

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)**

**REGULAR MEETING**

**REMOTE MEETING DUE TO CORONAVIRUS  
EMERGENCY**

**October 22, 2020**

Chairman Fisher called the meeting to order at 9:06 am.

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

Roll call indicated the following:

**Members Present**

Chairman Fisher  
Cecile Murphy  
Gina Fischetti  
Brian Schilling  
Martin Bullock  
Ralph Siegel  
Scott Ellis  
Denis Germano  
Pete Johnson  
Richard Norz (arrived at 9:13)

**Members Absent**

James Waltman

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

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## **Minutes**

### **A. SADC Regular Meeting of September 24, 2020 (Open Session)**

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the Open Session minutes of the SADC regular meeting of September 24, 2020. Ms. Murphy abstained. The motion was unanimously approved by the remaining members.

### **Report of the Chairman**

Chairman Fisher noted the importance of farming and agriculture in the state and emphasized the role they have played during the COVID pandemic. He noted the diverse range of crops and activities that surround farming has contributed to the success of the industry. Since New Jersey is the most built out state in the country, the SADC has a lot to discuss in terms of the future of farming, the preservation program and permissible activities. The preservation program offers the ability for farms to remain multi-generational farms by both the funds and protections they receive and as such, the SADC must start to look towards the future of the program. Chairman Fisher will be forming a subcommittee to discuss the direction of the program over the next thirty years regarding policy and legislation. Members that have been asked to serve are Richard Norz, Martin Bullock, James Waltman, Ralph Siegel and Brian Schilling.

Chairman Fisher encouraged the members to review the articles included in the Communications section as it is a very thoughtful and comprehensive array of the agriculture taking place throughout the state.

### **Report of the Executive Director**

**NOTE. Mr. Norz joined the meeting during this report.**

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

Ms. Payne stated the SADC By-Laws created a standing subcommittee called "Legislation and Policy" and that will be used to convene this group. With staff, the group will walk through a full assessment of the program over the last 35 years and establish the direction for the next 35 years. The subcommittee will determine ways to assist partners in achieving their preservation goals in accordance with their comprehensive farmland preservation plans. They will also discuss climate change, how agriculture plays a role in those changes, and how to assist farmers in adapting. Ms. Payne stated staff will be preparing an overall snapshot and current dynamics of the program for the members to review and the subcommittee is targeted to meet in January 2021.

Ms. Payne stated the Garden State Preservation Trust met on October 13, 2020 and approved the SADC appropriations request for FY 2021. Staff is in the process of working with the Office of Legislative Services to get the appropriation bills drafted.

Ms. Payne also advised of a technical issue regarding online submission of annual monitoring reports. The partners have been notified and staff believes the issue will be resolved in the following weeks.

Ms. Payne confirmed the office move to Riverview is scheduled for November 23<sup>rd</sup> and advised that staff availability will be slightly limited during the week of the move.

### **Communications**

Ms. Payne reinforced the comments of Chairman Fisher regarding the packet of articles and encouraged the members to review them.

### **Public Comment**

There was no public comment.

### **Old Business**

#### **A. Soil Protection Standards – Best Management Practices**

Mr. Everett revisited the Soil Disturbance Land Use Chart which is based on the degrees of soil reversibility and rehabilitation. He discussed how the chart identifies land use practices and the soil protection classifications considered for each use.

Practices contained in the Permanent Soil Disturbance (Red) Category would count towards the proposed 8% or 6-acre disturbance maximum, whichever is greater, limitation towards the permitted soil disturbance. Staff has developed Best Management Practices (BMPs) for uses that fall under the orange and yellow categories. If the BMPs in the orange category are followed, landowners would be given an additional 5% allowance. If the BMPs in the yellow category are followed, there are no limits to those related practices. Mr. Everett stated it is important to note that it is not a requirement to follow these BMPs unless a landowner is approaching the allowable disturbance limit.

Mr. Everett stated the intention of today's discussion is to revisit the BMPs previously discussed with the committee as well as two new ones. Comments received on these items from the various presentations conducted and the subcommittee meeting have been included on the slides being shown today. Over the next couple of months, staff will review additional BMPs with the committee to solicit comments.

Ms. Doyle reviewed the specifics of the BMP for geotextiles and geomembranes with the committee. She stated that if the geotextiles or geomembranes are installed and maintained

in accordance with the BMP, they would be included in the yellow category and the area will not count towards the disturbance limit.

Mr. Johnson expressed concern about counting topsoil stockpiles related to installation towards disturbance. He also disagreed with requiring geotextiles be placed beneath gravel surfaces as it will be difficult to remove when trying to restore the area.

Mr. Norz stated that geotextiles and geomembranes are normal agricultural practices and does not think they should be included in these BMPs as it puts preserved farms at a disadvantage to unpreserved farms. Mr. Everett reiterated that these would be an unlimited practice if done properly and would not be considered DOE violations.

Mr. Norz did not feel that silage wraps, row coverings and biodegradable plastic mulch should be included in the BMPs. He commented on the reference to the BMPs being “living documents” and his concerns that future administrations would not see it that way, which could create a disadvantage for preserved farms. As such, he restated his disagreement with these practices being included in the BMPs.

Mr. Clapp reviewed the specifics of the BMP for unimproved travel lanes with the committee. Mr. Clapp stated if the unimproved travel lanes were installed in accordance with the BMP, they would be included in the yellow category, and not count towards the disturbance limit.

Mr. Clapp mentioned that the subcommittee did not feel the document for the unimproved travel lanes was a BMP and more of an outline as to how an unimproved farm lane would be defined. It was suggested to improve the definition of travel lanes and include additional design criteria and management practices. Mr. Germano stated he did not feel these BMPs should be sent out for comments until those items are addressed. Ms. Payne concurred.

Mr. Johnson stated that only parts of unimproved travel lanes that have had gravel added to wet areas should count as improved. Staff agreed.

Mr. Norz expressed concern with the 16-foot maximum width of the travel lanes as there are pieces of farm equipment that require wider travel widths. Mr. Clapp stated the 16-foot width was an NRCS standard but would assess the needs of currently used equipment.

Mr. Schilling reiterated the importance of adaptive management, as these BMPs may need to be revised as agricultural practices and needs change over time. Chairman Fisher expressed concern if someone’s operation requires something slightly different than the standard and would like to avoid a landowner getting caught in between the revision process of a BMP. Mr. Germano stated the farmer would abide by the rules that were in place at the time the improvements were made and could request SADC staff review of compliance, which would be documented. Therefore, it would be determined at that time if the improvements would count towards the disturbance maximum or not.

Mr. Clapp reviewed the specifics of the BMP for improved travel lanes with the committee. If the improved travel lanes are installed in accordance with the BMP, they would be

included in the orange category and would count towards the additional 5% disturbance allowance.

The subcommittee commented they would prefer the gravel road standard leave the topsoil in place and put the gravel above. Mr. Clapp reiterated the need to keep the gravel and soil separate and felt the installation of geomembranes would assist in this and help facilitate the eventual removal and remediation.

The subcommittee also asked staff to research whether hydrocarbons leach from recycled asphalt millings and staff determined that some pollutants can leach from the material, including polycyclic aromatic hydrocarbons.

Mr. Norz expressed concern with the maximum width of the travel lanes again, even with the proposed 2-foot-wide grass shoulders on each side. Mr. Norz also stated the removal of geotextiles can be a very difficult process and different areas of work, such as construction, should be consulted regarding this process.

Ms. Doyle reviewed the specifics of the BMP for temporary structures with the committee. She stated if the structures are installed and maintained in accordance with the BMP, they would be included in the yellow category, and therefore not count towards the disturbance limit.

Chairman Fisher and Mr. Germano suggested that the BMP should state that temporary structures must follow “applicable UCC standards” instead of referencing specific elements listed in the UCC code.

Mr. Schilling suggested the BMP should elaborate more on the 120-day vs. 180-day time limits on the temporary structures.

The subcommittee comments stated plants in hoop houses should be allowed to be grown in “bagged dirt”. SADC staff agreed plants could be grown in containers on top of undisturbed soil and geotextiles could be used in compliance with the other BMPs.

The subcommittee also stated temporary tents and porta-potties should be allowed for 180 days, but staff replied the 120-day limit is to allow for adequate time to revegetate the site. The subcommittee also suggested the porta-potties be allowed to be emptied as necessary, even when the soil is above moisture capacity. Staff agreed and recommended the BMP be amended to note that porta-potties should be located close enough to existing lanes to avoid site damage “to the extent practicable”

Mr. Norz stated he does not feel the high and low tunnels should be included in the BMPs as their use is considered a normal agriculture practice. Ms. Payne reminded the committee the Supreme Court requires the SADC to balance what is “normal” agriculture practices with the need to conserve the resources in perpetuity. Mr. Norz reiterated his concern that since low tunnels are typically up for 30 days, they should not be included.

Ms. Doyle reviewed the specifics of the BMP for unimproved livestock training facilities. She stated if the unimproved livestock training facilities are installed and maintained in accordance with the BMP, they would be included in the yellow category and the area will not count towards the disturbance limit.

Ms. Doyle reviewed the specifics of the BMP for improved livestock training facilities. She stated if the improved livestock training facilities are installed and maintained in accordance with the BMP, they would be included in the orange category and would count towards the additional 5% disturbance allowance.

Chairman Fisher asked if the footings at several existing horse parks would be allowed in these BMPs. Ms. Doyle explained the BMPs do not specify the footings and only the base underneath.

Staff then presented a video overview of the BMPs to be put on the SADC's website.

Mr. Siegel stated these videos may be perceived as a conflict with how farmers normally conduct business and a statement should be included in the presentations that these only apply to operations that are near their disturbance limit and do not affect most farmers. Mr. Schilling agreed and suggested to explain what being "eligible for BMP certification" means and reiterate the SADC is not referring to deed of easement violations.

Chairman Fisher further stated the importance of the appropriate delivery of these BMPs and the message that they are trying to help farmers maximize their operation and comply with guideposts.

Mr. Norz expressed objection to the installation of geotextiles under any surface based on the difficulty to remove the layer later. Mr. Norz also inquired as to why salt was disallowed as he believes it has the same effects on soil composition as nitrogen fertilizers. SADC staff noted they would conduct more research on that topic.

Mr. Norz asked staff about the relationship between these standards and other NRCS livestock standard practices. Mr. Everett stated NRCS practices should be exempt and will be addressed with the SADC in the future.

Mr. Siegel stated he believes the SADC needs bond counsel advice for farms that are in excess of the "10% compliance requirement" based on the private use standard when farms are under 60 acres. The Attorney General is unable to act as bond counsel but is responsible for hiring them and suggests the Attorney General's office research it. Mr. Stypinski stated he would report back with more information at the December meeting.

### **New Business**

#### **A. Right to Farm – OAL Final Decision – M. Ville, LLC, et al v. Monmouth CADB and Millstone Township**

**NOTE: Martin Bullock recused on this matter as he is a member of the Monmouth CADB**

Mr. Smith stated this Right to Farm case is up for Final Decision by the SADC and before a Final Decision is drafted, staff wanted to review the case and seek the committee's guidance.

Approximately five years ago, a complaint was filed by Millstone Township with the Monmouth CADB against M. Ville, LLC for conducting an illegal recycling operation on property that was farmland assessed. After the complaint was filed, the Monmouth CADB was required to determine if the operation was a commercial farm before it could consider the merits of the complaint.

M. Ville, LLC owns two adjoining, farmland-assessed lots. One lot is occupied by M. Ville's landscape and nursery business and had a wheat field. The other lot was cropped in hay. Both parcels were farmed by a tenant farmer who harvested the hay and wheat and who estimated that the harvest generated a value of \$2600 annually.

The Monmouth CADB questioned the information provided and did not feel there was enough tillable acreage to produce the stated amount of product. In its resolution the Monmouth CADB found there was insufficient evidence of agriculture production totaling at least \$2500.

The board's resolution was appealed by M. Ville to the SADC, which forwarded it to OAL. The Administrative Law Judge issued an initial decision rejecting the Monmouth CADB's conclusion and, based on documentation and testimony provided by M. Ville, determined commercial farm eligibility had been proven.

Mr. Smith drew attention to two issues in the case and the initial decision. The first being the strength of the evidence presented by Mr. Danser. In prior cases, the SADC has only accepted three types of proof regarding agriculture production: a receipt from a third-party purchaser, documentation for value of crops in the ground and a contract to purchase said crops, or documentation for the wholesale purchase of valuable nursery stock and the retail sale to third party purchasers. In the latter case, the SADC disallowed the sale of nursery stock to the landowner's own company, which is significant as it is the same scenario in M. Ville case where the tenant farmer uses the harvested hay and wheat for his own agricultural operation.

The second issue is that M. Ville and the tenant farmer are not operating as a single enterprise. M. Ville has a landscaping business and at the time of the complaint did not have any independent agricultural production associated with the landscaping business. The tenant was harvesting the crops for his own use that resulted in farmland assessment for the M. Ville property.

Mr. Germano agreed that the landowner and farmer were not operating as a single enterprise and also found the testimony in the OAL, as set forth in the judge's decision, to be inconsistent regarding the value received for the crops.

Ms. Payne stated that since the landowner is seeking Right to Farm protection for activities that are unrelated to the farming operation and is not conducting any farming activities, it does not meet the requirements for Right to Farm protection. The landowner and the tenant are not operating as a single enterprise and the alleged value received for the crops does not matter in this case.

Mr. Smith stated his intention was to draft a decision that says the proofs submitted by M. Ville, LLC were insufficient to prove agricultural production and there was not a single enterprise between the landowner and the tenant farmer and therefore, they are ineligible for Right to Farm protection.

## **B. Stewardship**

### **1. Rural Microenterprises: Equine Surgical Clinic – Perretti Farms, Upper Freehold Twp, Monmouth Co.**

**NOTE: Martin Bullock was recused from this matter as he is the adjoining property owner.**

Mr. Roohr presented a Rural Microenterprise (RME) request for an Equine Surgical Clinic to the committee. The Perretti Farm consists of 305 acres located in Freehold Township which includes two single family residential units, numerous barns and outbuildings, stables for 80 horses, an indoor riding arena and 150 acres of fenced paddocks. The contract purchaser, Dr. Patricia Hogan, operates an equine surgical clinic on the adjoining property that specializes in surgical treatment and corresponding rehabilitation of standardbred and thoroughbred racehorses. Additionally, Dr. Hogan and her husband have a breeding operation located on a property across the street from the clinic. Dr. Hogan has made an offer to purchase the Perretti Farm contingent on the ability to relocate the clinic to the farm.

The RME proposal is for a Class 2 business on the Perretti Farm, which would renovate approximately 2,500 square feet of the indoor riding arena into a surgical facility. Dr. Hogan also needs space in the indoor riding arena to check-in the horses, which would consist of washing areas and exam stalls. The RME regulations state improvements to a structure are limited to 2,500 square feet and staff is asking the committee to determine if the improvements needed for the check-in area would fall under standard improvements associated with average equine operations and thus not be included toward the 2,500 square-foot limitation.

Mr. Roohr showed the committee several examples of other equine operations that have similar improvements which Dr. Hogan is requesting for the check-in area. SADC staff finds these improvements are standard to equine activities and would not need to be included in the RME proposal and has requested confirmation of this from the committee.

It was moved by Mr. Germano and seconded by Mr. Schilling that the improvements to be made to the check-in area are ubiquitous enough to normal equine operations and should not be included in the RME application. A roll call vote was taken. The motion was unanimously approved by the members who had not recused.



## **2. Agricultural Labor Housing – Mada Farms, LLC (Verdi), Readington Twp., Hunterdon Co.**

Mr. Roohr referred the committee to a request for agricultural labor housing on a preserved farm with the primary operation being an equine farm and the secondary operation being the production of hops. The property has a 30-stall stable and an indoor riding arena, but it does not contain any housing opportunities on the premises. The landowners are requesting one 960 square-foot apartment unit for agricultural labor to be built in a new equipment barn they are planning to erect. The responsibilities of the ag laborer would consist of feeding and watering the animals, managing the stalls and harvesting and packaging of the hops. Staff's opinion is this qualifies for an agricultural labor unit and recommends approval contingent upon the Hunterdon CADB's approval at their next meeting.

It was moved by Mr. Germano and seconded by Mr. Norz to approve Resolution FY2021R10(1) for the Agricultural Labor Housing on Mada Farms, LLC. A roll call was taken. Mr. Ellis was absent for the vote. The motion was unanimously approved by the members present. A copy of Resolution FY2021R10(1) is attached to and is part of these minutes.

## **3. Renewable Energy Generation – Solar – Benioff Farm, Hopewell Twp., Mercer Co.**

Mr. Roohr referred the committee to a request for installation of ground-mounted solar array on a preserved farm. He reviewed the specifics of the application with the committee and stated that the request for approval meets all the requirements of the solar regulations.

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve Resolution FY2021R10(2) for the ground mounted solar array at Benioff Farm. A roll call vote was taken. Mr. Ellis was absent for the vote. The motion was unanimously approved by the members present. A copy of Resolution FY2021R10(2) is attached to and is a part of these minutes.

