ms. Payne asked the Committee to take the news articles with them.

Public Comment

There was no public comment.

Old Business

A. Approval of Rule Proposal Amending County and Municipal PIG Program Regulations, N.J.A.C. 2:76-17.1, et seq. and N.J.A.C. 2:76-17A.1, et seq.

Mr. Bruder stated that at February’s meeting he reviewed proposed amendments to the Municipal and County Planning Incentive Grant (PIG) regulations. This month, staff is requesting approval of the proposed rules. The Governor’s Authorities Unit (GAU) reviewed the rule proposal and made some minor editorial changes which will be incorporated in the rule prior to further GAU approval and submittal to the OAL as a formal rule proposal.

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve the Rule Proposal amending County and Municipal PIG Program Resolutions, N.J.A.C. 2:76-17, et seq. and N.J.A.C. 2:76-17 A.1, et seq. as presented. The motion was unanimously approved.

New Business

A. Resolution of Final Approval: County PIG

Ms. Miller 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.

Ms. Miller showed the Committee a brief video of the America's Grow-A-Row Farm, which donates to farm markets across the state. Mr. Ellis asked where Grow-A-Row gets their funding, and Ms. Payne responded that the operation is funded through private, corporate and philanthropic donations.

It was moved by Mr. Stanuikynas and seconded by Mr. Ellis to approve Resolutions FY2019R3(1) through FY2019R3(3), granting final approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution:

1. America's Grow-A-Row, SADC ID #10-0424-PG, Resolution FY2019R3(1), Block 10, Lot 6, Franklin Township, Hunterdon County, 38.3 Acres.
2. Joseph Ayars, (Lot 1), SADC ID #17-0199-PG, Resolution FY2019R3(2) Block 41, Lots 1& 7, Elsinboro Township, Salem County, 52.8 Acres.
3. David Schaeffer, SADC ID #17-0205-PG, Resolution FY2019R3(3), Block 22, Lot 10, Pilesgrove Township, Salem County, 84.3 Acres.

The motion was unanimously approved. A copy of Resolutions FY2019R3(1) through FY2019R3(3) is attached to and is a part of these minutes.

B. Resolutions of Final Approval: Direct Easement Purchase

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

It was moved by Mr. Siegel and seconded by Ms. Murphy to approve Resolution FY2019R3(4), granting final approval to the following application under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution:

1. Joseph Ayars (Lot 4) (Owner), SADC ID #17-0327-DE, Resolution FY2019R3(4), Block 28, Lot 30, Block 29, Lot 4 & 7, Block 31, Lot 30, Elsinboro Township, Salem County, 102.7 Net Acres.

The motion was unanimously approved. A copy of Resolution FY2019R3(4) is attached to and is a part of these minutes.

C. Resolutions of Final Approval: Nonprofit Easement Purchase

Ms. Miller referred the Committee to two requests for final approval under the Non-Profit 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. Germano and seconded by Mr. Stanuikynas to approve Resolutions FY2019R3(5) and FY2019R3(6), granting final approval to the following applications under the Nonprofit Easement Purchase Program, as presented, subject to any conditions of said resolution:

1. Jeffrey and Michelle Gibb, SADC ID #21-0040-NP, Resolution FY2019R3(5), Block 48, Lot 72, Washington Township, Warren County, 27.35 Acres.
2. Walter and Linda Gang, SADC ID #21-0041-NP, Resolution FY2019R3(6), Block 1301, Lot 23.01, Frelinghuysen Township, Warren County, 16 Acres.

The motion was unanimously approved. A copy of Resolutions FY2019R3(5) and FY2019R3(6) is attached to and is a part of these minutes.

D. Stewardship

Ms. Armstrong referred the Committee to one request for approval of a ground-mounted solar array. She reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant approval.

It was moved by Mr. Germano and seconded by Mr. Stauikynas to approve Resolution FY2019R3(7) granting approval to the following application under the Stewardship Program, as presented, subject to any conditions of said resolution:

1. Ground-Mounted Solar Request
 - a. Kimmelman Farm, Resolution FY2019R3(7), Block 31, Lot 12.01 Tewksbury Township, Hunterdon County, 50.248 Acres.

The motion was unanimously approved. A copy of Resolutions FY2019R3(7) is attached to and is a part of these minutes.

Mr. Roohr referred the Committee to one house replacement request. He reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant approval.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2019R3(8) granting approval to the following application under the Stewardship Program, as presented, subject to any conditions of said resolution:

2. House Replacement Request

- a. Gary Donaldson Farm, Resolution FY2019R3(8), Block 1201, Lot 17.01 Mansfield Township, Warren County, 139.14 Acres.

The motion was approved. Mr. Ellis recused. A copy of Resolutions FY2019R3(8) is attached to and is a part of these minutes.

3. Review of Activities (Discussion Only)

- a. Maple Leaf Farms, SADC ID #13-0159-EP, Block 4.01, Lot 11.01 and Block 12, Lot 12.03, Manalapan Township, Monmouth County, 132 Acres.

Before making his presentation, Mr. Roohr noted that the following parties were present at the meeting: Mr. and Mrs. Casola (landowners); Anthony Sposaro (the Casola's attorney); and Harriet Honigfeld from the Monmouth County CADB.

Mr. Roohr stated that Maple Leaf Farms is 132 acres and was part of the original 218-acre Wikoff Farm preserved by the Monmouth CADB on February 8, 2002. The CADB and SADC approved a division of the premises creating the subject property on April 22, 2014, and Carmine and Danielle Casola, the owners of Maple Leaf Farms, purchased it on June 26, 2015. After purchasing the property, the Casolas began the site work to develop a large farm market and retail greenhouse, which were opened in May 2017. The farm market building is 17,000 square feet and the attached greenhouse is 49,000 square foot.

Maple Leaf Farms hosts fall tourism activities on the premises from September through October. In the second year in operation at this location, the tourism-related infrastructure developed onsite was significant, covering approximately 3-4 acres with an attendant 18

acres of excavation and grading. The infrastructure includes a petting zoo, two pedal cart tracks, tire mountain, rubber duck races, gem mining facility, in-ground pillow bounce, rodeo, corn cannons, sand boxes, children's climbing structures, candy shed, lemonade shed, hot food stand, and craft/decoration shed. In addition to hard infrastructure, the entertainment offerings include haunted hayrides, paintball hayrides, corn maze, train rides and pumpkin picking.

During an initial site visit by CADB staff in September 2017, most of the store was filled with decorative craft items, seasonal home décor, and "country"-themed household goods and accessories. One end wall area of the market was dedicated to plant and garden supplies, chemicals and tools and the opposite end of the market is dedicated to a bakery and sweets shop. Approximately 10 bulk bins of various size pumpkins, gourds and fall squash were located near the entrance and cash checkout areas.

According to the Casolas, they were historically large vegetable farmers but transitioned out of vegetables and into nursery crops years ago. The only vegetables they currently raise are squash and pumpkins and they have no intention to sell other vegetables from this market out of respect for the farmer across the street, from whom they purchased the property and whose only crops are fruits and vegetables.

During a November 2, 2017, site visit by CADB and SADC staff, the entire center of the store between the two end walls was being restocked with Christmas décor and home goods. The three bulk bins of squash near the checkout areas appeared to be the only farm-produced products available for sale within the market at that time. The attached greenhouse had no plant material and was only being used to store decorative hardscaping items. The outdoor area surrounding the greenhouse and market had a large selection of potted plants and balled-and-burlapped, nursery stock. Mr. Casola has represented that approximately 80% of the nursery stock on site was grown on his various parcels within his farm management unit.

On October 6, 2015, the Monmouth CADB issued a resolution identifying and setting conditions on certain proposed activities to ensure they were compliant with the Deed of Easement. The request primarily included the construction of a farm market and greenhouse where all the items sold from the market would be for an agricultural purpose and complement farm-produced products. The grading plans provided by the owner to the CADB showed approximately 7 acres to be re-graded to accommodate this project. No tourism activities were shown in the site plan presented at this time and none were addressed as part of this resolution.

On May 4, 2016, Mr. Casola submitted a site-specific Agricultural Management Practice (SSAMP) request for numerous proposed activities for the site including agritourism and farm market related activities. On May 19, 2016, Mr. Casola amended his SSAMP request asking that the CADB focus exclusively on township parking and lighting ordinances. On June 7, 2016, the Monmouth CADB issued an SSAMP granting relief from certain township parking and lighting requirements for the farm market.

On September 22, 2017, Monmouth CADB staff conducted a site visit of the property, and on October 20, 2017, Christopher Beekman, attorney for the Monmouth CADB, issued, on behalf of the CADB, a notice to cease to the owners related to activities occurring on the farm that may not be compliant with the Deed of Easement (DOE) including soil disturbance, installation of permanent structures and taking land out of production.

On April 3, 2018, the Monmouth CADB issued a resolution finding certain activities occurring at Maple Leaf Farms were inconsistent with prior approvals from the CADB and were in violation of the DOE. The Board found that neither Maple Leaf's request for a farm market clarification in October 2015, nor its request for an SSAMP for the farm market, referred to entertainment activities. The CADB found several violations of the DOE which included numerous structures built for entertainment purposes including, but not limited to, pedal cart tracks, tire mountain, pillow bounce, and a regular rodeo where no animals participating in the rodeo were raised on the farm or available for sale. The resolution also cited the addition of subbase material over several acres of the farm which did not serve an agricultural purpose, new drainage features which were not shown on plans reviewed by the board, and a majority of the products for sale within the farm market were not produced on the Casolas' farm management units.

On April 19, 2018, the Monmouth CADB coordinated a site visit to the premises with various interested parties including the Casola's, their attorney Anthony Sposaro, CADB staff and members, township officials and engineer, the Monmouth Soil Conservation District and SADC staff. At that time, the attached greenhouse was full of various flower and vegetable plants, but the market building itself was occupied entirely by housewares and décor. During that site visit, the township engineer pointed out that there are many more areas of the property that have been altered and require stormwater management than were shown on the original plans submitted to the town. It appeared that some clearing, driveways, and new drains may be impacting wetland areas of the premises. At the end of the visit, Mr. Sposaro acknowledged the need to review with his clients the nexus between certain items in the store to the farm's output and the necessity to get Casolas' engineer to

address the stormwater and other drainage concerns. Mr. Sposaro asked the group for time to get an engineer out to the site.

On September 5, 2018, Manalapan Township sent Maple Leaf Farms a notice of violation related to the lack of follow-up on stormwater related issues.

On October 22, 2018, Mr. Beekman, on behalf of the Monmouth CADB, sent a second notice advising Maple Leaf that the board had not received enough information to satisfy the concerns raised in the April 3, 2018 resolution. On November 7, 2018, Mr. Sposaro replied that the owner's engineer had submitted stormwater calculations to the township earlier that week. Mr. Sposaro further indicated that a few of the activities related to entertainment would cease, others would be modified, and suggested that some should be allowed to continue in their current form.

Mr. Germano asked if staff needed direction regarding the DOE, and Mr. Siegel asked if direction was needed regarding the SSAMP. Ms. Payne stated that staff was making this presentation to the Committee to explore the issues surrounding the DOE, and not the SSAMP and Right to Farm (RTF) aspects of the case. Staff wants to give the property owner and county an opportunity to be heard by the Committee and that no decisions would be made today.

Mr. Johnson asked if the initial request of the Maple Leaf Farm site plan was submitted to the Monmouth CADB or the township, and Ms. Purcell asked Ms. Honigfeld from the Monmouth CADB for comment. Ms. Honigfeld stated that the town reviewed the plan related to the seven acres of activity and land disturbance and the reason for the AMP was to relieve the landowners of two ordinance compliance issues related to lighting and the reduction of the number of parking spaces. There are other outstanding issues with certificates of occupancy, but there are currently no issues with the SSAMP. Mr. Johnson stated that the Maple Leaf could go to the township with a site plan and then look for relief from the CADB. Mr. Johnson asked if that is what happened with the lighting issue. Mr. Roohr stated that the Maple Leaf was seeking to reduce some of the requirements from the township regarding the lighting. Mr. Germano stated that the Casolas didn't have to go to the town first, they could have gone directly to the CADB with help regarding the parking and lighting. Ms. Payne stated that the property owner could clarify the time lines when they testify. Mr. Johnson asked if the agritourism site component was a part of the site plan. Mr. Roohr stated that it was not, and that it was part of the CADB's concern.

Mr. Roohr then showed the Committee recent aerial pictures of the Maple Leaf property. Mr. Roohr stated that paragraphs one, two and three of the DOE states that the premises shall be retained for agricultural use and production and that development and use of the premises for non-agricultural purposes are prohibited. Regarding the entertainment activities, staff expressed its concern to the Casola's that the intensity of the agritourism infrastructure appears inconsistent with the number of agricultural products being sold as a component of the entertainment activities. There is a concern about permanent structures and the amount of land taken out of production to accommodate the entertainment activities. These permanent structures and areas taken out of production exclusively for entertainment attractions represent areas which are no longer available for agricultural use.

Paragraph nine of the DOE requires that recreational uses utilize the premises in its existing condition, which is not the case here. As it relates to the farm market, there would appear to be an abundant amount of nursery stock and greenhouse plants offered for sale onsite; however, a clear majority of the 17,000 square foot interior of the market is dedicated to the sale of goods and housewares which have no direct connection to agricultural production. While staff cannot confirm the overall sales that were transacted through the farm market, making it unclear what percentage of the sales have come from sales of products raised by Maple Leaf or by other Casola farm management units, it is very clear that a vast majority of the items for sale within the farm market building itself are neither complementary nor supplementary, as defined in the On-Farm Direct Marketing AMP, to on-farm agricultural production. A large percentage of the market is devoted to these non-farm related products, which is also inconsistent with the Committee's guidance to other farm market operators.

Mr. Siegel asked if staff is looking at what is for sale in the market versus the square footage of the market. Mr. Roohr stated that square footage was not measured. Mr. Siegel asked if the greenhouse could be interpreted to be a part of the market because they are connected. Ms. Payne stated that that is not how the On-Farm Direct Marketing AMP addresses the issue, as a greenhouse is not considered a 'sales area'. Mr. Siegel said it appears the greenhouse is part of the store. Mr. Roohr responded that the items for sale on the farm either need to be raised on the property or have some connection to the farm. Mr. Roohr suggested that in regard to the entrance fees for the entertainment area, it seems that any one of those individual entertainment activities by themselves might be ok, but when all are massed together it looks more like an amusement park, versus a pumpkin picking activity. It appears that the development of this stand-alone entertainment destination is its own driver as opposed to pumpkin picking.

Mr. Roohr stated that due to the lack of progress in resolving the matter, the CADB authorized county counsel to file a complaint in the Superior Court of Monmouth County related to the violations the Board identified as occurring on the premises. Prior to filing this complaint, the CADB requested that a formal determination be made by the SADC related to the activities occurring on the premises. Several activities that have occurred on the premises appear to be violations of paragraphs one, two, three, four and seven of the DOE. The SADC's DOE subcommittee discussed these activities at two of its most recent meetings.

Mrs. Payne stated that what the owners are selling in their market are completely out of sync with an agricultural use and it appears the buildings were built for an alternate purpose. Mr. Johnson stated that he is a farmer in the agritourism business just as the Casolas are, and none of what he's heard is unique to a preserved farm in the agritourism business. In his view, it is the scale of the agritourism improvements and the fact they appeared so quickly which is cause for the issue being raised. Mr. Johnson stated that if the Casolas want to stay in business year-round they need to do other things outside of the greenhouse and lawn maintenance. Lots of farms have bakeries and make fudge which is something that can be sold year-round. Hay rides and animal rides are all allowed in the Direct Marketing AMP.

Mr. Siegel stated that those things are intended to entice customers to purchase agricultural products. Mr. Johnson stated that also includes ancillary farm related activities. Ms. Payne noted that the question is not whether everything being done is compliant or not compliant with the AMP. The adopted AMP is an expression of the agency's perspective of generally accepted agricultural practices. Ms. Payne stated that all the things that Mr. Johnson mentioned can get RTF protection if there is a clear connection between the activity and selling the products of the farm. That threshold connection is what is in question here. Mr. Johnson stated that people visit his farm on any given day to take a hay ride or just to look at the animals; sometimes they will purchase one hundred dollars' worth of products and sometimes they don't.

Ms. Honigfeld stated that the buildings and activities are not located on an exception area and the county is not looking at AMP compliance but rather if they comply with the DOE. Mr. Siegel stated that the AMP is a RTF document having nothing to do with the DOE and the DOE trumps an AMP and SSAMP if they are in conflict and noted that the question in this case is if agricultural products are being sold on a preserved farm. Mr. Siegel stated that his concern is what is being counted and what is sold and said that a 12-month threshold should be examined in a case like this and most of what is being sold must be

from the farm. Ms. Purcell stated that 51% of a farm's sale must come from the farm's agricultural production.

Ms. Payne stated that both Mr. Siegel and Ms. Purcell were talking about RTF issues. Mr. Germano said that while at first, he thought this issue is was a straight DOE matter, but if the farm is in compliance with the AMP, isn't what he's doing for an agricultural purpose? If he complies with the AMP, doesn't that mean he's compliant with the DOE? Ms. Payne said the Committee has set forth that relationship in another matter recently – the Tranquility Farms case in which the Committee determined that if that operation remained in compliance with the OFDM AMP, the Committee would consider it in compliance with the DOE. Ms. Payne stated that there has not been a complete compliance analysis done on Maple Leaf Farms, but the activities on Maple Leaf Farm could be permitted under the AMP, but only if what is being sold in the market and the 'entertainment activities' satisfy the required relationship with the marketing of the agricultural output of the farm. The primary concerns in this case are that the recreation activities seem independent of marketing the output of the farm and most of the items sold at the market are entirely unrelated to the agricultural output. Further, there are conservation issues that are also a concern including the enormous amount of the top soil retained on-site, the lack of soil conservation plan on the site, and the potential for stormwater and wetlands violations.

Mr. Stanuikynas asked if there is a percentage of how much money the landowners bring in from non-ag sales, because it seems that the landowners could make enough income alone on the entertainment on the farm as opposed to selling agricultural products. Ms. Payne stated that staff has not asked the Casolas for their financials, so the SADC does not have this information now. Ms. Payne stated that the On-Farm Direct Marketing AMP did contemplate that farmers could construct improvements in support of marketing activities but limits the impact of the improvements to being "negligible" on continued use of the land for agriculture. . Once the SADC does decide to do an agricultural AMP analysis, it will consider whether the land being used for entertainment would have a negative impact on the farm. The county's concern was that 4 acres of land were taken out of production strictly for entertainment purposes. The county concluded that the landowners can't do this and asked the Committee to give input regarding DOE compliance.

Ms. Honigfeld stated that the county understands the Casolas are active production-oriented farmers. Typically, when the county deals with stewardship and easement monitoring concerns, it prefers to work with the landowners directly. In this case, the changes and activities that have taken place on this property are beyond the scope of what the county can deal with on its own. The Monmouth CADB members all have different opinions on what their priority is and what they are particularly concerned with regarding the compliance

issues. The Monmouth CADB passed a resolution stating that this property is out of compliance with the DOE and did not set specific requirements for remediation, and the board wanted a discussion with the SADC before making taking further steps to litigate.

Mr. Sposaro, attorney for Mr. and Mrs. Casola, stated that based on what he has heard so far in this meeting, it is not clear as to whether his clients are in violation of the DOE. Mr. Sposaro stated that the Casolas are 3rd and 4th generation farmers who did not set out to blatantly violate the DOE. The investment that they made in infrastructure was done not to just sell ancillary items, but rather for the greenhouse which has items for sale as well. He acknowledged that some of the things being sold in the market pushed the envelope, so he counseled his clients to sell some of the products to different retail locations and not to restock them. The municipality was not adamant that Casolas obtain site plan approval; instead, Manalapan asked only that some drainage concerns be addressed. There was a report generated by East Point Engineering on November 5, 2018 that was sent to Jim Wikonowski, the engineer for the township. The report addressed the concerns of the township regarding drainage and storm water runoff, and there has been no response from the municipality since then. The municipality does not seem to be concerned with the drainage or the level of activity.

Mr. Sposaro said that there is intense ag production year-round on the farm. There are recreational activities for the kids, and there should be a nexus between the recreational activities and marketing of the agricultural output; however, consumers can't be compelled to purchase the agricultural output. Mr. Sposaro stated that few farmers believe that the DOE restricts their rights beyond what can be done under the RTF Act. Mr. Sposaro stated that based on the conversation today, there seems to be a lot of gray areas. The county wants to initiate litigation, but he doesn't think that is the right approach. The best approach would be for the SADC to give advice and direction to the landowners as to how they can get through this issue without involving the court system, and how the DOE and agritourism can be interpreted. Mr. Sposaro disagrees with the county in their interpretation of what violates the DOE. He mentioned that although the soil pile on the farm is large, it is systematically being used to fill depressions caused by the ongoing farming operations. There could be steps taken to safeguard the soil for better conservation practices; but so far, it's use is proper use .

Mr. Siegel asked Mr. Sposaro if there are parts of the county's resolution that he agrees with. Mr. Sposaro stated that the paintball needs to be eliminated. Mr. Siegel asked if there was anything else in addition to the paintball that was not a point of contention. Mr. Sposaro stated that the county referred to a country village, which was really a shed structure where food was sold. These "country villages" are temporary structures that are

only used during the ag season leading up to Halloween. Once the season is over, the sheds are used as storage for farm equipment. Mr. Sposaro said that selling food on a seasonal basis should not be considered a violation.

The next issue was the rodeo; however, the landowners are using their own animals, so this seems to be an open question as to whether this violates the DOE. Mr. Siegel asked if the animals are for sale and Mr. Sposaro stated that they can be. The next point of contention is the addition of the subbase material. The subbase is intended to be used as a staging area for potted plants that are there over an extended period which allow customers to walk without creating muddy areas. He noted this is a wet site that his understanding that where this is agriculture modified wetlands that the operator can continue to farm the property. He also said he does not know whether any permanent structures have been placed in the modified wetlands areas. Mr. Siegel stated that aside from the paintball, which has been eliminated, Mr. Sposaro does not seem to agree with anything in the county's resolution. Mr. Sposaro agreed with that statement and indicated he has sought a meeting with SADC staff to see if these issues can be resolved before litigation is initiated.

Mr. Stanuikynas asked how many times Mr. Roohr visited the farm and if he was able to verify if the food serving sheds were being used during off peak season. Mr. Roohr stated that the area where the sheds are located was not being used for food service when he was there in November 2018. Mr. Sposaro invited Mr. Roohr to come back and visit the farm during prime ag season and reiterated that ag tourism only exists for six weeks out of the year.

Mr. Germano asked how much of the 17,000 square foot market contains ag products and ag related products during the prime agricultural season. Mr. Sposaro said he didn't have that answer, but that it is not likely that it reaches 51% of the area. Mr. Germano asked what percentage is at the apex? Mr. Sposaro could not provide an estimate but indicated that the answer depends to some extent on whether the greenhouse is considered part of the sales area and whether any areas outside of the buildings also qualify as sales area.

Mr. Germano said that it is difficult to address these kinds of questions in the absence of findings of fact. It's his impression so far that the greenhouse appears to be a sales area, as opposed to an area to grow products. Mr. Sposaro stated that the greenhouse is not just a display area, it has irrigation and grows the plants; it's a true greenhouse and that if anything the sales that occur there are "incidental" and that it's more of a production area. Mr. Germano asked if there is another greenhouse on the property where that stock is replaced. Mr. Sposaro said yes, but since there are other greenhouses on the farm

management unit, the percentage of ag products grown in the greenhouse next to the farm market is not entirely clear. Mr. Germano stated that if there was a way to determine the percentage of full-grown plants sold on site that were grown on site, grown elsewhere on the farm management, or grown from other farms that are not part of the farm management unit and brought to the farm for the sole purpose of selling them, it would help determine if this is a sales or production area or a combination of both.

Mr. Ellis asked whether the greenhouse is currently completely full of plants being grown, and whether they will be available for sale in the greenhouse. Mr. Sposaro indicated that was correct. Mr. Johnson asked if the greenhouse is being considered part of the farm market. Mr. Siegel inquired whether that should be a topic of conversation in closed session. Ms. Payne stated that to the extent the members sought legal advice from Mr. Stypinski, that could occur in closed session.