## **C. Resolutions: Final Approval- County PIG Program**

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

**NOTE: Mr. Johnson recused on the vote and discussion of the Giberson Farms request as he is a member of the Burlington CADB.**

**NOTE: Mr. Norz recused on the vote and discussion of the Mill Lane Farms as he is a member of the Somerset CADB.**

It was moved by Mr. Germano and seconded by Mr. Ellis to approve Resolutions FY2021R10(3) through FY2021R10(4) granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Giberson, Daniel & Pamela (North Farm), SADC ID#03-0430-PG, Resolution FY2021R10(3), Block 1601, Lots 11, 12, 13.01 and 14, Southampton Twp., Burlington Co., 52.342 acres.

2. Giberson, Daniel & Pamela (Home Farm), SADC ID#03-0431-PG, Resolution FY2021R10(4), Block 1503.07, Lot 2 and Block 1602, Lot 1, Southampton Twp., Burlington Co., 22.896 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2021R10(3) through FY2021R10(4) is attached to and a part of these minutes.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolutions FY2021R10(5) through FY2021R10(6) granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

3. Mill Lane Farm I, LLC (Doyle 44), SADC ID#18-0223-PG, Resolution FY2021R10(5), Block 12, Lots 44 & 44.04, Hillsborough Twp., Somerset Co., 76.955 acres.

3. Mill Lane Farm I, LLC (Doyle 28), SADC ID#18-0222-PG, Resolution FY2021R10(6), Block 11, Lot 28, Hillsborough Twp., Somerset Co., 59.113 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2021R10(5) through FY2021R10(6) is attached to and a part of these minutes.

#### **D. Resolutions: Final Approval- Direct Easement Purchase Program**

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

It was moved by Mr. Ellis and seconded by Mr. Siegel to approve Resolutions FY2021R10(7) through FY2021R10(9) granting approval to the following application under the Direct Easement Program, as presented, subject to any conditions of said resolution.

1. TALC, LLC (Shen), SADC ID# 21-0056-DE, Resolution FY2021R10(7), Block 501, Lot 3, Mansfield Twp., Warren Co., 157 acres.

2. Strober, Michael & Diane, SADC ID# 10-0189-DE, Resolution FY2021R10(8), Block 37, 3 and 3.10, Kingwood Twp., Hunterdon Co., 52.75 acres.

3. Wentzell, Kenneth, Wayne & Marlene, SADC ID# 17-0355-DE, Resolution FY2021R10(9), Block 32, Lot 6 and Block 28, Lot 20 and 20.01, Upper Pittsgrove Twp., Salem Co., 104.7 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2021R10(7) through FY2021R10(9) is attached to and a part of these minutes.

**E. Resolutions: Final Approval- Nonprofit Program**

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

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2021R10(10) granting approval to the following application under the Nonprofit Program, as presented, subject to any conditions of said resolution.

1. Murphy, Richard (Murlan-TLCNJ FY17) SADC ID #21-0031-NP, Resolution FY2021R10(10), Block 301, Lot 6, Frelinghuysen Twp., Warren Co., 224.878 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2021R10(10) is attached to and a part of these minutes.

**Public Comment**

There is no public comment.

Chairman Fisher thanked the staff for all of their hard work and efforts in making these remote meetings successful.

**TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., Thursday December 3, 2020

Location: TBA

**ADJOURNMENT**

The meeting was adjourned at 12:24 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director

State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2021R10(1)

Construction of Onsite Agricultural Labor Housing

Mada Farms LLC

October 22, 2020

Subject Property: Block 80, Lot 1  
Readington Township, Hunterdon County  
60.5 Acres

WHEREAS, Mada Farms LLC, hereinafter ("Owner") is the record owner of Block 80, Lot 1, in Readington Township, Hunterdon County, by deed dated May, 10, 2010, and recorded in the Hunterdon County Clerk's Office in Deed Book 2250 Page 327, totaling 60.5 acres, hereinafter referred to as the "Premises", see attached Schedule A; and

WHEREAS, Anthony and Leslie Verdi are the principals of Mada Farms LLC; and

WHEREAS, the development easement on the Premises was conveyed to the County of Hunterdon on September 19, 2007, by the Township of Readington, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book 2194, Page 533; and

WHEREAS, the farmland preservation Deed of Easement identifies no single-family residences, no Residual Dwelling Site Opportunities, no units used for agricultural labor purposes and one, two-acre, non-severable exception area; and

WHEREAS, since acquiring the Premises, the Owner has constructed new indoor and outdoor equine training facilities, a 30-stall horse barn, and an approximately 3-acre hop field; and

WHEREAS, on September 7, 2020, the SADC received an application from the Owner to construct an approximately 960 sq. ft., one-bedroom apartment, within a proposed new barn, in the location shown on Schedule "A", to house one (1) laborer on the Premises;

WHEREAS, paragraph 14 of the Deed of Easement for the Premises states that: "*Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:*

- i. *To provide structures for the housing of agricultural labor employed on the Premises, but only with approval of the Grantee and the Committee. If the Grantee and the Committee grant approval for the construction of the agricultural labor housing, such housing shall not be used for a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's*

*lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural.";* and

WHEREAS, the Owner does not live onsite and there is no housing currently available on the Premises; and

WHEREAS, the agricultural labor unit the Owner proposes to place on the Premises consists of one (1), one-bedroom apartment inside of a new mix-use, 72'x40' barn needed to store and maintain equipment used in the equine operation and hop production; and

WHEREAS, the farm is in active production and the agricultural labor unit would be occupied year-round; and

WHEREAS, the Owner operates two agricultural businesses from the Premises: an equine operation, Cheaumont Stables, utilizing the stables, barns, training areas, and paddocks on approximately 40 acres; and Sky High Hops, an approximately 3-acre hop production yard on the Premises; and

WHEREAS, Sky High Hops, founded in 2015, is the Owner's hop production business, consisting of approximately 1,200, 18-foot tall plants on 3-acres of the Premises, that are grown, harvested, pelletized and packaged onsite and sold to breweries, cideries, distilleries and homebrewers throughout New Jersey; and

WHEREAS, the Owner has provided receipts for the sale of wholesale quantities of wet and dry hops to various alcohol-based businesses throughout the state; and

WHEREAS, Cheaumont Stables is the Owner's equine business which consists of raising and training, primarily hunter/jumper horses they own for sale and lease; boarding and training hunter/jumper horses owned by clients, where the farm receives a commission on the sale or lease of any client horses; and providing lessons and show services to those clients; and

WHEREAS, Leslie Verdi is certified by the US Hunter Jumper Association and US Equine Federation as professional equine trainer; and

WHEREAS, Cheaumont currently has approximately 33 horses onsite, 9 of which are owned by the Owner, and the remaining 24 are client-owned horses trained by the Leslie Verdi; and

WHEREAS, the Owner has represented that each of the client-owned horses onsite are in training programs run by the agricultural operations and as a result the farm is entitled to a 15% commission on the sale or lease of any horse residing on the Premises; and

WHEREAS, the Owner has provided the updated pricing sheet for training services, two (2) contracts documenting commissions on sales or leases of horses they have trained for clients, three (3) bills of sales for horses sold between 2019 and 2020, and current ownership records for five (5) horses registered with the US Equine Federation and US Hunter Jumper Association; and

WHEREAS, the Committee promulgated regulations at N.J.A.C. 2:76-2B.3(e) ("regulation") pursuant to the Right to Farm Act ("RTFA"; N.J.S.A. 4:1C-1 et seq.) that define what types of equine-related revenue constitute agricultural production income that can be used to satisfy the production requirements in the definition of "commercial farm" set forth in the RTFA; and

WHEREAS, these regulations include as production income monies received from breeding, including income from the sale of a horse that has been bred from a mare owned by the farm operator or owner, and income from the sale of a horse that was trained or raised on the commercial farm for at least 120 days prior to the time of sale; and

WHEREAS, application of the said regulations to the Owner's operations results in the SADC finding that the following sources of revenue constitute production income: the commission stake of 15% due on the sale of any horse trained by those operations; the proceeds received from leasing such trained horses; and the proceeds received from sale or lease of horses bred from a mare owned by the farm operator, collectively referred to as "equine production activities"; and

WHEREAS, the SADC finds that the labor activities conducted in connection with the equine production, training and hop production activities identified above are eligible for agricultural labor housing on the Premises; and

WHEREAS, the Owner has asserted that onsite labor is necessary to properly care for and tend to the needs of the horses and hopyard and is critical to the continuation and expansion of Cheaumont Stables and Sky High Hops; and

WHEREAS, the primary duties of the employee residing in the agricultural labor unit will be related to daily turnout and pasture rotation for horses, feeding and watering horses, stall maintenance, mowing, seeding, and pasture maintenance, equine training and exercising, overnight horse safety and security, fence repair and maintenance, as well as, growing, fertilizing, harvesting, and packaging hops; and

WHEREAS, on November 12, 2020, the Hunterdon CADB will review the Owner's request to place the agricultural labor housing unit on the Premises.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.

2. The SADC has reviewed the Owner's request to place one barn-apartment unit consisting of approximately 960 sq./ft. within a new, 70' x 40' storage/maintenance barn located on the Premises for the purpose of housing one full-time agricultural laborer in the location shown on Schedule "A", and finds that utilizing the proposed agricultural labor unit is consistent with agricultural uses on the Premises and:

- a) That the size and location of the proposed unit minimizes any adverse impact on the agricultural operation because it will be located within an agricultural structure.
- b) The production aspects of the operation - an approximately 3-acre hop yard consisting of approximately 1,200, 18 ft. tall plants and 33 horses devoted to raising, training, and selling - warrants the need for one full-time laborer.
- c) Onsite labor housing is necessary due to the intensity of the work and the need for 24-hour onsite care for the livestock.

3. Only agricultural labor employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor units. Agricultural labor housing shall not be used as housing for the Owner, Owner's spouse, Owner's parents, Owner's lineal descendants, adopted or natural, Owner's spouse's parents, or the Owner's spouse's lineal descendants, adopted or natural.

4. The agricultural laborer shall be engaged in the day-to-day production activities on the Premises, which at this time include daily pasture turn-out, feeding and watering horses, mowing, seeding, and pasture maintenance, and, fertilizing, harvesting, and production and packaging hops.

5. As a condition of this approval, the Committee reserves its right to annually request documentation supporting the production aspects of the operation to ensure that there is sufficient production activity occurring on the farm to continue to warrant use of the agricultural labor unit.

6. This approval becomes effective upon the condition that the Owner's receive approval from the Hunterdon CADB to place the agricultural labor housing unit on the Premises.

7. The Owner's use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations.

8. This approval is non-transferable.

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

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

10/22/2020  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

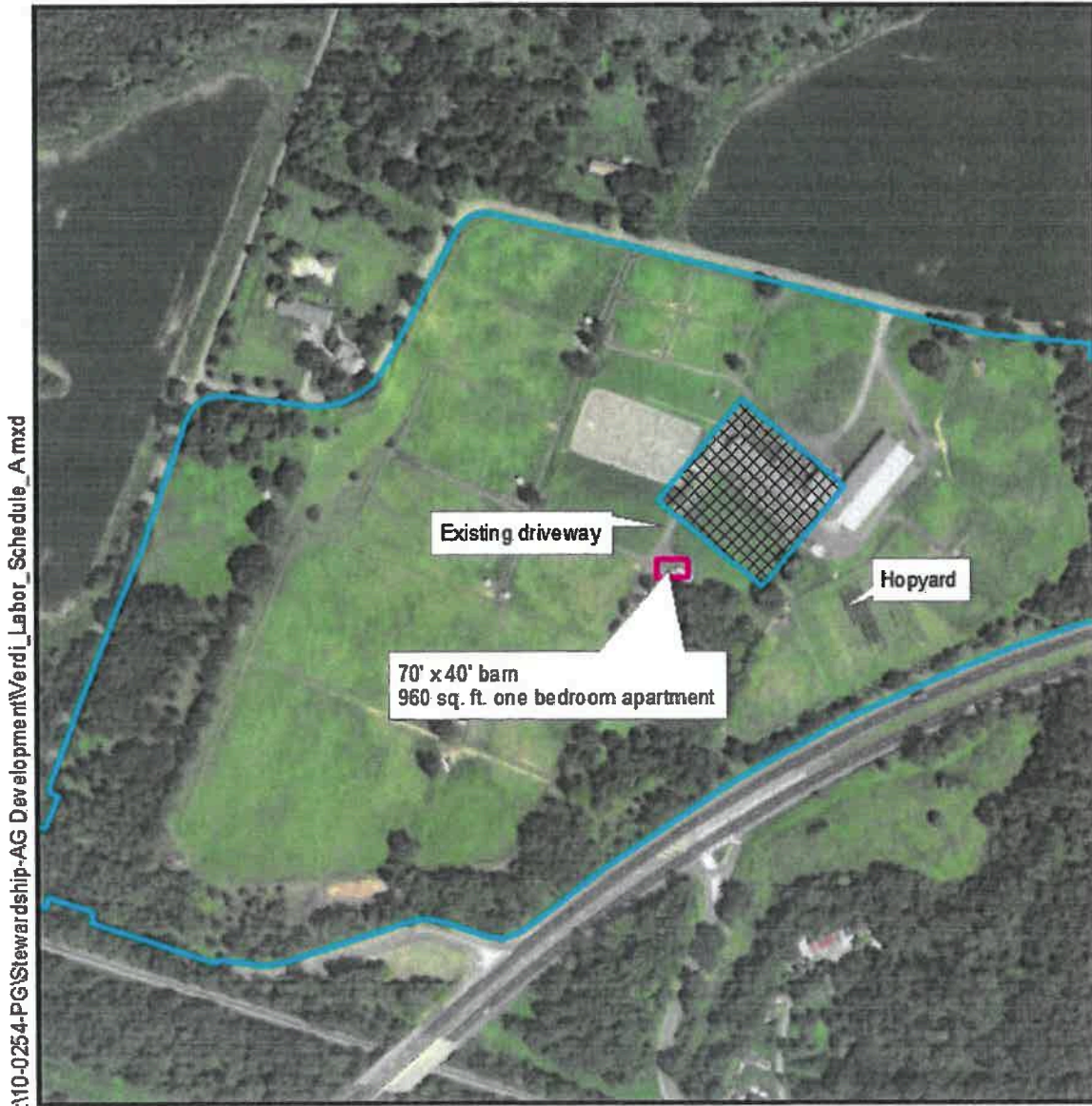
**VOTE WAS RECORDED AS FOLLOWS:**

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

[https://sonj.sharepoint.com/:w:/r/sites/AG-SADC-PROD/\\_layouts/15/Doc.aspx?sourcedoc=%7B436543EA-4B74-4D7E-85A1-7E8A6D141C20%7D&file=Verdi\\_Aglabor\\_Reso.doc&action=default&mobileredirect=true](https://sonj.sharepoint.com/:w:/r/sites/AG-SADC-PROD/_layouts/15/Doc.aspx?sourcedoc=%7B436543EA-4B74-4D7E-85A1-7E8A6D141C20%7D&file=Verdi_Aglabor_Reso.doc&action=default&mobileredirect=true)



# Schedule A



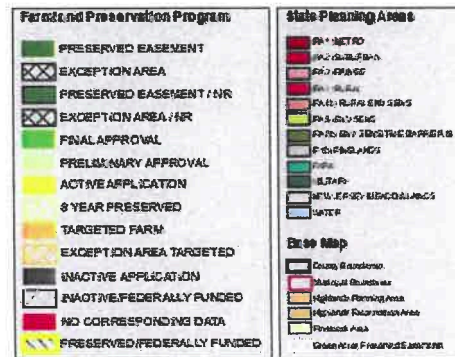
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mada Farms, LLC  
Block 80, Lot 1  
Readington Twp., Hunterdon Co.  
60.5 - Acres



10/8/2020



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FYR2021R10(2)**

**Installation of Ground-Mounted Solar Energy Generation Facility, Structures and  
Equipment on a Preserved Farm**

**Benioff Farm**

**Subject Property: Benioff Farm  
Block 28, Lot 2.03  
Hopewell Township, Mercer County  
100.6-Acres**

**October 22, 2020**

WHEREAS, Richard and Mary Benioff, hereinafter "Owners", are the record owners of Block 28, Lot 2.03, in the Township of Hopewell, by Deed dated June 24, 2003 and recorded in the Mercer Clerk's Office in Deed Book 4536, Page 38, totaling approximately 100.6 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the State Agriculture Development Committee (SADC), on December 13, 2002, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 01118, Page 211; and

WHEREAS, on September 26, 2002, the SADC approved a division of premises, resolution #FY03R12(10), separating approximately 13-acres of farmland to sell to the neighbor; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24.1 et seq.) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided:

1. The facilities will not interfere significantly, as set forth in N.J.A.C. 2:76-24.6, with the use of the land for agricultural or horticultural production;
2. The facilities are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar energy generation facilities, structures, or equipment by which the

landowner uses the income or credits realized from the solar energy generation to purchase the facilities, structures, or equipment;