Ms. Payne stated that the discussion today seems to be focused on the relationship between the DOE as it relates to a retail market facility and the provisions in the On-Farm Direct Marketing AMP. The rules between RTF standards and deed of easement standards need to be as consistent as possible to preserve land base for farmers to be protected to operate their farms. Compliance with an AMP would likely be found to be compliant with the DOE. However, the other side of that discussion is whether it is necessary to comply with the AMP to be considered compliant with the DOE.

Ms. Payne stated that based on the conversation today, it appears it is important to the Committee's discussion to know to what extent this operation is compliant with the AMP. Ms. Payne asked Mr. Sposaro if he was comfortable with having a conversation with the Committee as to the extent of his client's compliance with the AMP provisions and if he would be willing to provide information to answer that question. Mr. Sposaro stated that he would be fine doing that.

Mr. Siegel sought confirmation that the CADB's approval of construction of the market building was based on an understanding that the building would be used to market the output of the farm. Ms. Honigfeld confirmed that it was. Mr. Johnson asked why the agritourism component was pulled from Maple Leaf's May 2016 SSAMP request? Ms. Honigfeld stated her recollection is that the landowners had other components they wanted approved and there was not enough time to approve all of them, so that's why Maple Leaf withdrew the agritourism aspect of the SSAMP application. Mr. Johnson stated that had the agritourism component not been pulled from the SSAMP, then we might not be hearing this case. Ms. Honigfeld stated that if the SSAMP review was done and a full review of the

agritourism questions was done, the county board would still be uncomfortable with the level of land taken out of production for the entertainment uses (the 3-4 acres).

Ms. Payne asked Ms. Honigfeld to what extent the county board took into consideration the On-Farm Marketing AMP to determine what it was seeking to approve, or not, when making its decision. Ms. Honigfeld stated that there was similar confusion regarding the 51% sales requirement in the AMP and DOE interpretation itself, and it becomes problematic when other farmers are looking at how this case is going to be handled.

Ms. Payne asked if there was any other direction that the Committee wanted to give the staff. Mr. Siegel stated that to him this is in complete violation of the DOE in that the extremely large market building is used to sell predominantly nonagricultural items. Mr. Germano stated that there needs to be more facts and staff needs to figure out what questions to ask, i.e., to what extent is the greenhouse part of the farm market and how does the 51% sales of agricultural product work when the operation is open 10 months out of the year but only conducts certain products for 6 weeks. He recommended a list of questions be created to get facts upon which answers to these questions can be determined.

Mr. Johnson stated that the Direct Marketing AMP came about because these activities were not found in the DOE, so the Direct Marketing AMP needs to be examined as to what is allowable and covered by the RTF. Mr. Siegel stated that the DOE does address specifics in that it states a building has to have an agricultural purpose. Mr. Stanuikynas observed the issue of whether the greenhouse area is part of the farm market is key, particularly in light of the fact that you can't have the greenhouse be part of the store for purposes of AMP compliance, but then not have it be considered part of the store for purposes of calculating stormwater runoff and other permit requirements. Mr. Germano stated that the Direct Marketing AMP says that 51% of income or 51% of gross sales area must be accounted for, so it needs to be decided what the gross sales area is in this case.

Mr. Sposaro stated that this case presents numerous and significant legal issues, but courts and agencies need to make decisions when they must, and there is still room for discussion to see if there is common ground between the landowners and the SADC. Ms. Payne stated that is fine, but the county must be present for all meetings because the SADC will not try to resolve this issue without the county. The county reacted the way they did in their resolution because of the prolonged delay of this case. It would be great to resolve this amicably, but this can't stretch on for another six months.

Soil and Water Conservation Project Cost-Sharing

Mr. Clapp referred the Committee to one resolution for approval under the Soil and Water Cost Share Program. He reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant approval.

It was moved by Mr. Germano and seconded by Mr. Ellis to approve Resolution FY2019R3(9) granting approval to the following application under the Soil and Water Cost Share Program, as presented, subject to any conditions of said resolution:

4. Resolutions of Approval

- a. DeWolf Farm, LLC. Agent for Helaine De Wolf, SADC ID #15-008-EP, Resolution FY2019R3(10), Block 82, Lots 6 and 7, Plumsted Township, Ocean County, 207.24 Acres.

The motion was unanimously approved. A copy of Resolution FY2019R3(9) is attached to and is a part of these minutes.

Note: Mr. Siegel left the room at 11:42 a.m. and returned before public comment began.

Public Comment

Ms. Deborah Post, a Chester Township landowner , said she held the proxies of 80 other landowners in the Highlands region who requested her to speak on their behalf to the Committee. She read a statement into the record regarding use of the municipal average to appraise farm properties in the region.

Ms. Payne stated that the dual appraisal provision in the GSPT Act will expire in June 2019 unless it is extended. There are few recent comparable sales for development in most of the Highlands region, so there are shared concerns about how long dual appraisals will remain effective. Ms. Payne stated that the “before” or unrestricted valuation of farm property in the dual appraisal process can be unrealistic due to the dearth of actual sales. SADC staff has engaged with the Highlands Council on this issue regarding how we can identify a more effective way to value land in the Highlands region. Ms. Payne stated that Ms. Post has been in communication with the Morris CADB about using the municipal average as an appraisal tool. Under applicable law, TDR banks are empowered to create a municipal average for the purchase and sale of development credits, and if a Highlands TDR bank

establishes such a value, then the CADB may use it as a replacement for the traditional appraisal of farm properties. The use of a municipal average could be an alternate way to value land in the Highlands if the Highlands development credit bank establishes municipal averages. SADC staff has indicated to the Highlands Council that is willing to help wherever possible to assist in this endeavor.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 a.m., Thursday April 26, 2019

Auditorium of the Health/Agriculture Building

CLOSED SESSION

At 11:57 a.m. Ms. Payne read the following resolution to go into Closed Session:

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

It was moved by Mr. Siegel seconded by Ms. Murphy to approve the resolution to go into closed session. The motion was unanimously approved.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters – Certification of Values

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

1. County Planning Incentive Grant Program
 - a. Diane Carol & Paul Charles Duffy (lot 16.04), SADC ID #17-0204-PG, Block 40, Lots 16.04 & 15 and Block 42, Lot 2.02, Mannington Township, Salem County, 59.1 Net Acres.

2. Municipal Planning Incentive Grant Program

- a. ABCN Enterprises, LLC, SADC ID #08-0206-PG, Block 5802, Lot 21, Franklin Township, Gloucester County, 86 Net Acres.
- b. Raymond and Jean Peplowski, SADC ID #13-0466-PG, Block 35, Lot 11, Millstone Township, Monmouth County, 8.6 Net Acres.

The motion was unanimously approved. Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.

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

3. Direct Easement Purchase

- a. Antonio and Clara Grande, SADC ID #19-0020-DE, Block 44, Lots 4 & 5, Frankford Township Sussex County, 160 Net Acres.

The motion was unanimously approved. Ms. Brodhecker recused. Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.

B. Attorney/Client Matters

None.

ADJOURNMENT

The meeting was adjourned at 12:26 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2019R3(1)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
Hunterdon County
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of
America's Grow A Row, ("Owners")
Franklin Township, Hunterdon County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 10-0424-PG**

MARCH 28, 2019

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

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

WHEREAS, on May 21, 2018 the SADC received an application for the sale of a development easement from Hunterdon County for the subject farm identified as Block 10, Lot 6, Franklin Township, Hunterdon County, totaling approximately 38.3 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1.8 acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses resulting in approximately 36.5 net acres to be preserved; and

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

WHEREAS, at the time of application, the Property was in soy bean production; 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 has a quality score of 71.07 which exceeds 45, which is 70% of the County's average quality score as determined by the SADC July 27, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on June 4, 2018 it was determined that the application for the sale of a development easement was complete and accurate and satisfied

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 6, 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 August 2018; and

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

WHEREAS, on January 24, 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 December 13, 2018, the Franklin Township Committee approved the application for the sale of development easement and a funding commitment of \$1,475 per acre; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 22, 2019, the County of Hunterdon passed a resolution granting final approval and a commitment of funding for \$1,475 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, 37.595 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 37.595 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$193,614.25	(\$5,150/acre)
Hunterdon County	\$ 62,971.63	(\$1,675/acre)
<u>Franklin Township</u>	<u>\$ 62,971.63</u>	<u>(\$1,675/acre)</u>
Total Easement Purchase	\$319,557.50	(\$8,500/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, Hunterdon County is requesting \$193,614.25 in base grant and/or 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 Hunterdon County for the purchase of a development easement on the Property, comprising approximately 37.595 net easement acres, at a State cost share of \$5,150 per acre, (60.59% of certified easement value and purchase price), for a total grant of approximately \$193,614.25 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; and
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/28/2019



Date

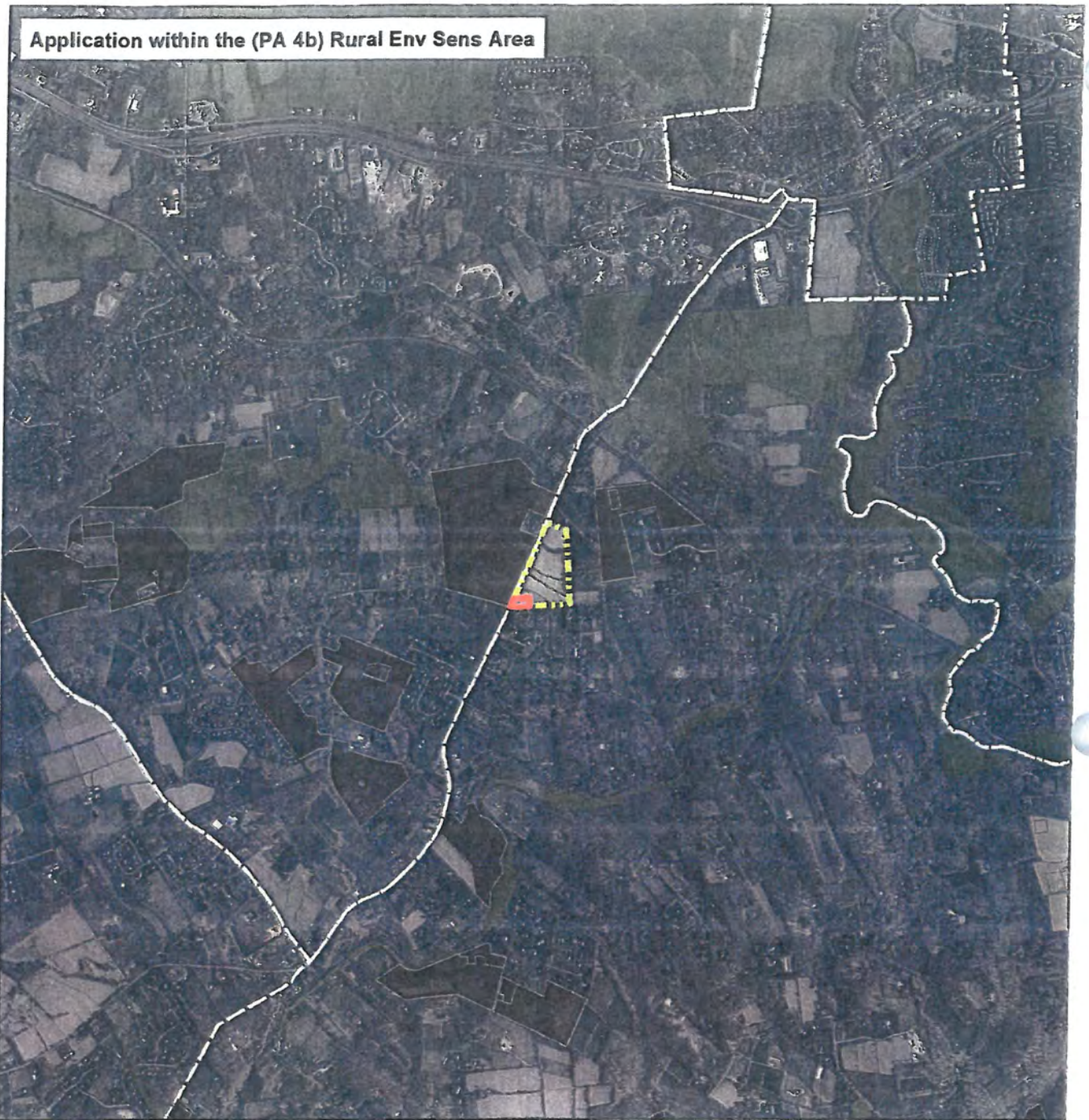
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