3. The facilities will be used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm;
4. Solar energy facilities on the farm are limited in total annual energy generation to:
  - i. The farm's previous calendar year's energy demand plus 10 percent, in addition to energy generated from facilities, structures, or equipment existing on roofs of buildings or other structures on the farm on January 16, 2010; or
  - ii. Alternatively at the option of the landowner, to an occupied area consisting of no more than one percent of the area of the farm;
5. If wind or biomass energy generation systems are located on the farm, the limits in (a) 4i and ii above shall apply to the cumulative total energy generated or area occupied by all the solar, wind, and biomass energy facilities;
6. The owner(s) of the farm and the solar energy facilities will sell energy only through net metering, or as otherwise permitted under an agreement pursuant to (a)2 above, and/or directly to the electric distribution system provided that the solar energy facilities occupy no greater than one percent of the farm;
7. The land occupied by the solar energy facilities is eligible for valuation, assessment, and taxation pursuant to P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.) and will continue to be eligible for such valuation after construction of the solar energy facilities;
8. The solar energy facilities do not exceed one acre of impervious cover on the premises; and
9. A solar energy facility located in the Pinelands Area, as defined and regulated by the Pinelands Protection Act, P.L. 1979, c. 111 (N.J.S.A. 13:18A-1 et seq.), complies with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the Pinelands Area adopted pursuant to P.L. 1979, c. 111; and

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Preserved Farmland" pursuant to N.J.A.C 2:76-24.5; and

WHEREAS, no other renewable energy generation facilities existing on the Premises; and

WHEREAS, the solar energy generation facility is owned by the Owners; and

WHEREAS, the energy demand for this ground-mounted solar array is from one of the existing residential units on the Premises; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility provides power to the residential unit directly through net metering to reduce energy costs on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 71,000 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the solar energy generation facility is 46,686 kWh's per year; and

WHEREAS, the new solar energy generating system will supply approximately 66% of the current energy demand for the Premises; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, N.J.A.C. 4:76-24.4 prohibits solar energy facilities from exceeding one-acre of impervious cover on the Premises; and

WHEREAS, N.J.A.C. 2:76-24.3. defines impervious cover as any structure or surface that prevents the infiltration of precipitation into the land including, but not limited to, the inverter, pilings, poles, concrete, asphalt, machine-compacted soil, compacted stone areas, plastic or other impermeable ground cover, and foundations; and

WHEREAS, the proposed ground mounted solar energy facility comprises approximately 6.6 square feet of impervious cover related to the posts that support the solar panels (16 total 5" posts); and

WHEREAS, N.J.A.C 2:76-24.6 requires that the solar energy facilities, structures, and equipment not interfere significantly with the use of the land for agricultural and horticultural production; and

WHEREAS, the ground mounted solar energy facility will be located southwest of the residence adjacent to the tree line, as identified on Schedule "A"; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that any solar energy facility with an occupied area larger than one-acre be constructed, installed, operated, and maintained in accordance with a farm conservation plan; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that the occupied area of any solar energy facility located outside of a non-severable exception area primarily servicing nonagricultural or nonresidential uses within the non-severable exception shall not exceed one acre or 1% of the farm, whichever is less; and

WHEREAS, N.J.A.C. 2:76-24.3 defines occupied area as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, including all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings; areas consisting of other related facilities, structures, and equipment, including any other buildings or site amenities, deemed necessary for the production of solar energy on the farm; and the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm; and

WHEREAS, N.J.A.C. 2:76-24.4 allows for solar energy facilities on farms where the occupied area of the system is no more than one percent of the farm, which is approximately 43,821.4 sq. ft; and

WHEREAS, the ground mounted solar energy facility consists of the area of the panels (approximately 2,159 sq. ft.) and a 20ft buffer area around the panels, which together comprise an occupied area of approximately 7,485 square feet; and

WHEREAS, the solar energy generating system along with the trench (1,000 sq. ft.) connecting the panels to the meter located on the garage has an occupied area of approximately 8,485 sq./ft. or 0.019% of the preserved Premise; and

WHEREAS, N.J.A.C. 2:76-24.6 requires site disturbance associated with the solar energy facility, including but not limited to, grading, topsoil, and subsoil removal, excavation, and soil compaction, shall not exceed one acre on the Premises; and

WHEREAS, the ground mounted solar energy facility requires site disturbance of approximately 1,006.6 square feet related to the posts that support the panels (6.6 sq. ft.) and the trench (1,000 sq. ft.); and

WHEREAS, on October 5, 2020, the Mercer CADB submitted comments in support of the solar project on the Premises.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds that the Owner has complied with all the provisions of N.J.A.C. 2:76- 24.1 et seq. concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises.
3. The SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures, and equipment consisting of approximately 8,485 square feet of occupied area and 1,006.6 square

feet of site disturbance related to the posts that will support the panels and the trench, and having a rated capacity of 46,686 kWh's of energy as identified in Schedule "A", and as described further herein.

4. The total electrical energy demand for the one residence on the Premises associated with this system is 71,000 kWh's annually.
5. This approval is non-transferable.
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.

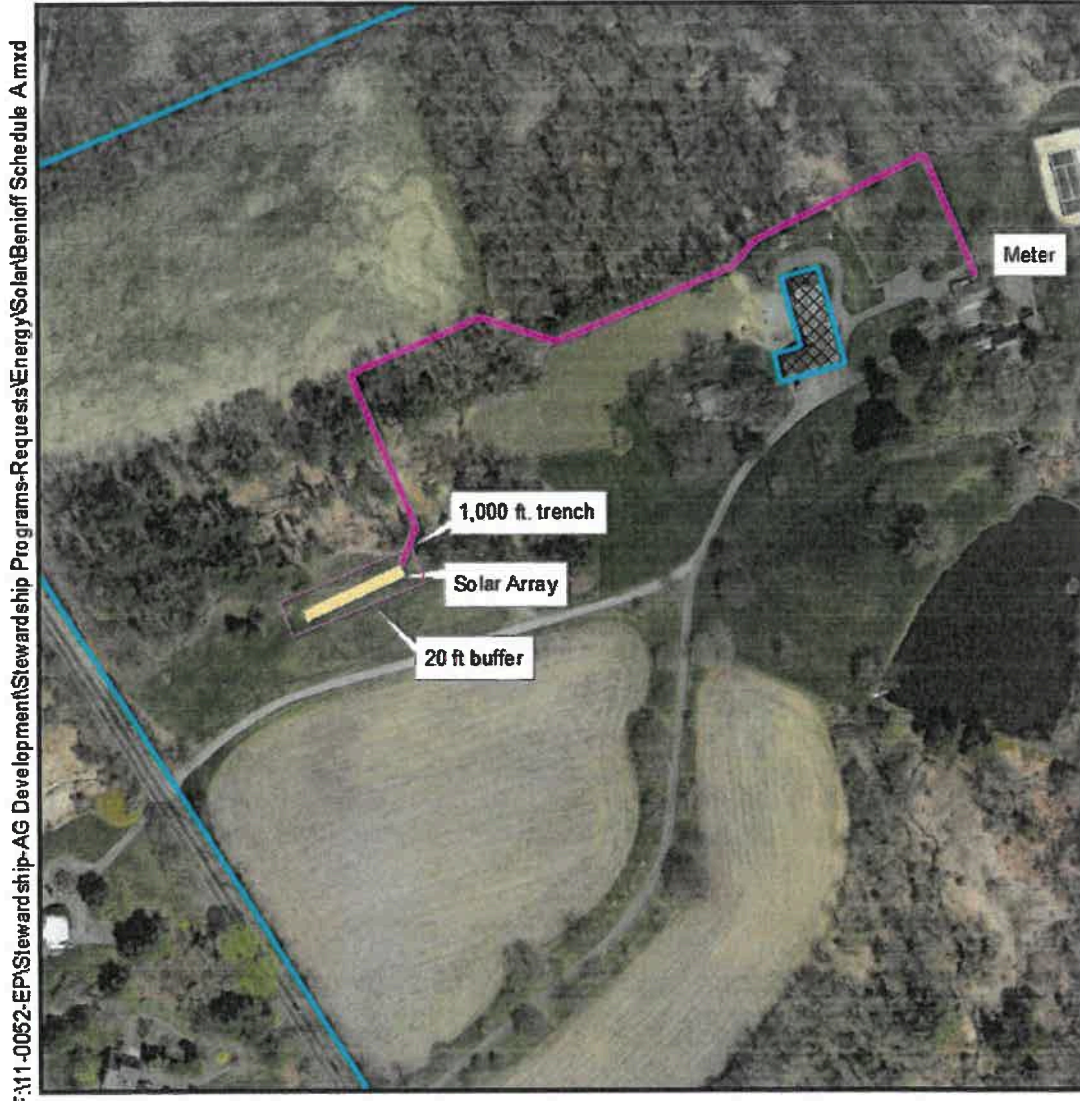
10/22/2020  
DATE

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

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



# Schedule A



F:\11-0052-EP\Stewardship-AG Development\Stewardship Programs-Requests\Energy\Solar\Benioff Schedule A.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Benioff Farm  
Block 28, Lot 2.03  
Hopewell Township, Mercer County  
100.6- Acres



10/2/2020



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2021R10(3)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Giberson, Daniel & Pamela (North Farm) ("Owners")  
SADC ID# 03-0430-PG  
Southampton Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**OCTOBER 22, 2020**

WHEREAS, on October 3, 2019 it was determined that the application for the sale of a development easement for the subject farm identified as Block 1601, Lots 11, 12, 13.01, and 14, Southampton Township, Burlington County, totaling approximately 52.642 gross survey acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's East Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Premises includes no exception areas, zero (0) single family residential units, zero (0) Residual Dwelling Site Opportunities (RDSO), zero (0) agricultural labor units, and no pre-existing non-agricultural uses, resulting in approximately 52.342 net survey acres to be preserved, with 52.342 payable acres due to a fence encroachment, hereinafter referred to as "the Premises"; and

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 68.38 which exceeds 48, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2173 allocated 2.75 Pinelands Development Credits ("PDCs") to Block 1601, Lots 11, 12, 13.01, and 14; and



WHEREAS, as a result of the conveyance of the deed of easement to the County, the 2.75 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 27, 2020 the SADC certified a development easement value of \$3,550 per acre and a fee simple value of \$10,300 per acre based on zoning and environmental regulations in place as of the current valuation date August 30, 2019; and

WHEREAS, the SADC's Green Light Approval and certification of easement value requested the Owners to consider a lot consolidation for ease of future taxation and easement monitoring; and

WHEREAS, SADC staff received confirmation that the Owners did not want to consolidate the lots; and

WHEREAS, as per N.J.A.C. 2:76-19.3, Owners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on December 12, 2019 the SADC issued a Pinelands Formula Valuation Certification of \$3,728 per acre without the impervious cover option and \$4,194 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$10,300 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.14, the Owner accepted the County's offer of \$4,194 per acre with the 10% impervious cover option for the development easement for the Premises, which is higher than the certified development easement value, but less than 80 percent of the fee simple market value; and

WHEREAS, the Owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations, a maximum (10%) impervious cover, or approximately 5.2 acres, available for the construction of agricultural infrastructure on the Premises outside of the exception area; and

WHEREAS, on August 24, 2020 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 18, 2020, the Southampton Township

Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 9, 2020, the Burlington County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 9, 2020, the Burlington County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$4,194 per acre for the local cost share for the pre-acquisition of the development easement; and

WHEREAS, subsequent to purchasing the development easement, the County will request a cost share reimbursement from the SADC; and

WHEREAS, the estimated cost share breakdown is as follows (based on 52.342 payable acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$152,650.21	(\$2,916.40/acre)
<u>Burlington County</u>	<u>\$ 66,872.14</u>	<u>(\$1,277.60/acre)</u>
Total Easement Purchase	\$219,522.35	(\$4,194/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$152,650.21 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 52.342 payable acres, at a State cost share of \$2,916.40 per acre, (70% of Formula value and purchase price), for a total grant of approximately \$152,650.21 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. The SADC condition of requesting lot consolidation has been resolved and is not included as a condition of SADC Final Approval.
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).

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

10/22/2020  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Wetlands



X:\countryside\burco projects\Giberson, Daniel & Pamela (North Farm) 16w.mxd

Application within the Pinelands Ag Production Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Giberson, Daniel & Pamela (North Farm)  
Block 1601 Lots 11 (2.0 ac); 12 (29.8 ac);  
13.01 (9.9 ac) and 14 (10.7 ac)  
Gross Total = 52.4 ac  
Southampton Twp., Burlington County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Map  
Protected Areas Database of the United States (PAD-US)  
NJ State Wetlands Inventory  
NJ Wetlands Commission (LIC) Data  
NJ State Office of Information Services

**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 not developed primarily for planning purposes. The geographic accuracy and precision of this GIS data contained in this file and map shall not be used or intended to be relied upon in matters requiring determination and location of true ground horizontal and/or vertical coordinates as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

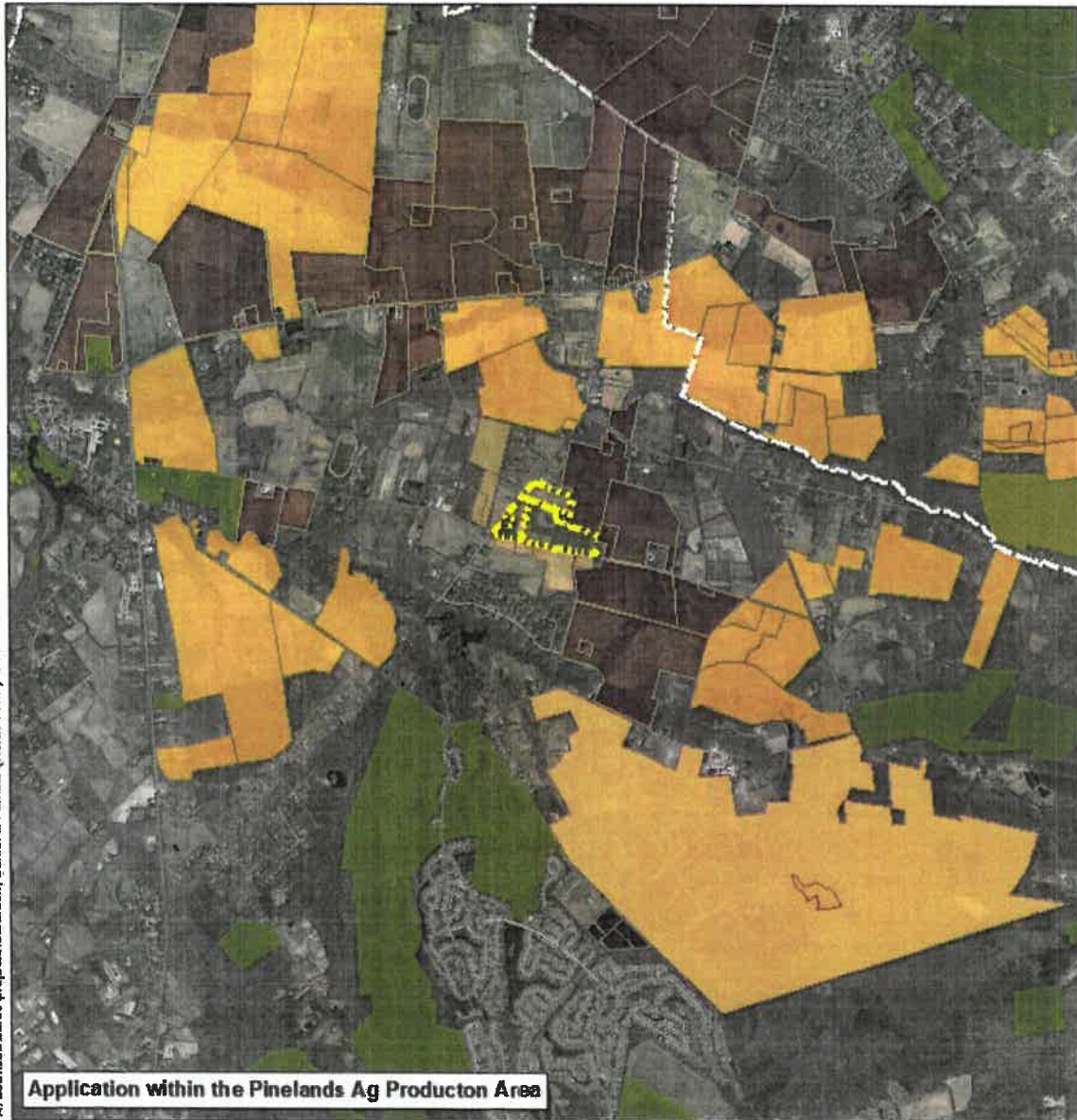


	Property In Question
	Wetlands Boundaries
	300 ft Buffered Wetlands
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads

Wetlands Legend:  
 1 - 1' Buffer Wetlands  
 2 - 1' Buffer Wetlands  
 3 - Wetlands Classified for Agriculture  
 4 - 1' Buffer Wetlands  
 W - River/Wetlands  
 C - 300' Buffer  
 W - Water



## Preserved Farms and Active Applications Within Two Miles



X:\counties\burco\proj\01\Giberson, Daniel & Pamela (North Farm)2miles.mxd

Application within the Pinelands Ag Production Area

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Giberson, Daniel & Pamela (North Farm)  
Block 1601 Lots 11 (2.0 ac); 12 (29.8 ac);  
13.01 (9.9 ac) and 14 (10.7 ac)  
Gross Total = 52.4 ac  
Southampton Twp., Burlington County



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



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservations Database Layer  
Pinelands Areas Database of the United States (PAU-415)  
NJCE/NOGPS 2012 Digital Aerial Imagery

**NOTES:**  
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

Giberson, Daniel & Pamela (North Farm)  
03- 0430-PG  
County PIG Program  
52 Acres

Block 1601	Lot 11	Southampton Twp.	Burlington County
Block 1601	Lot 14	Southampton Twp.	Burlington County
Block 1601	Lot 13.01	Southampton Twp.	Burlington County
Block 1601	Lot 12	Southampton Twp.	Burlington County
<b>SOILS:</b>		Prime	8% * .15 = 1.20
		Statewide	92% * .1 = 9.20
			<b>SOIL SCORE: 10.40</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	95% * .15 = 14.25
		Other	5% * 0 = .00
			<b>TILLABLE SOILS SCORE: 14.25</b>
<b>FARM USE:</b>	Berry	29 acres	Blueberries
	Hay	17 acres	
	Vegetable & Melons	4 acres	Asparagus
	Berry	5 acres	Blueberries

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions:
    1. A maximum (10%) impervious cover, or approximately 5.2 acres, available for the construction of agricultural infrastructure on the Property outside of the exception area.
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION FY2021R10(4)**  
**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**  
**BURLINGTON COUNTY**  
**for the**  
**PURCHASE OF A DEVELOPMENT EASEMENT**  
**On the Property of Giberson, Daniel & Pamela (Home Farm) (“Owners”)**  
**SADC ID# 03-0431-PG**  
**Southampton Township, Burlington County**  
**N.J.A.C. 2:76-17 et seq.**

**October 22, 2020**

WHEREAS, on September 17, 2019 it was determined that the application for the sale of a development easement for the subject farm identified as Block 1503.07, Lot 2 and Block 1602, Lot 1, Southampton Township, Burlington County, totaling approximately 25.888 gross survey acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County’s East Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes one (1) approximately 2.992-acre non-severable exception area for two (2) existing single family residential units and to afford future flexibility for nonagricultural uses resulting in approximately 22.896 net survey acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the 2.992-acre non-severable Exception Area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 71.95 which exceeds 48, which is 70% of the



County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2174 allocated 0.75 Pinelands Development Credits (PDCs) to Block 1503.07, Lot 2 and Block 1602, Lot 1; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 0.75 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 23, 2020 the SADC certified a development easement value of \$3,500 per acre and a fee simple value of \$9,900 per acre based on zoning and environmental regulations in place as of the current valuation date August 30, 2019; and

WHEREAS, as per N.J.A.C. 2:76-19.3, Owners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on December 12, 2019 the SADC issued a Pinelands Formula Valuation Certification of \$1,775 per acre without the impervious cover option and \$1,997 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$9,900 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,484 per acre (the average of the two appraisal easement values) for the development easement for the Premises, which is less than 80 percent of the fee simple market value; and

WHEREAS, on August 24, 2020 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 18, 2020, the Southampton Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 9, 2020, the Burlington County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 9, 2020, the Burlington County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$3,484 per acre for the local cost share for the pre-acquisition of the development easement; and

WHEREAS, subsequent to purchasing the development easement, the County will request a cost share reimbursement from the SADC; and

WHEREAS, the estimated cost share breakdown is as follows (based on 22.896 net survey acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$57,020.20	(\$2,490.40/acre)
<u>Burlington County</u>	<u>\$22,749.46</u>	<u>(\$993.60/acre)</u>
Total Easement Purchase	\$79,769.66	(\$3,484/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$57,020.20 in base grant funding which is available at this time (Schedule B); and

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


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 22.896 net easement survey acres, at a State cost share of \$2,490.40 per acre, (71% of purchase price), for a total grant of approximately \$57,020.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted

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

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

10/22/2020  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

Wetlands



X:\location\Home Projects\Giberson, Daniel & Pamela (Home Farm) 1503.mxd

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

Giberson, Daniel & Pamela (Home Farm)  
Block 1503.07 Lots P/O 2 (17.1 & 3.0 ac)  
& P/O 2-EN (non-severable exception - 3.0 ac)  
and Block 1602 Lot 1 (3.1 ac)  
Gross Total = 26.2 ac  
Southampton Twp., Burlington County



**Sources:**  
NJ Farmland Preservation Program  
Great Acres Conservation Committee Maps  
Protected Areas Database of the United States ("PAD-US")  
AGDC Wetlands Data  
NJ Wetlands Commission ("WJWC") Data  
NCEM/DOH/DEP "A" Digital Aerial Imagery

**DISCLAIMER:** Any use of files or data not designed to accuracy and precision shall be the sole responsibility of the user. The certification and geo-referenced location of parcel polygons in this data layer are approximate and some do not map precisely for planning purposes. The geographic accuracy and precision of the GIS data compiled in this file are not intended to be used in lieu of a survey to resolve boundary questions and location of the ground boundaries and/or other features as would be observed by direct ground survey conducted by a Registered Professional Land Surveyor.



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

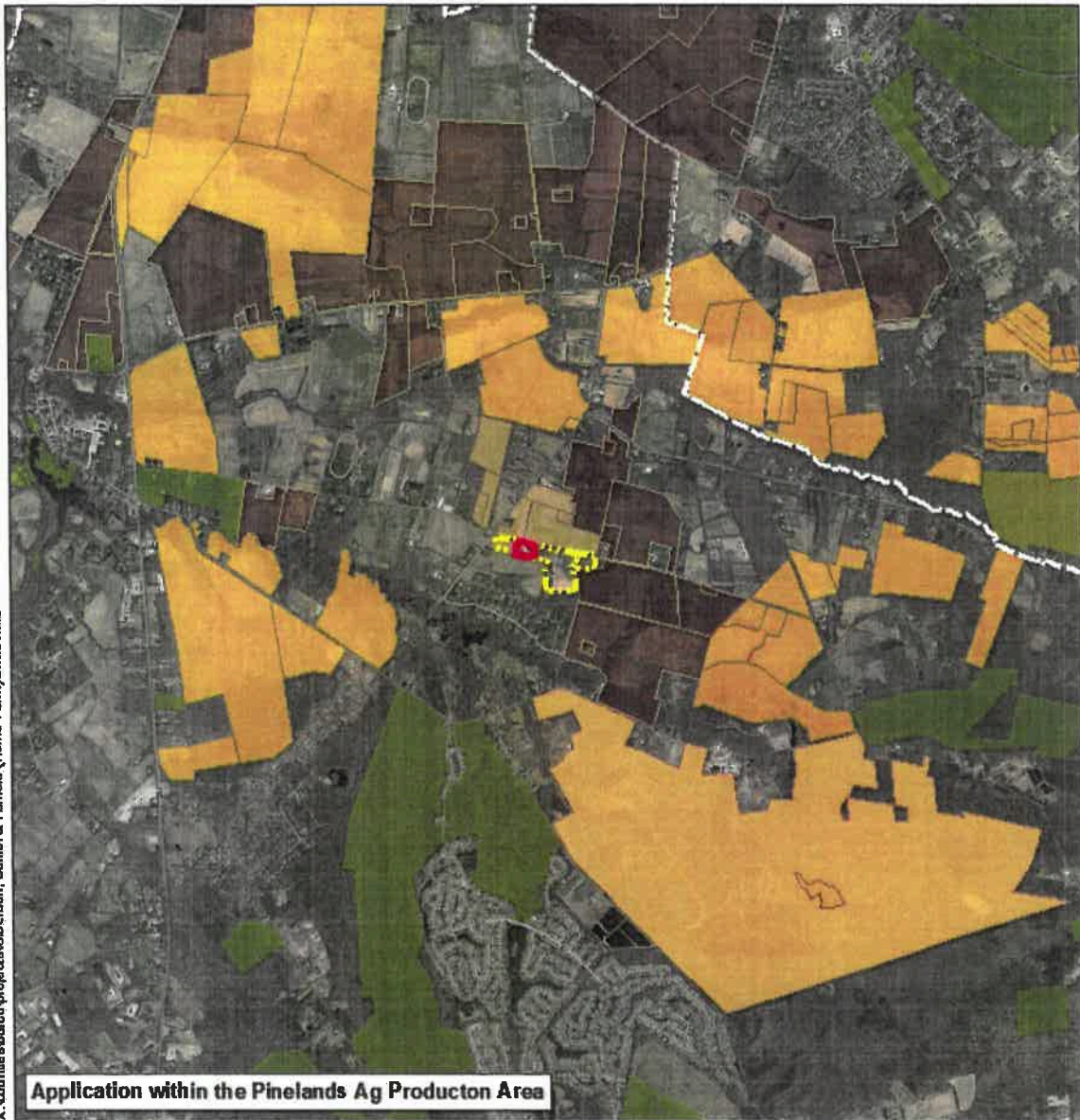
**Wetlands Legend:**  
2 - Freshwater Wetlands  
1 - Other Wetlands  
3 - Wetlands of Uncertain Status  
4 - Wetlands of Uncertain Status  
5 - Other Wetlands  
6 - Other Wetlands  
7 - Other Wetlands  
8 - Other Wetlands  
9 - Other Wetlands  
10 - Other Wetlands

September 1, 2015



# Preserved Farms and Active Applications Within Two Miles

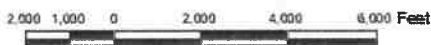
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Application within the Pinelands Ag Production Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Giberson, Daniel & Pamela (Home Farm)  
Block 1503.07 Lots P/O 2 (17.1 & 3.0 ac);  
& P/O 2-EN (non-severable exception - 3.0 ac)  
and Block 1602 Lot 1 (3.1 ac)  
Gross Total = 26.2 ac  
Southampton Twp., Burlington County



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

Sources:  
NJ Farmland Preservation Program  
County-Agency Conservation Easement Data  
Pinelands Agency Database of the United States Geological Survey  
NJCA 1982S 20" to Digital Aerial Imagery

NO 18:  
The parcel location and description shown on this map are approximate and should not be construed to have been surveyed as defined by the New Jersey Board of Professional Land Surveyors.



Schedule C

State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase  
 October 22, 2020

Giberson, Daniel & Pamela (Home Farm)  
 03- 0431-PG  
 County PIG Program  
 23 Acres

Block 1503.07	Lot 2	Southampton Twp.	Burlington County
Block 1602	Lot 1	Southampton Twp.	Burlington County
<b>SOILS:</b>		Prime	69% * .15 = 10.35
		Statewide	31% * .1 = 3.10
			<b>SOIL SCORE: 13.45</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	100% * .15 = 15.00
			<b>TILLABLE SOILS SCORE: 15.00</b>
<b>FARM USE:</b>		Cash Grains	8 acres
		Soybeans-Cash Grain	8 acres
		Vegetable & Melons	5 acres
		Berry	4 acres
			Asparagus
			Blueberries

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 three (3) acres for 2 existing residences and ag buildings  
 Exception is not to be severed from Premises  
 Exception is to be limited to two existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
 Standard Single Family
  - 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 FY2021R10(5)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
SOMERSET COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Mill Lane Farm I, LLC (Doyle Lot 44) ("Owners")  
SADC ID# 18-0223-PG  
Hillsborough Township, Somerset County  
N.J.A.C. 2:76-17 et seq.**

**OCTOBER 22, 2020**

WHEREAS, on July 9, 2018 it was determined that the application for the sale of a development easement for the subject farm identified as Block 12, Lots 44 & 44.04, Hillsborough Township, Somerset County, totaling approximately 80.748 gross survey acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

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

WHEREAS, in preparation for appraisals, the Owners informed the SADC of their interest in installing a manure composting facility, and after discussions between the Owner, County and NJDA Division of Agricultural and Natural Resources, the SADC issued an Amended Green Light Review on December 18, 2018 with the following conditions:

- (1) the County will coordinate and obtain written representation from the owners regarding their intent to not sell or donate the compost to other owners as well as their agreement to operate the facility in compliance with:
  - a. all applicable federal, state or local regulations;
  - b. an NRCS farm conservation plan;
  - c. the Comprehensive Nutrient Management Plan prepared by Rosetree Consulting;
  - d. the NJDA Regional Compost Facility Scope of Work (Grant #13-02) and any amendments or supplements thereto;
  - e. the farmland preservation deed of easement; and
  
- (2) the owner is required to be in compliance with the conditions and restrictions associated with the manure compost facility and use of the compost product shall be incorporated in and recorded with the farmland preservation deed of easement as a separate schedule or shall be set forth in the deed of easement as an additional paragraph as determined by the SADC; and



WHEREAS, subsequent to the issuance of the Amended Green Light Review letter, the Owners requested one (1), approximately 1-acre non-severable exception area for future flexibility but with zero (0) single family residential opportunities, resulting in approximately 79.748 net easement survey acres to be preserved, with 76.955 payable acres due to a gas line easement, hereinafter referred to as “the Premises”; and

WHEREAS, on February 28, 2020, the NJDA Regional Compost Facility Scope of Work (Grant #13-02) was cancelled for “multiple reasons and delays”, and the NJDA advised that the project scope of work with the North Jersey Resource Conservation and Development organization was bring revised and would not include the Mill Lane property; and

WHEREAS, since the compost facility is no longer contemplated for the property, the aforementioned conditions of the December 18, 2018 Amended Green Light Review are no longer relevant or required; and

WHEREAS, the 1-acre Non-Severable Exception Area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 71.66 which exceeds 47, which is 70% of the County’s average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on October 24, 2019 the SADC certified a development easement value of \$11,300 per acre based on zoning and environmental regulations in place as of the current valuation date March 18, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County’s offer of \$11,300 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on September 15, 2020, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 12, 2020, the Hillsborough Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 24, 2020, the Somerset County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$4,520 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 76.955 payable acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$521,754.90	(\$6,780/acre) based on certified value
<u>Somerset County</u>	<u>\$347,836.60</u>	<u>(\$4,520/acre)</u>
Total Easement Purchase	\$869,591.50	(\$11,300/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$97,211.06 in base grant and \$424,543.82 in competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 76.955 payable acres, at a State cost share of \$6,780 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$521,754.90 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. The SADC conditions regarding the manure compost facility are hereby released.
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
6. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.

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

10/22/2020

Date

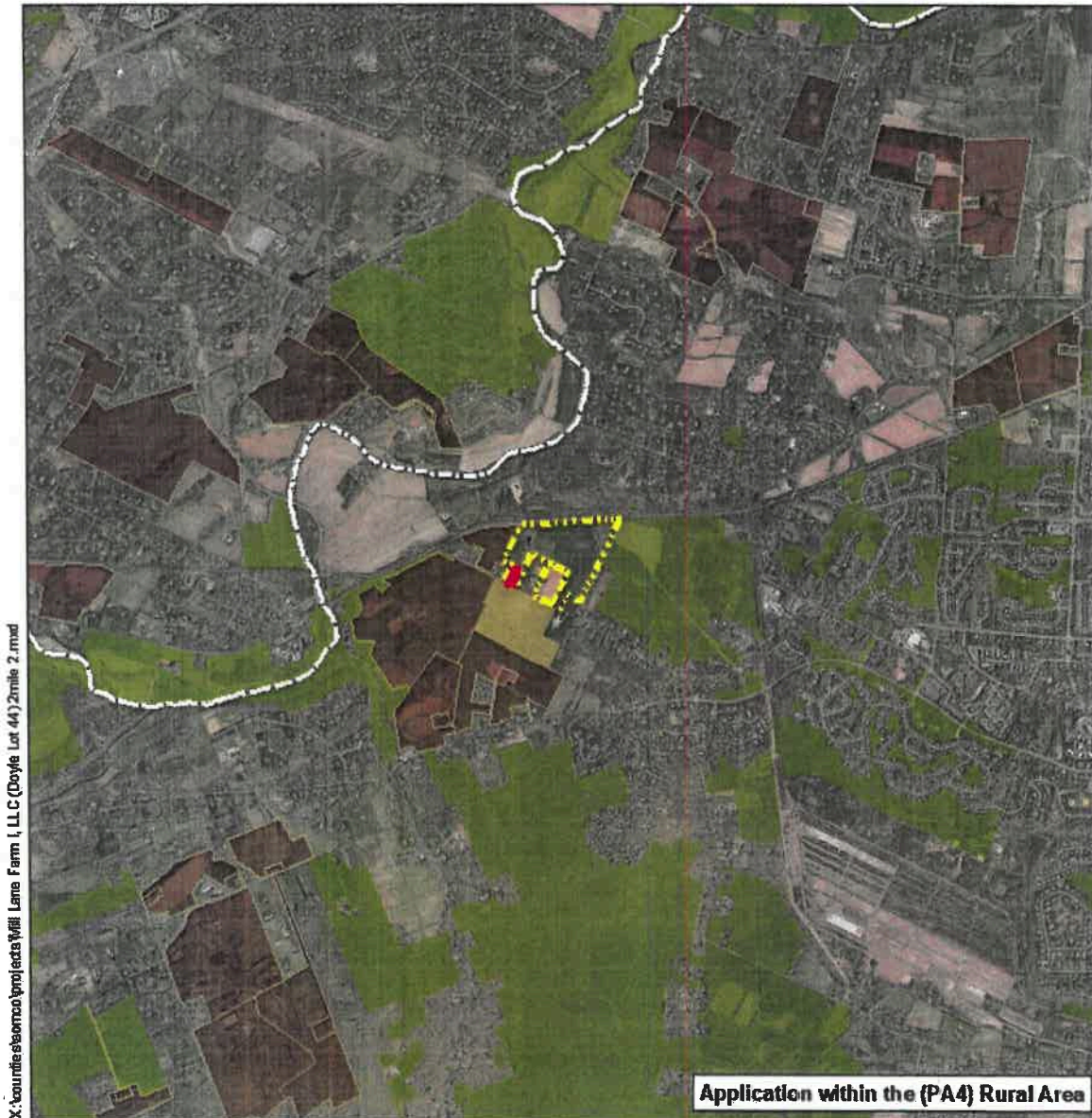


Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Preserved Farms and Active Applications Within Two Miles