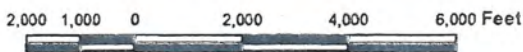
Application within the (PA 4b) Rural Env Sens Area



X:\counties\huncol\projects\America's Grow-A-Row, Inc 2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

America's Grow-A-Row, Inc.
Block 10 Lots P/O 6 (36.5 ac);
& P/O 6-EN (non-severable exception 1.8 ac)
Gross Total = 38.3 ac
Franklin Twp., Hunterdon 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

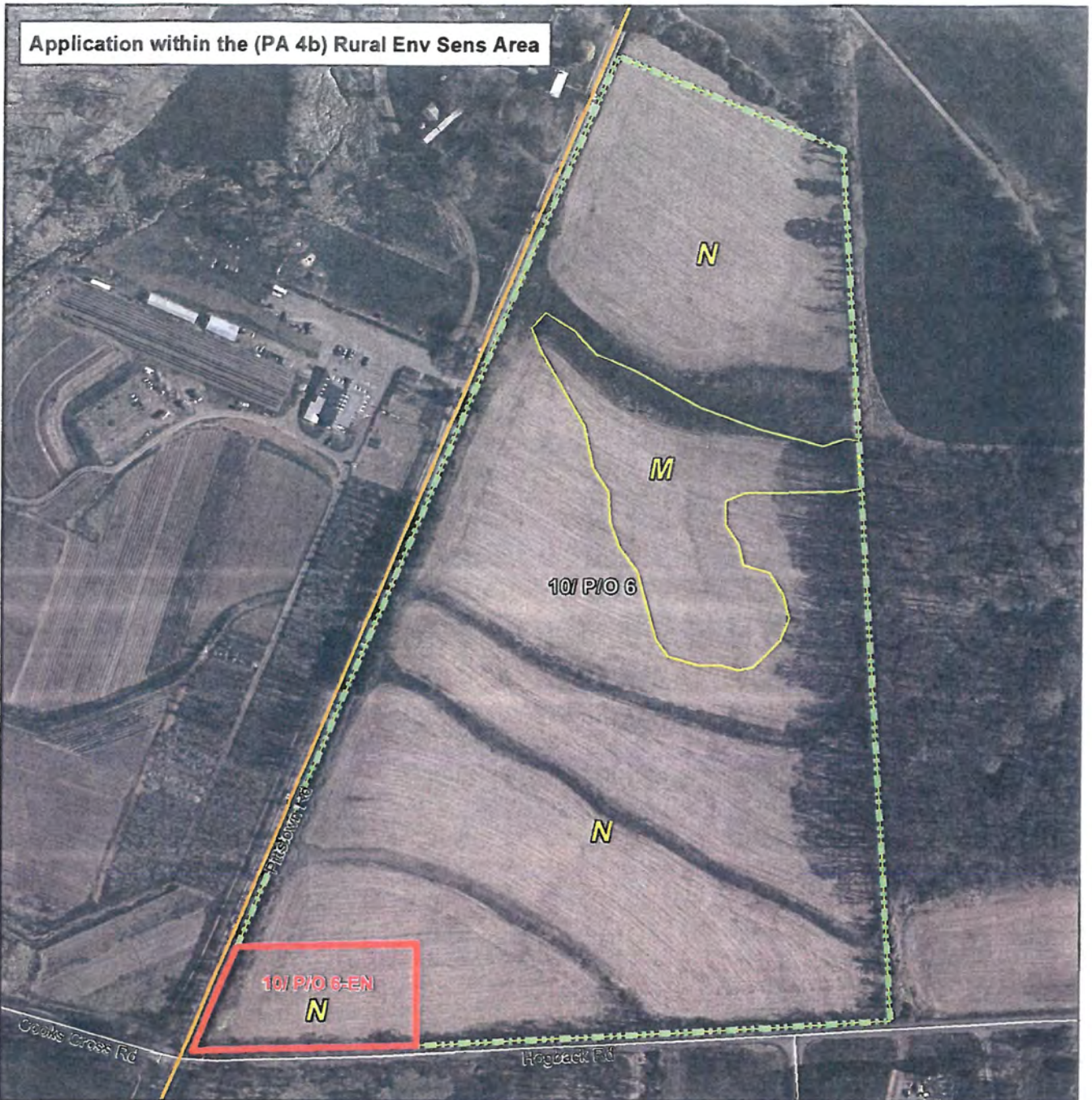
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2015 Digital Aerial Image

May 29, 2018

Wetlands

Application within the (PA 4b) Rural Env Sens Area

X:\counties\unco\projects\America's Grow-A-Row, Inc fww.mxd



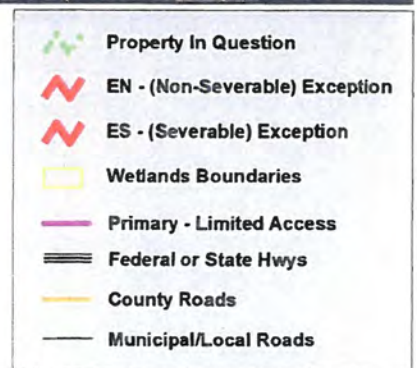
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

America's Grow-A-Row, Inc.
Block 10 Lots P/O 6 (36.5 ac);
& P/O 6-EN (non-severable exception 1.8 ac)
Gross Total = 38.3 ac
Franklin Twp., Hunterdon County



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

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



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

Hunterdon County

SADC ID#	Farm	Municipality	Acres	SADC		Federal Grant		Base Grant				Competitive Funds							
				Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY12 Balance	FY17 Balance	FY18 Balance	
10-0295-PG	Rothpletz2 (lot 1,05)	Tewksbury	43.7900	858,520.00	393,912.00	186,956.00	393,912.00	393,912.00	3,500,000.00										
10-0308-PG	Peterson, Linda	Franklin	35.0880	217,048.80	140,032.00		140,032.00	140,032.00	3,106,088.00										
10-0313-PG	Snyder, Gail	Holland	42.5280	301,948.80	189,249.60		189,249.60	189,249.60	2,966,056.00										
10-0327-PG	Cooper, Doris	Royalton	47.1070	744,290.80	446,574.36		446,574.36	446,574.36	2,776,806.40										
10-0325-PG	Gross, Joel, Rosemary	Kingwood	57.5900	442,810.30	273,187.75		273,187.75	273,187.75	386,897.98										
10-0316-PG	Associated Tree Movers	Alexandria	47.6940	387,950.20	224,727.25		224,727.25	224,727.25	2,171,374.92										
10-0319-PG	Hill & Dale #1 (Lot 1,04)	Tewksbury	90.3000	1,527,607.00	916,684.20		916,684.20	916,684.20	1,254,690.72										
10-0321-PG	Readington Lot 190, Little Hills	Readington	44.1960	983,772.00	409,905.00		409,905.00	409,905.00	1,039,361.80										
10-0311-PG	Papazian	Alexandria	65.3400	588,080.00	352,836.00		352,836.00	352,836.00	2,388,510.72										
10-0315-PG	KJA Holdings	Holland	26.3173	194,748.02	121,059.58		121,059.58	121,059.58	1,965,317.05										
10-0339-PG	Zander 2	Kingwood	24.4022	193,997.49	118,960.73		118,960.73	118,960.73	1,844,267.47										
10-0350-PG	Anwell Chase, Inc.	W. Anwell	183.1820	1,593,422.40	981,548.00		981,548.00	981,548.00	1,725,296.74										
10-0357-PG	Schley	Readington	19.4160	316,450.80	189,888.48		189,888.48	189,888.48	961,548.00										
10-0389-PG	DJH Capital Partners	Franklin/Kingwood	85.0960	778,554.60	484,132.76		484,132.76	484,132.76	1,000,000.00										
10-0387-PG	Livingston, Marsha C. & Barry, Maribeth C.	Dalaware	45.0840	466,346.50	279,927.90		279,927.90	279,927.90	535,867.24										
10-0408-PG	Michalek, Robert G.	Tewksbury	44.8150	1,111,412.00	666,847.20		666,847.20	666,847.20	255,939.34										
10-0412-PG	Janssen Ortho Pharm (Peacefield Mgmt - A)	Franklin	41.0240	324,099.60	198,986.40		198,986.40	198,986.40	11,428.20										
10-0391-PG	Janssen Ortho Pharm (Peacefield Mgmt - B)	Alexandria	71.8000	517,678.00	325,397.60		325,397.60	325,397.60	4,378,874.89										
10-0384-PG	Janssen Ortho Pharm (Peacefield Mgmt - C)	Alexandria	72.3500	454,578.10	284,357.95		284,357.95	284,357.95	4,179,908.49										
10-0385-PG	Janssen Ortho Pharm (Peacefield Mgmt - D)	Alexandria	71.8000	813,494.00	488,096.40		488,096.40	488,096.40	4,055,502.61										
10-0422-PG	Martin, Timothy & Katharine	Alexandria	77.4500	767,740.00	478,644.00		478,644.00	478,644.00	4,810,436.48										
10-0424-PG	America's Grow A Row	Dalaware	36.5000	319,557.50	193,614.25		193,614.25	193,614.25	3,404,722.75										
10-0425-PG		Franklin							193,614.25										
Closed			1,924.73	11,234,143.21	6,594,223.79	825,660.60	54,633.55	825,660.60	0.00										
Encumbered			364.4000	3,128,004.85	1,924,725.59	0.00	0.00	0.00	0.00										
									Encumbered/Expended FY09										
									Encumbered/Expended FY11	1,500,000.00									
									Encumbered/Expended FY13	1,000,000.00									
									Encumbered/Expended FY17	244,511.14									
									Encumbered/Expended FY18	11,428.20									
									Total	4,245,928.20	2,187,988.89	812,011.11	4,055,502.61	3,211,108.50	2,000,000.00	2,000,000.00			

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

America's Grow-a-Row, Inc.
10- 0424-PG
County PIG Program
37 Acres

Block 10	Lot 6	Franklin Twp.	Hunterdon County
SOILS:		Other	6% * 0 = .00
		Prime	74% * .15 = 11.10
		Statewide	20% * .1 = 2.00
			SOIL SCORE: 13.10
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:		Soybeans-Cash Grain	39 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (1.8) acres for Future flexibility
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

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

GENERAL INFORMATION

COUNTY OF Hunterdon Franklin Twp. 1010
 APPLICANT America's Grow-a-Row, Inc.