X:\counties\blanco\projects\Mill Lane Farm I, LLC (Doyle Lot 44)\2mile 2.mxd

Application within the (PA4) Rural Area

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

Mill Lane Farm I, LLC (Doyle Lot 44)  
Block 12 Lots P/O 44 (70.1 ac);  
P/O 44-EN (non-severable exception - 1.0 ac) & 44.04 (10.5 ac)  
Gross total = 81.6 ac  
Hillsborough Twp., Somerset County



- Property In Question
- EN - (Non-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&R & Recreation Easements

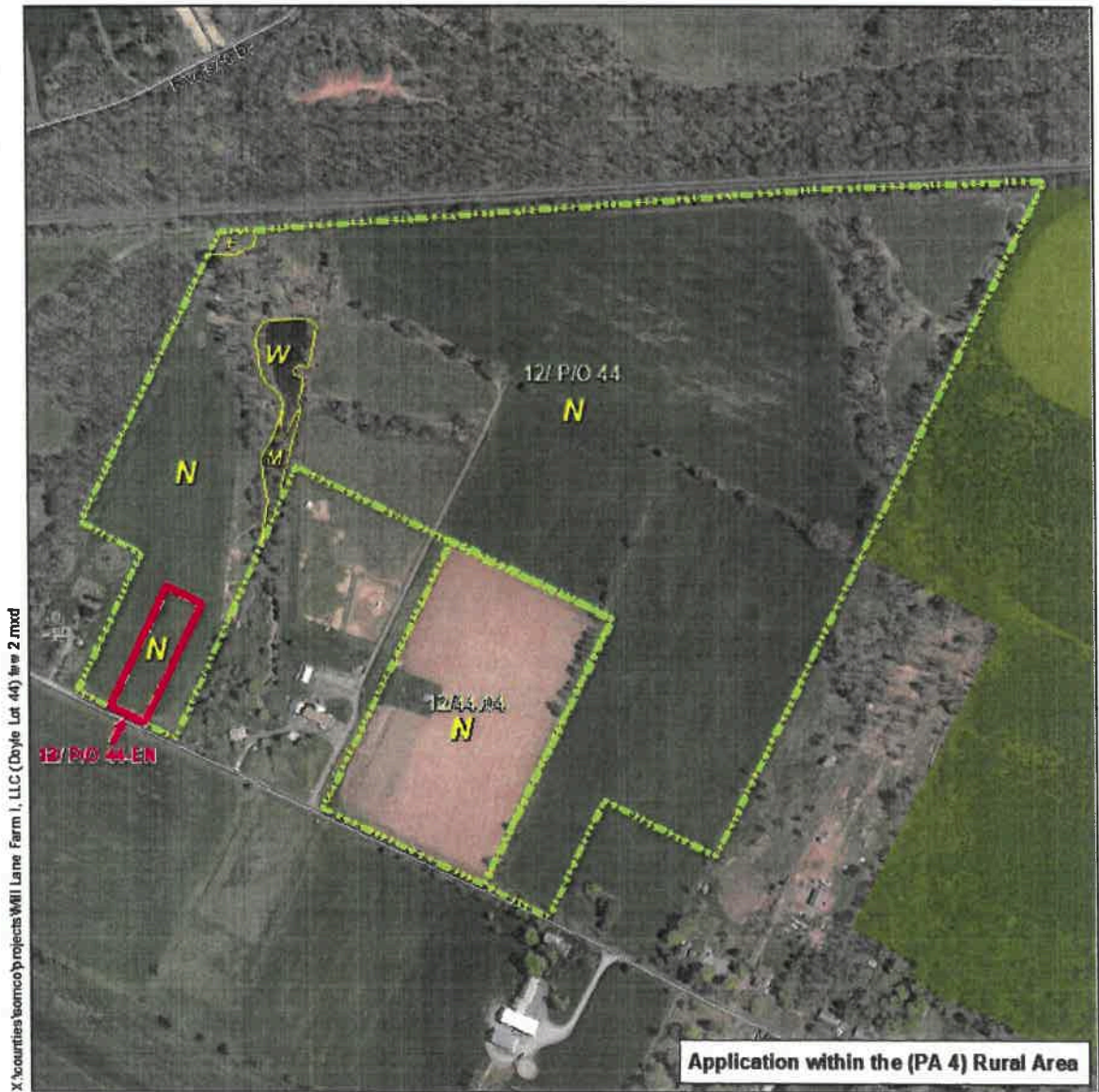


NOTES:  
The parcel boundaries and identification shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors.

Source:  
NJ Farmland Preservation Program  
County Active Conservation Layered Data  
NJDC/OCES 2015 Digital Aerial Image  
September 13, 2015



# Wetlands



X:\counties\omco\projects\Mill Lane Farm I, LLC (Doyle Lot 44)\fig 2.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mill Lane Farm I, LLC (Doyle Lot 44)  
Block 12 Lots P/O 44 (70.1 ac);  
P/O 44-EN (non-severable exception - 1.0 ac) & 44.04 (10.5 ac)  
Gross total = 81.6 ac  
Hillsborough Twp., Somerset County



Source:  
NJ Farmland Preservation Program  
County Aerial Conservation Database Data  
NJ Dept. of Environmental Protection

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The conditions and non-warranted location of ground polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this data set may not meet the requirements for use in applications requiring information and location of the ground polygons and/or other critical data. The data was derived from aerial photography and ground truth data collected by a licensed Professional Land Surveyor.

Application within the (PA 4) Rural Area

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



Wetlands Legend:  
1 - 1' Freshwater Wetlands  
2 - 2' Freshwater Wetlands  
3 - 3' Freshwater Wetlands  
4 - 4' Freshwater Wetlands  
5 - 5' Freshwater Wetlands  
6 - 6' Freshwater Wetlands  
7 - 7' Freshwater Wetlands  
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99 - 99' Freshwater Wetlands  
100 - 100' Freshwater Wetlands

Schedule B

SADC ID#	Farm	Municipality	Acres	Pay	Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Base Grant				Competitive Funds					
								Cost Basis	Cost Share	Federal Grant		Fiscal Year		Maximum Grant		FY11 Balance		FY13 Balance	
										Total	SADC	Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance
18-0206-FG	Howard, Charles & Edith	Kingstony	31.1970	31,1950	31,1950	30,000.00	23,400.00	1,216,606.00	729,983.00	747,162.00	729,983.00	2,770,007.00	1,447,640.64	953,753.61	953,753.61	3,000,000.00	Fiscal Year 11		
18-0208-FG	Quirk	Hillsborough	36.8290	36,8290	36,8290	17,000.00	10,200.00	628,076.00	376,646.60	408,734.00	376,646.60	2,384,301.40	424,543.82	-	-	6,000,000.00	Fiscal Year 13		
18-0211-FG	Yadonstony	Hillsborough	36.9810	36,9810	36,9810	14,200.00	6,620.00	651,826.20	331,095.72	339,472.60	331,095.72	2,083,295.68	-	-	-	6,000,000.00	Fiscal Year 17		
18-0213-FG	Lobel	Bedminster	120.2340	116,3340	116,3340	36,600.00	17,816.00	4,120,657.00	2,014,672.21	1,060,916.60	1,060,916.60	1,002,377.09	467,572.06	-	-	2,000,000.00	Fiscal Year 18		
18-0214-FG	Gund, Gordon	Franklin	100.6430	100,6430	100,6430	19,000.00	9,000.00	1,608,610.00	521,154.80	97,211.08	97,211.08	-	-	-	-	2,000,000.00	Fiscal Year 20		
18-0223-FG	Will Lane Farm I, LLC (Doyle Lot 4)	Hillsborough	79.7480	79,8950	79,8950	11,300.00	6,780.00	669,591.50	467,272.08	97,211.08	97,211.08	-	-	-	-	-	-		
18-0223-FG	Will Lane Farm I, LLC (Doyle Lot 28)	Hillsborough	59.1130	58,8990	58,8990	13,200.00	7,920.00	778,766.80	467,272.08	97,211.08	97,211.08	-	-	-	-	-	-		
Closed			227.1300	223,2180	223,2180			6,824,364.20	3,461,376.63	2,116,164.79	388,641.39								
Encumbered			229.7940	226,6280	226,6280			3,166,989.20	1,894,192.98										
										Encumbered/Expended FY09	-	2,377.08	1,487,622.92	-	-	-	-	-	
										Encumbered/Expended FY11	-	-	1,000,000.00	-	-	-	-	-	
										Encumbered/Expended FY13	97,211.08	902,769.82	-	-	-	-	-	-	
										Encumbered/Expended FY17	-	-	-	-	-	-	-	-	
										Encumbered/Expended FY18	-	-	-	-	-	-	-	-	
										Encumbered/Expended FY20	-	-	-	-	-	-	-	-	
										Total				0.00			3,000,000.00	4,046,246.29	



Schedule C

State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase

Mill Lane Farm I, LLC (Doyle Lot 44)  
 18- 0223-PG  
 County PIG Program  
 81 Acres

Block 12	Lot 44.04	Hillsborough Twp.	Somerset County		
Block 12	Lot 44	Hillsborough Twp.	Somerset County		
<b>SOILS:</b>		Local	7% * .05	=	.35
		Other	2% * 0	=	.00
		Prime	55% * .15	=	8.25
		Statewide	36% * .1	=	3.60
				<b>SOIL SCORE:</b>	<b>12.20</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	89% * .15	=	13.35
		Woodlands	11% * 0	=	.00
				<b>TILLABLE SOILS SCORE:</b>	<b>13.35</b>
<b>FARM USE:</b>	Hay		82 acres		

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION FY2021R10(6)**  
**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**  
**SOMERSET COUNTY**  
for the  
**PURCHASE OF A DEVELOPMENT EASEMENT**  
**On the Property of Mill Lane Farm I, LLC (Doyle Lot 28) ("Owners")**  
**SADC ID# 18-0222-PG**  
**Hillsborough Township, Somerset County**  
**N.J.A.C. 2:76-17 et seq.**

**OCTOBER 22, 2020**

WHEREAS, on July 11, 2018 it was determined that the application for the sale of a development easement for the subject farm identified as Block 11, Lot 28, Hillsborough Township, Somerset County, totaling approximately 59.113 gross survey acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Premises includes no exception areas, zero (0) single family residential units, zero (0) Residual Dwelling Site Opportunities (RDSO), zero (0) agricultural labor units, and one (1) pre-existing non-agricultural use, resulting in approximately 59.113 net easement survey acres to be preserved, with 58.999 payable acres due to a fence encroachment, hereinafter referred to as "the Premises"; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) Zero (0) housing opportunities
- 3) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 4) Zero (0) agricultural labor units
- 5) One (1) pre-existing non-agricultural use for a NJDOT permitted airstrip that is limited to private use, daylight operations, and is located on an approximately 3.3-acre area which is in hay production and will be identified in the Deed of Easement and delineated on the survey as a pre-existing non-agricultural use; and

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

WHEREAS, the Property has a quality score of 76.73 which exceeds 47, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on October 24, 2019 the SADC certified a development easement value of \$13,200 per acre based on zoning and environmental

regulations in place as of the current valuation date March 18, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$13,200 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on September 15, 2020, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 12, 2020, the Hillsborough Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 24, 2020, the Somerset County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$5,280 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 58.999 payable acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$467,272.08	(\$7,920/acre)
Somerset County	\$311,514.72	(\$5,280/acre)
Total Easement Purchase	\$778,786.80	(\$13,200/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$467,272.08 in competitive grant funding which is available at this time (Schedule B); and

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

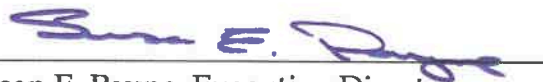
NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 58.999 payable acres, at a State cost share of \$7,920 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$467,272.08 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

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

10/22/2020

Date



Susan E. Payne, Executive Director

State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Preserved Farms and Active Applications Within Two Miles



X:\counties\elasticsearch\projects\Mill Lane Farm I, LLC (Doyle Lot 28) 2.mile.mxd

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

Mill Lane Farm I, LLC (Doyle Lot 28)  
Block 11 Lot 28 (59.2 ac)  
Gross total = 59.2 ac  
Hillsborough Twp., Somerset County



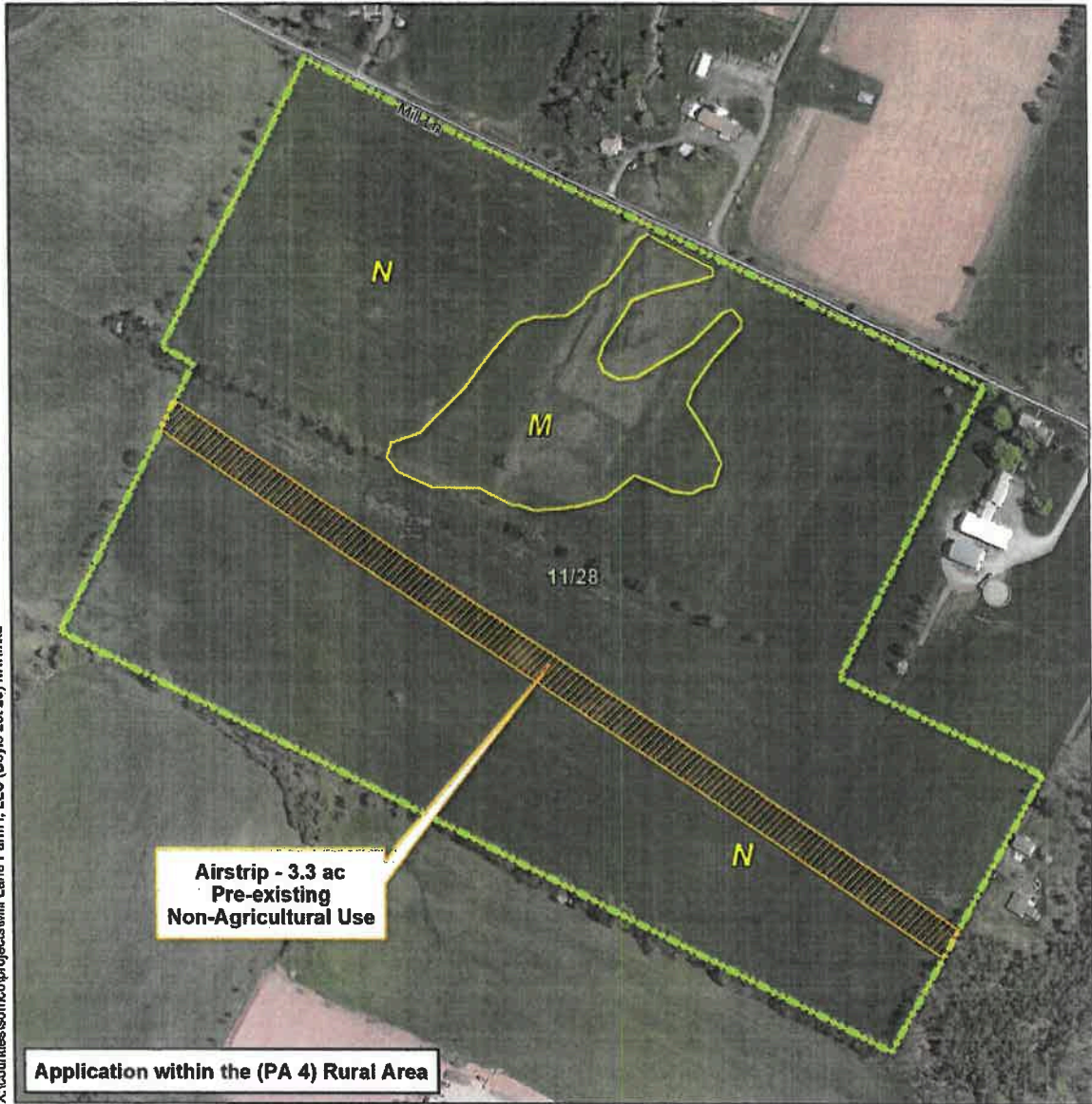
	Property in Question
	EN - (Non-Sovereign) Exception
	ES - (Sovereign) Exception
	Preserved Easements
	Transfer Development Rights (TDR) Preserve of Wetlands, Parks and Historical
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State 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 show boundaries as defined by the New Jersey Board of Professional Engineering and Land Surveyors.