PRIORITIZATION SCORE

SOILS:		Other	6% * 0	=	.00	
		Prime	74% * .15	=	11.10	
		Statewide	20% * .1	=	2.00	
						SOIL SCORE: 13.10
TILLABLE SOILS:	Cropland Harvested		100% * .15	=	15.00	
						TILLABLE SOILS SCORE: 15.00
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)		30% * .2	=	6.00	
	Farmland (Unrestricted)		14% * .06	=	.84	
	Residential Development		40% * 0	=	.00	
	Woodlands		16% * .06	=	.96	
						BOUNDARIES AND BUFFERS SCORE: 7.80
CONTIGUOUS PROPERTIES / DENSITY:	America's Grow-A-Row	Restricted Farm or Current Application			2	
	Barrett	Restricted Farm or Current Application			2	
	Vitale	Restricted Farm or Current Application			2	
	Roerig	Restricted Farm or Current Application			2	
	Bowers	Restricted Farm or Current Application			2	
						DENSITY SCORE: 10.00
LOCAL COMMITMENT:			100% * 20	=	20.00	
						LOCAL COMMITMENT SCORE: 20.00
SIZE:						SIZE SCORE: 2.80
IMMIMENCE OF CHANGE:	SADC Impact factor = 2.37					
						IMMINENCE OF CHANGE SCORE: 2.37
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
						TOTAL SCORE: 71.07

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2019R3(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
Salem County
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of
Ayars, Joseph P. (Lot 1) ("Owner")
Elsinboro Township, Salem County**

**N.J.A.C. 2:76-17 et seq.
SADC ID#17-0199-PG**

March 28, 2019

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

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

WHEREAS, on April 11, 2018, the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 41, Lots 1 & 7, Elsinboro Township, Salem County, totaling approximately 52.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Salem County's #3 Project Area; and

WHEREAS, the Property includes one (1), approximately 2 acre severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in approximately 50.8 net acres to be preserved; and

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

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

WHEREAS, the Owner has 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 Property has a quality score of 64.62 which exceeds 48, which is 70% of the County's average quality score as determined by the SADC July 27, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on April 27, 2018, it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on October 25, 2018 the SADC certified a development easement value of \$3,500 per acre based on zoning and environmental regulations in place as of the current valuation date July 14, 2018 and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,500 per acre for the development easement for the Property; and

WHEREAS, a parcel application was submitted by the SADC to the FY218 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 5.67% maximum impervious coverage restriction (approximately 2.88 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 \$1,750 per acre (50% of \$3,500) or approximately \$91,560 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, on November 28, 2018, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on December 3, 2018, the Elsinboro 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. 2:76-17.13 on November 28, 2018, the Salem 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 January 24, 2019, the County of Salem 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 County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 52.32 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 52.32 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$130,800	(\$2,500/acre)
Elsinboro Township	\$26,160	(\$500/acre)
<u>Salem County</u>	<u>\$26,160</u>	<u>(\$500/acre)</u>
Total Easement Purchase	\$183,120	(\$3,500/acre)

Estimated Cost share breakdown if the \$91,560 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>	<u>Per/acre</u>
SADC	\$130,800	\$39,240	\$91,560	(\$1,750/acre)
Elsinboro Township	\$26,160	\$26,160	\$0	
Salem County	\$26,160	\$26,160	\$0	
<u>ALE Grant</u>			<u>\$91,560</u>	<u>(\$1,750/acre)</u>
TOTAL	\$183,120	\$183,120	\$183,120	(\$3,500/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, Salem County is requesting \$91,560 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 Salem County for the purchase of a development easement on the Property, comprising approximately 52.32 net

easement acres, at a State cost share of \$1,750 per acre, (50% of certified easement value and purchase price), for a total grant of approximately \$91,560 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 \$39,240), reduce the SADC's cost share.
5. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
6. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
7. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
8. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the 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.
9. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; and
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/28/2019

Date

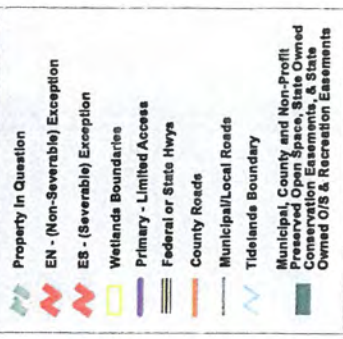
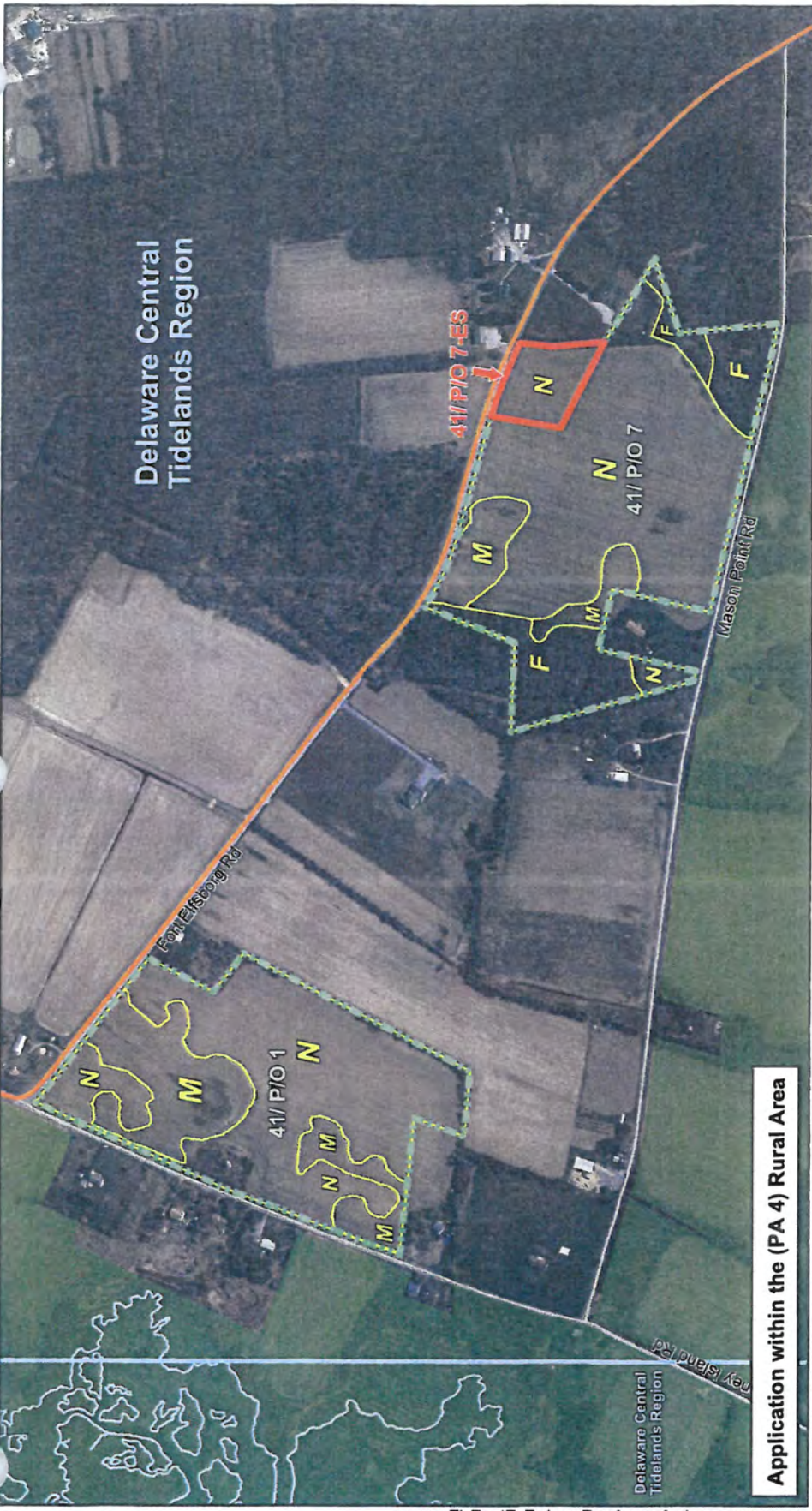


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wands



Problems Legend:
 L - Linear Wetland Buffer for Agriculture
 W - Water
 M - Marsh Wetland
 D - 200' Buffer
 W - Water

November 21, 2017

Application within the (PA 4) Rural Area

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

Ayars, Joseph P. (Lot 1)
 Block 41 Lots 1 (23.7 ac); P/O 7 (27.1 ac)
 & P/O 7-ES (severable exception - 2.0 ac)
 Gross Total = 52.8 ac
 Elisiboro Twp., Salem County



Source:
 Farmland Preservation Program
 Open Acres Conservation Easement Data
 NUDOT Road Data
 NUDOTGIS 2015 Digital Aerial Image

TIDELANDS DISCLAIMER:
 The linear features depicted on this map were derived from the NDEP's CD ROM series 1, volume 4, "Tidelands, ChESA Maps". These linear features are not an official NDEP determination and should only be used as a general reference. Only NDEP's Bureau of Tidelands Management can perform an official determination of Tidelands/Agricultural 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 using aerial photography and GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring definitive horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Preserved Farms and Active Applications Within Two Miles

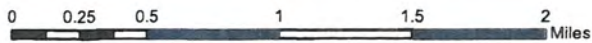
X:\counties\salco\projects\Ayars_Joseph_P_(Lot_1)_2mile.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ayars, Joseph P. (Lot 1)
 Block 41 Lots 1 (23.7 ac); P/O 7 (27.1 ac)
 & P/O 7-ES (severable exception - 2.0 ac)
 Gross Total = 52.8 ac
 Elsinboro 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

Schedule

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ayars, Joseph P. (Lot 1)
17- 0199-PG
County PIG Program
51 Acres

Block 41 Lot 1 Elsinboro Twp. Salem County
Block 41 Lot 2 Elsinboro Twp. Salem County

SOILS:	Other	13% * 0 = .00
	Prime	87% * .15 = 13.05
		SOIL SCORE: 13.05
TILLABLE SOILS:	Cropland Harvested	85% * .15 = 12.75
	Wetlands	12% * 0 = .00
	Woodlands	3% * 0 = .00
		TILLABLE SOILS SCORE: 12.75

FARM USE: Soybeans-Cash Grain 48 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 single family residence
Exception is severable
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. ALE via SADC subject to 5.67% impervious cover restriction and no future subdivision
 - 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 FY2019R3(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
Salem County
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of
Schaeffer, David L. ("Owner")
Pilesgrove Township, Salem County

N.J.A.C. 2:76-17 et seq.
SADC ID#17-0205-PG

March 28, 2019

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

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

WHEREAS, on November 11, 2016, the SADC received an application for the sale of a development easement from Pilesgrove Township for the subject farm identified as Block 22, Lot, 10, Pilesgrove Township, Salem County, totaling approximately 84.3 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the targeted Property is located in Salem County's #2 Project Area; and

WHEREAS, the Property includes zero (0) exceptions, one (1) existing single family residential unit, 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 soybean production; and

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

WHEREAS, the Property has a quality score of 65.40 which exceeds 48, which is 70% of the County's average quality score as determined by the SADC July 27, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on April 4, 2018, it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2018, the SADC certified a development easement value of \$7,950 per acre based on zoning and environmental regulations in place as of the current valuation date June 1, 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,950 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 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 5.33% maximum impervious coverage restriction (approximately 4.49 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, the ALE grant will be based on the approved current easement value of 8,505.34 per acre equating to an ALE grant of \$4,252.67 per acre (50% of \$8,505.34) or approximately \$369,259.33 in total ALE funds; 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, on November 29, 2018, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on November 27, 2018, 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. 2:76-17.13 on November 28, 2018, the Salem 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 January 24, 2019, the County of Salem 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 County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 86.83 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 86.83 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$423,296.25	(\$4,875/acre)
Salem County	\$133,501.12	(\$1,537.50/acre)
<u>Pilesgrove Township</u>	<u>\$133,501.13</u>	<u>(\$1,537.50/acre)</u>
Total Easement Purchase	\$690,298.50	(\$7,950/acre)

Estimated Cost share breakdown if the \$369,298.50 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>	<u>Per/acre</u>
SADC	\$423,296.25	\$102,257.00	\$321,039.17	(\$3,697.33/acre)
Salem County	\$133,501.12	\$133,501.12	\$0	
Pilesgrove Township	\$133,501.13	\$133,501.13	\$0	
<u>ALE Grant</u>			<u>\$369,259.33</u>	<u>(\$4,252.67/acre)</u>
TOTAL	\$	\$369,259.25	\$690,298.50	(\$7,950.00/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, Salem County is requesting \$321,039.17 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 Salem County for the purchase of a development easement on the Property, comprising approximately 86.83 net easement acres, at a State cost share of \$3,697.33 per acre, (46.51% of certified easement value and purchase price), for a total grant of approximately \$321,039.17 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 \$102,257.00), reduce the SADC's cost share.
5. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
6. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
7. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
8. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the 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.
9. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; and
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/28/2019

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Application within the (PA 4) Rural Area

Delaware North
Tideland Region

X:\counties\sac\projects\Schaeffer, David L. fww.mxd



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

Schaeffer, David L.
Block 22 Lot 10 (84.3 ac)
Gross Total = 84.3 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.