**Sources:**  
NJ Farmland Assessment Program  
County Access Conservation easements Unit  
NJCELRIS 2015 Digital Aerial Ortho  
June 21, 2018



# Wetlands



X:\counties\somco\projects\Mill Lane Farm I, LLC (Doyle Lot 28) \mww.mxd

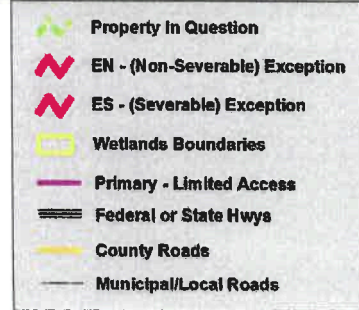
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mill Lane Farm I, LLC (Doyle Lot 28)  
Block 11 Lot 28 (59.2 ac)  
Gross total = 59.2 ac  
Hillsborough Twp., Somerset 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 geospatial accuracy and precision of the GIS data contained in this risk map shall not be, nor are intended to be, relied upon by readers 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 - Least Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
S - 300' Buffer  
W - Water

July 6, 2018



Schedule B

SADC ID#	Farm	Municipality	Acres	Per Acre	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant Total	SADC Federal Grant	Base Grant					Competitive Funds							
							Cost Basis	Cost Share			Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance				
18-0226-Pg 18	Harper, Charles & Edith	Mendota	31.1970	31.1960	39,000.00	23,400.00	1,216,606.00	729,963.00	2,115,164.79	366,641.39	747,162.00	729,963.00	729,963.00	3,600,000.00	1,600,000.00		1,447,640.64	983,753.61	983,753.61	3,000,000.00	Fiscal Year 11		
18-0228-Pg 19	Quiter, Robyn	Hillsborough	36.6290	36.6290	17,000.00	10,200.00	526,076.00	376,646.60	489,734.00	489,734.00	489,734.00	376,646.60	2,384,891.40	1,000,000.00	6,000,000.00	1,000,000.00						Fiscal Year 13	
18-0217-Pg 18	Leibel, Gwendolyn	Hillsborough	36.9610	36.9610	14,200.00	8,520.00	412,867.00	331,086.72	333,472.90	333,472.90	331,086.72	331,086.72	2,083,296.88	2,000,000.00	6,000,000.00	2,000,000.00						Fiscal Year 17	
18-0218-Pg 18	Leibel, Gwendolyn	Benedict	120.2540	116.2340	16,600.00	17,816.00	2,014,672.21	905,166.00	2,060,816.60	866,641.39	1,060,816.60	1,060,816.60	1,002,277.08	2,000,000.00	2,000,000.00							Fiscal Year 20	
18-0217-Pg 18	Gund, Gordon	Franklin	100.9430	100.5740	15,000.00	9,000.00	1,509,610.00	905,166.00	905,166.00	905,166.00	905,166.00	905,166.00	97,211.08										
18-0223-Pg 18	Mill Lane Farm, LLC (Doyle Lot 44)	Hillsborough	78.7480	76.9550	11,300.00	9,000.00	899,631.50	621,764.80	424,548.82		424,548.82												
18-0222-Pg 18	Mill Lane Farm, LLC (Doyle Lot 28)	Hillsborough	59.1130	58.8990	13,200.00	7,820.00	779,786.80	467,272.06	467,272.06		467,272.06												
Closed	4		227,1200	223,2180			6,524,364.20	3,461,376.63	2,115,164.79	366,641.39													
Encumbered	3		236,7040	236,6290			3,166,898.30	1,894,192.86															
									Encumber/Expended FY09					Encumber/Expended FY11					Encumber/Expended FY13				
									2,377.09					1,467,632.92					991,916.50				
									97,211.09					802,786.92					983,753.61				
									0.00					3,000,000.00					4,046,246.39				

Schedule C

State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase  
 October 22, 2020

Mill Lane Farm I, LLC (Doyle Lot 28)  
 18- 0222-PG  
 County PIG Program  
 59 Acres

Block 11	Lot 28	Hillsborough Twp.	Somerset County		
<b>SOILS:</b>		Prime	32% * .15	=	4.80
		Statewide	68% * .1	=	6.80
					<b>SOIL SCORE: 11.60</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	99% * .15	=	14.85
		Woodlands	1% * 0	=	.00
					<b>TILLABLE SOILS SCORE: 14.85</b>
<b>FARM USE:</b>	Hay		59 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:
    - NJDOT permitted airstrip that is limited to private use and daylight operations.
    - In hay production
    - Located on an approximately 3.3 acre area
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2021R10(7)  
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of TALC, LLC (Shen)  
OCTOBER 22, 2020**

Subject Property: **TALC, LLC (Shen)**  
Block 501, Lot 3  
Mansfield Township, Warren County  
SADC ID#:21-0056-DE  
Approximately 157 Net Easement Acres

WHEREAS, on March 20, 2020, the State Agriculture Development Committee ("SADC") received a development easement sale application from TALC, LLC, hereinafter "Owner," identified as Block 501, Lot 3, Township, County, hereinafter "the Property," totaling approximately 222.9 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 65.9 acre non-severable conservation exception area (CEA) for and limited to an existing Wetlands Reserve Easement held by the Natural Conservation Resources Service (NRCS) with zero (0) residential opportunities, resulting in approximately 157 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, 65.9-acre non-severable Exception Area:

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

WHEREAS, the Owner conveyed an undated "Warranty Easement Deed" pursuant to the Wetlands Reserve Program (Easement No. 662B2912019X8) to the United States of America, by and through the Commodity Credit Corporation, recorded February 21, 2014 in the Warren County Clerk's Office in Deed Book 2537, Page 120 (the "warranty deed").

WHEREAS, the warranty deed pertains to a wetlands easement area, the boundaries of which are coextensive with the 65.9-acre nonseverable exception area; and

WHEREAS, the Owner's rights under the Farmland Preservation Deed of Easement may be affected by certain terms and conditions of the warranty deed (including, but not limited to, fencing and drainage features that impact the wetlands easement area within the nonseverable exception area); and

WHEREAS, a similar provision containing the foregoing shall be included in the Farmland Preservation Deed of Easement; and

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

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 26, 2019, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Warren County (minimum acreage of 60 and minimum quality score of 57) because it is approximately 157 acres and has a quality score of 67.28; and

WHEREAS, the Owner purchased the property on June 3, 2005; therefore, the property is not eligible for bring appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, On September 15, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$1,000 per acre based on zoning and environmental regulations in place as of the current valuation date July 2020; and

WHEREAS, the Owners accepted the SADC's offer of \$1,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands Funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding ("Highlands Funds"); and

WHEREAS, at this time there is sufficient Highlands Funding available for this farm; 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 \$1,000 per acre for a total of approximately \$157,000 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.
4. 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.

10/22/2020  
Date

  
 \_\_\_\_\_  
 Susan E. Payne, Executive Director  
 State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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



# Preserved Farms and Active Applications Within Two Miles



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Application in the Highlands Preservation Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

TALC, LLC (Shen)  
Block 501 Lot P/O 3 (137.5 & 19.5 ac) &  
P/O 3-EN (non-severable exceptions 49.1 & 16.8  
Gross Total = 222.9 ac  
Mansfield Twp., Warren County

0 2000 4000 6000 Feet



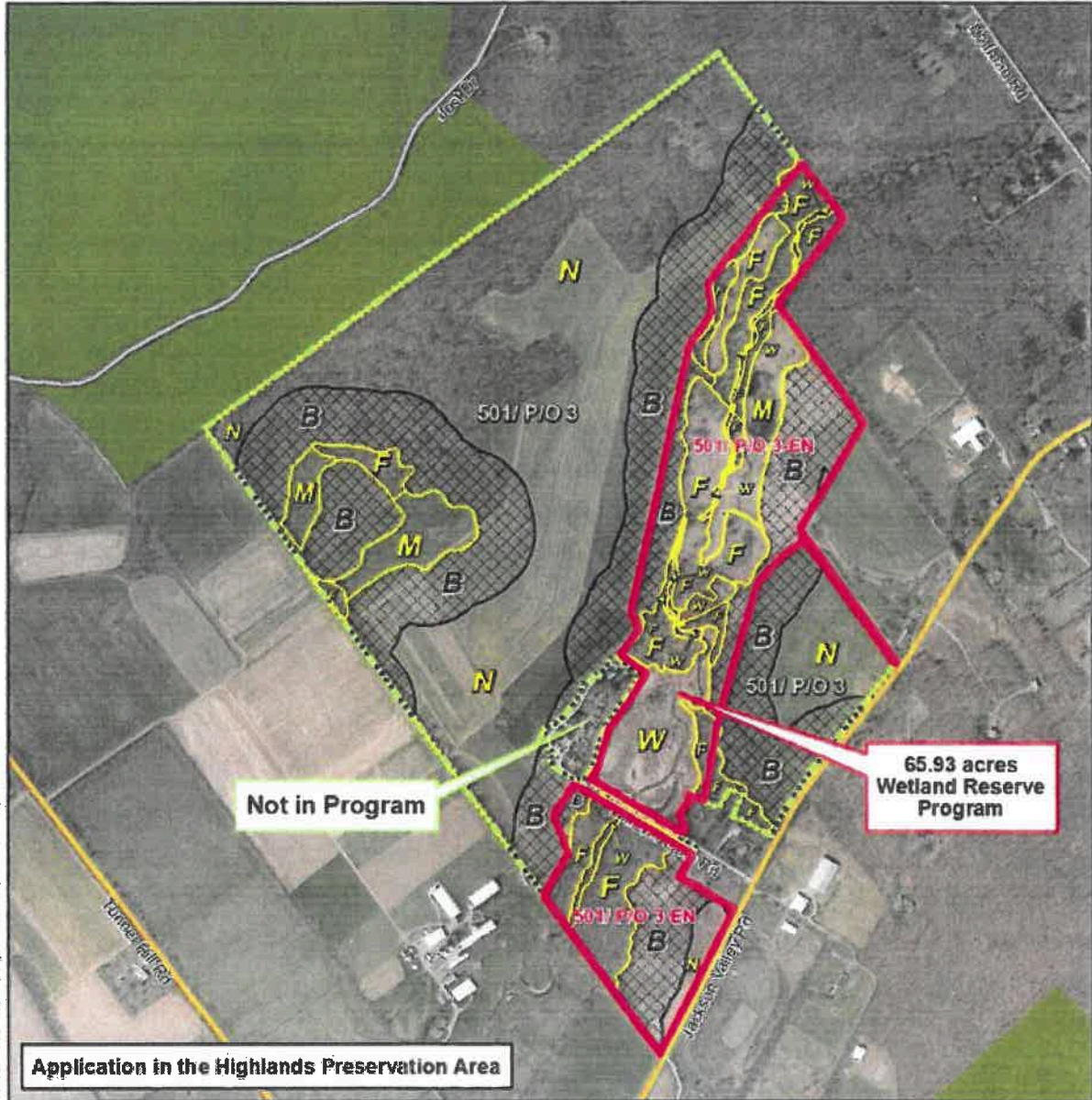
	Property in Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State-Owned Conservation Easements, & State Owned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

Sources:  
NJ Pinelands Preservation Program  
Open Space Inventory & Easement Data  
Pinelands Area: US Department of the Interior, BLM, NJ  
NJ Pinelands Program

**NOT:**  
The data herein are for informational purposes only and should not be relied upon for any legal or financial decisions. The data are not a guarantee of accuracy and are subject to change without notice.



# Wetlands



X:\COUNTY\GIS\PROJECTS\TALC, LLC (Shen) INVT.MXD

Not in Program

65.93 acres  
Wetland Reserve  
Program

Application in the Highlands Preservation Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

TALC, LLC (Shen)  
Block 501 Lot P/O 3 (137.5 & 19.5 ac) &  
P/O 3-EN (non-severable exceptions 49.1 & 16.8  
Gross Total = 222.9 ac  
Mansfield Twp., Warren County



Sources:  
US 8 20080101 User, 2008 Program  
Open Aerial Coverage (Aerial) Data  
Protected Areas Database of the United States, 2001  
National Wetlands Data  
NJ State Agriculture Development Committee  
US 20080101 2010 D, 2010 Aerial 100'

**DISCLAIMER:** Any use of this document with respect to accuracy and precision shall be the sole responsibility of the user. The user shall not be held liable for any errors or omissions in this document. The user shall be responsible for any and all costs incurred in the use of this document. The user shall be responsible for any and all costs incurred in the use of this document. The user shall be responsible for any and all costs incurred in the use of this document.

- Property in Question
- EN - (Non-Severable) Exception
- Wetlands Boundaries
- 300 ft Buffered Wetlands
- 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 - Forested Wetlands  
M - Marsh  
B - Barren  
N - Natural  
W - Wetland  
S - Shrubland  
U - Upland

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

TALC, LLC (Shen)  
Easement Purchase - SADC  
157 Acres

Block 501	Lot 3	Mansfield Twp.	Warren County		
<b>SOILS:</b>		Other	15% * 0	=	.00
		Prime	59% * .15	=	8.85
		Statewide	26% * .1	=	2.60
				<b>SOIL SCORE:</b>	<b>11.45</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	66% * .15	=	9.90
		Wetlands/Water	2% * 0	=	.00
		Woodlands	32% * 0	=	.00
				<b>TILLABLE SOILS SCORE:</b>	<b>9.90</b>
<b>FARM USE:</b>					

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (49.1) acres for Wetlands Reserve Area  
Exception is not to be severable from Premises
    - 2nd (16.8) acres for Wetlands Reserve Area  
Exception is not to be severable from Premises
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - 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 #FY2021R10(8)  
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of Strober, Michael & Diane**

**OCTOBER 22, 2020**

Subject Property: **Strober, Michael & Diane**  
Block 37, Lot 3 & 3.10  
Kingwood Township, Hunterdon County  
SADC ID#:10-0189-DE  
Approximately 52.75 Net Easement Acres

WHEREAS, on November 1, 2019, the State Agriculture Development Committee ("SADC") received a development easement sale application from Strober, Michael & Diane, hereinafter "Owners," identified as Block 37, Lots 3 & 3.01, Kingwood Township, Hunterdon County, hereinafter "the Property," totaling approximately 58 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 5.25-acre non-severable exception area for the existing single family residential unit, 2 ancillary apartments and to afford future flexibility for nonagricultural uses resulting in approximately 52.75 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 5.25-acre Non-Severable Exception Area:

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

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

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 26, 2019, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 47 and minimum quality score of 58) because it is approximately 52.75 acres and has a quality score of 61.54; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, On August 25, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$3,600 per acre based on zoning and environmental regulations in place as of the current valuation date June 2020; and

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

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$3,600 per acre for a total of approximately \$189,900 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.
4. 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.

10/22/2020

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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



# Preserved Farms and Active Applications Within Two Miles



E:\counties\02\proj\0215\inc\0215\Michael & Diane\2016\_3.mxd

Application in the (PA4b) Rural Env Sens Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Strober, Michael & Diane  
Block 37 Lots 3.10 (4.7 ac), P/O 3 (44.3 & 3.8 ac);  
and P/O 3-EN (non-severable exception - 5.25 ac)  
Gross Total = 58.0 ac  
Kingwood Twp., Hunterdon County



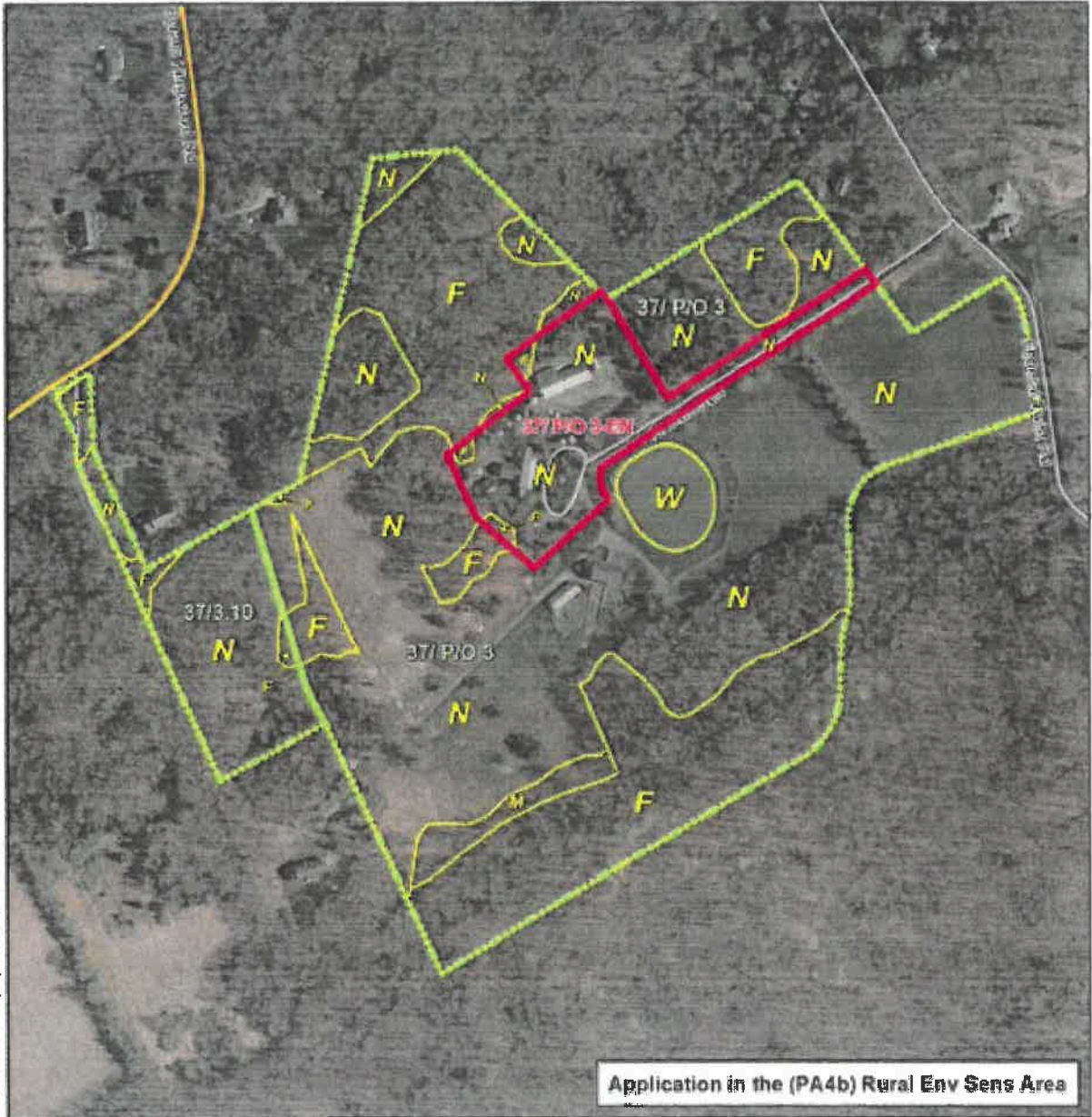
- Property in Question
- Exception
- Preserved Easements
- State Development Rights (SDR) Preserved, Highlands, Private and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Frank Preserved Open Space, State-Owned, Conservation Easements, & State Owned O/S & Recreation Easements

**Source:**  
NJ Planning & Economic Development  
NJ State Agriculture Development Committee  
NJ State Office of Planning & Economic Development  
NJ State Office of Conservation & Recreation  
NJ State Office of Historic Preservation

**NOTE:**  
This map is for informational purposes only and does not constitute a legal document. It is subject to change without notice. The State Office of Planning & Economic Development is not responsible for any errors or omissions on this map.



# Wetlands



Map created by: Michael S. Dorn, NYS DEC

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Strober, Michael & Diane  
Block 37 Lots 3-10 (4.7 ac); P/O 3 (44.3 & 3.8 ac);  
and P/O 3-EN (non-severable exception - 5.25 ac)  
Gross Total = 58.0 ac  
Kingwood Twp., Hunterdon County



**Notes:**  
1. Farmland Preservation Program  
2. Non-Severable Exception (P/O 3-EN)  
3. Wetlands (N, F, W)  
4. Property In Question (Red Outline)  
5. Wetlands Boundaries (Yellow Outline)  
6. Primary - Limited Access (Pink Line)  
7. Federal or State Hwys (Yellow Line)  
8. County Roads (Orange Line)  
9. Municipal/Local Roads (Grey Line)

**Disclaimer:** The State of New Jersey and the Department of Environmental Protection do not warrant the accuracy of the information provided on this map. The user of this map is responsible for verifying the accuracy of the information provided on this map. The State of New Jersey and the Department of Environmental Protection are not liable for any damages, including consequential damages, arising from the use of this map.

Application in the (PA4b) Rural Env Sens Area

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

- Wetlands Legend:**
- N - Non-tidal Wetlands
  - F - Freshwater Wetlands
  - W - Wetlands of Unknown Type
  - W - Wetlands of Unknown Type
  - W - Wetlands of Unknown Type
  - W - Wetlands of Unknown Type
  - W - Wetlands of Unknown Type

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Strober, Michael & Diane  
Easement Purchase - SADC  
53 Acres

Block 37	Lot 3,10	Kingwood Twp.	Hunterdon County		
Block 37	Lot 3	Kingwood Twp.	Hunterdon County		
<b>SOILS:</b>		Other	16% * 0	=	.00
		Statewide	84% * .1	=	8.40
				<b>SOIL SCORE:</b>	<b>8.40</b>
<b>TILLABLE SOILS:</b>		Cropland Pastured	50% * .15	=	7.50
		Wetlands/Water	33% * 0	=	.00
		Woodlands	17% * 0	=	.00
				<b>TILLABLE SOILS SCORE:</b>	<b>7.50</b>
<b>FARM USE:</b>		Hay		acres	
		Beef Cattle Feedlots		acres	

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (5.25) acres for existing single family residence, apartment & improvements  
Exception is not to be severable from Premises  
Right to Farm language is to be included in Deed of Easement
  - c. Additional Restrictions:
    - exception area is restricted to one single family residence & 2 ancillary apartments
  - 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 #FY2021R10(9)  
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of Wentzell, Kenneth S., Wayne K, & Marlene**

**October 22, 2020**

Subject Property:   Wentzell, Kenneth S., Wayne K, & Marlene  
                          Block 32, Lot 6, Block 28, Lot 20 & 20.01  
                          Upper Pittsgrove Township, Salem County  
                          SADC ID#:17-0355-DE  
                          Approximately 104.7 Net Easement Acres

WHEREAS, on March 9, 2020, the State Agriculture Development Committee ("SADC") received a development easement sale application from Kenneth S., Wayne K., & Marlene Wentzell, hereinafter "Owners," identified as Block 32, Lot 6, and Block 28, Lot 20 & 20.01, Upper Pittsgrove 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, the Owners read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises for Non-Contiguous Parcels, and Non-Agricultural Uses; and

WHEREAS, the Property includes no exception areas, resulting in approximately 104.7 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the Premises includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 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 94 and minimum quality score of 63) because it is approximately 104.7 acres and has a quality score of 72.43; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on August 25, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,650 per acre based on zoning and environmental regulations in place as of the current valuation date June 5, 2020; and

WHEREAS, the Owners accepted the SADC's offer of \$5,650 acre for the purchase of the development easement on the Premises; and

WHEREAS, the Owners requested a phased principal payment plan of the purchase price in three installments as follows, subject to final survey acreage:

- 1) 2021 Closing date: approximately \$197,185
- 2) January 31, 2022: approximately \$197,185
- 3) January 29, 2023: approximately \$197,185

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,650 per acre for a total of approximately \$591,555 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved, 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.

10/22/2020

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

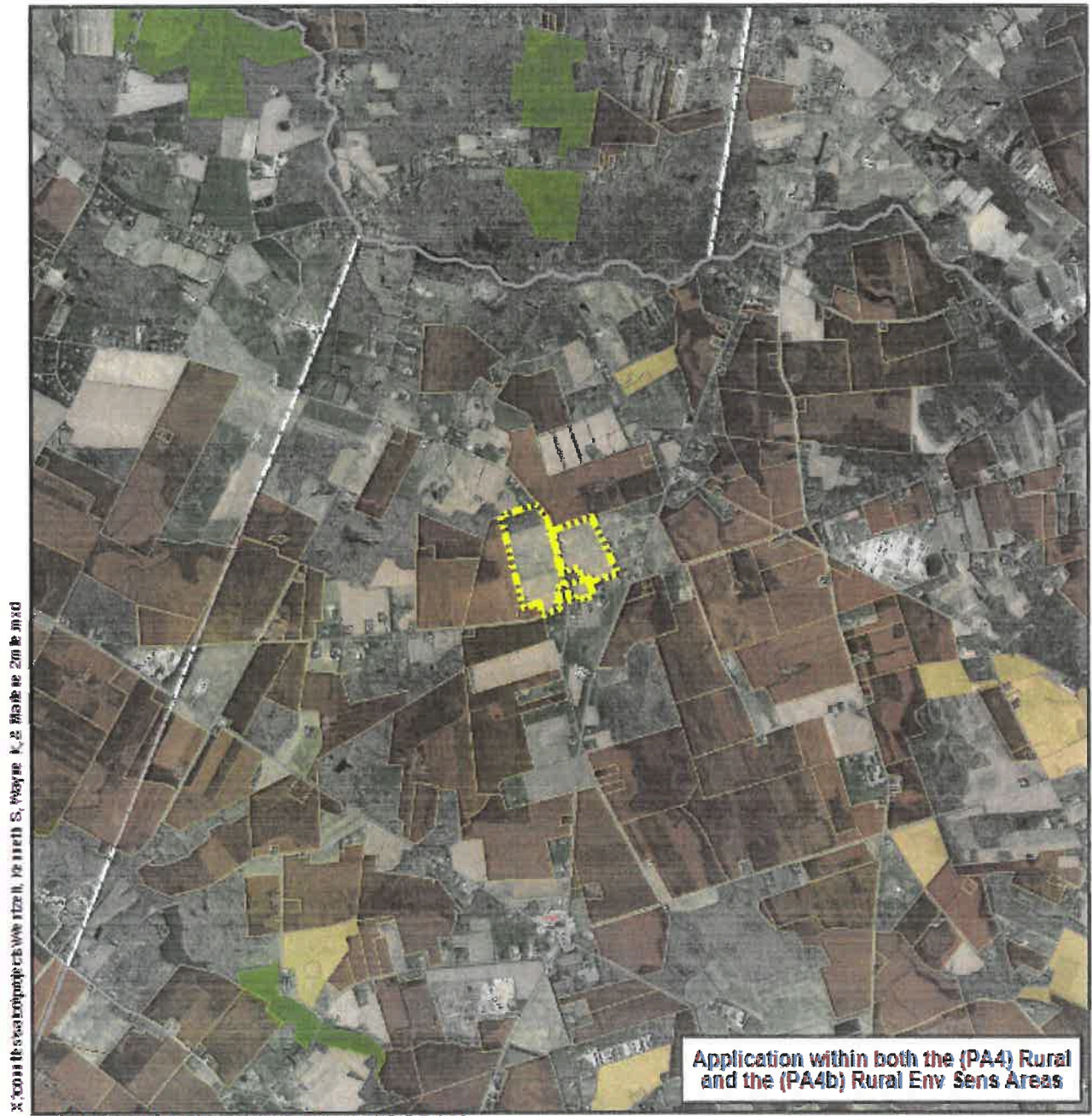
**VOTE WAS RECORDED AS FOLLOWS:**

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

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/17-0355-DE/Acquisition/Internal Closing/Wentzell, Wayne, Kenneth, & Marlene Final Approval.docx>



# Preserved Farms and Active Applications Within Two Miles



X:\00016\00016\proj\016\112\11\_Kenneth S. Wayne K. & Mariela W. 2018.08.08 2018.08.08

Application within both the (PA4) Rural and the (PA4b) Rural Env Sens Areas

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wentzell, Kenneth S., Wayne K. & Mariela  
Block 28 Lots 20 (36.8 ac); 20.01 (5.8 ac)  
& Block 32 Lot 8 (62.1 ac)  
Gross Total = 104.7 ac  
Upper Pittsgrove Twp., Salem County



- Property in Question
- Preserved Easements
- Transfer Development Rights (TDR) Preserved Highlands, Ruralside and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned Oils & Recreation Easements



Source:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Ruralside Areas Database of the United States (RAD-US)  
USDTIC/US 2016 Digital Aerial Image

**NOTE:**  
The parcel boundaries shown on this map are approximate and should be considered as a land survey as defined by the New Jersey Board of Professional Engineering and Land Surveyors



# Wetlands



X:\counties\satic\projects\Wentzell, Kenneth S., Wayne K. & Marlene fww.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wentzell, Kenneth S., Wayne K., & Marlene  
Block 28 Lots 20 (36.8 ac); 20.01 (5.8 ac)  
& Block 32 Lot 6 (62.1 ac)  
Gross Total = 104.7 ac  
Upper Pittsgrove Twp., Salem County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJDEP Wetlands Data  
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 geo-data accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



	Property In Question
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads

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

March 13, 2020

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Wentzell, Kenneth S., Wayne K. & Marlene  
Easement Purchase - SADC  
105 Acres

Block 28	Lot 20	Upper Pittsgrove Twp. Salem County			
Block 32	Lot 6	Upper Pittsgrove Twp. Salem County			
Block 28	Lot 20.01	Upper Pittsgrove Twp. Salem County			
<b>SOILS:</b>		Other	6%	* 0	= .00
		Prime	81%	* .15	= 12.15
		Statewide	13%	* .1	= 1.30
					<b>SOIL SCORE: 13.45</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	89%	* .15	= 13.35
		Wetlands/Water	3%	* 0	= .00
		Woodlands	8%	* 0	= .00
					<b>TILLABLE SOILS SCORE: 13.35</b>
<b>FARM USE:</b>		Corn-Cash Grain	32	acres	
		Soybeans-Cash Grain	56	acres	
		Wheat-Cash Grain	16	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: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2021R10(10)  
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO  
THE LAND CONSERVANCY OF NEW JERSEY**

**for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
Murphy, Richard (TLCNJ\Murlan)**

**2016 Nonprofit Round - SADC #21-0031-NP**

**OCTOBER 22, 2020**

WHEREAS, on May 18, 2015, the State Agriculture Development Committee ("SADC"), received a nonprofit cost share grant application from The Land Conservancy of New Jersey (TLC-NJ) for the Murphy farm, identified as Block 301, Lot 6, Frelinghuysen Township, Warren County; and

WHEREAS, on November 12, 2015, the SADC granted preliminary approval by Resolution #FY2016R11(11) to the TLC-NJ application and appropriated \$1,425,000 for the acquisition of development easement on five farms including the Murphy farm; and

WHEREAS, after the SADC certified a value and granted final approval by RESOLUTION FY18R1(1) (Schedule A), the landowner requested to significantly amend the application, which SADC staff advised would require a new application and appraisals; and

WHEREAS, on September 15, 2020, SADC staff approved a new application which will utilize the funding appropriated to TLC-NJ in the FY2016 nonprofit funding round; and

WHEREAS, as a result of an August 3, 2020, subdivision of approximately 27 acres, the property has been designated as Lot 6.0, consisting of 226.878 survey acres; and

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

WHEREAS, the Premises includes two (2), approximately 1-acre non-severable exception areas, each for future single family residential units and to afford future flexibility for nonagricultural uses resulting in approximately 224.878 net survey acres to be preserved, hereinafter referred to as "the Premises" (Schedule B); and

WHEREAS, each 1-acre non-severable Exception Area:

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

WHEREAS, the installation of future driveways to nonseverable exceptions requires approval from the SADC pursuant to Policy P-41 and the landowner has opted not to request approval at this time and will be required to obtain approval from the SADC as per SADC Policy P-41 (Schedule C); and

WHEREAS, the Premises includes:

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

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

WHEREAS, at this time, \$573,288.78 of the FY2016 funding appropriated to TLC-NJ has been expended on the Tjamla #2, Shoemaker I & II farms, therefore, approximately \$851,711.22 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 57.88 which is greater than 70% of the County average quality score of 44 as determined by the SADC, at the time the application was submitted; and

WHEREAS, the property is in the Highlands Planning Area and the Owner provided a recorded deed showing that the property originally was acquired on September 3, 2003; therefore, the property is eligible for, and must be appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, On October 13, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,200 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$3,700 per acre based on zoning and environmental regulations in place as of the current valuation date August 2020; 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, pursuant to N.J.A.C. 2:76-15.2, on October 13, 2020, TLC-NJ informed the SADC that the landowner agreed to a \$4,000 per acre purchase price and requested a 50% grant based on the purchase price, which is 47.62% of the certified value; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLC-NJ on January 25, 2017 and will provide 50% matching funds from Warren County for TLC-NJ easement acquisition on the Murphy 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 224.878 acres is as follows:

Warren County	\$449,756	(\$2,000/acre or 50% total cost)
SADC Nonprofit Grant Funds	<u>\$449,756</u>	<u>(\$2,000/acre or 50% total cost)</u>
Total	\$889,512	(\$4,000/acre); and

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 FY16 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 will assign the Deed of Easement to the County immediately after closing on the Deed of Easement; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to TLC-NJ for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16 and hereby rescinds RESOLUTION FY18R1(1).
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 \$2,000 per acre (total of approximately \$449,756 based on 224.878 acres) to TLC-NJ for the development easement acquisition on the Premises, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule D).