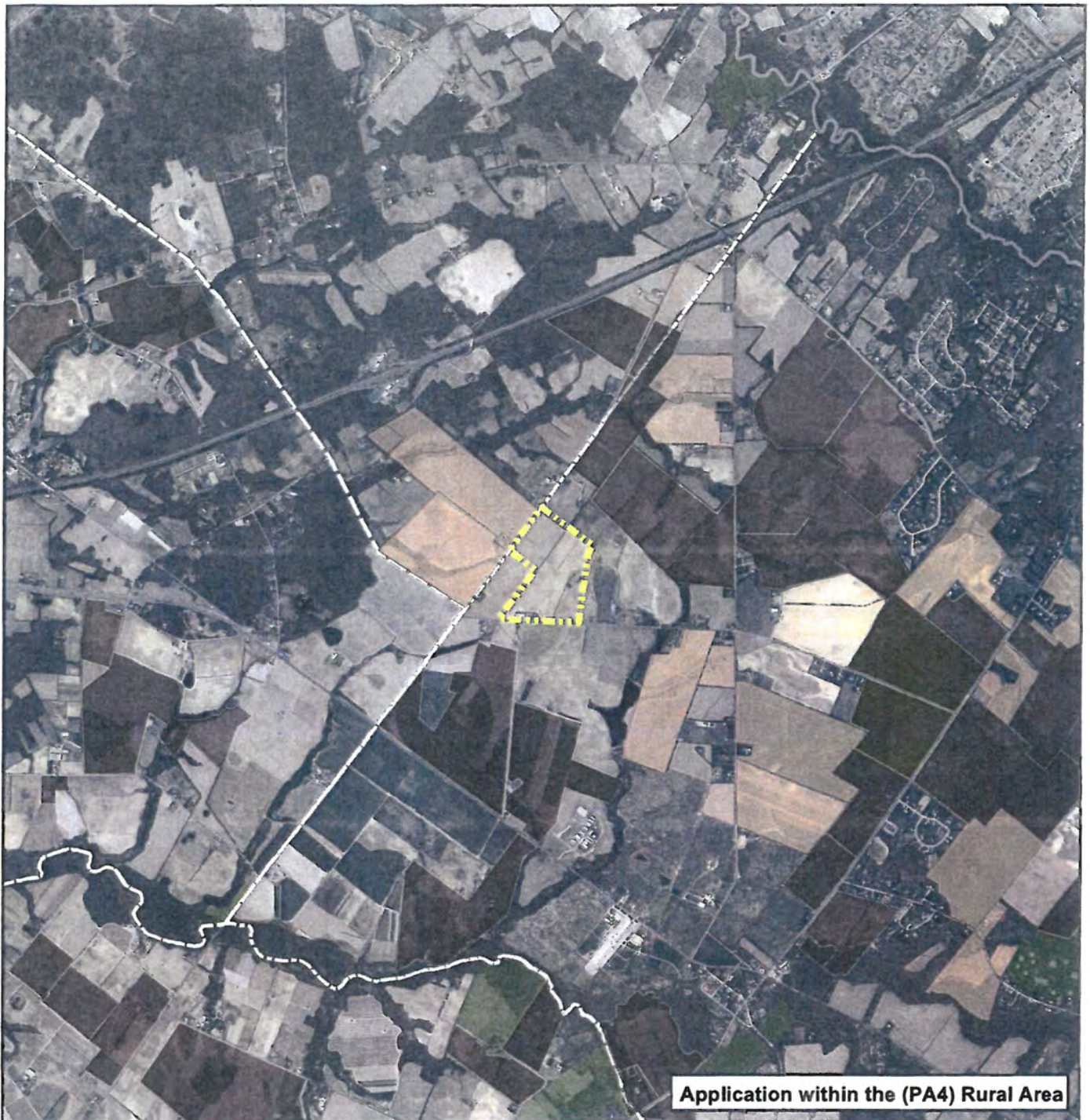
	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Tidelands Boundary



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

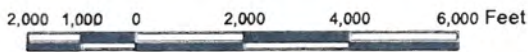
Preserved Farms and Active Applications Within Two Miles

X:\counties\calco\projects\Schaeffer, David L. 2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Schaeffer, David L.
Block 22 Lot 10 (84.3 ac)
Gross Total = 84.3 ac
Pilesgrove 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
NJOT/OGIS 2015 Digital Aerial Image

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schaeffer, David L.
17- 0205-PG
County PIG Program
84 Acres

Block 22	Lot 10	Pilesgrove Twp.	Salem County
SOILS:		Local	30% * .05 = 1.50
		Statewide	70% * .1 = 7.00
			SOIL SCORE: 8.50
TILLABLE SOILS:		Cropland Harvested	99% * .15 = 14.85
		Other	1% * 0 = .00
			TILLABLE SOILS SCORE: 14.85
FARM USE:	Soybeans-Cash Grain		78 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. ALE funding via NJCF subject to 5.33% impervious cover restriction and no further subdivisions
 - 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 #FY2019R3(4)

Final Review and Approval
SADC Easement Purchase

On the Property of
Ayars, Joseph P. (Lot 4) ("Owner")

March 28, 2019

Subject Property: **Ayars, Joseph P. (Lot 4) ("Owner")**
Block 28, Lot 30, Block 29, Lot 4 & 7, Block 31, Lot 30
Elsinboro Township, Salem County
SADC ID#:17-0327-DE
Approximately 102.7 Net Easement Acres

WHEREAS, on September 15, 2017, the State Agriculture Development Committee ("SADC") received a development easement sale application from Joseph P. Ayars, hereinafter "Owner," identified as Block 28, Lot 30, Block 29, Lot 4 & 7, Block 31, Lot 30, Elsinboro, Township, Salem County, hereinafter "the Property," totaling approximately 104.7 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, in preparation for final approval, the landowner requested to change the location of the severable exception area to move it across the street to a location with better sight lines to the curve in the road (see former location on Schedule A-1); 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 acre severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in approximately 102.7 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes one (1) Residual Dwelling Site Opportunity (RDSO), zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in wheat 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 27, 2017, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 61) because it is approximately 102.7 net easement acres and has a quality score of 64.86 and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 24, 2019, the SADC certified a development easement value of \$1,100 per acre per acre based on zoning and environmental regulations in place as of the current valuation date September 13, 2018; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$1,100 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED:

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 \$1,100 per acre for a total of approximately \$112,970 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.

3/28/2019

Date



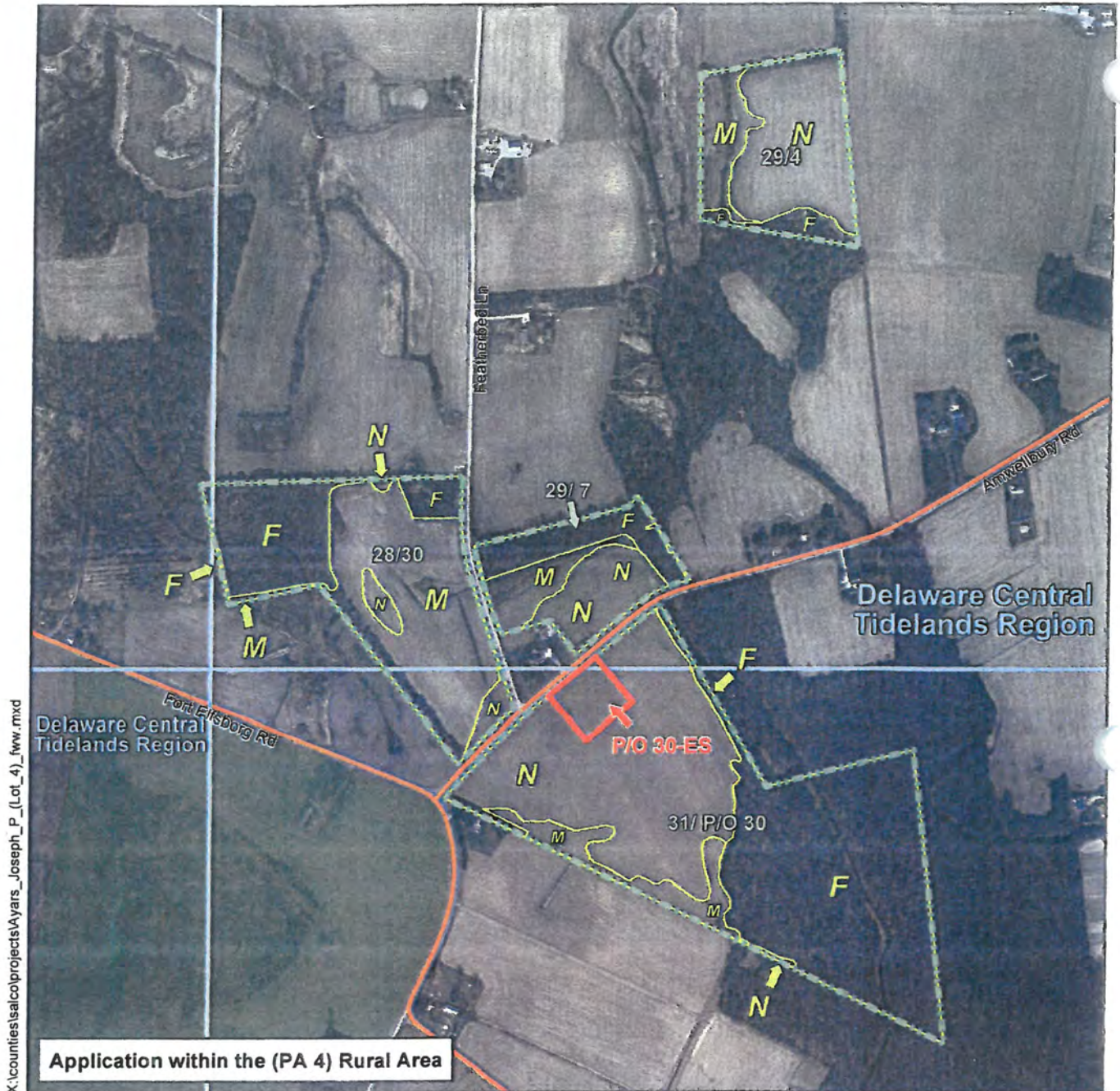
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A



X:\counties\calco\projects\Ayars_Joseph_P_(Lot_4)_fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ayars, Joseph P. (Lot 4)
Block 28 Lot 30 (25.5 ac); Block 29 Lots 4 (14.13 ac), 7 (10.62 ac)
and Block 31 P/O Lot 30 (51.83 ac) & P/O 30-ES (severable exception - 2.01 ac)
Gross Total = 104.09 ac
Elsinboro Twp., Salem County