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 Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement.
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 Property.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/22/2020  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION FY18R1(1)**  
**FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO**  
**THE LAND CONSERVANCY OF NEW JERSEY**  
**for the**  
**PURCHASE OF A DEVELOPMENT EASEMENT**  
**On the Property of**  
**Murphy, Richard (TLCNJ\Murlan)**  
**2016 Non Profit Round - SADC #21-0031-NP**  
**JANUARY 25, 2018**

WHEREAS, on May 18, 2015 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 Murphy farm identified as Block 301, Lot 6, Frelinghuysen Township, Warren County, totaling approximately 249.5 gross acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the original application included one (1), approximately 7-acre non-severable exception area for and limited to three (3) existing single-family residences and to afford future flexibility of uses; and

WHEREAS, in preparation for final approval, the landowner requested to change the configuration of the one of the non-severable exception area for one of the residences to remain on the Premises; and

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

WHEREAS, the Property includes one (1), approximately 6.5-acre non-severable exception area for and limited to two (2) existing single-family residences and to afford future flexibility of uses resulting in approximately 243 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes one (1) existing single family residential unit, zero (0) agricultural labor units and (0) non-agricultural uses; and

WHEREAS, at the time of application the Property was in corn and soybean production and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on November 12, 2015 the SADC granted preliminary approval by Resolution #FY2016R11(11) to the TLC-NJ application and appropriated \$1,425,000 for the acquisition of development easement on five farms including the Murphy farm; and

WHEREAS, at this time funding has been encumbered for the Tjamla #2, Shoemaker I & II farms, therefore approximately \$931,108.25 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 FIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 59.68 which is greater than 70% of the County average quality score of 39 as determined by the Committee on July 24, 2014; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-15(b) 1., on May 25, 2017 the SADC certified a development easement value of \$4,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and based on zoning and environmental regulations in place as of the current valuation date February 2017; 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 October 19, 2017 TLC-NJ informed the SADC that it will accept the SADC cost share of \$2,000 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLC-NJ on January 25, 2017 and will provide 50% matching funds from Warren County for TLC-NJ easement acquisition on the Murphy 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 243 acres is as follows:

Warren County	\$486,000	(\$2,000/acre or 50% total cost)
SADC Nonprofit Grant Funds	\$486,000	(\$2,000/acre or 50% total cost)
Total	\$972,000	(\$4,000/acre); and

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 FY16 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 Board of Chosen Freeholders immediately after closing on the Deed of Easement; and

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to TLC-NJ for the Murphy farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 6.5-acre non-severable exception area for and limited to two (2) existing single-family residences and to afford future flexibility of uses; and

BE IT FURTHER RESOLVED, the portion of the Property outside the exception area includes one (1) existing single-family residential unit, zero (0) agricultural labor units and (0) non-agricultural uses; and

BE IT FURTHER RESOLVED, TLC-NJ 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; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$2,000 per acre (total of approximately \$486,000 based on 243 acres) to TLC-NJ for the development easement acquisition on the Murphy farm, subject to the availability of funds; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED that 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; and

BE IT FURTHER RESOLVED, the SADC's cost share grant 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; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to TLC-NJ for the acquisition of a development easement on the Murphy farm; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required



for closing shall be subject to review and approval by the SADC; and

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

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

1/25/2018  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner 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.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

# Wetlands



S:\NONPROFITS\2016 rural\TLCNJ\MURPHY, Richard (TLCNJ MURLAN)\Murphy\_Richard\_Farm\_FWM.mxd

Exception area reduced by 0.5 acre to leave one single family residence on the Premises

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Murphy, Richard (TLCNJ/Murien)  
Block 301 P/O Lot 6 (242.45 ac)  
6 P/O Lot 6-EN (non-severable exception - 7.0 ac)  
Gross Total - 249.45 ac  
Frelinghuysen Twp, Warren County

	<b>Wetlands Development Ready</b>
	<b>Wetlands Development Sensitive</b>
	<b>Wetlands Growth Parts</b>
	<b>Wetlands Growth and Intensive Protected Open Space</b>
	<b>State Owned Construction Closed</b>
	<b>Dist. Dist. 2008 9 Executive Order</b>



**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Little Neck Wetlands  
N - Wetlands Subject to Agriculture  
7 - Wetlands  
N - Non-Highlands  
W - Water

**Source:**  
NJ Farmland Preservation Program  
Open Access Conservation Easement Data  
NJDEP Wetlands Data  
NJDEP Wetlands Data  
NJDEP Wetlands Data  
NJDEP Wetlands Data  
NJDEP Wetlands Data

**DISCLAIMER:** Any use of the product with respect to accuracy and precision shall be the sole responsibility of the user. The accuracy and precision of the data shown are approximate and not guaranteed for planning purposes. The product accuracy and precision of the 4-5 data, contours and the like may vary and may be not appropriate in the field. Any use of the data for any purpose other than that intended by the provider is at the user's risk. The product accuracy and precision of the 4-5 data, contours and the like may vary and may be not appropriate in the field. Any use of the data for any purpose other than that intended by the provider is at the user's risk.

x-enclosure B

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Murphy, Richard (TLCNJ\Murlan)  
21- 0031-NP

FY 2016 Easement Purchase - Nonprofit  
236 Acres

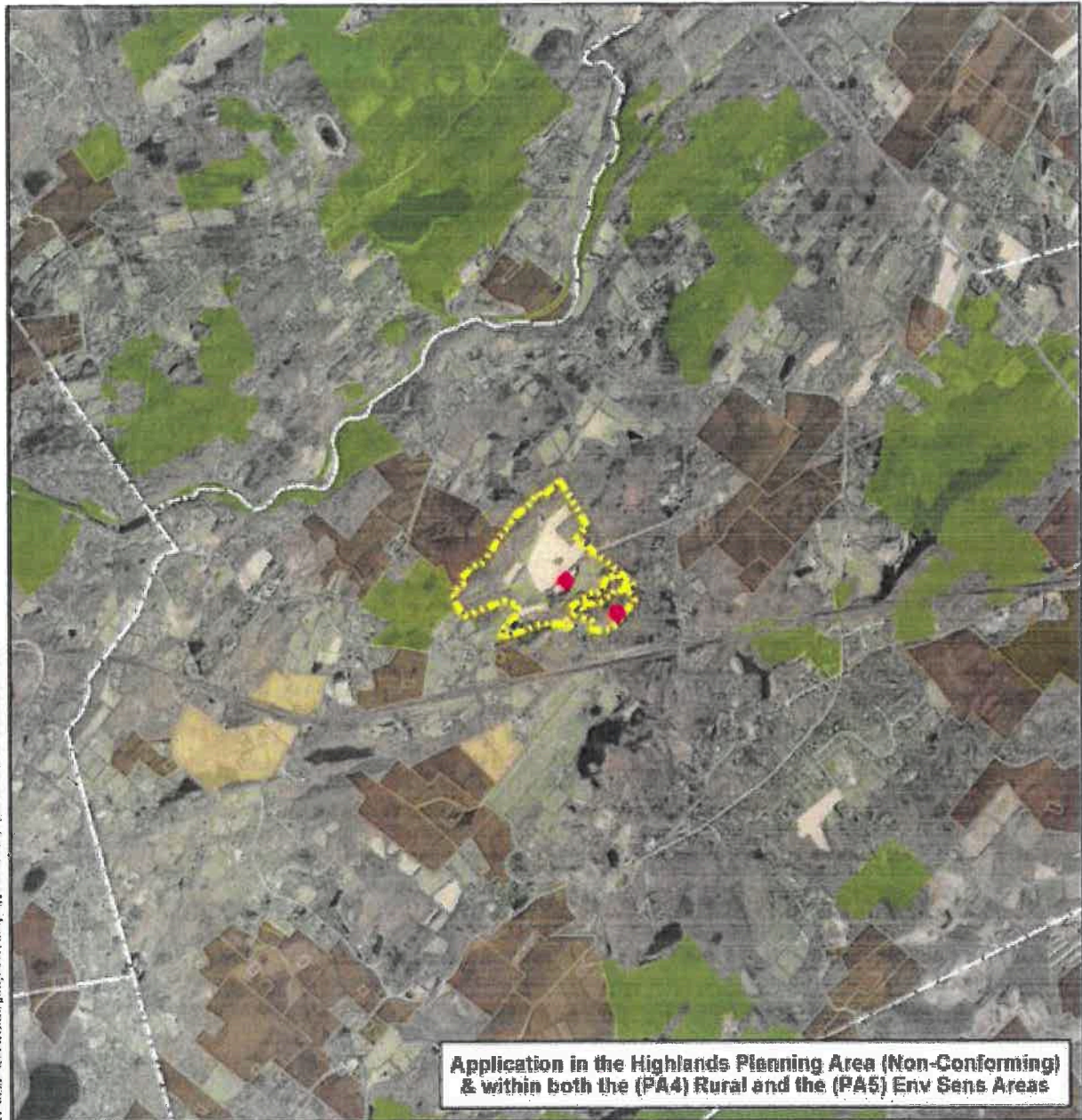
Block 301	Lot 6	Frelinghuysen Twp.	Warren County	
<b>SOILS:</b>		Other	66%	0 = .00
		Statewide	8%	0 = .00
		Unique zero	26%	0 = .00
				<b>SOIL SCORE: .80</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	40%	0 = 6.00
		Wetlands	12%	0 = .00
		Woodlands	48%	0 = .00
				<b>TILLABLE SOILS SCORE: 6.00</b>
<b>FARM USE:</b>		Corn-Cash Grain	41 acres	
		Hay	36 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 (6.8) acres for Residential and farm buildings  
Exception is not to be severable from Premises  
Right to Farm language is to be included in Deed of Easement  
Exception is to be limited to two existing single family residential unit(s)
  - c. Additional Restrictions:
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.2 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



# Preserved Farms and Active Applications Within Two Miles



X:\GIS\Projects\Projects\Murphy\_Richard\TLCNJ\_MurMur\_2.mxd

**Application in the Highlands Planning Area (Non-Conforming) & within both the (PA4) Rural and the (PA5) Env Sens Areas**

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

Murphy, Richard (TLCNJ-MurMur)  
Block 301 Lots P/O 6 (224.4 ac); &  
P/O 6-EN (non-severable exceptions - 1.0 & 1.0 ac)  
Gross Total = 226.4 ac  
Frelinghuysen Twp., Warren County



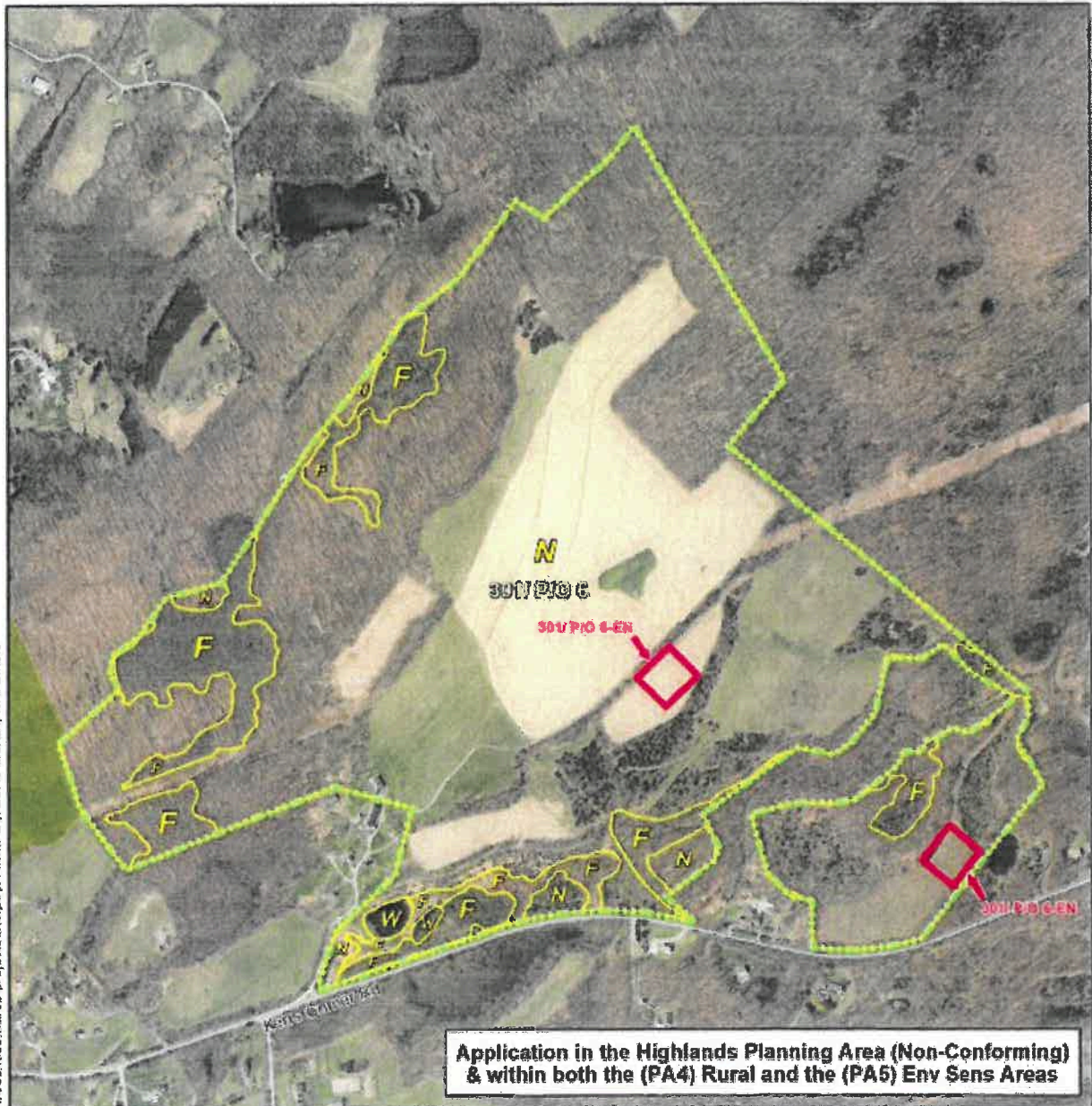
- Property in Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR) Preserved, Municipal, and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & Other Owned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



**NOTE:** This map was created using GIS software and is not a legal document. It is intended for informational purposes only. For more information, please contact the NJ State Agriculture Development Committee.



# Wetlands



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Murphy, Richard (TLCNJ-Murlan)  
Block 301 Lots P/O 6 (224.4 ac); &  
P/O 6-EN (non-severable exceptions - 1.0 & 1.0 ac)  
Gross Total = 226.4 ac  
Frelinghuysen Twp., Warren County



Sources:  
NJ Farmlands Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NAD83 Wetlands Data  
US Map - Aerial Color Data  
NAD83/USGS 2015 Digital Aerial Imagery

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration of this page is intended for informational purposes only. This data is not for use in any legal or regulatory proceeding. This geographic information is a derivation of the GIS data compiled in this file and map and is not to be relied upon in matters requiring a determination and location of a property boundary. No warranty or other legal rights are intended to be obtained by an action or inaction taken by a user of this product. Land Surveyor

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



**Wetlands Legend:**  
P - Freshwater Wetlands  
L - Coastal Wetlands  
A - Wetlands Reserved for Agriculture  
T - Total Wetland  
B - Non-Wetland  
B - 200' Buffer  
W - Water

September 4, 2010



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**POLICY**

**Access to Exception Areas**

**I. Purpose**

To establish a policy on access to exception areas, as defined in N.J.A.C. 2:76-6.2. Access means lanes or driveways that provide vehicular ingress and egress to and from the exception area.

**II. Authority**

N.J.A.C. 2:76-6.2  
N.J.A.C. 2:76-10.6

**III. Policy**

**A. Severable Exception Areas**

For exception areas that may be severed and subdivided from the preserved property, access to the area must be included within the exception area. The access, however, shall not interfere with the agricultural operation. Furthermore, approvals of exception areas shall be conditioned upon the landowner acknowledging a right of individuals to cross the access for agricultural purposes. This condition will be included in the Deed of Easement provision relating to the exception area.

**B. Non-severable Exception Areas**

1. For exception areas that may not be severed or subdivided from the preserved property, access to the exception area must be included within the exception area if the access is used for exclusively non-agricultural purposes (i.e., if the access is used only to provide ingress and egress to and from non-agricultural uses on the exception area). For the purposes of this policy, residential buildings on non-severable exception areas are deemed to be associated with the agricultural operation on the preserved farm and hence are not considered non-agricultural uses.

For exception areas that may not be severed or subdivided from the preserved property, access to the exception area does not need to be included within the exception area if the lane or driveway provides access to any portion of the farm used for agricultural production or to an agricultural use on the exception area, including, but not limited to, farm markets.

2. Landowners who would like to construct a lane or driveway to access a non-severable exception area must obtain the approval of the SADC and the appropriate CADB. In deciding whether to grant approval, the SADC and CADBs shall consider how much agricultural land will be displaced by the driveway, whether the driveway interferes with, or acts as a barrier to, the agricultural operation.

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Murphy, Richard (TLCMJ\Murlan)

21- 0031-NP

FY 2016 Easement Purchase - Nonprofit

224 Acres

Block 301	Lot 6	Frelinghuysen Twp.	Warren County	
<b>SOILS:</b>		Other	90% * 0	= .00
		Statewide	5% * .1	= .50
		Unique zero	5% * 0	= .00
				<b>SOIL SCORE: .50</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	42% * .15	= 6.30
		Wetlands/Water	12% * 0	= .00
		Woodlands	46% * 0	= .00
				<b>TILLABLE SOILS SCORE: 6.30</b>
<b>FARM USE:</b>		Corn-Cash Grain	61 acres	
		Hay	26 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 future single family residence  
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)
    - 2nd one (1) acres for Future single family residence  
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.