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

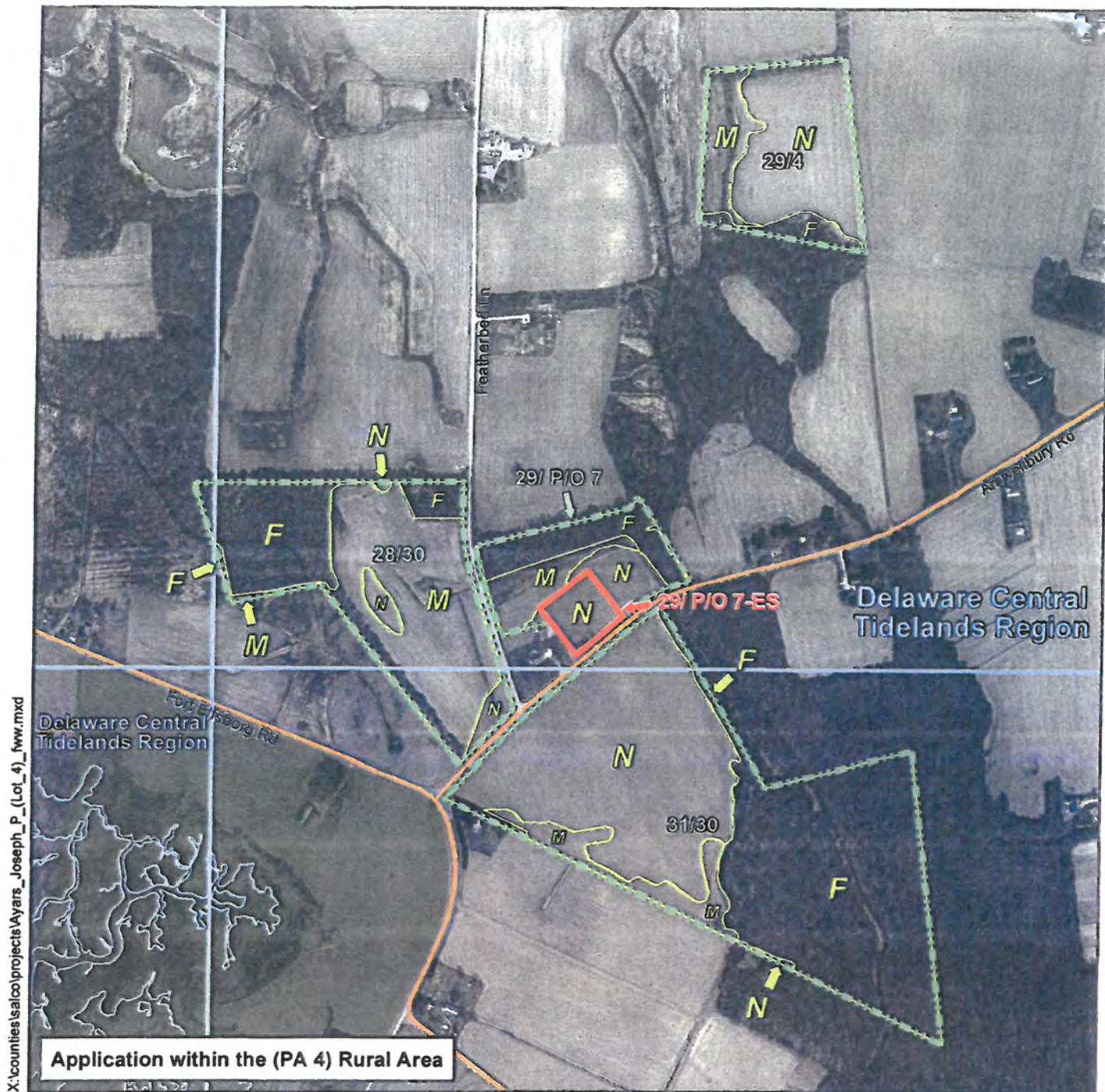
TIDELANDS DISCLAIMER:
The linear features depicted on this map were derived from the NJDEP's CD RDM series 1, volume 4, "Tidelands Claims Maps". These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can 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
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned OIS & 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





X:\counties\salco\projects\Ayars_Joseph_P_(Lot_4)_fww.mxd

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

Ayars, Joseph P. (Lot 4)
Block 28 Lot 30 (25.6 ac); Block 29 Lots 4 (14.7 ac), P/O 7 (8.6 ac)
& P/O 7-ES (severable exception - 2.0 ac) and Block 31 Lot 30 (53.8 ac)
Gross Total = 104.7 ac
Elsinboro Twp., Salem County

500 250 0 500 1,000 Feet

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

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

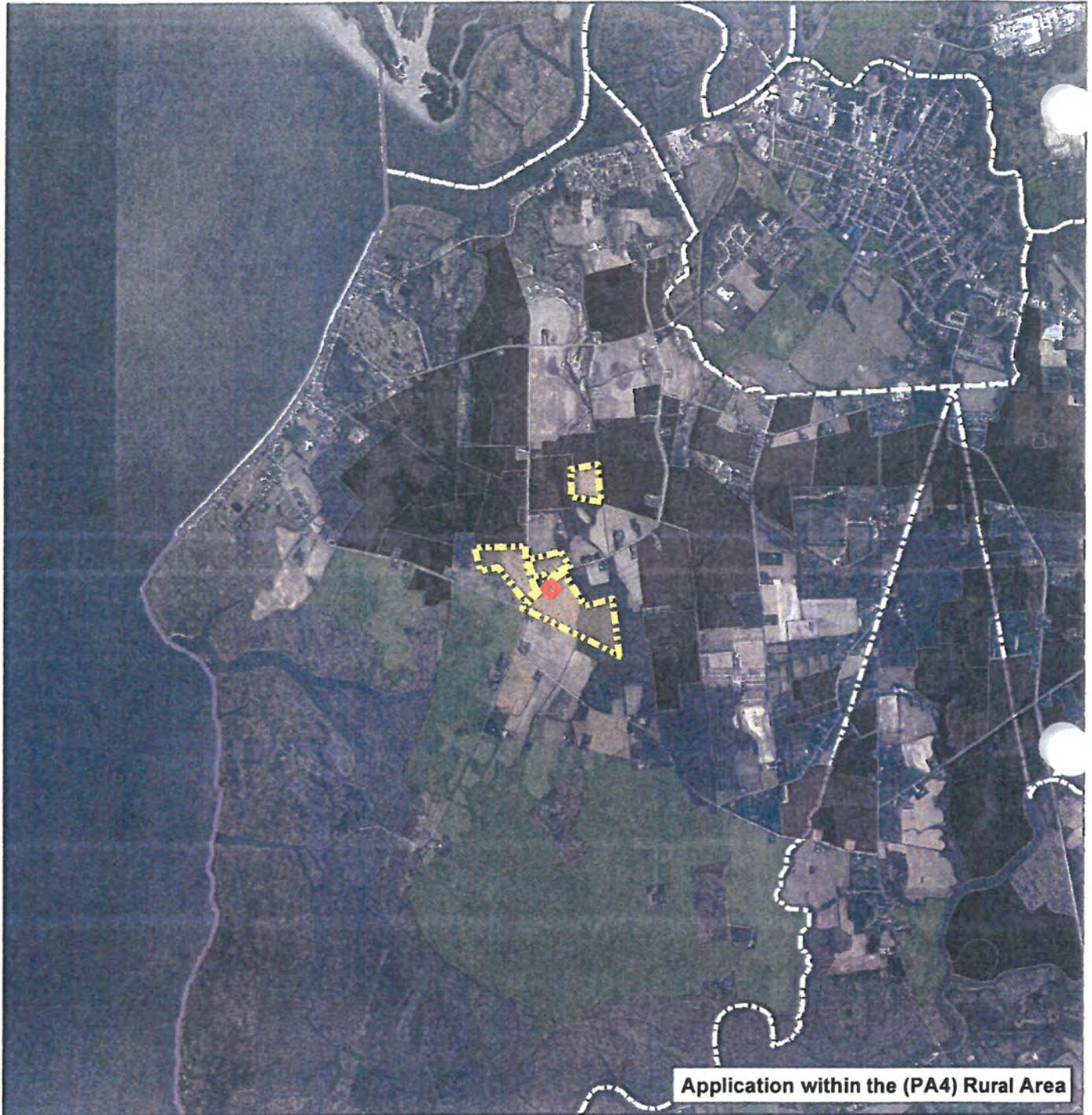
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical control; 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
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements



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

Preserved Farms and Active Applications Within Two Miles

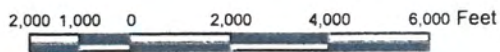


X:\counties\cal\projects\Ayars_Joseph_P_(Lot_4)_2mile.mxd

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ayars, Joseph P. (Lot 4)
 Block 28 Lot 30 (25.5 ac); Block 29 Lots 4 (14.13 ac), 7 (10.62 ac)
 and Block 31 P/O Lot 30 (51.83 ac) & P/O 30-ES (severable exception - 2.01 ac)
 Gross Total = 104.09 ac
 Elsinboro 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 Easement



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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ayars, Joseph P (Lot 4)
Easement Purchase - SADC
103 Acres

Block 28	Lot 30	Elsinboro Twp.	Salem County		
Block 29	Lot 4	Elsinboro Twp.	Salem County		
Block 29	Lot 7	Elsinboro Twp.	Salem County		
Block 31	Lot 30	Elsinboro Twp.	Salem County		
SOILS:		Other	38% *	0	= .00
		Prime	49% *	.15	= 7.35
		Statewide	2% *	.1	= .20
		Unique .125	11% *	.125	= 1.38
				SOIL SCORE:	8.93
TILLABLE SOILS:		Cropland Harvested	59% *	.15	= 8.85
		Wetlands	38% *	0	= .00
		Woodlands	3% *	0	= .00
				TILLABLE SOILS SCORE:	8.85
FARM USE:	Soybeans-Cash Grain			104 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2019R3(5)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
THE LAND CONSERVANCY OF NEW JERSEY (TLC-NJ)
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of
Gibb, Jeffrey and Michelle (TLC-NJ)**

FY18 Non Profit Round - SADC #21-0040-NP

MARCH 28, 2019

WHEREAS, on April 6, 2018 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLC-NJ) for the Gibb, Jeffrey and Michelle farm identified as Block 48 Lot 72, Washington Township, Warren County, totaling approximately 27.35 gross acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in approximately 26.35 net acres to be preserved; and

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

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

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

WHEREAS, on May 24, 2018 the SADC granted preliminary approval by Resolution #FY2018R5(9) to the TLC-NJ FY18 application and appropriated \$141,000 for the acquisition of development easement on two farms including the Gibb farm; and

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

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

WHEREAS, the Property has a quality score of 58.87 which is greater than 70% of the County average quality score of 44 as determined by the Committee on July 27, 2017; and

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

WHEREAS, on January 24, 2019 the SADC acknowledged the development easement value of the Property to be \$5,500 per acre based on current zoning and environmental regulations in place as of September 2018; and

WHEREAS, the SADC advised TLC-NJ 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 TLC-NJ's eligible costs and subject to available funds; and

WHEREAS, on February 22, 2019, TLC-NJ informed the SADC that it will accept the SADC cost share of \$5,500 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLC-NJ on September 4, 2018 and will provide 50% matching funds from Warren County for TLC-NJ's easement acquisition on the Gibb farm and agreed to accept assignment of the development easement from TLC-NJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 26.35 acres is as follows:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$ 72,462.50	(\$2,750/acre or 50% total cost)
Warren County	<u>\$ 72,462.50</u>	<u>(\$2,750/acre or 50% total cost)</u>
Total Easement Purchase	\$144,925.00	(\$5,500/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 TLC-NJ for up to 50% of the eligible ancillary costs which will be deducted from its FY18 appropriation and subject to the availability of funds; and

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, TLC-NJ is under contract with the County and will assign the Deed of Easement to the Warren 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 TLC-NJ for the Gibb farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16.

3. The SADC approves the assignment of the Deed of Easement from TLC-NJ to Warren County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
4. The SADC shall provide a cost share grant not to exceed \$2,750 per acre (total of approximately \$72,462.50 based on 26.35 acres) to TLC-NJ for the development easement acquisition on the Gibb farm, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule B).
6. The SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1.
7. The SADC's cost share grant to TLC-NJ for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement.
8. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLC-NJ for the acquisition of a development easement on the Gibb farm.
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.

3/28/2019

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

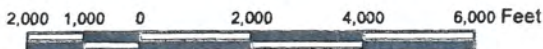


X:\counties\warco\projects\Gibb, Jeffrey & Michelle (TLC-NJ) 2.mile.mxd

Application within the (PA4b) Rural Env Sens and the Highlands Planning Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

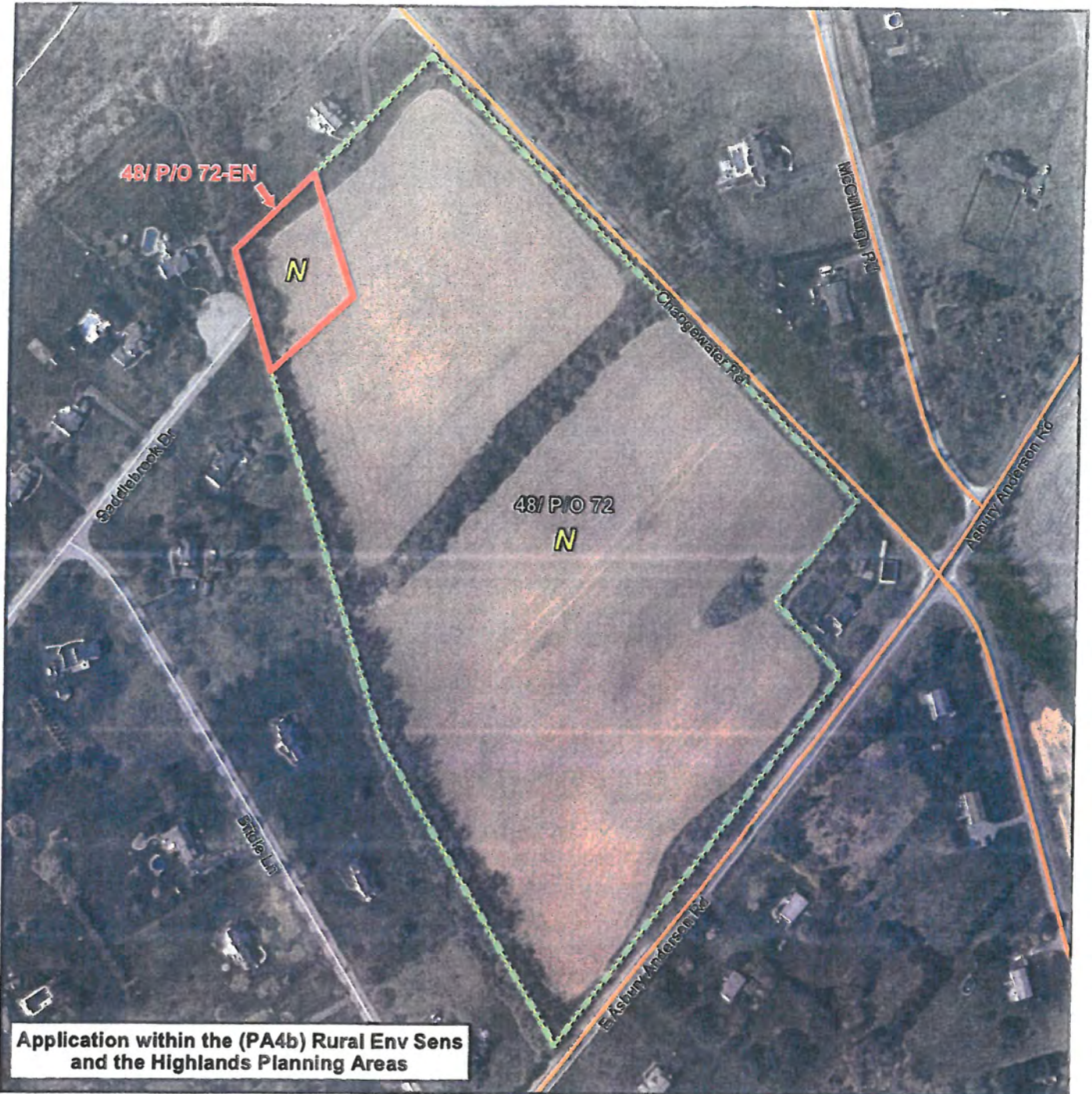
Gibb, Jeffrey & Michelle (TLC-NJ)
Block 48 Lots P/O 72 (26.1 ac);
& P/O 72-EN (non-severable exception - 1.0 ac)
Gross Total = 27.1 ac
Washington Twp., Warren County



- 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 Own Conservation Easements, & State Owned O/S & Recreation Easements

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
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



X:\counties\warcolprojects\Gibb, Jeffrey & Michelle (TLC-NJ) fww.mxd

Application within the (PA4b) Rural Env Sens and the Highlands Planning Areas

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

Gibb, Jeffrey & Michelle (TLC-NJ)
Block 48 Lots P/O 72 (26.1 ac);
& P/O 72-EN (non-severable exception - 1.0 ac)
Gross Total = 27.1 ac
Washington Twp., Warren County



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

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

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



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

MICHAEL D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gibb, Jeffrey & Michelle (TLC - NJ)
21- 0040-NP
No Value Selected Easement Purchase - Nonprofit
26 Acres

Block 48	Lot 72	Washington Twp.	Warren County		
SOILS:		Prime	100% * .15	=	15.00
				SOIL SCORE:	15.00
TILLABLE SOILS:		Cropland Harvested	89% * .15	=	13.35
		Woodlands	11% * 0	=	.00
				TILLABLE SOILS SCORE:	13.35
FARM USE:	Other		31 acres		Hops

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future single family residential unit
 - 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 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 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 FY2019R3(6)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
THE LAND CONSERVANCY OF NEW JERSEY (TLC-NJ)
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of
Gang, Walter and Linda (TLC-NJ)**

FY18 Non Profit Round - SADC #21-0041-NP

MARCH 28, 2019

WHEREAS, on April 6, 2018 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLC-NJ) for the Gang, Walter and Linda farm identified as Block 1301 Lot 23.01, Frelinghuysen Township, Warren County, totaling approximately 16 gross acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one existing single family residential unit and to afford future flexibility of uses resulting in approximately 15 net acres to be preserved; and

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

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

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

WHEREAS, on May 24, 2018 the SADC granted preliminary approval by Resolution #FY2018R5(9) to the TLC-NJ FY18 application and appropriated \$141,000 for the acquisition of development easement on two farms including the Gang farm; and

WHEREAS, at this time \$72,462.50 for the Gibb farm has received final approval, therefore approximately \$68,537.50 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 65.43 which is greater than 70% of the County average quality score of 44 as determined by the Committee on July 27, 2017; and

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

WHEREAS, on January 24, 2019 the SADC acknowledged the development easement value of the Property to be \$5,600 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$5,050 per acre based on zoning and environmental regulations in place as of the current valuation date September 2018; and

WHEREAS, the SADC advised TLC-NJ 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 TLC-NJ's eligible costs and subject to available funds; and

WHEREAS, on February 22, 2019, TLC-NJ informed the SADC that it will accept the SADC cost share of \$2,800 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLC-NJ on September 4, 2018 and will provide 50% matching funds from Warren County for TLC-NJ's easement acquisition on the Gang farm and agreed to accept assignment of the development easement from TLC-NJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 15 acres is as follows:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$ 42,000	(\$2,800/acre or 50% total cost)
Warren County	<u>\$ 42,000</u>	<u>(\$2,800/acre or 50% total cost)</u>
Total Easement Purchase	\$ 84,000	(\$5,600/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 TLC-NJ for up to 50% of the eligible ancillary costs which will be deducted from its FY18 appropriation and subject to the availability of funds; and

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, TLC-NJ is under contract with the County and will assign the Deed of Easement to the Warren 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 TLC-NJ for the Gang farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. The SADC approves the assignment of the Deed of Easement from TLC-NJ to Warren County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
4. The SADC shall provide a cost share grant not to exceed \$2,800 per acre (total of approximately \$42,000 based on 15 acres) to TLC-NJ for the development easement acquisition on the Gang farm, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule B).
6. The SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1.
7. The SADC's cost share grant to TLC-NJ for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement.
8. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLC-NJ for the acquisition of a development easement on the Gang farm.
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.

3/28/2019

Date

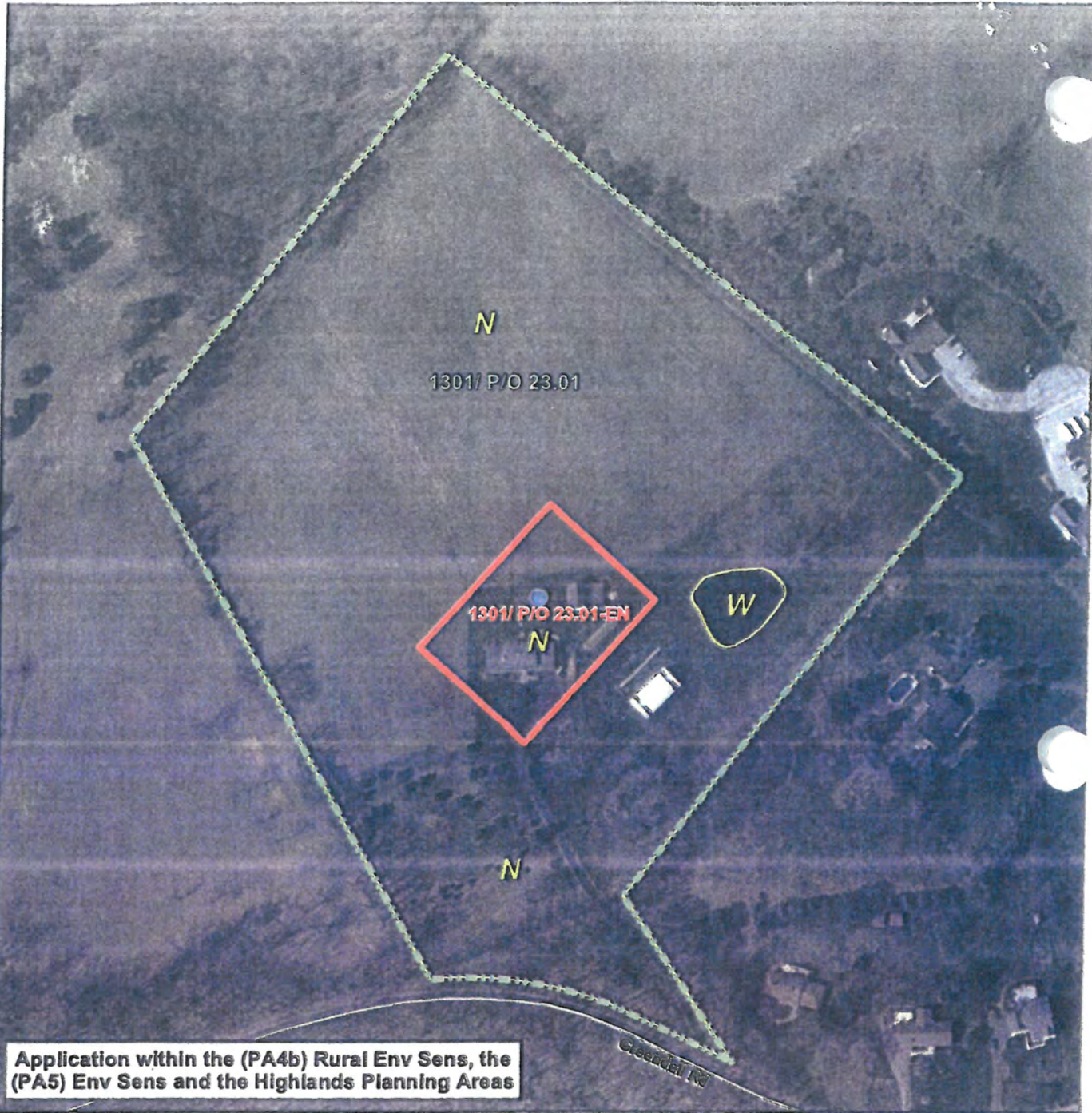


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

X:\counties\warco\projects\Gang, Walter & Linda (TLC-NJ) \fw.mxd



Application within the (PA4b) Rural Env Sens, the (PA5) Env Sens and the Highlands Planning Areas

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Gang, Walter & Linda (TLC-NJ)
 Block 1301 Lots P/O 23.01 (14.7 ac);
 & P/O 23.01-EN (non-severable exception - 1.0 ac)
 Gross Total = 15.7 ac
 Frelinghuysen Twp., Warren County



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

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



	Property In Question
	EN - (Non-Severable) Exception
	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
 S - 300' Buffer
 W - Water

creawle A

Preserved Farms and Active Applications Within Two Miles

X:\counties\warco\projects\Gang, Walter & Linda (TLC-NJ) 2miles.mxd












Application within the (PA4b) Rural Env Sens, the (PA5) Env Sens and the Highlands Planning Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gang, Walter & Linda (TLC-NJ)
Block 1301 Lots P/O 23.01 (14.7 ac);
& P/O 23.01-EN (non-severable exception - 1.0 ac)
Gross Total = 15.7 ac
Frelinghuysen Twp., Warren 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 OIS & Recreative 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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gang, Walter & Linda (TLC-NJ)
21- 0041-NP
FY 2019 Easement Purchase - Nonprofit
15 Acres

Block 1301	Lot 23.01	Frelinghuysen Twp.	Warren County		
SOILS:		Other	18% * 0	=	.00
		Prime	82% * .15	=	12.30
				SOIL SCORE:	12.30
TILLABLE SOILS:		Cropland Harvested	85% * .15	=	12.75
		Other	1% * 0	=	.00
		Woodlands	14% * 0	=	.00
				TILLABLE SOILS SCORE:	12.75
FARM USE:	Hay		14 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Single Family Residence
 - Exception is not to be severable from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
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.